JOURNAL

OF THE

SENATE OF TEXAS,

EIGHTH LEGISLATURE.

BY AUTHORITY.

AUSTIN:
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AUSTIN, NOV. 7, 1859.

This being the day prescribed by law for the assembling of the Legislature of the State of Texas, the Senate met at the Capitol, at 11 o'clock A. M., when the following proceedings were had:

The Hon. Francis R. Lubbock, Lt. Governor and President of the Senate, took the Chair and called the Senate to order.

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

Mr. D. C. Burleson was appointed Sergeant-at-arms pro tem.

The roll of Senators elected since the last adjournment, being called by Districts, the following Senators appeared, presented their credentials, took the oath of office and their seats:

From District No. 1, composed of the counties of Red River and Bowie, James W. Sims.


Dist. No. 3, Fannin and Hunt, Martin D. Hart.

Dist. No. 6, Upshur and Wood, Emery Rains.


Dist. No. 9, Rusk, Jesse H. Parsons.

Dist. No. 10, Smith and Van Zandt, Elisha E. Lott.

Dist. No. 12, Anderson and Houston, Alexis T. Rainey.


Dist. No. 15, San Augustine, Newton, Jasper and Sabine, Henry C. Wallace.

Dist. No. 16, Jefferson, Liberty, Polk, Trinity, Orange and Tyler, Enoch S. Pitts.

Dist. No. 19, Montgomery, Walker, Madison and Grimes, Jesse Grimes.

Dist. No. 22, Freestone, Limestone, Navarro and Henderson, Francis M. Martin.
Dist. No. 25, Bastrop, Travis and Burnet, Eggersston D. Townes.
Dist. No. 27, Gonzales, Guadalupe, Dewitt, Hays and Comal,
Thomas H. Duggan.
Dist. No. 31, Gillespie, Bexar, Medina, Uvalde &c., Gustavus Schleicher.
The roll of Senators then being called, the following Senators
answered to their names: Messrs. Britton, Chambers, Dickin-
son, Duggan, Erath, Full, Grimes, Guinn, Harman, Hart, Her-
bert, Hyde, Lott, Martin, Parsons, Pitts, Quinan, Rains, Rainey,
Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes,
Walker, Wallace and Wigfall.
Nominations for Secretary being in order, Mr. Parsons nomi-
nated Richard T. Brownrigg.
Mr. Herbert nominated James F. Johnson.
Messrs. Guinn, Herbert and Stockdale were appointed tellers.
The ballot being taken, Mr. Brownrigg received twelve votes
and Mr. Johnson sixteen 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. Sims nominated N. C. Raymond.
Mr. Guinn nominated James R. Taylor.
Mr. Hart nominated Peter L. Martin.
Mr. Raymond received fourteen votes, Mr. Taylor ten votes,
and Mr. Martin three votes.
No one candidate having received a majority of all the votes
the Senate proceeded to a 2nd balloting.
The name of Mr. Martin being withdrawn.
Mr. Raymond received seventeen votes and Mr. Taylor ten
votes.
On motion of Mr. Hart, the Secretary and 1st Assistant Sec-
retaries came forward and took the oath of office.
The Senate proceeded to the election of 2nd Assistant Secre-
tary.
Mr. Walker nominated Edward Higby.
Mr. Erath nominated A. J. Harrell.
Mr. Lott nominated H. Langley.
Mr. Herbert nominated John R. Wooldridge.
Mr. Harman nominated James S. Gillett.
Mr. Wigfall nominated G. W. Gann.
Mr. Higby received four votes, Mr. Harrell received five votes,
Mr. Langley six votes, Mr. Wooldridge five votes, Mr. Gillett
two votes, Mr. Gann six votes.
No one candidate having received a majority of all the votes a second ballot was had, whereupon Mr. Highby received one vote, Mr. Harrell received six votes, Mr. Langley five votes, Mr. Woolridge five votes, Mr. Gillett two votes, Mr. Gann seven votes.

There being no election the Senate proceeded to a third ballot when Mr. Highby received one vote, Mr. Langley two votes, Mr. Woolridge five votes, Mr. Gillett two votes, Mr. Gann eleven votes, and Mr. Harrell seven votes.

No one candidate having received a majority of all the votes a fourth ballot was had, whereupon Mr. Highby being withdrawn by Mr. Walker, and Mr. Langley being withdrawn by Mr. Lott, Mr. Woolridge received seven votes, Mr. Gillett three votes, Mr. Gann eleven votes, and Mr. Harrell seven votes.

There being no election, Mr. Harmon withdrew the name of Mr. Gillett when a fifth ballot was had resulting as follows: Mr. Woolridge received nine votes, Mr. Gann fourteen votes, and Mr. Harrell received five votes.

No one candidate having a majority, the Senate proceeded to a sixth ballot, whereupon Mr. Woolridge received nine votes, Mr. Gann received twelve votes, and Mr. Harrell received seven votes.

There being still no election the seventh ballot resulted as follows: Mr. Woolridge received nine votes, Mr. Gann ten votes, and Mr. Harrell received nine votes.

No one having a majority of votes the eighth ballot was had when Mr. Woolridge received seven votes, Mr. Gann fourteen votes, and Mr. Harrell seven votes.

There being no election the ninth ballot resulted as follows: Mr. Woolridge ten votes, Mr. Gann twelve votes, and Mr. Harrell six votes.

Mr. Crath withdrew the name of Mr. Harrell, when a tenth ballot was had which resulted as follows: Mr. Gann received thirteen votes and Mr. Woolridge received fifteen votes.

Mr. Woolridge having received a majority of the votes cast was declared duly elected Second Assistant Secretary of the Senate.

The Senate then proceeded to the election of an Engrossing Clerk.

Mr. Britton nominated Nat. Mitchell.
Mr. Rainey nominated Thomas J. Johnson.
Mr. Grimes nominated B. P. Hollingsworth.
Mr. Duggan nominated J. Q. St. Clair.

On the first ballot Mr. Mitchell received four votes, Mr. John-
son received nine votes, Mr. Hollingsworth three votes and Mr. St. Clair twelve votes.

No one having a majority a second ballot resulted as follows:
Mr. Mitchell seven votes, Mr. Johnson nine votes, Mr. Hollingsworth two votes, Mr. St. Clair ten votes.

Mr. Grimes withdrew the name of Mr. Hollingsworth.
There being no election a third ballot resulted as follows:
Mr. Mitchell seven votes, Mr. Johnson twelve votes, Mr. St. Clair ten votes.

On the fourth ballot Mr. Mitchell received six votes, Mr. Johnson received twelve votes, Mr. St. Clair received ten votes. The name of Mr. Mitchell having been withdrawn by Mr. Britton a fifth ballot was had, when Mr. Johnson received fourteen votes and Mr. St. Clair fourteen votes. There being a tie the President submitted to the Senate a point of order whether in case of a tie vote in the election of officers the President of the Senate is authorized to give the casting vote.
After due consideration by the Senate, Mr. Grimes moved that the President give the casting vote and the question having been submitted the motion was carried.
Whereupon the vote was cast in favor of Mr. Johnson and he was declared by the President duly and constitutionally elected Engrossing Clerk of the Senate.
The election of Enrolling Clerk being next in order, Mr. Parsons nominated J. P. Henry, Mr. Steicher nominated Augustus Schwartz.
Mr. Henry received nineteen votes, Mr. Schwartz nine votes. Mr. Henry was declared duly elected.
Mr. Walker moved that the Senate adjourn until 2 o'clock—lost.
The Senate proceeded to the election of Sergeant-at-arms.
Mr. Hyde nominated W. D. Howard.
Mr. Duggan nominated D. C. Burleson.
Mr. Erath nominated Lewis Wells.
Mr. Martin nominated John B. Jones.
Mr. Throckmorton nominated J. C. Fall.
Mr. Hart nominated J. D. Easton.
On the first ballot Mr. Howard received two votes, Mr. Burleson seven, Mr. Wells two, Mr. Jones six and Mr. Fall nine votes.
On the second ballot Mr. Howard received two votes, Mr. Burleson twelve, Mr. Wells two, Mr. Jones four and Mr. Fall eight votes.
On the third ballot the name of Mr. Howard having been
withdrawn, Mr. Burleson received twelve votes, Mr. Wells two, Mr. Jones four and Mr. Fall nine votes.

There being no election, the names of Mr. Wells and Mr. Jones were withdrawn, and the Senate proceeded to a fourth ballot when Mr. Burleson received eighteen votes, Mr. Fall received nine votes.

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

The election of Door-keepers being next in order Mr. Throckmorton nominated Gallatin Searcey.

Mr. Lott nominated Joel Williams.
Mr. Stockdale nominated A. M. Clare.
Mr. Grimes nominated O. Wilcox.
Mr. Townes nominated Robert Barr.
Mr. Erath nominated George M. Logan.
Mr. Fall nominated Samuel Sanford.

On the first ballot Mr. Searcey received eight votes, Mr. Williams nine, Mr. Clare three, Mr. Barr three, Mr. Logan one, Mr. Sandford three.

On the second ballot Mr. Searcey received eight votes, Mr. Williams six, Mr. Clare four, Mr. Barr four, Mr. Logan two and Mr. Sandford three votes.

There being no election the Senate proceeded to a third ballot, when the name of Mr. Logan was withdrawn, and the ballot resulted as follows:

Mr. Searcey received eight votes, Mr. Williams ten, Mr. Clare four, Mr. Barr three and Mr. Sandford three votes.

No one candidate having received a majority of all the votes the Senate proceeded to ballot again.

The names of Mr. Barr and Mr. Sandford having been withdrawn, Mr. Searcey received eight votes, Mr. Williams fourteen, Mr. Clare six votes.

There being no election the Senate proceeded to a fifth ballot, when Mr. Searcey received nine votes, Mr. Williams fourteen, Mr. Clare six votes.

There still being no election the Senate proceeded to a sixth ballot. The name of Mr. Clare having been withdrawn, Mr. Searcey received eight votes and Mr. Williams twenty votes.

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

Mr. Erath moved that the Senate elect an Assistant Door-keeper—lost.

On motion of Mr. Britton the Senate adjourned until tomorrow at 12 o'clock.
Tuesday, Nov. 8, 1859.

The Senate met pursuant to adjournment—roll called—quorum present. The journal of yesterday was read and adopted. The officers of the Senate came forward and severally took the oath of office.

On motion of Mr. Lott, the rules of the last Senate were adopted.

Mr. Parsons offered the following Resolution:

"Resolved, That the President of the Senate appoint the usual Standing Committees, and in addition thereto, a Committee on Apportionment." Adopted.

Mr. Hyde offered the following Resolution:

"Resolved, That the Secretary of the Senate be authorized to employ two porters to serve during the present session." Adopted.

Mr. Duggan presented the petition of Messrs. Marshall & Oldham, and moved its reference to a Select Committee of five, to act jointly with a like Committee on the part of the House, to investigate fully the charges contained in a pamphlet entitled "The Public Printing and the Public Printer," with full power to take all testimony they may deem necessary to a full investigation of the charges contained in said pamphlet. Petition received and motion carried.

Mr. Guinn offered the following Resolution:

"Resolved, That the Senate now create the office of Chaplain, whose salary shall be the same as other officers of the Senate." Adopted.

Mr. Quinan introduced a Bill to regulate the Public Printing. Read first and second time, and referred to the Committee on Printing.

Mr. Britton moved to suspend the rule and take up the Bill. Lost.

A Message was received from the House, informing the Senate that the House had organized by the election of the following officers:

M. D. K. Taylor, Speaker; Wm. L. Chalmers, Chief Clerk; T. M. Bowers, 1st Assistant Clerk; Charles A. Crosby, 2nd Assistant Clerk; Charles Conley, Engrossing Clerk; Hugh A. Haralson, Enrolling Clerk; J. A. Menchaca, Sergeant-at-Arms, and Thos. P. Plasters, Door-Keeper; and that the House had appointed Messrs. Hubbard, Dennis and Stewart a Committee to act with a like Committee of the Senate, to inform the Governor that the Legislature was organized and ready to receive any communication he might wish to make.

Mr. Walker introduced a Bill supplementary to and amenda-
ory of an Act entitled an Act to provide for pre-emption settlers. Read first and second time, and referred to the Committee on Public Lands.

On motion of Mr. Britton, 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. Britton, Lott and Duggan were appointed the Committee.

On motion of Mr. Rainey, a Committee was appointed to act in conjunction with the Committee of the House, to wait upon the Governor and inform him of the organization of the Legislature and its readiness to receive any communication he might desire to make. Messrs. Rainey, Shepard and Wigfall were appointed the Committee.

Mr. Hart introduced a Bill to amend the 8th and 9th Sections of an Act to authorize the sale of the Public Domain. Read first and second time, and referred to the Committee on Public Lands.

Mr. Erath introduced a Bill to reduce the price of the Public Domain of the State of Texas, and to provide for actual settlers on certain portions thereof. Read first and second time, and referred to the Committee on Public Lands.

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

Mr. Townes nominated Rev. Wm. M. Baker.

Mr. Wigfall nominated Rev. Edward Fontaine.

Mr. Duggan nominated Rev. Wm. H. Seat.

Messrs. Duggan, Dickinson and Hart were appointed tellers.

On the first ballot Mr. Baker received nine votes, Mr. Fontaine seven votes, and Mr. Seat nine votes.

There being no election, the Senate proceeded to a second ballot, when Mr. Baker received nine votes, Mr. Fontaine nine, and Mr. Seat seven votes.

On the third ballot, Mr. Baker received nine votes, Mr. Fontaine nine, and Mr. Seat seven votes.

On the fourth ballot, Mr. Baker received nine votes, Mr. Fontaine eight, and Mr. Seat seven votes.

On the fifth ballot, Mr. Baker received seven votes, Mr. Fontaine ten, and Mr. Seat eight votes.

On the sixth ballot, Mr. Baker received three votes, Mr. Fontaine twelve, and Mr. Seat ten votes.

There being no election, the Senate proceeded to the seventh ballot, when Mr. Townes withdrew the name of Mr. Baker; Mr. Fontaine received twelve votes and Mr. Seat received fifteen votes.
Mr. Seat having received a majority of all the votes, was declared duly elected.

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

WEDNESDAY, Nov. 9, 1859.

The Senate met pursuant to adjournment—roll called—quorum present. Prayer by the Chaplin. The journal of the preceding day was read and adopted.

The President of the Senate announced the following Standing Committees:

On the Judiciary.—Messrs. Potter, Stockdale, Shepard, Wigfall, Paschal, Guinn, Quinan, Rainey, Duggan, Townes, Parsons, Throckmorton, Hart and Wallace.

On Finance.—Messrs. Grimes, Rainey, Hyde, Lott, Herbert, Dickinson and Gentry.

On Public Lands.—Messrs. Walker, Sims, Quinan, Potter, Martin, Townes and Hart.

On State Affairs.—Messrs. Wigfall, Shepard, Stockdale, Potter, Chambers, Pitts, Parsons and Paschal.

On Indian Affairs.—Messrs. Erath, Britton, Sim, Hyde, Schleicher, Walker and Herber.

On Education.—Messrs. Quinan, Harmon, Scarborough, Britton, Whaley, Hart and Townes.

On the Penitentiary.—Messrs. Lott, Shepard, Grimes, Wallace and Gentry.

On Internal Improvements.—Messrs. Paschal, Stockdale, Throckmorton, Wigfall, Gentry, Shepard, Martin, Parsons and Townes.


On Counties and County Boundaries.—Messrs. Duggan, Erath, Walker, Schleicher, Hyde, Throckmorton and Harmon.


On Roads, Bridges and Ferries.—Messrs. Herbert, Walker, Grimes, Fall, Townes, Hart and Gentry.


On Printing and Contingent Expenses.—Messrs. Scarborough, Lott, Rainey, Duggan and Pitts.

On Engrossed Bills.—Messrs. Fall, Lott and Dickinson.

On Enrolled Bills.—Messrs. Stockdale, Townes and Whaley.
On Public Debt.—Messrs. Shepard, Parsons, Erath, Chambers, Hyde, Rainey and Potter.

On Treasurer's Books and Accounts.—Messrs. Throckmorton and Wallace.

On Land Office.—Messrs. Pitts, Britton, Guinn, Throckmorton, Martin, Fall and Erath.

On the Militia.—Messrs. Britton, Rainey, Erath, Shepard and Herbert.


The President appointed Messrs. Duggan, Parsons, Lott, Wallace and Stockdale, a Select Committee on the memorial of Messrs. Marshall & Oldham in relation to the Public Printer and Public Printing.

Mr. Dickinson presented the memorial of the citizens of Panola county, praying an extension of time for the sessions of the District Court. Referred to the Committee on the Judiciary.

Mr. Walker presented the petition of Judge N. M. Burford for relief, which was read and referred to the Committee on the Judiciary.

Mr. Grimes presented the memorial of John Ricord. Referred to the Committee on Private Land Claims.

Mr. Throckmorton presented the petition of J. Jennings, which was referred to the Committee on Private Land Claims.

Mr. Chambers introduced a Bill to declare the true intent and meaning, and amend an Act entitled an Act to provide relief for pre-emption settlers and their assigns under the Act of the 22d January, 1845; the Act of the 7th January, 1853, and the Act of the 13th February, 1854, and actual settlers on the Mississippi and Pacific Railroad Reservation. Approved the 10th February, 1858. Read first and second time and referred to the Committee on Private Land Claims.

Mr. Walker introduced a Bill to create and organize the Judicial District, and to fix the time of holding courts therein. Read first and second times and referred to Committee on the Judiciary.

Mr. Hart introduced a Bill to repeal an Act to establish the University of Texas. Read first and second time, and referred to the Committee on Education.

Mr. Erath offered the following Resolution:

"Resolved, That with the concurrence of the House, the Committee on Indian Affairs of the Senate act jointly with a like Committee on the part of the House whenever it may be deemed expedient, by the members of either of said Committees." Adopted.
Mr. Parsons offered the following Resolution:

"Resolved, That the Secretary of State be required to furnish each member of the Senate with a copy of Oldham & White's Digest of the Laws of Texas, together with a copy of the Journals of the last session of the Senate." Adopted.

Mr. Guinn offered the following Resolution:

"Resolved, That the Secretary furnish stationery, envelopes, stamps, &c., and that it be paid for out of the contingent fund of the Senate." Adopted.

The Committee appointed to wait on the Governor, and inform him of the organization of the Legislature, reported that they had performed that duty, and that His Excellency was ready to communicate his Message at 11 o'clock, A. M., to-day.

