prem and District courts, and to authorize the issuance of patents thereon.
A bill to amend the sixth section of an act entitled an act to incorporate the town of Henderson in Rusk county, approved February 12th, 1852.
A bill for the relief of the heirs of John Grogan.
Mr. Throckmorton, chairman of the joint committee on the Court of Claims, made the following report:

The joint committee on the Court of Claims, to whom was referred a resolution of the Senate, and one from the House, requiring the committee to consider and report a bill to provide for patenting genuine certificates not presented to the Court of Claims for approval and registry within the time prescribed by law. And also to provide for the issuance of duplicate and unlocated balance certificates, have with much care and attention considered the same. The committee find quite a number of headright certificates did not reach the Court of Claims, before the expiration of the law, and when the same are good there can be no reason why they should not be patented. The bill here-with reported provides that the Commissioners of the General Land Office, shall be required to patent all headrights, when from the evidence in his office he finds the same to be genuine and valid. It leaves bounty claims and donation warrants to be approved by the Comptroller or Court of Claims, and transfers to the Commissioner of the General Land Office, the duty of issuing duplicate headright and unlocated balance certificates.

It is absolutely necessary for the protection of the rights of parties, and for the speedy settlement of such rights, that the bill reported should be passed. The committee would recommend early action on the bill.

A bill to provide for patenting headright certificates not presented to the Court of Claims, for approval within the time prescribed by law, and for issuing duplicate headrights and unlocated balance certificates. Read 1st time.

On motion of Throckmorton, rule suspended, read 2nd time and ordered to be engrossed. Rule further suspended, and on motion of Mr. Potter, made the special order for Monday the 5th inst.

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 the heirs of Nelson Souls, beg leave to report that they find from the proof and vouchers, that an unconditional certificate for 640 acres of land was issued to the heirs of
said Soules, by the Board of Land Commissioners for Travis county, on the 21st of November, 1853, No. 143 3rd class, and that said certificate is still outstanding and unlocated, that it was passed into 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 by the Senate.

On motion of Mr. Guinn, the bill was laid on the table.

On motion of Mr. Parsons, Mr. Townes was added to the committee on Apportionment.

Mr. Erath introduced a bill to incorporate the Salado College in Bell county. Read 1st and 2nd times and referred to the committee on Education.

Mr. Britton moved that the Senate go into committee of the whole, on the bill for the protection of the frontier, which was lost by the following vote:


**Nays**—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Hart, Parsons, Pitts, Rains, Rainey, Shepard, Sims, Wallace and Whaley—15.

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

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**Saturday, December 3rd, 1859.**

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

The journal of yesterday was read and adopted.

Mr. Schleicher presented the petition of salutary citizens of Uvalde county. Referred to the committee on Counties and County Boundaries.

Mr. Throckmorton presented the petition of the County court of Collin county. Referred to the committee on Counties and County Boundaries.

Mr. Stockdale, chairman of the committee on Enrolled 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, 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 and bonds due.

And a joint resolution for the relief of four clerks in the Comptroller's office, correctly enrolled, duly signed and this day presented to the Governor.

Mr. Walker, chairman of the committee on Public Lands, to whom was referred the resolution of the Senate, requiring the committee to inquire into the expediency of passing a law to relieve persons who have not had their land surveyed in a square, &c., reported the accompanying bill and recommended its passage.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys heretofore made, not in the form required by law. Read 1st time.

Mr. Townes introduced a bill, to incorporate Franklin College. Read 1st and 2nd times and referred to the committee on Education.

ORDERS OF THE DAY.

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 per diem pay of the officers of the 8th Legislature. Read 1st time; rule suspended, read 2nd time and passed to a 3rd reading. And on motion of Mr. Townes, rule further suspended, bill read 3rd time and passed.

A bill for the relief of George W. Gooch. Read 2nd time and passed to a 3rd reading.

On motion of Mr. Lott, rule suspended, bill read 3rd time and passed.

A bill empowering the County court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of hogs in said county. Read 1st and 2nd times and referred to the committee on Education.

The following bills were severally read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to incorporate the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston.

A bill to incorporate the Texas Masonic Institute.

A bill to legalize the unconditional Headright Certificate of John Jordan.

A bill for the relief of Chester B. Starke.

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

The following bills were severally read 1st and 2nd times and referred to the committee on Private Land Claims.

A bill for the relief of Matt Finett, deceased.
A bill for the relief of Alexander Puggerson.
A bill for the relief of the heirs of N. Spain Summerlin, deceased.
A bill for the relief of A. H. Booth.
A bill granting 320 acres of land each, to George Eberly Henry, Mary Eliza Henry and Julia Pierce Henry.
A bill for the relief of Michael K. Hammond. Read 1st and 2nd times and referred to the committee on Public Lands.