Mr. Erath offered the following Resolution:

"Resolved, That with the concurrence of the House, the Senate will meet the House at 10 o'clock, A. M., to receive the Governor's Message."

Mr. Rainey moved to fill the blank with "eleven."

Mr. Throckmorton moved to fill the blank with "10 o'clock to-morrow." Carried.

The question on the adoption of the Resolution was then put and carried.

On motion of Mr. Throckmorton, the Resolution was re-considered and laid on the table.

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

THURSDAY, Nov. 10, 1859.

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

Mr. Harmon presented the petition of sundry citizens of Hopkins county, asking relief for the widow and children of Wm. W. Poff, deceased, and others. Referred to the Committee on Claims and Accounts.

Mr. Duggan presented the petition of Casper Ernst Vogt, asking that his name be changed. Referred to the Committee on the Judiciary.

Mr. Britton introduced a Bill authorizing the Governor to raise without delay, for the protection of the citizens of Texas, a mounted military corps of 1,000 men to be known and designated as Texas Rangers. Read first and second time, and referred to the Committee on the Militia.

Mr. Hs. offered the following Resolution:
"Resolved by the Senate, That the office of Messenger be created for the present session, and that the incumbent be required to act as Assistant Doorkeeper, and that he receive the same pay as the other officers of the Legislature. Adopted.

On motion of Mr. Lott, the Senate proceeded to the election of Messenger.

Nominations being in order, Mr. Sims nominated Mr. Mangum.
Mr. Townes nominated W. H. Sharp.
Mr. Duggan nominated E. S. Giles.
Mr. Ethridge nominated W. H. Martin.
Mr. Lott nominated Mr. Clare.
Mr. Schleicher nominated Mr. McMahan.
Mr. Rainey nominated A. Weir.
Messrs. Hare, Schleicher and Hyde were appointed tellers.

On the first ballot, Mr. Mangum received five votes; Mr. Sharp one, Mr. Giles two, Mr. Weir four, Mr. Martin one, Mr. Clare five, and Mr. McMahan six votes.

No one candidate having received a majority, the names of Mr. Martin, Mr. Sharp and Mr. Giles were withdrawn, whereupon the Senate proceeded to a second ballot, resulting as follows:
Mr. Mangum received seven votes, Mr. Clare four, Mr. McMahan seven, and Mr. Weir seven votes.

There being no election, a third ballot was had, when Mr. Mangum received nine votes, Mr. Clare two, Mr. McMahan six, and Mr. Weir eight votes.

There being still no election, the name of Mr. Clare was withdrawn.

On the fourth ballot, Mr. Mangum received nine votes, Mr. McMahan five votes, and Mr. Weir eleven votes.

No one having received a majority, the name of Mr. McMahan was withdrawn, whereupon a fifth ballot was had with the following result:
Mr. Mangum received ten votes, and Mr. Weir received fourteen votes.

Mr. Weir having received a majority of the votes, was declared duly elected; and came forward and took the oath of office.

A message was received from the House through their Chief Clerk, informing the Senate that the House had adopted the following Resolutions, and asking the concurrence of the Senate:

"Resolved, That a Committee of five be appointed by the Speaker to act in conjunction with a like Committee from the Senate on the Court of Claims."

"Resolved, That the House invite the Senate to meet them
in joint session today at eleven o'clock, to hear the Biennial Message of the Governor read.”

“Resolved, That the Senate concurring, the two Houses of the Legislature will meet in the Hall of the House of Representatives on to-morrow at eleven o'clock, A. M., for the purpose of counting the vote cast in the late election for Governor and Lieut. Governor.”

And that the House had appointed Messrs. Craig, Shelton, Davis of Bastrop, Crawford and Shannon, a Committee on the Court of Claims.

On motion of Mr. Throckmorton, a Committee was appointed to act in conjunction with the Committee from the House on the Court of Claims.

Messrs. Throckmorton, Guinn and Paschal were appointed said Committee.

On motion of Mr. Guinn, the invitation of the House to meet them for the purpose of hearing the Message of the Governor read, was accepted.

Mr. Guinn moved to amend the Resolution from the House inviting the Senate to meet them in joint session for the purpose of counting the vote for Governor and Lieut. Governor, by striking out “to-morrow” and inserting “on the eleventh instant.” Carried.

Mr. Guinn 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. Shepard moved to strike out “twenty” and insert “one.” Lost.

On motion of Mr. Guinn, the Resolution was referred to the Committee on Public Printing.

Mr. Lott moved that the Senate take a recess of ten minutes. Carried.

The recess having expired the Senate was called to order, and proceeded to the Hall of the House of Representatives, when the roll was called and a quorum being present, the Message of the Governor was read in the presence of both Houses of the Legislature in joint session, and is as follows:
Gentlemen of the Senate

and House of Representatives:

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

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

Under the provisions of the act approved February 15th, 1858, providing for a Digest of the laws of the State, the contract was awarded to Messrs Oldham and White, for the five thousand copies, at the price of three dollars per copy; the contractors voluntarily stipulating the execution of the entire work within the State. It affords me pleasure to be able to report, that the contract has been executed in a most satisfactory manner, and (it is believed) fully in compliance with the law, under which it was obtained, and the requisite number of books distributed among the officers of the different counties to which they are entitled. For merit of compilation and convenience of arrangement the work is believed equal to any similar publication in the Union—while if in mechanical execution it is not superior to those received in exchange from other States, where there are every means of greater proficiency, yet in consideration of its very low price, and its being our own production, it is creditable to the State, and must be productive of the success of similar undertakings, if persevered in and properly encouraged.
Some time during the month of July 1858, I received information through the Commissioner of the General Land Office, of the completion and return of the maps field notes, &c., to that office, of the subdivision of the University lands under the provisions of the act approved August 30, 1856, requiring their sale. John Henry Brown, Esq., a gentleman fully qualified in every respect, was appointed and received his commission on the 30th, of July 1858, as the agent of the State for the performance of that duty. His report, marked "A," is herewith submitted, from which it will be seen that the sales amount to 58,523 acres, representing a value of $195,653 22. I invite your especial attention to this report so that such Legislation may be had thereon as shall be deemed necessary. There being no appropriation available for the purpose, I am constrained to ask the Legislature to make provision at an early period of the session for payment of the salary of Commissioner, and incidental expenses attending the sale. Pursuant to the act of 30th August, 1856, the last Legislature passed an act approved 11th of February, 1858, establishing the University of Texas, and it now only remains for the Legislature to take such final action upon the subject as shall be thought proper. I do not deem it necessary to remark further—either upon the object or the advantages to be derived from the location of this Institution in our midst after having discussed the matter so fully, soon after my induction into office. If I did, I should seek in vain anything more appropriate than is to be found in the report and preamble to the act of the last session. Whether the present shall be deemed a fit occasion for the permanent location of the Institution, must of course depend upon the discretion of the Representatives of the people, who are presumed to reflect most accurately their will. If, however, the time should be deemed premature, and a further postponement determined on, then it is to be hoped no rash means will be adopted blighting its prospects, and disappointing the hopes of those who have ever regarded the subject with so much anxiety and concern. With sincere and heartfelt regret, I have witnessed feelings of mutual and sectional hostility springing up in the minds of persons of different sections, however unjust in their causes, and pernicious in their effects. If they have been predicated upon views of economy, they are alike erroneous and unfounded, because the chief property of the Institution consists of land set apart, located and surveyed by the authorities of the late Republic of Texas, and which the State now holds in trust for this specific object; over which the authorities can rightfully exercise no other control than to pro-
vide for its faithful application to the object for which it was set apart. It is not the property of the State, except for the uses and benefits for which it was appropriated. Again, the establishment of either the one or of two such Institutions as was originally intended, does not necessarily depend upon the appropriation of a dollar from the Treasury. The original fifty leagues of land set apart for the purpose by the Texas Congress, might be considered ample, under wise and provident Legislation. Taking the sales of the past year as a fair estimate of their average value, they would now realise near eight hundred thousand dollars; and there is every reason for inferring that within the next five years those remaining 'unsold will receive an accession to their present value of not less than twenty-five (or perhaps fifty) per cent. But in addition to this, when it is remembered that at the last session of the Legislature, there was superadded every tenth section of the lands reserved to the State surveyed by Railroad companies, there cannot remain a doubt of the future sufficiency of the land for any object falling within the scope and purview of the Institution. As any action which may be taken this session, will probably be final, I invite your most earnest attention to the question of establishing one or two of these Institutions, hoping that whatever may be determined upon will redound most to the public advantage, and at the same time secure the fullest measure of satisfaction.

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

Our system of common schools, though not extending its advantages as thoroughly as could be desired, for want of adequate means, approximates as nearly to the attainment of the end desired as any that could be established in a country so sparsely populated and undeveloped as ours. From the report of the Treasurer and ex-officio Superintendent, it will be seen that the sum for annual distribution amounts to $113,609.04 and the scholastic population of the State to 101,081 in number which if distributed per capita would be but $1.12 1/4 to each. By amendment to the general law, passed at the preceding session of the Legislature, the mode of distribution was changed and the monies directly applied to the poor and indigent; and if this class does not now receive the benefit of its disbursement, ignorance or willfulness can be the only cause. I can see no reasonable objection to a continuance of this plan for the present, and at least until the sum for disbursement shall have been largely increased. The foundation of the system rests in the policy of providing the means of education for the dependent and indigent, and although strenuously objected to by those most urgent for the early inauguration of the system, this plan has been found, from the experience of two years, to be the only one from which practical and beneficial results are to be expected. It is not for those who are able to provide for the education of their own children to object, since the means by which it is maintained have been set apart by the constitution and subsequent law, without the imposition of any new burthen upon the people for its support; and these it is hoped, will not be resorted to by this or any future Legislature.

An increase of taxation for this purpose would be not only useless but oppressive and unjust; useless because in pursuit of an idle and impracticable theory which an increase of the present rate of taxation three-fold would not accomplish in our present local and geographical condition; oppressive and unjust because inequitable in the manner of its collection and distribution. It must be clear to every one that there are no means within the reach of the Legislature at present by which a thoroughly efficient fund can be provided for general distribution without an abuse of the taxing power as the productive
well withstand, and which, if resorted to, will be endured with the
greatest impatience. I have never believed that there was any
validity in an objection to the annual distribution of the ten
per cent. of the revenue collected by taxation and set apart to
this object. Under the present law, the interest only is appro-
piated, and the principal set apart for investment. It is worthy
of consideration, whether this should not be changed, and the
$31,000 annually accumulating from the annual taxes of the
people, given that direction so plainly intended by the Con-
stitution.

Nearly one-half of the two millions appropriated, the interest
on which is set apart for purposes of education, has now been
loaned to Railroad companies and drawn from the Treasury
under the Act of September, 1850, and although secured by bond
and mortgage on the road beds, it is useless to deny the truth
that a feeling of insecurity pervades a large portion of the pub-
lic mind. This grows out of the apprehension that the com-
panies will not meet the engagements promptly, and that the
Legislature may at some subsequent period relieve their condi-
tion, and finally, under the pressure of combinations, relinquish
both principal and interest to the corporations. This apprehen-
sion is, strengthened by the example of other States in a similar
condition, as well as by the past action of our own Legislature,
both of which afford sufficient premonition of the danger to be
incurred. It is a fact not to be questioned by any discriminating
and informed mind, that the influence of the corporations is
greatly on the increase, and that perhaps it already exercises a
more controlling effect on the legislation of the State than all
others combined. Viewing the subject in this light myself, I
feel it to be my bounden duty to recommend, if possible, some
measure which will prevent, by any possibility, the occurrence of
such a calamity. No other presents itself to me than an amend-
ment to the Constitution prohibiting the interposition of the
Legislature for their relief. This is a question which appeals
so directly to every feeling of self-preservation and duty, to
every sentiment of philanthropy, patriotism and justice, that
I can see no good reason why it should not be submitted unhesi-
tatingly to the people for their action. It is true the corpora-
tions may oppose it, but surely they cannot be sufficiently strong thus
early to exert a controlling influence over the action of the Leg-
islature on this subject, or to endanger its adoption, if submitted
by that body to the people. In conclusion of this important
matter, I have only to add, that if it be deemed worthy of con-
sideration it should not be delayed beyond the termination of
your present session.
The subject of internal improvements, and especially that branch of it which relates to the building of Railroads, continues to increase in importance, and will do so until the wants of our varied commerce and agriculture shall have been supplied with the facilities of ready transportation to market. Continuously and in regular progression for the past six or eight years private interests have from different motives become involved, until there is now good reason for the opinion that there are few counties in the State, some of whose citizens are not directly and personally interested in some one or other of the Railroad schemes projected in different portions of our State. These in connection with the fact that the State is representing in her behalf the whole people, and upon certain prescribed conditions, is become the greatest contributor, should afford sufficient incentive to induce your most calm and deliberate consideration of the whole subject.

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

My own duty on this subject, without favor and without regard
to consequences, has been performed. I informed the Legisla-
ture when I assumed my official responsibilities, that I should
endeavor to execute the law against such as were found disre-
garding it. Two suits have been instituted, one against the
Southern Pacific Railroad Company (for disobeying the law
requiring their annual report and other causes,) for forfeiture of
their charter; and another against the Texas Central Railroad
upon a question of forfeiture arising under the provisions of the
Act to encourage the construction of Railroads by donations of
land. The first mentioned was tried by the District Court of
Harrison county, at the Spring term, A. D. 1839, and decided
in favor of the Company. That decision has been reversed by
the Supreme Court upon points of law clearly showing the right
of the State to prescribe and enforce such measures of regula-
tion and control as the public interests may at any time require.
I have no official information of the result of the suit upon a
hearing of the case before the District Court. It is reported
to have been again decided in favor of the Company, I am
however satisfied, if the proof could have been made and public
justice had been done, the result would have been different.
The history of that Company with its multiform abuses, has reflected discredit upon the other enterprises of the State, and done injury which it will be impossible to repair. The decision of the Supreme Court debared the issuance of further instructions from this office. In that of the Houston & Texas Central Road, it was intended, if judgment had been rendered in favor of the State, to have suspended its execution, until it had been ascertained whether the Company had complied with the provisions of the Act passed Feb. 4th, 1853, granting them an extension of time for the completion of the second and third sections of the road, and if complied with, then to exercise the power of remission with which the Executive is clothed. The provisions of the law have been complied with, and the suit directed to be discontinued upon payment of costs by the Company.

I fully concur in the opinion expressed by the State Engineer in his report, "that the State should have some controlling influence in the administration of the companies affairs," and invite attention to the suggestions made on that head. Whether these will be sufficient, may admit of some doubt. The State is a contributor to the extent of fully one-third of the legitimate cost and value per mile, of almost every one of these improvements, besides lending to the companies over one-third of the cost of construction. The whole people of the State are therefore much the more largely interested parties, and the question arises, if it may not be proper for their interests to be represented in the Board of Directors, by appointment of the Executive, of a limited number, under such rules and regulations as may be provided by law. It is not assumed that this could be done without the consent of the companies, but as a condition to amendments asked by them (if deemed advisable,) the object could be effected. I must again repeat the assertion that the imposition of additional conditions and safeguards for the better protection of the honor and interest of the public, whenever they may be required, are by no means intended to act prejudicially to those deserving of public favor, and need be attended with no such consequences; and I respectfully urge the removal of any such conditions with which companies may be encumbered, not found to promote that object.

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

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

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

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

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

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

It will be observed, from the report of the condition of the Penitentiary, that a debt has been contracted by the institution in the purchase of additional machinery for the manufacturing establishment. This became necessary from the increased number of operatives who were without profitable employment. Experience had shown that the operatives could not be so profitably employed at any thing else; and, therefore, at the urgent and united solicitation of the board, I sanctioned the measure, believing that the interest of the public service required it. It was expected at the time that the increased income of the institution would be very nearly sufficient to meet the obligations thus incurred by the time they fell due. Unavoidable circumstances, however, having prevented it, there will be required an appropriation by the Legislature to meet them, which I recommend, may be made. I refer to report for the amount, as well as for such other items of appropriation as may be required.

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

The difficult and arduous task will devolve on the present Legislature of making a new apportionment under the Constitution. The first eight years, which it was provided by that instrument should last from and after 1832, will have expired with the term of the present members. This subject is acknowledged to be one of the most difficult for legislation, and I respectfully suggest that a spirit of liberality, fairness and justice should alone animate your counsels in its consideration. It should be constantly kept in view that it is not intended for the use of individuals, parties or sections, as such; but for the whole people of the State, upon terms of equality and justice as nearly as may be practicable under the provisions of the Constitution. I feel that I am justified, from its importance, in inviting an early consideration of the subject.

I deem it my duty to call attention to the statutes relating to slaves. Since the passage of the act providing for the indemnification of the owners of those executed for crime, their value has increased more than fifty cent, and yet the act limits their appraisement to one thousand dollars. Nor is there any law by which the owner can be held to a limited pecuniary responsibility for the conduct of the slave. This leaves the slave without any legal restraint in all minor offences. The question will be a most delicate and difficult one for legislation without making it oppressive upon the owners. I doubt not it will receive that patient and impartial consideration which it deserves. Again, the act prohibiting slaves from carrying firearms is insufficient, and will not be enforced unless the offence is made indictable by the Grand Juries.

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

It is with great reluctance that I call attention to the account of contingent expenses for the 7th Legislature—an item of which, for newspapers and postage alone, amounts to $14,625.26. It is true that the two Houses of the Legislature have the unquestionable right to provide their contingent fund, and for which the Executive is in no measure responsible; but I must be permitted to express my disapprobation of the practice, which involves so large an expenditure of the public money without
effecting any perceivable good. The mails become flooded with matter, so that papers and documents, if they ever do reach their destination, are so long in doing so, that they are read with little or no interest by those who receive them.

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

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

It will be seen by reference to the report of the Secretary of State, that the law of 1851, fixing the rate of charges for printing for the State is not so plain as to avoid misconstructions. Questions have arisen under this law, in reference to the amounts to be charged for different kinds of printing, which the Legislature might easily settle for the future, by such changes and modifications as would admit of no doubt as to its meaning. I am informed that the Public Printer will ask of the Legislature a full investigation of the entire matters in controversy. This will be not only due that officer, but the Secretary of State, by whose approval the accounts of the last two years have been passed. While it is not my purpose to pass an opinion upon the construction of the law itself, I am fully justified in stating that the rate of compensation charged is what has been uniformly allowed under the law since its passage, and the same as under the statutes of other States for similar work. If the construction given it for the past two years is a wrong one, then it has been equally so for the past six or seven, and the fault does not lie with the Printer, but with the Legislature, and those who have preceded me in office, in not bringing it to their attention.

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

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

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

I commissioned H. G. Hendricks, E. P. Nicholson, and John C. Burks, Esqs., March 9th 1858, under the act to ascertain what land certificates have been illegally issued in Peter's Colony, approved February 4th 1855. The duties of the commission were performed and a report of their proceedings made to the Commissioner of the Land Office, as required by the statute.

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

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

Foreseeing this difficulty, and believing the only mode by which the incursions could be finally prosecuted, would be to pursue the Indians to their own homes, Capt. Ford was instructed to make an expedition into the territory lying north of Red River during the spring of 1858, which was attended with as satisfactory results as could have been reasonably expected, from so small a force. Although it was not expected that a single victory over one of the numerous bands which had hitherto found in it a retreat from all danger, would give entire security to the border, yet it was hoped that so favorable a beginning by the State, would be the means of inducing the General government to adopt similar measures and persevere in them, with an adequate force until the Indians could be effectually subdued. In both, however, disappointment only has followed. The Federal Government has failed in its measures to meet my reasonable expectations, in spite of every effort on my part to induce its authorities to give us protection.

Having received reliable intelligence, in the ensuing fall, of the renewal of depredations, I dispatched on the 4th of October, by express, a commission with instructions to Col. James Bourland of Cook county, authorizing him, if expedient, to muster into the service of the State, a Company of seventy-nine men for three months, a portion of whom, were, however, by a subsequent order, continued for six months. Depredations continuing to increase with the approach of winter, I again authorized Capt. Ford to raise a company of eighty-nine men for the same purpose. The order bears date November 2, 1858.
The company was continued in service for six months, and although doubtless with the greatest possible exertion of both officers and men, it was found impossible to prevent the incursions of the Indian enemy, even from the district of country within which the company was stationed. The appropriation required for the payment of these two companies, as estimated by the Comptroller, is $20,000 for that of Capt. Bourland, and, $25,000 for that of Capt. Ford, there having been drawn by Capt. Ford, out of the appropriation already made, in part payment of expenses of his company, $13,232 09.

Again, serious difficulties arose between the Indians occupying the Brazos agency, and the citizens of the neighboring country, growing out of a conviction of the complicity of the former with the depredations then being committed. On the night of December 27, a party of the Indians were attacked and a number of them killed in their camp without the Reserve. Upon receiving information of Capt. Ross, sub-agent, of further hostile demonstrations, I issued an address to the people of the neighboring counties, warning them against any rash act on their part, and assuring them of steps having been taken for the removal of the Indians as soon as possible, from their midst. Again, very serious disturbances arose, which for a time threatened the most dangerous consequences. As a means for restoring quiet and quelling the existing excitement, I appointed a board of five peace Commissioners consisting of Dr. Joseph M. Steiner of Travis, Col. John Henry Brown of Bell, the Hon. G. B. Erath, Capt. J. M. Smith, and Richard Coke, Esq., of McLennan, with instructions bearing date, June 6th, to proceed to the scene of disturbance, and to investigate its causes, with authority, if expedient, to place a guard of one hundred men around the Reserves, until such time as the Indians should be removed without the limits of the State, or further ordered. The muster roll, &c., of the Company, have all been received in proper form, and are on file in the Comptroller's office. Estimate of pay for said company, $13,000. There will be required an appropriation of $236 74 cents for expenses of Commission, for all of which I respectfully ask that appropriations be made at as early period as practicable, after the subject shall have been satisfactorily investigated. It is not expected that the citizen should give his time and labor to the public without reward, and it is therefore right and proper that a liberal compensation should be tendered the Commissioners for the highly valuable and difficult service rendered.

I submit herewith, marked "F," the report of the board of Peace Commissioners, sent to the Reserve. This report discloses
facts which go very far to prove that our citizens were not without just cause for complaint, as much as the violent measures of redress, adopted by them may be regretted. It is to be observed, of the two appropriations made by the last Legislature, that in addition to the payment of the three months men—called out by my predecessor, and those of Capt. Ford—I authorized John Williams to raise twenty men for sixty days, on the 20th May, 1838, who have also been paid, and that Capt. Ford, by my authority, left twenty men in charge of Lieut. W. N. P. Martin, near the Indian Reserve. On disbanding his Company, in the summer of the same year, Capt. Ford was appointed Paymaster, with instructions to pay off, and discharge this Company. Circumstances occurred preventing his giving it immediate personal attention. Maj. R. S. Neighbors was requested to muster them out; this was refused by the Company until they had received their pay. By my instructions, they have received none after the time the notice was given them.

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

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

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

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

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

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

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

Texas is yet in the infancy of her growth and prosperity. Every year will add to her resources of wealth under a system of wise and prudent legislation. Every year new accessions to her population are added, and yet so vast is the extent of her territory and so equally and generally are distributed her fertile lands, inviting the adventurous emigrant, that the annual increase is scarcely visible. Great lines of Railroad running in almost every direction are either in progress or contemplation, looking to the State for aid. The institution of schools, colleges and universities are looked to by anxious parents for the education of the rising youth. Indeed, the various sources of expenditure which will task the power and the liberality of the State to its utmost can scarcely be enumerated.

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

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

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

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

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

The election of Mr. Jefferson in 1800, was the first great triumph of the Republican or Democratic party, by which the efforts of the Federalists to consolidate the Government were checked. It has left its impress upon the political history of the country never to be forgotten. In every succeeding political struggle the principles upon which that controversy turned, have been made the tests of orthodoxy upon which the qualifications for office and honors have been made in great measure to depend. The principles of the Democratic party of 1859, are the same as those of the Republican party of 1800. They have been transmitted from generation to generation, unaltered and unchanged; and as the connecting link of the past with the present, are clearly shewn to afford the only reliable interpretation of the Constitution which binds the union of these States together. They have been adhered to in every vicissitude as the only ark of safety, with a devotion not less sincere and true than that which united the early christians. If they have always had their defacers, yet they have never been without their defenders. If by an occasional departure from the faith, the vessel of State has been steered from the course of strict construction, it has been saved from the dangers which encompassed it by a return to the true principles of the Constitution. If by desertion, treachery, fraud, or deception, their enemies have temporarily triumphed,
the sober second thought has seldom failed to correct the error of opinion liable to occur under any system of popular Government. For twenty-four years the Government was administered without a single intermission by those who were charged with harboring disunion sentiments, and an intent to subvert it. Truth falsified the charge, and along with it every prediction, for none of them have been verified—so far from it the country was triumphantly conducted through the dangers of a bloody war with the most formidable power of the earth, and in spite of the treasonable measures of the Hartford Convention Federalists, and the assistance of their coadjutors North and South, who not only afforded aid and comfort to the public enemy, but threaten open revolution as the means of forcing a dishonorable peace. Thus was the power of hostile armies from abroad, aided by fanaticism and treason at home, successfully resisted by the patriotic defences thrown around the Government by those oft denounced disorganizing principles. In the introduction of the American system, comprising the triplicate measures of Bank, Tariff and Internal Improvements, may be ascribed the first great departure of any considerable body of the party from the States Rights strict construction doctrines of these resolutions. Those issues governed the Presidential election of 1824, the results of which well nigh ended in a dissolution of the Union on account of the odious exactions imposed by the tariff which followed it. The intellectual and patriotic lights who had framed the Constitution and fixed the correct principle of its construction, had nearly all passed away, and those whose reckless and ambitious spirits could no longer be content with a plain practicable administration of a Government of well defined and limited powers, had taken the places of its wise and patriotic founders in the national councils.

The most prominent measures of the coalition, or as it was called, the National Republican party, were the Tariff, by which the industry of one section of the Union was to be taxed for the support and protection of the manufacturing interests of another; a Bank in which to deposite the revenue when collected, with the privilege of loaning three paper dollars for every one received in coin to the manufacturers, and a system of Internal Improvements through which it was to be expended, by digging canals and building roads to the doors of the manufacturers for their convenience. This was the first chapter in the lessons of experience taught by the history of this new party, and it might have been hoped would be the last. But not so, for though defeated in several of the succeeding Presidential elections, these measures have constituted the leading issues upon which parties
have been divided down to a recent period. In 1836, under another new disguise, that of Whigs, the opposition appeared before the country with the simple addition to their former list of measures, of a distribution of the proceeds of the public lands among the States. Defeated again in that election, they however succeeded in the hard-earned campaign of 1840, by virtue of the abolition excitement which had sprung up in the free States, combined with the monetary and commercial crisis of 1837-38 which proceeded from their own bloated and extravagant systems, which had been for a time fastened upon the policy of the country. No sooner had they come into power than the protective tariff was again revived, in violation of the compromises of 1833, by which it was to be gradually reduced to the revenue standard and a dissatisfied South reconciled. The entire batch of corrupt and dangerous measures, advocated by the old coalition, were brought forward and claimed to have been endorsed by the American people. But their authors were doomed to be in part disappointed; unluckily for their Bank—the panacea for almost every political evil, the exchanges were found to regulate themselves, and the prosperity of the country returned without its intervention. The success of the Democracy, in the following election of Mr. Polk, forever stamped the measure with the seal of popular condemnation. The tariff was reduced to the revenue standard, and the Bank bill, having been vetoed by Mr. Tyler, and their extravagant system of Internal Improvements defeated by the veto of Mr. Polk, the next mask assumed was that of the “No-Party-Party”—sometimes calling themselves Democratic Whigs, advocating principles only as they suited particular latitudes, and having no other platform than opposition to the constitutional veto power of the President. Having rendered themselves odious by an unavailing opposition to the Mexican war, they adopted in this instance the artifice of running the general who had fought most of their battles, and by the advocacy of one set of opinions at the North and another in the South, upon the negro question, succeeded in the election. This dark piece of political prostitution forever established their want of fidelity as a party to all profession of principle. The brief, but momentous career of that administration, furnishes one of the most disastrous chapters in the political history of the country. There was, of course, no unity of sentiment among the friends of the administration in Congress, during the excitement which prevailed upon the territorial question. Its northern supporters, having been thoroughly abolitionized before the election, refused co-operation with the advocates
of justice and the Constitution, and, but for the patriotic
bearing and self-sacrificing devotion of the northern and southern
Democracy, the most deplorable results would have followed.
Yet another, and perhaps the last attempt to effect and main-
tain a national organization, is to be recorded. In this, however,
they have been anticipated by the States Rights Democracy, who
foresawing the dangers to the Constitution and the rights of the
States springing from the agitation of the sectional issues, had
determined to return to first principles for future guidance and
safety. The Virginia and Kentucky resolutions had been
re-adopted in the platform of 1852, with the pledged declaration
of the party to adhere to them in any contingency. The issues
presented by this new opposition fusion were almost identical
with the Federal measures which led to the adoption of the
principles of faith contained in them in the first place. Simultan-
eously with the birth of the Know Nothing party in Boston,
its contagion spread to the southern and western cities, and
within half a year there was scarcely a town or hamlet in the
Union to which its pestilential influences were not extended.
Inquiry and investigation, however, soon succeeded the curiosi-
ity which it first excited, and the Virginia election, the follow-
ing year, doomed it forever as a national organization. In the North,
those who filled its ranks have all gone to the Black Republicans.
It cannot be disputed that their anarchical and revolutionary
schemes are at open warfare with the rights of property and the
constitutional laws by which it is protected. In the South, with
no other creed than empty professions of patriotism and love for
the Union, the organization is maintained by feigning issues
which never existed, and is sustained by malcontents who use it
for the indulgence of those bad passions which always actuate
deserters from a good to a bad cause. At both the extremes of
the Union, the opponents of the organized Democracy have one
common aim, (it is hoped for different ulterior purposes,) the
final overthrow of the Democratic party.
In the North, it is the preliminary and necessary step to their
sworn purpose of destroying Slavery, and whether designed or
not, the effect of Southern co-operation for the destruction of
the organization of the Democratic Party, plainly leads to the
ultimate object of the stronger section, and is therefore access-
ory to the fanatical pretensions of the abolitionists. What better
assurance—indeed what stronger guaranty, can the anti-slavery
men of the North desire of their ultimate success, than the doc-
trines of extreme submission avowed by their Southern co-labor-
ers. It can matter little whether the Constitution shall be
broken by a loose construction of its provisions, or is disregarded for a higher Law, if in either event, a government of misrule, arbitrary and unconstitutional in its action, is to be the result. — This, however, is only a fair deduction from the principles and practice of that higher law patriotism and pretended love of the Union, which rise above the Constitution and the rights of their action.

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

A Party which united with the advocates of the Wilmot-Proviso in 1848, in the support of Taylor, and afterwards voted for Fillmore with his Free-Soil and black tariff record, (without the remotest prospect of success) thereby evincing a willingness for the election of the Black Republican, Fremont, over Mr. Buchanan, whose Administration they now pretend to support, can surely have at little room to stand upon the platform of a Democratic organization, which has been opposed by every word, deed, act and sentiment of their whole lives. The hypocrisy and ridiculousness of such a pretension, are too transparent for comment. It is to be presumed that all are for the Union under the Constitution (as no organized Party is known to exist in opposition to it)—but if the opinions of those claiming its advocacy as their own peculiar creed, imply obedience and unconditional submission to capricious sectional and unauthorised exaction, then fealty to it would be inconsistent with the rights of the freemen of this or any other country. It does not partake of the spirit of those who pledged their lives, fortunes and sacred honors in defense of the liberties of these States.

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

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

The States' Rights Democracy rely upon the conviction that the government was founded in the interests and affections of the people, and that upon them it must rely for maintenance and support; that it has derived its just powers from the consent of the governed in the form and to the extent prescribed by the Constitution as their only source, and when it shall have ceased to fulfill the object of its creation, and not till then, will arise a sufficient cause for its dissolution.

But the Opposition by a loose construction of the Constitution, have always claimed for the General Government more extensive powers than are warranted by that instrument.—From this view, results as a natural consequence, their doctrine of unconditional submission, which by a higher law construction, makes the agent superior to the principal, and binds the latter to obey without a murmur, the most outrageous usurpations of the former. No one will pretend that so broad a rule of construction could be maintained at common law, in cases arising between individuals; but strange as it may seem, no other inference from it can be drawn than that a Government whose powers are clearly limited and confined by a written Constitution, may use force to cause the sovereign States which
adopted that instrument, to obey its most unjust and unconsti-
tutional measures. From this same system of false construc-
tion, has sprung the issues of squatter or Territorial sovereignty, which ambitious and blinded partisans, have seized upon as a new element of agitation. The doctrine that the Territories are the common property of the Union, and that the citizens of each of the States, have the indefeasible right to protection of their property of every description therein, is too well settled to admit of any refutation. The Constitution of the United States, has recognized property in slaves to stand upon the same footing as other property, and therefore entitled to protection in the Territories. In the Dred Scott decision, it was held that neither Congress, nor the Territorial Government, could prohibit it in the Territories, and that it was the duty of Congress to protect it. The Territorial Governments occupy a subordinate position to that of the General Government, which has been well likened to that of a corporation, created by the State—a creature of its will, and authorized to exercise such powers only as have been conferred; and certainly not those which do not belong to the State itself. These issues do not legitimately flow from the nonintervention doctrines of the Kansas and Nebraska Act, nor of the Democratic Platform, which simply mean that Congress should neither establish nor prohibit Slavery in the Territories, but leave the question to the Constitution and the Courts. When the Courts have intervened and determined the question, the South is not allowed the benefit of that decision, but an appeal is taken to the people with the revolutionary object of depriving us of that protection of the property of our citizens to which the Constitution entitles them. The Democratic party has always claimed to be the only true representative of the principles of that instrument. It has especially entitled itself to the support of the South, because of the security it has afforded against unconstitutional encroachments upon the rights of its citizens. There has now manifestly arisen a difference of opinion with many of its followers in the Free States, upon a most important principle concerning them. The question should be determined without equivocation. If there can be no longer unity and harmony of sentiment, if the Southern people are no longer to look to it as the chief reliance for the maintain-
ance of their equal rights, their internal peace and security, the sooner it is known the better. They should neither cheat nor should they submit to be cheated. I therefore recommend a clear and unequivocal expression of opinion by the Legislature on the subject.
Let it not be said that the adoption of this suggestion will be agitation.—It is to resist that which has already been begun, and is but too fast demoralizing the hitherto true Democracy of the Free States. It is the existence of agitation which requires of us, action to counteract its baleful influences.—We have asked, time and again, that the agitation of all mischievous questions, calculated to endanger our domestic polity, or our peace and security, as equal members of the confederacy, should cease. Our prayers have not been granted, and now shall we submit without the utterance of a murmur or complaint—without even offering a reason to combat the false dogmas of anti-slavery propagandism, however insidious and covert its form, or hidden in its object? My own answer, first, last and forever—is unconditionally, No! Silence at this juncture, in view of the peculiar political position of Texas, may be misconceived and misconstrued. Equality and security in the Union or independence outside of it, should be the motto of every Southern State.

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

H. R. RUNNELS.

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

FRIDAY, NOV. 11, 1859.

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

Mr. Walker presented the petition of Sarah H. Cockrill, asking that she be permitted to build a bridge across the Trinity river with exclusive privileges. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Fall presented the petition of Samuel Jordan, praying for relief. Referred to the Committee on Private Land Claims.

Mr. Walker, Chairman of the Committee on Public Lands, made the following report:

The Public Land committee, to whom was referred a Bill to be entitled an Act supplementary to and amendatory of an Act entitled an Act, to provide for pre-emption settlers and their assignees, under an Act of the 22d day of January, 1845; the Act of the 7th of February, 1853, and the Act of the 13th of February, 1854, and actual settlers in the Mississippi and Pacific
Railroad Reservation; and approved the 10th of February, 1858, have had the same under consideration.

The Committee have instructed me to report the Bill back to the Senate, and recommend its passage for the following reasons, to-wit: The Bill simply asks for an extension of time for the return of the field notes to the General Land Office; for all those who have been so unfortunate from any cause whatever, as not to have had them returned within the time prescribed by law; and for an extension of the same time to those poor and unfortunate persons who have been unable to pay the government dues thereon as by law required.

Mr. Grimes introduced a Bill authorizing Joseph B. Edmundson, guardian of Alpher W. Edmundson, a minor, to purchase a farm for said Alpher W. Edmundson. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Walker introduced a Bill granting to settlers on vacant Public Domain, pre-emption privileges. Read first and second time, and referred to Committee on Public Lands.