The report of the committee on Private Land Claims, on a bill for the relief of Jacob Laux, offering a substitute; substitute adopted and ordered to be engrossed.

A bill for the relief of Hannah C. Buckner. Read 1st time, rule suspended, read 2nd time and passed to a 3rd reading.

On motion of Mr. Gentry, the rule was further suspended, bill read 3rd time and referred to the committee on the Judiciary.

A bill for the relief of Joseph Thompson. Passed to a 3rd reading.

Mr. Walker, chairman of the committee on Public Lands, reported a bill, to encourage the boring of Artesian Wells in the counties of Hill, Navarro, Fredericks and Limestone, back to the Senate, and recommended its passage.

A bill to incorporate the Dallas Bridge Company. Read 2nd time.

Mr. Guinn moved to strike from the 1st section the words "ninety-nine" and insert the word "twenty." Carried.

Mr. Potter moved to strike from the third section the word "five" and insert "two."

Mr. Hart called for a division of the question, when "five" was stricken out. The question on filling the blank with "two" was then put and carried.

Mr. Guinn offered the following amendment:

"Provided nothing shall be so construed in this charter, that will authorize the party to erect a bridge across said stream that will obstruct the free navigation of said stream, to steam or keel or flat boat that may navigate the same." Adopted.

Mr. Stockdale offered the following amendment:

"Provided that the corporate privileges herein granted, shall not enure to the benefit of the corporators, until the County court of Dallas county, shall have had three months from the
passage of this act, to order a bridge to be erected across the Trinity river, at or near where this bridge crosses, and shall have failed for that time to order the erection of such bridge."

On motion of Mr. Walker, the bill and amendment was referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Potter, the vote postponing until Monday the 5th inst., the following bills was reconsidered.

A bill to provide for patenting Headright Certificates, not presented to the Court of Claims for approval, within the time prescribed by law, and for issuing duplicate and unlocated balance certificates. The bill was read 3rd time and passed.

A bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi Bay. Read 2nd time and ordered to be engrossed by the following vote:

YEAS—Messrs. Britton, Chambers, Duggan, Gentry, Hyde, Parsons, Paschal, Pitts, Potter, Quinan, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Whaley and Wagstaff—18.


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

TUESDAY, December 6th, 1859.

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

The journal of yesterday was read and adopted.

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

WEDNESDAY, December 7th, 1859.

Senate met pursuant to adjournment. Roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Throckmorton presented the petition of sundry citizens of Mercer's colony, asking that Mercer's colony certificates may be located upon any of the vacant lands of the State. Referred to the committee on Public Lands.

Mr. Guinn presented the petition of the Grand Jurors of Cherokee county. Referred to the committee on the Judiciary.
Also the petition of the Chief Justice and other citizens of Cherokee county, in reference to the tax laws. Referred to the committee on Finance.

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

Mr. Gentry presented the petition of sundry citizens of Austin, Harris and Grimes counties. Referred to the committee on Counties and County Boundaries.

Mr. Schleicher presented the petition of Andreas Manchaca. 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 for the relief of Stephen Kelly.

A bill providing for a preliminary survey, for a canal from the Rio Grande to Corpus Christi Bay.

A bill to provide for patenting Headright Certificates, not presented to the Court of Claims within the time prescribed by law, and for issuing duplicates and unlocated balance certificates.

And a bill for the relief of Jacob Laux.

Mr. Guinn introduced a bill, to provide payment for printing the proclamation of the Governor. Read 1st time.

On motion of Mr. Guinn, the rule was suspended, and bill ordered to be engrossed.

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

Mr. Parsons introduced a bill for the relief of the heirs of William J. Willis. Read 1st and 2nd times and referred to the committee on private Land Claims.

Mr. Daggan introduced a bill to regulate the election of the Superintendent of the Penitentiary. Read 1st and 2nd times and referred to the committee on the Penitentiary.

Mr. Throckmorton introduced a bill to permit Mercer's colony certificates, to be located upon any vacant public domain in the State. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Britton introduced a bill for the relief of H. L. Kinney. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Lott introduced a bill to incorporate the Starrville Mission University. Read 1st and 2nd times and referred to the committee on Education.

Mr. Throckmorton moved to take from the table the report of the Judiciary committee, offering a substitute for the several
bills referred to them in relation to the division of the 16th Judicial District. Carried.

Mr. Walker then moved to make it the special order for Monday the 19th inst. Lost.

Mr. Walker then moved to make it the special order for Monday the 12th inst, which motion was also lost.

The question then being on the adoption of the substitute was put, and the substitute adopted by the following vote:

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guin, Harman, Herbert, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes and Whaley—27.