Mr. Rainey introduced a Bill to render legal the Census of Anderson county taken by T. J. Erwin. Read first and second time and referred to the Committee on Apporitionment.

A message was received from the House through their Chief Clerk, informing the Senate that the House had adopted the following Resolution:

"Resolved, That the Speaker appoint a committee of five to act with a like committee on the part of the Senate, whose duty it shall be to inquire into the expediency of revising our present revenue laws, and that they report by bill or otherwise at as early a day as practicable; and that the House had appointed Messrs. Ross, Whitfield, Clark, Lewis of Robertson, and Dougherty, said committee. Also that the House had passed the following Bills:

A Bill to regulate the Public Printing, and
A Bill authorizing the Governor to issue his proclamation, and offer a reward for the arrest of certain persons depredating in the counties of Cameron and Hidalgo.

Also that the House had concurred in the amendment of the Senate to the House Resolution inviting the Senate in joint session, to count the votes for Governor and Lieut. Governor.

Mr. Harmon introduced a Bill for the relief of pre-emption settlers and their assignees, under the Act of February, 13th, 1854, entitled an Act donating 150 acres of land to settlers on the Public Domain. Read first and second time, and referred to the Committee on Public Lands.

Mr. Rainey introduced a Bill making an appropriation for the
mileage and per diem pay of the members and officers of the eighth Legislature. Read first time.

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

Mr. Guinn moved a suspension of the rule, that the bill might be placed on its third and final reading. Lost.

Mr. Hart introduced a Bill to amend the 139th section of an Act to regulate proceedings in the District Court, approved March 16th, 1848. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Throckmorton introduced a Bill to create the 20th Judicial District of the State of Texas. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Walker introduced a Bill to define the 16th Judicial District and the time of holding courts therein. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Britton moved to take up the Bill from the House, authorizing the Governor to issue his proclamation, offering a reward for the arrest of certain persons depredating in the counties of Cameron and Hidalgo. Lost.

Mr. Hart introduced a Bill to amend the 2nd section of an Act to regulate Common Schools. Approved Feb'y 5th, 1858. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Schleicher introduced a Bill validating certain surveys in Fisher & Miller's, and Peet's Colonies. Read first and second time, and referred to the Committee on Public Lands.

Mr. Duggan offered the following Resolution:

"Resolved, The House concurring, that the Senate meet the House in joint session to-day at 3 o'clock, P. M., to go into the election of a Public Printer as provided by law.

Mr. Erath moved to lay the Resolution on the table, upon which the yeas and nays were called and stood thus:


Mr. Hart moved to take up the Bill from the House to regulate the Public Printing. Carried. Read first and second time, and referred to the Committee on Public Printing.

Mr. Throckmorton moved to reconsider the vote refusing to take up the bill authorizing the Governor to issue his procla-
tion, offering a reward for certain persons depredating in the counties of Cameron and Hidalgo. Carried; and bill read first and second time, and referred to the Committee on the Judiciary.

Hon. D. M. Whaley, Senator elect from the 21st Senatorial District, composed of the counties of Leon, Brazos, Robertson and Burleson, came forward, presented his credentials, and took the oath prescribed by the Constitution, and his seat.

On motion of Mr. Throckmorton, Mr. Schleicher was added to the Committee on Public Lands.

On motion of Mr. Walker, Mr. Pitts was added to the same Committee.

On motion of Mr. Shepard, Mr. Rainey was added to the Committee on Internal Improvements.

On motion of Mr. Guinn, the Senate took a recess until 11 o'clock, preparatory to meeting the House in joint session for the purpose of counting the vote for Governor and Lieutenant Governor.

The recess having expired, the Senate was called to order and proceeded to the Hall of the House of Representatives.

IN JOINT SESSION.

The Speaker announced that the two Houses had convened for the purpose of counting the votes for Governor and Lieut. Governor.

Mr. Duggan was appointed teller on the part of the Senate, and Messrs. Caddell and Branch 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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<th>Counties</th>
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From which it is seen that Sam Houston received thirty-six thousand two hundred and twenty-seven votes and Hardin R. Rannels twenty-seven thousand five hundred votes for Governor. And for Lieut. Governor, Edward Clark received thirty-one thousand four hundred and fifty-eight votes and Francis R. Lubbock received thirty thousand three hundred and twenty-five votes. Mr. Houston having received the largest number of votes for Governor, and Mr. Clark the largest number for Lieutenant Governor, were declared by the Speaker duly and constitutionally elected Governor and Lieut. Governor of the State of Texas for the term of two years, from the 21st day of December next.

The Senate having returned to their chamber, Mr. Parsons offered the following Resolution:

"Resolved, That one hundred copies of the late Census rolls
be printed for the use of the Senate," which was referred, on motion of Mr. Hart, to the Committee on Apportionment.

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

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Saturday, November 12th, 1839.

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

Mr. Parsons, Chairman of the Committee on Apportionment, made the following report:

The Committee on Apportionment to whom was referred the accompanying resolution, ordering the printing of 100 copies of the rolls of the late census, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its adoption.

Mr. Schlieker presented the petition of sundry citizens of San Saba County praying relief. Read and referred to the Committee on Indian Affairs.

Mr. Pitts offered the following resolution:

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

Mr. Hart moved to strike out two thousand and insert one thousand. Lost.

The question recurring on the adoption of the resolution, the yeas and nays were called for and stood as follows:

Yeas—Messrs. Duggar, Erath, Guinn, Harman, Lott, Parsons, Pitts, Potter, Rainy, Shepard, Stockdale, and Wigfall—12.


Mr. Stockdale was excused from serving on the Select Committee, to whom was referred the memorial of Messrs. Marshall and Oldham.

Mr. Parsons moved to take from the table the resolution ordering 100 copies of the late census rolls of the State to be printed. Carried, and the resolution adopted.

The Senate concurred in the resolution of the House appointing a committee of five to act with a like committee on the part of the Senate, to enquire into the expediency of revising our present revenue laws.
Mesrs. Stockdale, Gentry and Wallace, were appointed a committee on the part of the Senate to act with the committee of the House under said resolution.

Mr. Throckmorton moved to reconsider the vote refusing to adopt the resolution to print the Governor's message. Carried by the following vote:


Nays—Messrs. Fall, Grimes, Quinan, Rains—4.

Mr. Stockdale moved to reconsider the vote refusing to strike out 2,000 and insert 1,000 copies. Carried.

Mr. Walker moved to strike out 2,000 and insert 1,000.

Mr. Parsons called for a division of the question.

The question on striking out 2,000 being put and carried, Mr. Parsons moved to insert 1,500, which was lost by the following vote:

Yeas—Messrs. Duggan, Erath, Guinn, Harman, Lott, Parsons, Pitts, Rainey, Shepard, Stockdale and Wigfall—11.


The question recurring upon the motion of Mr. Walker to insert 1,000, was put and carried, and the resolution adopted.

ORDERS OF THE DAY.

The report of the Committee on Public Lands on a bill to be entitled an act, supplementary to and amendatory of an act, to provide for pro-emption settlers and their assignees, under an act of 22d day of January, 1845, the act of the 7th February, 1853, and the act of the 13th February, 1854; and actual settlers in the Mississippi and Pacific Railroad reservation, approved 10th February, 1853, and recommend the passage of the same was taken up and bill read the second time.

Mr. Quinan moved to strike out January, '62, and insert January, '61. Carried.

Mr. Quinan moved to refer the bill to the Committee on Judiciary. Carried.

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

Messrs. Pitts, Rainey and Shepard, were appointed tellers.

Mr. Wigfall nominated Mr. Grimes.

There being no other nomination, Mr. Grimes received twenty three votes, Mr. Wigfall received one vote, and Mr. Rainey one vote.
Mr. Grimes having received a majority of all the votes cast, was declared duly and constitutionally elected President pro tem of the Senate.

Mr. Hyde, Chairman of the Committee on Private Land Claims, made the following report:

"The Committee on Private Land Claims to whom was referred an act to provide for the relief of pre-emption settlers," have examined the same and instructed me to refer the same back and request its reference to the Committee on Public Lands.

"The Committee on Private Land Claims to whom was referred the memorial of James Jennings, have examined the same and find the relief sought to be of that character which could not have been presented to the "Court of Claims," as the colonists of the several colonies were not enabled by the law to present their claims to that court.

"Your committee are satisfied that the claim of the applicant is just, and herewith report a bill and recommend its passage:

"A bill for the relief of James Jennings." Read first time.

On motion of Mr. Hart, the report of the Committee on Private Land Claims, recommending that the bill for the relief of pre-emptionists and actual settlers in the Mississippi and Pacific Railroad reservations, be referred to the Committee on Public Lands, was taken up and adopted.

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

The time of recess having expired, the Senate was called to order.

Mr. Townes introduced a bill for the relief of S. M. Swenson. Read first and second time and referred to Committee on Finance.

Mr. Fall, Chairman of the Committee on Engrossed bills, reported:

A bill making an appropriation for the mileage and per diem pay of the members and officers of the eighth Legislature, correctly engrossed.

Mr. Hart moved to amend the bill by striking out $50,000 and inserting $110,000. Adopted. Bill read third time and passed.

Mr. Hart, by leave, introduced a bill supplementary and amendatory of an act creating the Court of Claims. Read first and second times and referred to the Joint Select Committee on the Court of Claims.

Mr. Hart offered the following resolution:

"Resolved, That the Committee on Contingent Expenses be required to make some satisfactory arrangements with the Post-
master at Austin, relative to the postage of the Senate during this session of the Legislature." Adopted.
On motion of Mr. Duggan, the Chaplain was granted leave of absence from the 15th to the 24th inst.
On motion of Mr. Guinn, the Senate adjourned until Monday, 10 o'clock, A. M.

MONDAY, NOV. 14th, 1859.
Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present. The journal of Saturday was read and adopted.
Mr. Lott presented the memorial of "the Trustees of the Female High School," in the town of Starrville, Smith county. Referred to the Committee on Education.
Mr. Potter presented the petition of J. B. Gordon and John Myers, for land. Referred to the Committee on Private Land Claims.
Mr. Schleicher presented the petition of Maria A. Amelung, for land. Referred to the Committee on Private Land Claims.
Mr. Townes presented the petition of John Grogan and others, for land. Referred to the Committee on Private Land Claims.
A message was received from the House, informing the Senate that the House had passed a bill, to amend an act supplementary to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved November 28th, 1857.
Also that the House had concurred in the resolution of the Senate asking joint action by the Committee on Indian Affairs.
Mr. Britton introduced a joint resolution, authorizing the Governor to enlist immediately one thousand mounted men, to suppress rebellion and resist invasion of the State. Read first and second time, and referred to the Committee on Indian Affairs.
Mr. Lott introduced a bill for preventing and punishing vice profanities and immorality and for keeping holy the Lord's day commonly called Sunday. Read first and second time, and referred to the Committee on State Affairs.
Mr. Lott introduced a bill to amend an act to authorize the cancellation of patents in certain cases. Read first and second time, and referred to the Committee on Public Lands.
Mr. Potter introduced a bill regulating executions. Read first and second time, and referred to the Committee on the Judiciary.
Mr. Herbert introduced a joint resolution expressive of the sentiments of the people of Texas relative to the outrages on the Rio Grande. Read first and second time, and referred to the Committee on Indian Affairs.

On motion of Mr. Walker, the Senate adjourned until tomorrow morning 10 o'clock.

TUESDAY, NOV. 15th, 1859.

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

Mr. Townes presented the petition of Q. J. Nichols, for relief. Referred to the Committee on Claims and Accounts.

Mr. Potter presented the petition of Luke A. Falve, asking pay for services in the Texas Navy. Referred to the Committee on Public Debt.

Mr. Lott presented the petition of David Ward, for land. Referred to the Committee on Private Land Claims.

Mr. Townes presented the petition of Austin College, for land. Referred to the Committee on Private Land Claims.

Mr. Grimes presented the petition of Wm. Berryman, for land. Referred to the Committee on Public Lands.

Mr. Emth, Chairman of the Committee on Indian Affairs, made the following report:

The Committee on Indian Affairs to whom was referred a joint resolution to authorize the Governor to call out 1,000 men to suppress rebellion and resist invasion of the State, have had the same under consideration and instruct me to report the same back to the Senate with the accompanying amendment, and recommend the adoption of the amendment and passage of the joint resolution.

Amendment. Strike out 12 months and insert 2 years.

Mr. Lott, Chairman of the Committee on Contingent Expenses, to whom was referred a resolution requiring them to make some satisfactory arrangement with the Postmaster at Austin in relation to postage, have performed that duty by authorizing the Postmaster to employ some competent person to prepaid with stamps, &c., for the Senate during the present session.

Mr. Lott, Chairman of the Committee on Printing, made the following report:

The Committee on Printing to whom was referred a resolution to contract with the publishers of the State Gazette and the Southern Intelligencer for twenty numbers of each weekly issue,
have instructed me to return said resolution and recommend its adoption.

Mr. Rainey moved to suspend the rule and take up the report relative to postage. Carried; and the report was taken up and adopted.

Mr. Lott, Chairman of the Committee on Printing, made the following report:

The Committee on Public Printing to whom was referred a bill to regulate the Public Printing, have carefully considered the same and instructed me to return the bill with the following amendments and recommend its passage: Amend by adding the words “Treasurer and Comptroller” after the words “Secretary of State” wherever it occurs in the bill. Amend second section by adding the words “and accompanying reports” after the word “Governor.” Amend fifth section by inserting after the word “open” the words “in presence of the bidders or their agents.” Strike out proviso to 5th section.

Mr. Britton moved to suspend the rule and take up report of Committee on Indian Affairs on a joint resolution, authorizing the Governor to call out 1,000 men to suppress rebellion and resist invasion, which motion was lost by the following vote:

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Fall, Harmon, Herbert, Hyde, Pitts, Potter, Quinan, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—18.


Mr. Erath introduced a bill to relinquish to the settlers on the Daniel Monroe league of land in Milam county, all the rights and interests of the State in and to said league of land. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Hart introduced a bill for the relief of the heirs of Stephen F. Slaughter. Read first and second time, and referred to the Committee on Private Land Claims.

Mr. Potter introduced a bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge, &c. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Martin offered the following resolution:

“Resolved, That the President appoint a Committee on Stock and Stock raising. Adopted.

ORDERS OF THE DAY.

A bill for the relief of James Jennings. Read second time and ordered to be engrossed.
A bill to be entitled an act to amend an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved November 28th, 1857. Read first and second time, and referred to the Committee on Public Lands.

Mr. Hyde introduced a bill to incorporate the Horse Head crossing of the Pecos Bridge Company. Read first and second time, and referred to the Committee on the Judiciary.

Mr. Hyde introduced a bill to incorporate the Pecos Bridge Company. Read first and second time, and referred to the Committee on the Judiciary.

On motion of Mr. Hyde, Mr. Guinn was added to the Committee on Private Land Claims.

On motion of Mr. Throckmorton, Mr. Erath was added to the Committee on Public Lands.

On motion of Mr. Sims, Mr. Hart was added to the Committee on Finance.

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

The Judiciary committee have considered a bill to be entitled an act to authorize the Governor to issue his proclamation, and offer a reward for the arrest of certain persons deputing in the counties of Cameron and Hidalgo, and a majority of the committee direct me to report that the Governor is now by law authorized to offer a reward of $500 for the capture of criminals in such cases as he may think proper; and a majority of the committee are of the opinion that further legislation on the subject is unnecessary and would not be likely to have any beneficial effect, I am therefore directed to return the bill to the Senate with the recommendation that it do not pass.

I respectfully state that I differ with the majority of the committee as to the propriety of further legislative action on the subject matter contained in the bill. In the present condition of affairs in the counties of Cameron and Hidalgo, I am of opinion that a liberal reward offered by the Governor, might cause distrust and dissatisfaction among the lawless bands supposed to be now marauding in said counties. I think the bill should be amended in some respects and passed Should this be done it will cost the State nothing unless arrests are made under it, and in that event the money will be probably well expended.

Mr. Potter moved to suspend the rule and to take up the report of the Committee on Public Printing on a bill to regulate the Public Printing. Carried.
The question being on the adoption of the report, Mr. Guinn moved to take up the amendments separately.
Mr. Potter moved to lay the report on the table. Carried.
Mr. Pitts offered the following resolution:
Resolved, By the Senate, the House concurring, that the two Houses will go into the election of an United States Senator on to-day at 12 o'clock, to fill the vacancy occasioned by the death of J. P. Henderson.
Mr. Hart moved to amend the resolution by striking out "to-day at 12 o'clock" and inserting Monday the 21st inst. at 12 o'clock. Carried.
Mr. Rainey moved to strike out Monday and insert 3 o'clock this evening.
Mr. Brath moved a call of the Senate. Carried.
On motion of Mr. Throckmorton, the call was suspended.
Mr. Rainey withdrew his motion to amend.
Mr. Britton moved that the Senate take a recess of ten minutes. Carried.
The recess having expired, the Senate was called to order.
Mr. Hart moved to lay the resolution on the table. Carried.
Mr. Gentry offered the following resolution:
Whereas, since the adjournment of the last Legislature, the Hon. Benjamin F. Tankersley, Senator from Harris county, has been removed from among us by the hand of death, therefore,
Resolved, That in the sense of this body, the State has lost a zealous, practical and patriotic legislator; his constituents an able and energetic advocate of their interests; his social friends a generous true-hearted and estimable companion.
Resolved, That we deeply sympathize with his family in their bereavement, and offer them our sincere condolence.
Resolved, That a copy of these resolutions be forwarded to his family, and a copy to each of the newspapers printed in the city of Houston for publication.
Resolved, That the Senate adjourn until to-morrow morning at 10 o'clock. Adopted; and Senate adjourned till 10 o'clock to-morrow.

Wednesday, November 16th, 1859.
Senate met pursuant to adjournment. Prayer by Rev. W. M. Baker—roll called—quorum present.
The journal of yesterday was read and adopted.
Mr. Guion, chairman of the committee on Claims and Accounts made the following report:

The committee on Claims and Accounts, to whom was referred the “Petition of sundry citizens of Hopkins County, asking relief for the widow and children of Wm. H. Poff, deceased, and others, have had the same under consideration, and a majority of the committee have instructed me to report it back, and recommend that the relief be not granted. The petitioners pray for the sum of $800,00, for services due the Sheriff of Hopkins County for arresting two persons, charged with murder, by virtue of capias, issued by the District Clerk of Orange County. The prisoners mentioned in the petition were not brought to trial. The petitioners allege that they traveled about 900 miles in going to and from the county where they carried the prisoners. In such cases the law does not pay the Sheriff anything for his services, unless the parties are brought to trial, and the certificate of the District Judge before whom they were tried, must show that fact before the Department will pay the claim. It is true that in this case the Sheriff of Hopkins County did all that was required of him, he delivered the prisoners up to the Sheriff of Orange County, but the committee think it would be bad policy to depart from the law in this or any other case of like kind, believing that under the present law, that when Sheriffs do their whole duty, their compensation is ample, and that to relieve in one case, they must be consistent and relieve in all similar ones, and that when Sheriffs fail and refuse to perform their functions of office, they are not entitled to any favorable consideration, and from what few facts we have been able to see, in this case, we have come to the conclusion that it was not in fault of the officer of Hopkins county, that the criminals mentioned in the petition were not tried, but the fault is in the officers of Orange county, and that county ought to remunerate the officers of Hopkins county and not the State, from the fact that they have failed to comply with the requirements of the law of the State.

All of which is respectfully submitted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported “A bill for the relief of James Jennings.” Correctly engrossed.

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

The Committee on the Judiciary, herewith return to the Senate a bill to be entitled “an act to amend the 2nd section of an act to regulate common schools”—approved February 3th, 1858, and recommend that the same be referred to the committee on
Education, that being the appropriate committee to consider the bill.

The committee on the Judiciary have considered the petition of Casper Earnest Vogt, praying that his name may be changed, and direct me to report that no Legislative action is necessary in order to effect the object sought by the petitioner, as he can procure the proposed change of name by applying to the District Court, of the county in which he resides, in the manner provided by the Act of February 5th, 1856. This act provides a convenient mode for furnishing new names, for parties who are tired of their old ones, and rendered unnecessary any further legislation on such subjects. I am therefore directed to return the petition to the Senate, and recommend that it be rejected.

The committee on the Judiciary have considered "A bill," to authorize Joseph B. Edmonson, guardian of Alpha W. Edmonson, to purchase a farm for said Alpha W. Edmonson minor, and direct me to report that in the opinion of the committee, the proposed Legislation is inexpedient and unsafe, and in addition to this the Legislature has not time, and is not the proper tribunal to decide upon the propriety of the mode of conducting each separate estate. We have general laws regulating the administration of estates and the duties of guardians, and any departure from the mode of administration provided by those laws, should be by their alteration or amendment so as to apply to all cases. I am therefore directed to return the bill to the Senate and recommend that it do not pass.

Mr. Walker, chairman of the committee on Public Lands, made the following reports:

The committee on Public Lands, to whom was referred a bill supplementary to and amendatory of an act entitled "an act to provide relief for pre-emption settlers and their assigns, under the act of 22nd January, 1845, the act of the 7th day of February 1853, and of the 13th February 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation, have instructed me to present the accompanying bill, as a substitute for the original bill and recommend its passage.

A bill supplementary to and amendatory of an act entitled "an act to provide relief for pre-emption settlers and their assigns, under the acts of 22nd January, 1845, the act of the 7th of February 1853, and 13th of February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation." Read 1st time.

The committee on Public Lands have considered a bill to be entitled an act validating certain surveys in Fisher's, Miller's
and Peter's Colony, have considered the same, and instructed me to return the same and recommend its passage.

Mr. Lott introduced a bill for the relief of Joel Williams. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Schleicher, introduced a bill to repeal the usury laws. Read 1st and 2nd time, and referred to the committee on the Judiciary.

Mr. Grimes introduced a bill to create the county of "Groce." Read 1st and 2nd time and referred to the committee on Counties and County Boundaries.

Messrs. Martin, Pitts, Britton, Quinan and Erath, were appointed a committee on Stock and Stock raising.

Mr. Martin introduced a bill supplementary and amendatory of "an act regulating estrays" approved March 20th, 1848. Read 1st and 2nd time and referred to committee on Stock and Stock raising.

Mr. Throckmorton offered the following resolution:

Resolved, That the committee on the Court of Claims be instructed to report a bill at the earliest practicable moment, to provide for the approval of genuine certificates, not presented to the Commissioner of Claims in time, and also to provide for the issuance of duplicate certificates not applied for in time, and to make such provision for the issuance of unlocated balance certificates as may be necessary. Adopted.

Mr. Erath, offered the following resolution:

Resolved, That the Secretary of the Senate, procure a map of the State for the use of the Senate and the committees thereof. Adopted.

ORDERS OF THE DAY.

A bill for the relief of James Jennings. Read 3rd time and passed.

A message was received from the Governor, informing the Senate that he had received information from Brev. Maj. Gen'l. D. E. Twiggs, that certain troops had been ordered to the scene of difficulty on the Rio Grande.

A message was received from the House, that the House had passed a Joint Resolution, authorizing the Governor to call out volunteers to repel the invasion on our western frontier, and that the House had adopted the following resolutions:

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

Resolved, That the House of Representatives, with the concurrence of the Senate, proceed to the election of a U. S. Senator to fill the vacancy occasioned by the death of the Hon. J. P. Henderson, on Friday next, at 11 o'clock A. M.

Resolved, The Senate concurring, that a joint select committee consisting of five on the part of the House, and five on the part of the Senate, be appointed for the purpose of enquiring into the expediency of calling a convention to frame a new constitution, and report by bill or otherwise. Upon which resolution the House had appointed Messrs. Davis of Hays, Dale, Robinson, Pinkey and Dickson a committee.

Resolved, That if the Senate concur, there be a joint committee of seven, four from the House and three from the Senate, appointed to fully investigate the present Probate Law, and take such course in altering, amending, revising or abridging the same as they may think best calculated to promote the interests of such persons as it was originally intended to benefit, and to report the same back to the House as soon as practicable. Upon which resolution, Messrs. Armstrong, Culberson, Speights and Anderson, were the committee on the part of the House.

On motion of Mr. Britton, the joint resolution authorizing the Governor to call out volunteers to repel the invasion on our western frontier, was taken up and read 1st time.

Mr. Britton moved a suspension of the rule—carried—read 2nd time.

Mr. Potter offered the following amendment:

"In line five after "and" insert "in case the Governor should deem it necessary to call out volunteers under the provisions of this joint resolution."" Adopted.

Mr. Stockdale offered the following amendment:

"That this joint resolution take effect and be in force from and after its passage." Adopted.

Mr. Sims offered the following substitute:

"Be it Resolved by the Legislature of the State of Texas, That the Legislature adjourn on the 17th inst., and that each member of the same, as well as the officers thereof, be requested to furnish himself with a good horse, arms and ammunition, and repair to the City of Brownsville as soon as possible, and show his patriotism and valor by defending the soil of our State from in-
vason; and that this resolution take effect from and after its
passage.”

Mr. Britton moved to lay the substitute on the table. Lost.
The question on its adoption was then put and lost.
Mr. Stockdale offered the following amendment:
Insert after “citizens” in 5th line the words “of Texas.”
Adopted.
The joint resolution was then passed to a 3rd reading.
And on motion of Mr. Britton, the rule was suspended, the
joint resolution was read a 3rd time and passed.
The report of the committee on Public Printing on a resolution
to contract for 20 copies each of the Gazette and Intelligencer
weekly for each member of the Senate, was read.
Mr. Hart, moved to strike out “20” and insert “10.”
Mr. Grimes moved to lay the resolution on the table, which
motion was carried by the following vote:

Years—Messrs. Chambers, Erath, Grimes, Harman, Herbert,
Hyde, Potter, Quinan, Schleicher, Shepard, Stockdale, Throck-
morton, Townes, Wallace and Wiggall—15.
Nays—Messrs. Fall, Gentry, Guinn, Hart, Lott, Martin,
Parsons, Paschal, Pitts, Rainey, Sims, Walker and Whaley—
13.

On motion of Mr. Rainey, the Senate adjourned until 10 o’clock
A. M. to-morrow.

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THURSDAY, November 17th, 1859.

Senate met pursuant to adjournment. Prayer by the Rev.
Wm. M. Baker—roll called—quorum present.
The journal of yesterday was read and adopted.

Mr. Whaley presented the petition of sundry citizens of Leon
County for land. Referred to the committee on Private Land
Claims.

Mr. Whaley presented the petition of James McCleary for relief.
Referred to the committee on Private Land Claims.

Mr. Herbert presented the petition of sundry citizens of Colo-
rado County. Referred to committee on Education.

Mr. Fall presented the petition of John Berry for relief. Re-
ferred to committee on Private Land Claims.

Mr. Townes presented the petition of Asa B. Johnson. Re-
ferred to the committee on the Judiciary.

Mr. Martin presented the petition of John Murphy. Referred
to the committee on Claims and Accounts.
Mr. Walker, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands have instructed me to return the bill to be entitled "an act for the relief of pre-emption settlers and their assigns, under the acts of 1845, 1853 and 1854, and request that it be laid on the table. Because a bill covering the same ground precisely has already been favorably reported on by the committee, and is now among "the orders of the day" to be acted on by the Senate.

The committee on Public Lands, to whom was referred a bill to be entitled an act to authorize the cancellation of patents in certain cases have had the same under consideration. The committee have instructed me to return the same to the Senate, and recommend that a special law be passed for the relief of any person who can not be otherwise relieved, as they deem the passage of a general law for that purpose in the way proposed by the bill, would be improper and injurious to the State.

Mr. Erath chairman of the committee on Indian Affairs, made the following report:

The joint committee on Indian Affairs having had the subject of frontier protection under consideration, beg leave to report the following Bill and recommend its passage.

A Bill for the protection of the frontier. Read 1st time.

Mr. Throckmorton, from the committee on Claims and Accounts made the following minority report:

The undersigned begs leave to dissent from the report of the majority of the committee on Claims and Accounts made upon the petition of the citizens of Hopkins county, asking relief for the Heirs of Wm. H. Poff, late Sheriff of said county. The facts are that the Sheriff of Hopkins county, by order of the court of Orange county, arrested two notorious outlaws indicted for murder, that threats were made and an actual attempt to rescue them, and in order to secure them he took six men as guards and did deliver them to the proper officer of Orange county. But before court met they made their escape. Because they were not tried, the Sheriff of Hopkins county can not get his fees. The law is certainly defective in this respect and should be amended. But not the duty of the Legislature to protect the people of the State against wrong and oppression? There can be nothing more just than that the Sheriff of Hopkins county, should be reimbursed the money expended by him for the arrest and delivery of the prisoners in compliance with the mandate of the court, and that he should be compensated for his trouble, &c. &c. 

By so doing the prompt discharge of the duty of officers will be insured,
rem-gades from justice will be brought to trial, and the respectability of the State will be maintained. Taking this view of the subject the undersigned reports a bill providing the relief prayed for and would suggest the propriety of passing the same.

All of which is respectfully submitted.

A bill for the relief of the heirs of Wm. H. Poff, late Sheriff of Hopkins county. Read 1st time.

Mr. Walker chairman of the committee on Public Lands, mad the following report:

The committee on Public Lands have considered the House bill to be entitled an act to amend an act supplementary to an act to authorize the locating, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved Nov. 28th, 1837, and have instructed me to report the same back to the Senate without amendments and recommend its passage.

Mr. Guinn offered the following resolution:

Resolved, That it is the sense of the Senate not to act upon any claim for land or money, that ought to have been presented to the Court of Claims for its action, under the law establishing the same, and in order to entitle the party to relief, it must appear that the relief could not have been obtained before that court, or the joint committee appointed to investigate all claims for land or money before that tribunal. Referred to the committee on Court of Claims.

Mr. Rainey offered, the following resolution:

Resolved, That the President of the Senate be authorized to appoint a committee on Agriculture, consisting of five members. Adopted.

Messrs. Rainey, Chambers, Dickinson, Harman and Herbert, were appointed said committee.

Mr. Parsons introduced a bill appropriating ten thousand dollars or so much thereof, as may be necessary to enable the Governor to offer rewards for fugitives from justice. Read 1st time.

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

Mr. Parsons moved a further suspension of the rule, which was carried. Bill read 3rd time and passed.

On motion of Mr. Erath, a bill for the protection of the frontier was taken up. Rule suspended, read 2nd time.

On motion of Mr. Lott, one copy was ordered to be printed.

On motion of Mr. Erath, the bill was made the special order for Saturday the 29th inst., 11 o'clock.

On motion of Mr. Potter, a bill to regulate the Public Print-
ing was taken up, and the report of the committee on Printing was laid on the table.

Mr. Potter offered the following amendments:

SECTION 2nd, line 2nd. After the words "Secretary of State" insert "Treasurer and Comptroller, or a majority of them."

SEC. 2nd, line 5th. After the word "received" strike out the words "at his office" and insert "at the office of the Secretary of State."

SEC. 3rd, line 3rd. After the words "Secretary of State" insert Treasurer and Comptroller, or a majority of them.

SEC. 4th, line 4th. Strike out "he" after "and" and insert "they."

SEC. 5th. After the words "Secretary of State" in the line next to the last, insert "Treasurer and Comptroller or a majority of them."

SEC. 6th, line 4th. After the words "Secretary of State" insert "Treasurer and Comptroller, or a majority of them."

SEC. 15th, line 3rd. After the words "Secretary of State" insert "Treasurer and Comptroller, or a majority of them."

SEC. 15th, line 4th. After the words "received" strike out the words "at his office" and insert "at the office of the Secretary of State."

SEC. 17th. At the end of the section—add for the Printing of proclamations and proposed amendments to the Constitution, the sum of fifty cents per square for each insertion, and such publication shall not be inserted in any type larger than Bureau, and each square shall contain not less than two hundred ems.

Strike out section 18.

SEC. 18th, line 16th. Strike out "twenty" and insert "five."

Which were adopted and the bill passed to a 3rd reading.

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

Mr. Lott introduced a bill for the relief of Samuel Arpuckle. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Potter introduced a bill to incorporate the Factors Cotton Press Company. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Stockdale introduced a bill for the relief of Albert G. Walker and his securities. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Stockdale introduced a joint resolution to amend the Con-
stitution. Read 1st and 2nd times and referred to the committee on Internal Improvements.

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

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Friday, November 18th, 1859.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Dickinson presented the petition of Lindsey Man for land, which was referred to the committee on Private Land Claims.

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

The Judiciary committee have considered a bill to incorporate the Pecos Bridge Company, and direct me to return the same to the Senate with amendment, and recommend the adoption of the amendment and the passage of the bill.

Amendment—strike out seventh section.

The committee on the Judiciary, have considered a bill to empower the Mayor, Aldermen and inhabitants of the City of Galveston, to issue bonds for the construction of a Bridge, &c., and direct me to return the same to the Senate and recommend its passage.

The committee on the Judiciary have considered a bill to incorporate the Factors Cotton Press Company, and direct me to return the same to the Senate and recommend its passage.

The Judiciary committee have considered a bill, to incorporate the Horse Head Crossing of the Pecos Bridge Company, and direct me to return the same to the Senate with amendment, and recommend the adoption of the amendment and the passage of the Bill.

Amendment—strike out the seventh section.

Mr. Quinnan from the committee on the Judiciary, made the following reports:

The committee on the Judiciary, to whom was referred a bill for the relief of Albert G. Walker and his securities, have had the same under consideration, and instruct me to report a substitute therefor, and recommend its passage.

Mr. Fall chairman of the committee on Engrossed Bills, reported a bill appropriating ten thousand dollars or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice. Correctly engrossed.
Mr. Harman introduced a bill requiring the Comptroller, acting Commissioner of Claims, to issue duplicates, and approve the same of the unconditional Headright Certificates of Evans Bracken and Thomas Heath. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Throckmorton introduced a bill for the relief of James Herndon. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

Mr. Throckmorton introduced bill for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, James Bowland and John Henry Brown. Read 1st and 2nd times and referred to the committee on Finance.

Mr. Paschal introduced a bill to incorporate the American Agency. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Guinn introduced a bill to authorize and require the clerk of the District court of Cherokee county, to apportion the causes on the docket of said court. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill to incorporate the Galveston Firemen's Relief Fund Association. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Walker introduced a bill for the relief of Benjamin Baccus. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Paschal introduced a bill to incorporate the American Improvement Company. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Townes introduced a bill to incorporate the Air-line Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

ORDERS OF THE DAY.

Resolution of the House appointing a select committee, and asking a like appointment of the Senate to inquire into the expediency of calling a convention to frame a new Constitution, was concurred in.

The resolution from the House of Representatives, to elect a U. S. Senator was on motion of Mr. Potter laid on the table.

Resolution of the House appointing a select committee and asking a like appointment of the Senate to investigate the Probate Laws, was on motion of Mr. Quinan referred to the committee on the Judiciary.

The report of the committee on the Judiciary on a bill to au-
authorize Joseph B. Edmondson, to purchase a farm for Alpha W. Edmondson, a minor, recommending its rejection, was read and adopted.

The committee on Claims and Accounts, on the petition of the heirs of Wm. H. Poff and others asking relief, recommending its rejection, also the minority report on the same subject presenting a bill for the relief of the heirs of Wm. H. Poff, late Sheriff of Hopkins county having been read; Mr. Throckmorton moved to lay the majority report on the table, which was lost. The question then being on its adoption was put and carried.

The report of the committee on the Judiciary, on a bill to authorize the Governor to issue his proclamation, and offer a reward for the arrest of certain persons depredating in the counties of Cameron and Hidalgo, recommending its rejection, was read and adopted.

Joint resolution authorizing the Governor to call out one thousand men to suppress rebellion and resist invasion of the State. Read 2nd time and on motion of Mr. Guinn laid on the table.

The report of the committee on the Judiciary on the petition of Casper Ernest Voght, recommending its rejection, was read and adopted.

The report of the committee on the Judiciary on a bill to amend the 2nd section of an act to regulate common schools, approved February 5th, 1858, recommending its reference to the committee on Education, was read and adopted.

A bill validating certain surveys in Fisher's Miller's and Peter's colonies. Read 2nd time and ordered to be engrossed.

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

The report of the committee on Public Lands on a bill for the relief of pre-emption settlers and their assignees, under the act of 13th February, 1854, donating 160 acres of land to actual settlers, reporting a substitute for the same was read and adopted.

Mr. Rainey moved that the bill be postponed until Wednesday next. Lost. The bill was read a 2nd time and ordered to be engrossed.

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

On motion of Mr. Hyde, the Senate adjourned until 10 o'clock A. M., to-morrow.

Saturday, November 19th, 1859.

Senate met pursuant to adjournment. Prayer by the Rev. W. M. Baker—roll called—quorum present.
The journal of yesterday was read and adopted.

Mr. Walker presented the petition of sundry citizens of Palo Pinto county. Referred to the committee on Indian Affairs.

Mr. Townes presented the petition of Samuel Lint. Referred to the committee on Private Land Claims.

Mr. Hart from the committee on Public Lands, made the following reports:

The committee on Public Lands, to whom was referred a bill to amend the 8th and 9th sections of an act to authorize the sale of the public domain, approved February the 11th, A. D., 1858, have had the same under consideration, and have instructed me to report a substitute for the bill, 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 whom was referred the petition of John Murphy, have considered the same and have instructed me to report it back, and ask that the relief be not granted, because the State has never paid off such claims. The committee think it is too late to depart from what they think is the established policy of the State, and they think a good policy. All of which is submitted.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance to whom was referred two several bills, one for the relief of S. M. Swenson, and the other a bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of Jno. S. Ford, James Bourland and John Henry Brown, have had the same under consideration, and have instructed me to report a substitute for the two bills, and recommend its passage.

Mr. Paschal introduced a bill supplemental to an act, entitled an act to revive and continue in force, and supplemental to and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved 5th September, 1850, and the several supplementary and amendatory acts concerning said Railroad, approved November 14th, 1857. Read 1st and 2nd times and referred to the committee on Internal Improvements.

ORDERS OF THE DAY.

A resolution of the House to appoint a suitable person to take charge of the Library. Referred to committee on Finance.

The report of the committee on Public Lands, on a bill for the relief of pre-emptionists and their assignees, recommending that it be laid on the table. Read and adopted; and bill laid on the table.
The report of the committee on Public Lands, on a bill to authorize the cancellation of patents in certain cases, recommending that a special law be passed for the relief of any person who cannot be otherwise relieved. Read, and on motion of Mr. Lott, referred to the committee on the Judiciary.

The report of the committee on the Judiciary, on a bill to Incorporate the Horsehead crossing of the Pecos Bridge Company. Read and amendment adopted; and bill ordered to be engrossed.

The report of the committee on Public Lands, on a bill to amend an act supplemental to an act, to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved November 28th, 1867, recommending its passage. Read and bill passed to a 3rd reading.

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

A message was received from the House informing the Senate, that the House had concurred to the amendments of the Senate to the House bill to regulate Public Printing. And that the House had passed the Senate's bill making an appropriation for the mileage and per diem pay of the members and officers of the Eighth Legislature.

On motion of Mr. Hart, the resolution instructing the committee on Public Printing, 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, was taken from the table.

Mr. Hart moved to strike out 20, and insert 10.

Mr. Guinn called for a division of the question.

The question being put upon striking out 20, was carried.

Mr. Shepard offered the following substitute:

Resolved, That the committee on Printing be instructed to procure for each of the members of the Senate, one copy of the Daily State Gazette and one copy of the Tri-weekly Intelligencer.

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


**Nay**—Messrs. Dickinson, Duggan, Grimes, Potter, Quinnac, Rains, Schleicher, Shepard, Stockdale and Wigfall—12.

Mr. Hart moved to fill the blank with 10.

Mr. Throckmorton, offered the following substitute:
Resolved, That the amount of money necessary to pay for the papers and printing reported by the committee on Printing for the use of members of the Senate, be and the same is hereby appropriated for the purpose of paying the Rangers of Jackson County, for their services while protecting the frontier during the past spring and summer.

The President of the Senate decided the substitute out of order.

The question recurring on the motion of Mr. Har to fill the blank with 10 was carried by the following vote:


The question being on the adoption of the resolution as amended, was carried by the following vote:


On motion of Mr. Hart, the Senate adjourned until Monday 10 o'clock, A. M.

Monday, November 21st, 1859.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Baker—rolled called—quorum present.

The journal of Saturday was read and adopted.

Mr. Whaley presented the petition of William Oldham. Referred to the committee on Claims and Accounts.

Mr. Walker presented the petition of Joseph Turner. Referred to the committee on Public Lands.

Mr. Fall chairman of the committee on Engrossed Bills, reported correctly engrossed, a bill supplementary to, and amendatory of an act to provide relief for pre-emption settlers and their assigns, under the act of the 2nd of January, 1845, the act of the 7th of February, 1853, and the act of the 13th of February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation, and a bill validating certain surveys in Fisher's, Miller's and Peter's Colonies.
Mr. Throckmorton, from the committee on the Judiciary made the following reports:

The committee on the Judiciary to whom were referred two bills, for the creation of the 20th Judicial District, have considered the same. The committee find that the labor imposed upon the Judge of the 16th District is too great, and that the amount of business and great extent of territory will justify the creation of a new district. The committee have instructed me to report the accompanying bill as a substitute for the two bills presented and to recommend its passage.

The Judiciary committee to whom was referred a bill to define the 16th Judicial District and the time of holding courts therein, have considered the same. The committee have instructed me to report the accompanying substitute for the bill and recommend its passage.

Mr. Walker offered the following resolution:

Resolved, That with the concurrence of the House a joint committee of three from the Senate and five from the House be raised to take into consideration the propriety of creating one or more Judicial Districts for the present 16th District, and that they report by bill or otherwise. Adopted by the following vote:


Messrs. Walker, Throckmorton and Erath, were appointed committee.

Mr. Duggan offered the following resolution:

Resolved, That the committee on Printing, be required to contract for the printing of 300 copies of the Governor's message in the German language for the use of the Senate. Adopted.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill supplemental to an act 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 14th, 1850, approved November 14th, 1857, reported a substitute therefor, and recommended its adoption and passage.

Mr. Rainey offered the following resolution:

Resolved, That 400 copies of the report of the Deaf and Dumb Asylum, be printed for the use of the Senate.

On motion of Mr. Hart, the resolution was amended by stri-
king out "400" and inserting "200" and on motion of Mr. Guinan, it was laid on the table.

Mr. Rainey introduced a bill to release Benjamin A. Campbell from the disability of minority; Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Schlischer introduced a bill for the relief of the heirs of Henry Kloenne; Read 1st and 2nd times and referred to the committee on Private Land Claims.

The President appointed Messrs. Wigfall, Potter, Paschal, Wallace and Stockdale a committee on the part of the Senate, to act with the committee of the House, for the purpose of inquiring into the expediency of calling a convention to frame a new Constitution.

ORDERS OF THE DAY.

A bill for the protection of the frontier, special order of the day was read; and on motion of Mr. Erath, the Senate resolved itself into a committee of the whole on the bill, Mr. Potter in the chair; after spending some time the committee arose, reported progress and asked leave to sit again.

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

Tuesday, November 22nd, 1859.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Baker—rolled called—quorum present.

The journal of yesterday was read and adopted.

Mr. Walker presented the petition of the citizens of the counties of Palo Pinto, Parker, Jack, Young, Clay, Wichita and Buchanan, in relation to a new Judicial District. Referred to the joint select committee on Judicial Districts.

Mr. Townes presented the petition of Joshua Powers, asking indemnity for the illegal capture of the schooner Mary Elizabeth. Referred to the committee on Claims and Accounts.

Mr. Townes, also, presented the petition of Joseph Mussey for land. Referred to the committee on Private Land Claims.

Mr. Erath presented the petition of the citizens of Waco. Referred to the committee on the Judiciary.

Mr. Walker presented the petition of C. R. Harman. Referred to the committee on Public Lands.

Mr. Schlischer presented the petition of Charles Clark. Referred to the committee on Private Land Claims.

Mr. Pitts presented the petition of Allen Hooks. Referred to the committee on Private Land Claims.
Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Horse Head, crossing of the Pecos Bridge Company. Correctly engrossed.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the petition of Samuel Jordan, reported a bill for the relief of Lewis David and recommend its passage which was read 1st time.

Mr. Hyde also made the following report:

The committee on Private Land Claims, to whom was referred the petition of John Berry, have examined the same, and have instructed me to return the bill to the Senate and recommend its rejection for the reasons that the petitioner did not comply with the requirements of the laws existing at the date of his emigration.

Mr. Herbert presented the petition of the heirs of Barbara Riley. Referred to the committee on Private Land Claims.

Mr. Townes introduced a bill amendatory of, and supplemental to an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Lott introduced a bill for the relief of William Kelly Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Potter introduced a bill to amend the sixth and seventh sections of "an act regulating sequestrations," approved March 15th, 1846. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Potter also introduced a bill to amend the fourth section of the act of May 12th, 1846, entitled "an act to regulate the license and practice of Attorneys and Counsellors at Law." Read 1st and 2nd times and referred to the committee on the Judiciary.

ORDERS OF THE DAY.

The report of the committee on the Judiciary offering a substitute for a bill for the relief of Albert G. Walker and his securities, was read, adopted and bill ordered to be engrossed.

The report of the committee on the Judiciary on a bill incorporating the Pecos Bridge Company, offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

A bill to incorporate the Factors Cotton Press Company. Read and ordered to be engrossed.

A bill to empower the Mayor, Aldermen and inhabitants of the
City of Galveston to issue bonds for the construction of a Bridge &c. Read and ordered to be engrossed.

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


Nays—Mr. Parsons—1.

A bill to incorporate the Horse head crossing of the Pecos Bridge Company. Read 3rd time and passed by the following vote:


Nays—none.

On motion of Mr. Potter, the rule was suspended, and a bill for the relief of Albert G. Walker was taken up, read 3rd time and passed.

A bill to amend the 5th, 8th and 9th sections of an act to authorize a sale of the Public Domain. Read and ordered to be engrossed.

Mr. Hyde chairman of the committee on Private Land Claims to whom was referred the petition of Lindsey Mann, reported the same back and recommended its rejection.

Mr. Hyde chairman of the committee on Private Land Claims made the following report:

The committee on Private Land Claims to whom was referred the petition of John Ricord, have examined the same, and find that Mr. Ricord arrived in this country previous to the declaration of Independence in 1836, and that he rendered valuable services to the country in her struggle, and has never received any land as a colonist, they therefore instruct me to report a bill for his relief, and recommend its passage. Bill read 1st time.

The report of the committee on Finance offering a substitute for two several bills, one for the relief of S. M. Swenson, and the other to provide for the pay and subsistence of the troops called out by the Governor, under the command of John S. Ford, James Bourland and John Henry Brown was read, substitute adopted, and bill ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read 3rd time and passed.
The report of the committee on Claims and Accounts on the petition of John Murphy, recommending its rejection, was read and adopted.

Mr. Hyde chairman of the committee on Private Land Claims made the following report:

The committee on Private Land Claims to whom was referred the petition of David Ward, have examined the same, and instructed me to report the same and recommend its reference to the joint committee on the Court of Claims.

On motion of Mr. Guinn, the Senate adjourned until 10 o'clock A. M., to-morrow.

Wednesday, November 23rd, 1859.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Baker—rolled called—quorum present.

The journal of yesterday was read and adopted.

Mr. Potter presented the petition of Ephraim McLean. Referred to the committee on Private Land Claims.

Mr. Grimes presented the petition of Rebecca Wood. Referred to the committee on Public Debt.

Mr. Stockdale presented the petition of Joshua Davis, agent of Peter Berry. Referred to the committee on Private Land Claims.

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

A bill for the relief of Albert G. Walker.

A bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, James Bourland and John Henry Brown, also for the pay of the commissioners sent out by the Governor to the Indians.

A bill to incorporate the Farmers Cotton Press Company.

A bill incorporating the Pecos Bridge Company.

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

Mr. Stockdale, chairman of the committee on Engrossed Bills, reported an act making an appropriation for the mileage and per diem pay of the members and officers of the eighth Legislature, correctly enrolled, properly signed, and was on Saturday last presented to the Governor.

Mr. Potter, chairman of the committee on the Judiciary, to whom were referred a bill to release Benjamin A. Campbell from the disability of minority, and a bill to require the clerk of the
District court of Cherokee county to apportion the causes on the
docket of said court, reported the same back and recommend
their passage.

Mr. Throckmorton made the following report:

The joint committee on the Court of Claims, have had under
consideration several claims which were approved and provided
for by the last Legislature, but owing to inaccuracies in enrolling
the bill, the relief desired and intended, was defeated. The claims
of Wiley Burns appeared in the law as “Wiley Barnes;” that
of David Barlow as “Wm. Barlow;” that of Carmel Ramey as
“Ramey Carmel;” and the claim of the heirs of Robert M. McKin-
ney was by oversight or neglect in the clerks, left out of the bill.
A bill providing for the parties is herewith reported and recom-
manded to the favorable attention of the Legislature; which bill
was read 1st time.

Mr. Guinn, chairman of the committee on Claims and Ac-
counts, to whom was referred the petition of Joshua P. Powers,
reported the same back and asked its reference to the committee
on Public Debt.

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

Mr. Guinn also reported back a bill for the relief of James
Herndon, and recommended its passage.

Mr. Walker, chairman of the committee on Public Lands, to
whom was referred the petition of Joseph Turner, reported the
same back and recommended that it be referred to the com-
mittee on Private Land Claims.

On motion of Mr. Hart, the rule was suspended and resolution
taken up and adopted.

Mr. Paschal, chairman of the committee on Internal Improve-
ments, to whom was referred a bill amendatory of, and supple-
mental to an “act to incorporate the Sabine and Galveston Bay,
Railroad and Lumber Company,” reported the same back and
recommended its passage.

Mr. Potter introduced a bill to repeal the 6th section of an “act
concerning the proceedings in the Supreme Court” approved
February 11th, 1850. Read 1st and 2nd times and referred to
the committee on the Judiciary.

Mr. Potter offered the following resolution:

Resolved, That the committee on Education, is hereby request-
et to enquire into the expediency of locating and establishing
“the University of Texas” on the University Land belonging to
the State and situated in the county of McLennan, and report to
the Senate at an early day, by bill or otherwise. Adopted.

Mr. Paschal offered the following resolution:

Resolved, That a joint committee of three on the part of the Senate and—on the part of the House, be appointed to enquire into the expediency of granting further time to the colonists of Castro's Colony to prove their claims for Headrights and to report by bill or otherwise. Adopted.

Messrs. Paschal, Duggan and Throckmorton were appointed said committee.

Mr. Rainey offered the following resolution:

Resolved, That the committee on Education, be instructed to enquire into the propriety of donating four additional leagues of the public domain to each county in the State, for common school purposes.

On motion of Mr. Rainey, the resolution was referred to the committee on Education.

**ORDERS OF THE DAY.**

A bill for the relief of Albert G. Walker, read 3rd time and passed.

A bill to incorporate the Factor's Cotton Press Company, read 3rd time and passed by the following vote:


**NAYS—** none.

A bill to incorporate the Pecos Bridge Company. Read 3rd time and passed by the following vote:


**NAYS—** none.

A bill to amend the 5th, 8th and 9th sections of an act to authorize the sale of the public domain. Read, and on motion of Mr. Rainey, was made the special order of the day for Wednesday the 30th inst.

The report of the committee on the Judiciary, on a bill to organize the 16th Judicial District. Read, and on motion of Mr. Walker, laid on the table.

The report of the committee on Internal Improvements, on a bill to amend an act to incorporate the San Antonio and Mexican Gulf Railroad Company, was on motion of Mr. Stockdale, made the order of the day for Friday next, the 25th inst.
On motion of Mr. Erath, the Senate resolved itself into a committee of the whole, on a bill for the protection of the frontier. After spending some time in the discussion of the bill, the committee arose, reported progress and asked leave to sit again.

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

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**Friday, November 25th, 1859.**

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

The journal of Wednesday was read and adopted.

Mr. Townes presented the petitions of James Lewis, and John Laramore for land. Referred to the committee on Private Land Claims.

Mr. Paschal presented the petition of Joseph C Perez, which was referred to the committee on Claims and Accounts, also the petition of sundry citizens of Bexar county, which was referred to the joint committee on the Court of Claims.

Mr. Rainey presented the petition of Stewart A. Miller. Referred to the committee on Private Land Claims.

Mr. Sims presented the petition of Wm. B. Featherston and R. J. Battle regarding the Sabbath day. Referred to the committee on State Affairs.

Mr. Wallace presented the petition of F. H. Dixon for land. Referred to the committee on the Judiciary.

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

The Judiciary committee to whom was referred a bill to amend the 6th and 7th sections of an act regulating sequestrations, approved March 15th, 1849; a bill to regulate the license and practice of Attorneys and Counsellors at Law; and a bill to repeal the 6th section of an act concerning the proceedings of the Supreme Court, approved February 11th, 1850, ask leave to report the same and recommend their passage.

Mr. Fall chairman of the committee on Engrossed Bills, reported a bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston, to issue bonds for the construction of a bridge, from the island of Galveston to the main land, correctly engrossed.

Mr. Throckmorton introduced a bill to require certain surveys in Young land district, to be recorded in the surveyor's office. Read 1st and 2nd times and referred to the committee on Public Lands.
Mr. Hart introduced a bill to provide for obtaining duplicate land certificates, where they are partly owned by different persons. Read 1st and 2nd times and referred to the committee on the Court of Claims.

Mr. Lott introduced a bill to authorize and require the Commissioner of the General Land Office, to issue patents to Samuel Arbuckle and Hudson Westbrook, on surveys No. 239 and 238. Read 1st and 2nd times and referred to the joint committee on the Court of Claims.

Mr. Walker introduced the following bills: a bill to define the 16th judicial district and to define the time of holding courts therein; a bill to create and organize the 20th judicial district, and to define the times of holding courts therein, which were read 1st and 2nd times and severally referred to the committee on the Judiciary.

A message was received from the House informing the Senate, that the House had refused to adopt the Senate's resolution to appoint a joint committee for the purpose of making two or more districts out of the present 16th judicial district; and had passed a bill originating in the Senate, appropriating ten thousand dollars or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice, and the following bills originating in the House. A bill for the relief of George W. Goodwin, a bill for the relief of the heirs of Joseph W. Bass, a bill for the relief of the heirs of A. D. Duncan, a bill for the relief of Joseph Thompson, and a bill supplementary to an act entitled an act to amend the 1st section of an act entitled an act to amend the 2nd and 7th sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved 12th May, 1846, approved November 30th, 1850, approved August 28th, 1856.

Mr. Wallace offered the following resolution:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of repealing the 610th section of the Penal Code. Adopted.

ORDERS OF THE DAY.

A bill to authorize and require the clerk of the District court of Cherokee county to apportion the causes on the docket of said court. Read 2nd time and ordered to be engrossed.

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

A bill to release Benjamin A. Campbell from the disabilities of minority. Read 2nd time.

Mr. Stockdale moved to amend by inserting the name of James Ingram Nunan, of Victoria county. Adopted.
Mr. Guinn moved to amend by adding the following proviso: "provided they shall not be entitled to vote until they arrive at the age of twenty-one years." Adopted, and bill ordered to be engrossed.

A bill for the relief of Lewis David. Read 2nd time and ordered to be engrossed.

A bill for the relief of John Ricord. Read 2nd time and ordered to be engrossed.

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

A bill amendatory of, and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay, Railroad and Lumber Company. Read 2nd time and on motion of Mr. Stockdale, made the special order for Monday the 28th inst.

Report of the committee on Private Land Claims, on the petition of David Ward, recommending its reference to the joint committee on the Court of Claims, was read and adopted.

A bill for the relief of James Herendon. Read 2nd time and ordered to be engrossed.

A bill for the relief of Wiley Burns, the heirs of Robert M. McKinney, the heirs of Carmel Ramon, and the heirs of David Barlow. Read 2nd time and ordered to be engrossed.

Report of the committee on Private Land Claims, on the petition of John Berry recommending its rejection, was read and adopted.

Report of the committee on the Judiciary, presenting a bill to create the 20th judicial district, &c., as a substitute for two bills on that subject referred to them was read, and on motion of Mr. Guinn, was referred to the committee on the Judiciary.

Report of the committee on Private Land Claims, on the petition of Lindsey Man, recommending its rejection, was read and adopted.

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 acts supplementary and amendatory concerning said railroad, approved November 14th, 1857. Read 2nd time.

Mr. Stockdale offered the following amendments:

Add to the first section "and to the benefits of any general law for the encouragement of railroads and regulating the same."

In section 2, line 16, strike out "the entire" and insert "such portion of said."

In section 2, line 19, at the end of said line insert "and shall be owned, used and regulated by said San Antonio and Mexican..."
Gulf Railroad Company, in accordance to the provisions of the charter of said company.” Adopted.

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


NAYS—none.

Mr. Hyde, chairman of the committee on Private Land Claims, reported from the committee, a bill for the relief of Joseph Turner, which was read 1st time.

Mr. Grimes presented the petition of John Fisher for land. Referred to the committee on Private Land Claims.

Mr. Britton introduced a bill providing for a preliminary survey for a canal from Corpus Christi bay to Rio Grande river. Read 1st and 2nd times and referred to the committee on Internal Improvements.

On motion of Mr. Throckmorton, the resolution instructing the committee on Printing, to have 200 copies of the report on the Deaf and Dumb Asylum printed, was taken from the table.

Mr. Shepard moved to strike out “200” and insert “600.”

Mr. Potter called for a division of the question.

The question on striking out “200” having been put and carried, the blank was filled with “600” by the following vote:


Mr. Herbert moved to include the reports of the Blind and Lunatic Asylums. Carried.

Mr. Britton moved the previous question, which was ordered.

The main question being put was carried, so the resolution was adopted.

Mr. Duggan offered the following resolution:

Resolved, That 200 copies of each of the reports of the Deaf and Dumb, the Blind and the Lunatic Asylums, be printed in the German language, said copies included in the 600 embraced in the resolution just acted on. Adopted.

A bill for the relief of Joseph Thompson. Read 1st and 2nd times and referred to the committee on Private Land Claims.
A bill for the relief of the heirs of A. D. Duncan. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill for the relief of the heirs of Joseph W. Bass. Read 1st and 2nd times and referred to the committee on Private Land Claims.

A bill for the relief of George W. Goodwin. Read 1st and 2nd times and referred to the committee on Private Land Claims.

A bill supplemental to an act entitled an act to amend the 1st section of an act entitled an act to amend the 2nd and 7th sections of an act entitled an act to organize the Supreme Court, approved May 12th, 1846, approved November 30th, 1850, approved August 28th, 1836. Read 1st and 2nd times and referred to the committee on the Judiciary.

On motion of Mr. Sims, the Senate adjourned until 10 o'clock A. M., to-morrow.

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Saturday, November 26th, 1859.

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

The journal of yesterday was read and adopted.

Mr. Scarborough presented the petition of A. B. Bacon for relief. Referred to the committee on the Judiciary.

Mr. Townes presented the petition of James McGee & Co. Referred to the committee on Public Debt.

Mr. Duggan presented the petition of Rebecca Carson, William Carson and Tewpence Wilcox. Referred to the committee on Public Lands.

Mr. Potter presented the petition of the Rev. John M. Odin, Bishop of Galveston. Referred to the committee on the Judiciary.

Mr. Kott presented the petition of Stephen Kelly for land. Referred to the committee on Private Land Claims.

Mr. Schleicher presented the petition of E. Vogt. Referred to the committee on Private Land Claims.

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

The committee on the Judiciary, to whom was referred the petition of a number of citizens of Panola county, praying an extension of time heretofore allotted for holding the District court in Panola county, have had the same under consideration, and have agreed upon the accompanying bill, entitled an act to change the time of holding the District courts in the 6th Judicial
District, and have instructed me to report the same to the Senate and recommend its passage.

A bill to change the time of holding the courts in the sixth Judicial District. Read 1st time.

On motion of Mr. Parsons, rule suspended, bill read 2nd time and ordered to be engrossed. Rule further suspended, read 3rd time and passed.

Mr. Townes from the committee on Internal Improvements, to whom was referred a bill to incorporate the "Air-line Railroad Company," reported the same back and recommended its passage with the following amendments.

Amendments:

In section 11, strike out "ten" and insert "twenty-five," and strike out "three" and insert "two."

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

A bill for the relief of Lewis David.
A bill for the relief of John Ricord.
A bill for the relief of James Hovenden.
A bill to authorize and require the clerk of the District court of Cherokee county, to apportion the causes on the docket of said court.

Mr. Dickinson introduced a bill to amend the act of January the 30th 1854, pertaining to land grants. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Schleicher introduced a bill for the relief of Jacob Laux. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Townes introduced a bill for the relief of the heirs of Nelson Soules. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Potter introduced a bill concerning property conveyed to, and held by the Bishop of the Catholic Church in trust for charitable purposes. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Walker introduced a bill to prohibit the Commissioner of the General Land Office, from issuing patents on certain surveys. Read 1st and 2nd times and referred to the committee on Public Lands.

On motion of Mr. Hart, Mr. Sims was added to the committee on Claims and Accounts.

On motion of Mr. Guinn, the resolution adopted yesterday to print 200 copies in the German language, of the reports of the Deaf and Dumb, Blind and Lunatic Asylums, was reconsidered.
Mr. Guinn moved to strike out 200, and insert 100 copies. Carried, and resolution adopted.

Mr. Schleicher offered the following resolution:

Resolved, That the committee on Printing, be instructed to receive bids for the translation and printing of the German documents which have been ordered by the Senate, and that they contract for such work under the provisions of the new law regulating Public Printing. Read and referred to the committee on Printing.

On motion of Mr. Potter, Mr. Schleicher was added to the committee on Public Printing.

Mr. Erath offered the following resolution:

Resolved, That the committee on Public Lands, enquire into the expediency of relieving persons who have surveys heretofore made not in a square, and report by bill or otherwise. Adopted.

Mr. Potter offered the following resolution:

Resolved, That the committee on Printing, &c., have printed for the use of the Senate "four hundred additional copies of the census returns of the State." Adopted.

Mr. Duggan offered the following resolution:

Resolved, That the committee on the Judiciary, be requested to enquire into the propriety of the passage of a law, compelling the county from which a change of venue in criminal cases may have been made, to pay to the county or counties, to which such change may be made, all cost incurred by the county or counties to which the change of venue may be made, and that they report by bill or otherwise. Adopted.

Mr. Rainey introduced a bill to change the time of holding the District courts of Houston, Cherokee and Anderson counties. Read 1st and 2nd times and referred to the committee on the Judiciary.

On motion of Mr. Britton, the Senate resolved itself into a committee of the whole, on a bill to provide for the protection of the frontier. After some time spent in the consideration of the bill, the committee arose reported progress and asked leave to sit again.

On motion of Mr. Britton, the Senate adjourned till 10 o'clock A. M., Monday.

MONDAY, NOVEMBER 28TH, 1852.

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

The journal of Saturday read and adopted.
Mr. Throckmorton presented the petition of Horatio V. Philpot. Referred to the committee on Private Land Claims.

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

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, approved November 14th, 1857.

A bill for the relief of Wiley Burns, the heirs of Robert McKinney, the heirs of Carmel Ramon, and the heirs of David Baker.

A bill to release Benjamin A. Campbell and James Ingram Nuner, minors, from the disabilities of minority.

A message was received from the House informing the Senate, that the House had passed a bill for the relief of Albert G. Walker, which originated in the Senate.

Mr. Throckmorton introduced a bill, to grant pre-emption privileges to the company conveying the United States overland mail, from Memphis and St. Louis, through Texas to San Francisco. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Potter introduced a bill, concerning party walls and division walls, fences and ditches, in common and otherwise. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Grimes introduced a bill for the relief of John Smith. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Hart introduced a bill to prevent certain animals therein named from running at large. Read 1st and 2nd times and referred to the committee on Stock and Stock Raising.

On motion of Mr. Britton, the Senate went into committee of the whole, upon a bill for the protection of the frontier. After spending some time in the consideration of the bill, the committee arose reported progress and asked leave to sit again.

On motion of Mr. Britton, the Senate adjourned until tomorrow 10 o'clock A. M.

Tuesday, November 29th, 1859.

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

The journal of yesterday was read and adopted.
Mr. Potter, chairman of the Judiciary committee, made the following report:

The Judiciary committee have considered a bill for the relief of the heirs of A. D. Duncan, deceased, and find that the object of the bill is to validate a headright certificate, issued to the heirs of Duncan, August 21st, 1853, by virtue of a decree of the District court of Red River county, and which was not presented to the commissioner of claims for registration and approval under the provisions of an act entitled an act to ascertain the legal claims for land and money against the State. The committee are of opinion that it was not generally thought necessary to present this class of certificates to the commissioner of claims for approval; and but few, if any, of them were so presented although they are within the latter of the act requiring such presentation and approval. The committee think that no injury can accrue to the State, by exempting this class of certificates out of the provisions of the above named act, as they were issued by the Supreme and District courts after a regular trial, and as there are a number of such certificates in the same condition as that provided for in the bill under consideration, the committee have concluded that it would be better to provide for all of them by a general act, and therefore direct me to report a substitute for the bill and recommend the adoption of the substitute, and its passage.

On motion of Mr. Guinn, the rule was suspended, the report taken up, and the substitute adopted. Read 2nd time and ordered to be engrossed.

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

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill appropriating ten thousand dollars or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice, as having been correctly enrolled, duly signed, and presented to the Governor for his approval.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following reports:

The committee on Private Land Claims, to which was referred a bill for the relief of Nelson Soules, beg leave to report that they find from the proof and vouchers, that an unconditional certificate for 640 acres of land, was issued to said Soules, by the board of Land Commissioners of Travis county, on the 21st of November, 1853, No. 143 3rd class, and that said certificate is still outstanding and unlocated, that it was placed in the hands of an agent by said heirs, who neglected to locate it or to inform
them of his failure so to do, until the time for presenting the same to the Court of Claims had expired. They therefore believe the said heirs are entitled to the relief sought in the bill, but as it is not in the form usually adopted in such cases, they beg leave to report a substitute bill, and recommend its passage.

The committee on Private Land Claims, to whom was referred the petition of the heirs of John Grogan, deceased, beg leave to report that they have examined the same, and find it in evidence, that John Grogan entered the army of Texas, on the 18th day of May, 1836, for during the war, and died in the service in August following, and that he was a married man. A majority of your committee are of opinion that in consideration of the uniform practice of the State and late Republic of Texas in past years, to issue to the heirs of such deceased soldiers a bounty of 1920 acres of land on their application, and of the fact that the heirs of most of the deceased soldiers have obtained that quantity, it is right and proper that the petition of the heirs of said Grogan for bounty land should be granted, it being they believe in accordance with the construction placed upon the law of the late Republic and the State of Texas, by all the Secretaries of War and Adjutant Generals who have issued Bounty Land Certificates. Your committee further report that though the deceased soldier John Grogan, was a married man, there being no evidence that his family ever came to the country, they are of the opinion that his children are only entitled to one-third of a league of land as his headright. They therefore offer the accompanying bill and recommend its passage. Read 1st time.

Mr. Britton offered the following resolution:

Resolved, That a joint committee of two from the Senate, and three from the House, be constituted and appointed a committee on Public Grounds and Public Buildings. Adopted.

Majors Britton, ——— and Townes, were appointed said committee on the part of the Senate.

A message was received from the House informing the Senate, that the House had appointed Majors Navarro, Taylor, Robinson, Redwine and Wrede, a committee on the part of House on the Senate's resolution, asking the appointment of a joint committee to inquire into the expediency of granting further time to the colonists of Castro's colony, to prove their claims for headrights. And had passed the following bills:

A bill for the relief of purchasers of University lands.

A bill for the relief of Hannah C. Buckner.

A bill supplementary to an act appropriating one hundred and ten thousand dollars, or so much thereof as may be necessary for
the mileage and per diem pay of the members and the per diem pay of the officers of the eighth Legislature.

On motion of Mr. Throckmorton, a bill for the relief of purchasers of University lands was taken up, read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Hart offered the following resolution:

Resolved, That the committee on Finance be instructed to enquire into the propriety of reducing and regulating the pay of officers of both branches of the Legislature, and also of the clerks of the different departments of the State Government, and report by bill or otherwise. Adopted.

Mr. Whaley offered the following resolution:

Resolved, That the committee on printing be instructed to inquire into the expediency of passing a law requiring the advertising of sheriff's and other sales required by law, in the newspaper of the county or district in which it is published, and report by bill or otherwise. Adopted.

Mr. Seabrook introduced the following bills:

A bill for the benefit of the heirs of Tomas Sanchez, and a bill for the benefit of Jose Sanchez, a minor, which were severally read 1st and 2nd times and referred to the committee on the Judiciary.

Messrs. Grimes and Hyde, from the committee on Private Land Claims, made the following report:

The undersigned minority of the committee on Private Land Claims beg leave to dissent from the majority, on a bill for the relief of the heirs of John Grogan, and say that the law under the facts of the case proven and stated in the report of the majority, shows conclusively to the minds of the minority, that the applicants are only entitled to 960 acres of bounty land, instead of 1920 acres. We think, taking all the laws together and to give them the proper construction, that the heirs are entitled to 640 acres for John Grogan dying in the service, and 320 acres for the service of three months to wit: from the 18th of May, to 21st of August, 1836, as stated in the report. The minority refer the Senate to the land law passed on the 4th of December, 1837, and all other acts that have any bearing upon bounties, and hope the Senate will decide what is the true construction and what ought to be the amount of land granted in such cases.

All of which is respectfully submitted.

The following message was received from the Governor:
EXECUTIVE OFFICE,  
AUSTIN, Nov. 28th, 1859

Gentlemen of the Senate and  
House of Representatives:

In the hurry of preparation incident to the meeting of the Legislature, I necessarily omitted any specific suggestions in regard to the three charitable institutions, located in the immediate vicinity of this place. I deem the subject of sufficient importance to do so at this time in view of their present condition, and that of the State to supply their present and future wants, for which there is no ready means at command nor likely to be hereafter from existing sources of revenue. An act making an appropriation of fifty thousand dollars for the support and direction of a Lunatic Asylum, was approved August 28th, 1858, by authority of which a contract for its construction has been let covering the appropriation, but according to the plan of the building adopted by the preceding administration, there will be required not less than four or five times that amount for its final completion. With the appropriation of the last session an institution for the blind has been erected, and is now occupied as such, but with a very moderate increase of the number of pupils the next year, additional room will be required for their accommodation.

The Deaf and Dumb, continue to occupy the buildings on the site purchased by authority of the act approved 26th August, 1856. These buildings are but temporary and must soon be replaced by others of a more substantial character and better fitting the purposes of the institution. By act of 30th August, 1856, there was set apart one hundred thousand acres of land for the benefit of the Lunatic Asylum, and a like amount for the Deaf and Dumb and Blind institutions. The current annual expenses of these institutions alone, after they shall have been completed and put in successful operation, will in a very few years involve a charge on the State, varying perhaps from twenty to fifty thousand dollars, if not otherwise provided for. I therefore recommend an additional appropriation of land for each of these objects, which in addition to that already appropriated, will insure an ample fund for all the purposes of construction and the investment of the remainder, a sufficient interest to cover their ordinary annual expenses hereafter. The more valuable portion of the public domain is fast passing away, and it is surely the part of good policy, to appropriate whatever may be required to these useful objects, which if left unprovided for, must eventually be supplied from the ordinary sources of revenue. The lands
belonging to these institutions have been located for several years, and if judicious selections have been made, it is presumed may be sold in sufficient quantities and on fair terms within the next two years, by which means may be raised to further the construction of the necessary buildings, and eventually carry out the objects intended. That of the Lunatic Asylum, is in my judgment an undertaking of such magnitude as to make this or some similar measure absolutely necessary at this time, if it is intended ever to perfect the present plan and give the unfortunate of our State the full benefits of its usefulness. The interests of the institution can not suffer by the sale of a part or even the whole of the lands set apart to it especially, if sufficient provision be made to meet future contingencies.

H. R. RUNNELS.

Which, on motion of Mr. Britton, was referred to the committee on Education.

Mr. Guinn, from the committee on Private Land Claims, made the following report:

The committee on Private Land Claims, to whom was referred the petition of E. McLean for relief, have considered it and find from the proof that the relief ought to be granted, and have instructed me to report the accompanying bill for his relief and ask that it pass. A bill for the relief of Ephraim McLean. Read 1st time.

ORDERS OF THE DAY.

A bill amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay, Railroad and Lumber Company. Read 2d time.

Mr. Potter offered the following amendment:

Insert the following as section four:

"Section 4. Said company shall have the right and is hereby required to connect its railway with the railway of the Galveston, Houston and Henderson Railroad Company, so that locomotives cars and trains can conveniently and at all times pass from one of said railways to the other; which connection shall be made and completed within six months from the completion of the Railway of the Texas and New Orleans Railroad company, between the city of Houston and the Trinity River; and shall be within the corporate limits of the city of Houston; and for the purpose of forming and continuing such connection, said Texas and New Orleans Railroad company is hereby authorized and empowered to construct, own, maintain and operate its said Railway in and over any street or streets or public highway in said city of Houston, which may be necessary or convenient for the ac-
complishment of said object, said company being required to so
construct said road as not to improperly or unnecessarily obstruct
or incommode such street or highways for use as common public
highways."

Mr. Gentry offered the following amendment to the amendment
of Mr. Potter:

"Provided the Galveston, Houston and Henderson Railway
company and all other railroad companies, be authorized and re-
quired to connect with the Texas and New Orleans Railroad com-
pany's Railroad and be required to pay one-half the expense of
making each of said connections through the city of Houston."

On motion of Mr. Hebert, the bill and amendments was re-
ferred to the committee on Internal Improvements.

On motion of Mr. Stockdale, the resolution of the House to go
into the election of U. S. Senator be taken from the table.

Mr. Stockdale moved to strike out Friday and insert "to-mor-
row the 30th inst., at 12 o'clock M." Carried.

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

A bill to incorporate the Air-line Railroad Company. Read
2d time, amendments adopted, and on motion of Mr. Herbert
laid on the table.

Report of the Judiciary committee on a bill to repeal the sixth
section of an act entitled an act concerning the proceedings in
the Supreme Court, approved February 11th, 1859.

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

A bill to amend the 4th section of the act May 12th, 1846,
etitled an act to regulate the license and practice of Attorneys
and Counsellors at Law. Read 2nd time and ordered to be en-
grossed.

A bill for the relief of Joseph Turner. Read 2nd time and
ordered to be engrossed.

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

A bill to amend the sixth and seventh sections of an act enti-
tled an act regulating sequestrations, approved 15th March, 1848.
Read 2nd time and ordered to be engrossed.

Mr. Britton introduced a bill for the better protection of Stock
and Stock raisers. Read 1st and 2nd times and referred to the
committee on Stock and Stock Raising.

A bill for the relief of Lewis David. Read 3rd time and
passed.

A bill for the relief of James Herndon. Read 3rd time and
passed.
A bill for the relief of Wiley Burns, the heirs of Robert M. McKinney, the heirs of Carmel Ramon, and the heirs of David Barlow. Read 3rd time and passed.
A bill to release Benjamin A. Campbell and James Ingram Numer from the disabilities of minority.
Mr. Potter moved to add by adding the name of "Francis Lewis of Galveston." Carried; bill read 3rd time and passed.
On motion of Mr. Herbert, the Senate adjourned until 10 o'clock, A.M., to-morrow.

WEDNESDAY, November 30th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.
The journal of yesterday was read and adopted.
Mr. Duggan presented the petition of J. W. Vickory, for relief. Referred to the committee on Claims and Accounts.
Mr. Townes presented the petition of James Rogers, for money. Referred to the committee on Claims and Accounts.
Mr. Walker presented the petition of E. S. Terrell for relief. Referred to the committee on Private Land Claims.
Mr. Throckmorton presented the petition of W. P. Tindall for land. Referred to the committee on Private Land Claims.
Mr. Herbert, chairman of the committee on Roads, Bridges and Ferries, to whom was referred the petition of Mrs. Sarah C. Cockrell, reported the accompanying bill and recommended its passage.
A bill to incorporate the Dallas Bridge Company. Read 1st time.
Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of William Kelly, reported the bill back and recommended its passage.
Mr. Hyde, chairman of the committee on Private Land Claims, made the following report:
The committee on Private Land Claims, to whom was referred a bill for the relief of Jacob Laux, have had the same under consideration, and instruct me to report the accompanying bill as a substitute, and recommend its passage.
Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the House bill for the relief of Joseph Thompson, reported the bill back and recommended its passage.
Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the House bill, for the relief of George W.
Goodwin, reported, the same back and recommended its passage.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, beg leave to report: That a bill for the relief of Albert G. Walker, has been properly enrolled, duly signed and was this day presented to the Governor.

Mr. Walker, chairman of the committee on Public Lands, to whom was referred a bill, to provide for the record of certain field notes, reported that the committee had the same under consideration, and are decidedly of the opinion that the bill ought not to pass, for divers good and sufficient causes, to them most strongly and urgently moving. They say that it is not only "a little stealing" arrangement, but that it is filled from beginning to end with snakes, pitifully sores &c. &c. The undersigned would further state that he differs, very widely from the committee in the conclusions to which they came, for he is decidedly of the opinion that the bill is proper, meritorious and right, and ought to pass.

All of which is respectfully submitted.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill for the preliminary survey for a canal from the Rio Grande to Corpus Christi, reported the same back and recommended its passage.

Mr. Wallace introduced a bill to remove the disqualification of interested witnesses, and to permit them notwithstanding such interest to testify &c. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Throckmorton introduced a bill for the relief of W. P. Tindall. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Guinn introduced a bill, requiring the Commissioner of the General Land Office, to issue patents on surveys made on the school lands. Read 1st and 2nd times and referred to the committee on Education.

Mr. Britton introduced a bill to amend the several acts regulating juries in civil cases. Read 1st and 2nd times and referred to the committee on Education.

Mr. Parsons introduced a bill to amend the 6th section of an act to incorporate the town of Henderson in Rusk county, approved February 12th, 1852. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Wallace introduced a bill authorizing the Executor or Administrator of a person whose death is caused by a wrongful
act, &c., to institute suit, &c. Read 1st and 2nd times and referred to the committee on the Judiciary.

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

A joint Resolution for the relief of four clerks in the Comptroller's Office.

A bill to incorporate the Texas Masonic Institute.

A bill to legalize the unconditional certificate of John Jordan.

A bill for the relief of A. Spain Summerlin.

A bill for the relief of A. H. Booth.

A bill for the relief of Chester B. Sparks.

A bill for the relief of Michael K. Hammond.

A bill empowering the County court of Galveston county to regulate and restrain the running at large of hogs in said county.

A bill to amend the 4th section of an act allowing discounts and set-offs, passed 5th February, 1840, "Oldham & White's Digest article 360."

And a bill originating in the Senate, to empower the Mayor, Aldermen and inhabitants of the city of Galveston, to issue bonds for the construction of a bridge from the island of Galveston to the main land, in aid of the Galveston, Houston and Henderson Railroad, and to validate the bonds by them issued or to be issued for such purpose, and to impose a special tax to pay the interest on said bonds and to provide a fund to meet said bonds when due.

Also that the House had adopted a resolution to go into the election of U. S. Senator at 11 o'clock A. M., on Monday the 5th, December.

Which resolution on motion of Mr. Parsons, was taken up, and concurred in.

Mr. Townes moved to take from the table a bill, to incorporate the Alt-Shell Railroad Company. Carried; read 2nd time.

Mr. Townes offered the following amendment:

At end of 1st section, add "and provided that the commissioners hereby named, shall not by virtue of the provisions of this act acquire any right or interest in and to the franchise thereby granted, but shall have no other right or power than to carry out the trusts hereby conferred upon them to organize said company in accordance with the provisions of this charter." Adopted, and bill ordered to be engrossed by the following vote:

NAYS—Messrs. Chambers, Duggan, Grimes, Guinn, Herbert, Hart, Potter, Quinan and Sims—8.

Mr.Fall, chairman on Engrossed Bills, reported the following bills correctly engrossed:

A Bill to amend the sixth and seventh sections of an act entitled an act regulating sequestrations, approved March 15th, 1845.

A bill to amend the fourth section of an act of May 12th, 1845, entitled an act to regulate the license and practice of Attorneys and Counsellors at law.

A bill for the relief of Joseph Turner.

Mr. Hyde introduced the following bills:

A bill amendatory of an act concerning irrigable property.

A bill authorizing the holding of special terms of the District court of the Eleventh Judicial District for the trial of criminal cases: which was read 1st and 2nd times and severally referred to the Committee on the Judiciary.

On motion of Mr. Herbert, the Senate adjourned until 10 o'clock A.M., to-morrow.

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THURSDAY, December 1st, 1859.

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

The journal of yesterday was read and adopted.

Mr. Throckmorton presented the petition of sundry citizens of Dallas county, in relation to a bridge across Trinity River. Referred to the committee on Roads, Bridges and Ferries.

Mr. Harman presented the petition of C. Dillingham for land. Referred to the committee on Private Land Claims.

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

The committee on Claims and Accounts, to whom was referred the petition of Ignacio Perez, have considered it. The committee find by the certificate of Lieutenant Col. Seguin, that he as commanding officer of the 1st regiment of permanent cavalry of the army of Texas, by order of President Houston, took from the stock of James Perez, 256 beeves and forwarded them to the Texas army on the 10th of March, 1837. And by a certificate of the same officer dated same day, he states that the garrison at San Antonio under his command, used 133 beeves out of the stock of Ignacio Perez, making in all 389 beeves. The certificates of Col. Seguin, were sustained by the affidavits of two good
Mexicans, stating under oath that the beeces were taken and used by the army, and that the certificates were genuine, they also proved that the beeces were worth $8.60 a head at that time. The Comptroller's certificate shows that if the claim had been recited for by a Quarter Master of company Officer, that the claim would have been Audited by that Board. The committee have instructed me to report the facts to the Senate, and the accompanying bill without expressing an opinion as to the policy of passing the bill. Bill read 1st time.

The committee on Claims and Accounts, to whom was referred the claim of William Oldham, have maturely considered the same, and I am requested by the committee to report the petition back to the Senate, and that the relief prayed for in said petition be not granted, for the same reasons contained in the report of the committee on Claims and Accounts at the last session, to be found on pages 82 and 83 of the journals of the Senate. The present committee unanimously concur in the report made at the last session, to which reference is just made.

Mr. Paschal, chairman of the Joint Committee, to whom was referred the resolution originating in the Senate, instructing your committee to enquire into the expediency of granting further time to the colonists of Castro's colony, to perfect their titles and to report by bill or otherwise, made the following report:

The committee have duly considered the same, and have instructed me to report the accompanying bill, and recommend its passage.

The facts that have induced the committee to recommend the passage of the bill are these: Henry Castro entered into a contract with the Republic of Texas, to introduce and colonize in the colony a certain number of families, who were to receive a headright of 640 acres for every head of a family, and 320 acres for each single man, and the Emperorsio was to receive the usual premium lands. On the 22nd of January, 1850, an act of the Legislature was passed to perfect the titles in this colony. By virtue of this act the Emperorsio proceeded to make proofs of the number of colonists introduced, to wit:

Heads of families and single men, equivalent to 600 families. The registry of these colonists is to be found in the State Department, and the General Land Office. Within the time allowed by law many of the colonists came forward, made the required proof and received their Headrights. The Emperorsio also received the premium sections to which he was entitled, by an act of the Legislature passed February 10th, 1854, the time for the colonists to make proof of their claims was extended to 1st
March, 1855, and Trowbridge Ward was appointed commissioner to receive the proofs and to issue certificates. Some five months before the expiration of the time he abandoned the country, and thus prevented the colonists from proving up their claims. The object of the present bill is to extend to these colonists the five months time which was then lost by reason of the commissioner having abandoned the country. This seems to the committee to be just. The bill also provides that the Empresario shall have one month in which to make proof of the colonists introduced by him, who fail to appear in person to claim their lands. This is that he may receive the portion of the land to which he may be entitled by virtue of contracts with the colonists, in accordance with the original contract with the Government. It is also necessary, to make a final settlement for all claims to land in the colony. The bill is properly guarded to protect the rights of the State. No proof can be made of the introduction of any colonist whose name does not appear in the register in the office of the Secretary of State, and for which the Empresario has already received premium lands. No certificate can be issued to the Empresario, upon his contract with the colonists until the time has expired for the colonists to appear, and then only upon full proof that the colonists were introduced by the Empresario, and satisfactory proof that the Empresario actually had a contract with the colonists for one-half his land. The bill also provides that in case the colonist does not appear, the other half shall be forfeited to the State. The parties are restricted to the limits of the colony for the selection of their lands, and when we reflect that all but the refuse lands of this colony, have been surveyed, it is believed from the foregoing that the State is in no danger from frauds, and that very little will be lost in value to the State to finally settle this evident claim of justice.

A bill to perfect land claims of colonists in Castro's colony and for the final settlement of all classes of claims for said colony. Read 1st time.

Mr. Throckmorton, from the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill originating in the committee for the creation of the 20th judicial district, together with a substitute for the same, have again considered the subject.

The committee can see no reason why the bill as previously reported should not be passed. The undersigned has been instructed to report the bill back to the Senate, and to recommend its passage.
Mr. Potter, chairman of the committee on the Judiciary, reported a bill to amend the 6th section of an act entitled an act to incorporate the town of Henderson in Rusk county, approved February 12th, 1852, back to the Senate, and recommened its passage.

On motion of Mr. Patson, the bill was taken up; read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

Mr. Dugan introduced a bill to punish an attempt to commit burglary. Read 1st and 2nd times and referred to committee on the Judiciary.

A message was received from the House, that the House had passed a bill, granting 320 acres of land each to George Eberly Henry, Mary Eliza Henry and Julia Pierce Henry.

Mr. Britton introduced a bill to set aside 25 leagues of land for an Agricultural College. Read 1st and 2nd times and referred to committee on Education.

Mr. Throckmorton introduced a bill for the relief of Ingram Mudget. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Martin introduced a bill to encourage the boring of Artesian Wells, in the counties of Hill, Navarro, Freestone and Limestone. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Pitts introduced a bill to incorporate the Sabine and Nacogdoches River Insurance Company. Read 1st and 2nd times and referred to committee on the Judiciary.

Mr. Martin introduced a bill authorizing and requiring the county courts of the several counties in this State, to lay off their respective counties into Commissioners districts, and to provide for the election of County Commissioners therein. Read 1st and 2nd times and referred to committee on the Judiciary.

Mr. Fall, chairman of the committee on Engrossed Bills, reported correctly engrossed, a bill to incorporate the Air-line Railroad Company.

Mr. Loft moved to reconsider the vote which ordered the engrossment of the bill on yesterday. Lost.

On motion of Mr. Guinn, a Joint Resolution from the House for the relief of four clerks in the Comptroller's office was taken up; read 1st time; on motion rule suspended, read 2nd time and passed to a 3rd reading. Rule further suspended, bill read 3rd time and passed.

ORDERS OF THE DAY.

A bill to amend the 5th, 8th and 9th sections of an act to au-
Mr. Throckmorton offered the following amendment:

Sec. 2. That all alternate railroad sections of land, or fractional sections or fractions of land, either within or without railroad reservations, be and the same are hereby permitted to be taken up under the provisions of this act at the price of 75 cents per acre; provided that where such sections or fractional sections of land have been surveyed, the parties taking the same shall not be required to resurvey the same, but shall be required to designate with the surveyor of the land district in which such land is situated, a description of the same, which shall be forwarded to the General Land Office, and patent shall issue upon the survey made by the Railroad Company, making such survey after payment of 75 cents per acre for such land; and provided where an unsurveyed fraction of land is taken up, then the party shall make a survey as in other cases.

Mr. Potter moved to strike out "75" and insert $1.25.

Mr. Throckmorton moved to refer the bill and amendments to the committee on Public Lands, which motion was lost by the following vote:

Yea—Messrs. Britton, Chambers, Erath, Grimes, Harman, Parsons, Pitts, Scarborough, Schleicher, Throckmorton, Walker, and Whaley—12


The question recurring upon the adoption of Mr. Potter's amendment, Mr. Throckmorton called for a division of the question.

On motion of Mr. Hart, the amendments were laid on the table by the following vote:


Mr. Potter moved to amend the bill by striking out 50 cents and inserting $1.00, and allowing two years, time to pay for the same.

Mr. Rainey moved to allow five years.

Mr. Hart moved to lay the amendment on the table, which was carried by the following vote:


Mr. Paschal moved to lay the bill on the table, upon which the yeas and nays were called and stood as follows:

YEAS—Messrs. Duggan, Gentry, Grimes, Herbert, Hyde, Paschal, Pitts, Potter, Quinan, Rains, Schleicher, Shepard, Stockdale and Wigfall—14.


So the motion was lost.

Mr. Throckmorton offered the following amendment:

"That the alternate sections of land belonging to the State, within the Memphis and El Paso and Pacific Railroad reservation, may be entered at $1.25 cents per acre."

Mr. Quinan offered the following amendment:

Sec. That all sums of money received under the provisions of this act from pre-emption settlers, in payment of their lands, shall be paid to the Treasurer of the counties in which the pre-emption are made and constitute a fund for the protection of the frontier, and the pay of minute men or otherwise to be disbursed in such manner as may be prescribed by law.

Sec. That payments shall be made by pre-emption settlers for the lands settled by them in equal annual installments of one, two and three years from the date of the filing of their pre-emption claims.

On motion of Mr. Potter, the bill and amendments were referred to the committee on Public Lands by the following vote:


NAYS—Messrs. Dickinson, Fall, Hart, Hyde, Lott, Martin, Parsons, Pitts, Rainey, Sims, Throckmorton and Wallace—17.

On motion of Mr. Guinn, Mr. Hyde was added to the committee on apportionment.

A bill to incorporate the Air-line Railroad Company.
motion of Mr. Quinn, was made the special order for Tuesday the 6th December, inst.
A bill for the relief of Ephraim McLean. Read 2nd time, and on motion of Mr. Quinn, laid on the table.
The following bills were severally read 3rd time and passed:
A bill to amend the 6th and 7th sections of an act entitled an act regulating sequestrations, approved March 15th, 1848.
A bill to amend the 4th section of the act of May 12th, 1846, entitled an act to regulate the license and practice of Attorneys and Counsellors at law.
Report of the Judiciary committee, on a bill for the relief of the heirs of A. D. Duncan, offering a substitute. Read, substitute adopted and ordered to be engrossed.
Reports of majority and minority of the committee on Private Land Claims, on the petition of the heirs of John Grogan, presenting a bill for their relief. Bill read 2nd time.
Mr. Quinn moved to strike out "192 acres" and insert "960 acres." Lost.
Mr. Quinn moved to strike out the headright certificate for "one-third of a league" upon which the yea and nay were called and stood as follows:
NAYS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Herbert, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Quinn, Rains, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Wallace and Whaley—24.
The bill was then ordered to be engrossed.
On motion of Mr. Martin, the Senate adjourned until 10 o'clock, A. M., to-morrow.

Friday, December 2nd, 1859.

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 incorporate the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston.
Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:
A bill to validate Headright Certificates, issued by the Su-