Mr. Walker moved to strike out "Collin county" from the bill upon which the yeas and nays were called and stood thus:

YEAS—Messrs. Lott, Pitts, Rains and Walker—4.

NAYS—Messrs. Britton, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guin, Harman; Hart, Herbert, Hyde, Martin, Parsons, Paschal, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Wallace and Whaley—27.

The bill was then ordered to be engrossed.

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

ORDERS OF THE DAY.

A bill to incorporate the Air-line Railroad Company, being the special order.

Mr. Herbert moved to postpone the consideration of the bill until Monday the 12th inst. Lost.

The bill was then read 3rd time and passed by the following vote:


Mr. Potter introduced a bill to provide for a special election of a Senator in the eighth Senatorial district, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of Hon. Louis T. Wigfall. Read 1st time, rule suspended, read 2nd time and ordered to be engrossed.
On motion of Mr. Lott, the rule was further suspended, bill read 3rd time and passed.

Mr. Quinn: introduced a bill to amend the 8th section of the act of 5th February, 1840, concerning conveyances. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Quinn offered the following resolution:

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of consolidating the sessions of the Supreme Court, so that the same may be held only at Austin, and continue until the business before them is disposed of, and to report by bill or otherwise. Adopted.

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

THURSDAY, December 8th, 1859.

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

The journal of yesterday was read and adopted.

Mr. Quinn, 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 J. W. Vickery, asking for extra pay for distributing the Laws, Journals &c., of the 7th Legislature in the 2nd Congressional District, because the packages weighed more by 20 pounds than the advertisement stated in the paper letting out the contract.

The committee have examined the petition and the proof to sustain the same, and have come to the conclusion that under the 3rd section, Article 7th, general provisions State Constitution, they are prohibited from granting the relief prayed for by the petitioner. The committee would further state that they will not relieve any such cases, unless the facts show that the contract has been changed by the parties contracting, before the service has been rendered, or at least, when the contract is originally in writing, the change also must be in writing, it must appear by good proof that the change was made by the State, and for the benefit of the State, and for small changes when there is little difference in the labor they will not grant relief, although it may have cost the contractor more to have done the service to carry out the contract as changed. They think the State as well as other parties, ought to be held to the performance of the contract as made. I am therefore instructed to report the petition back and ask that the relief be not granted.
Mr. Lott, chairman of the committee on the Penitentiary, to whom was referred a bill to regulate the election of Superintendent of the Penitentiary, have maturely considered the same, the committee being equally divided after maturely considering the same, instruct me to return the bill for the consideration of the Senate.

Mr. Duggan, chairman of the committee on Counties and County Boundaries, to whom was referred the memorial of the County court of Collin county, upon examination of the same, find that the subject matter contained in said memorial does not properly belong to your committee, and have therefore instructed me to return the same back to the Senate, and ask to be discharged from the further consideration of the same.

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

The committee on Private Land Claims, to whom was referred a bill from the House, for the relief of Alexander Fuggerston, have considered the same, and find the said Fuggerston entitled to the relief sought for, and recommend the passage of the bill.

The committee on Private Land Claims, to whom was referred a bill for the relief of the heirs of William A. Wills, have had the same under consideration, and from the testimony before them, unanimously agreed that William A. Wills was at the time of his death, a citizen of the Republic of Texas, that he emigrated to Texas in the year 1833, that he died in the year 1839, that he did not leave the country in her difficulties with Mexico. And that his heirs are entitled to a certificate for one league and one labor of land. They have therefore instructed me to report said bill back to the Senate, and recommend its passage.

The committee on Private Land Claims, have considered the petition of James C. Dillingham, asking for a headright certificate for 320 acres of land, and find the proof complete, that he is entitled under the law to 320 acres of land, the committee have instructed me to report the accompanying bill.

A bill for the relief of James C. Dillingham. Read 1st time.

Mr. Townes, from the committee on Enrolled Bills, reported a bill for the relief of George W. Goodwin, and an act supplemental 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; correctly engrossed, duly signed and this day presented to the Governor.

Mr. Britton offered the following resolution:
R solved. That the use of the Senate Chamber be tendered to the committee of arrangements for the Inaugural Ball of the 21st inst., which was adopted by the following vote:

YEAS—Messrs. Britton, Erath, Fall, Gentry, Harman, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Quinnan, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Wallace and Whaley—20.


Mr. Schleicher introduced a bill ordering the return of certificates in Fisher's and Miller's colony. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Martin introduced a bill relinquishing nine-tenths of the State taxes to Hill county, collected in said county for the years 1859 and 1860. Read 1st and 2nd times and referred to the committee on Finance.

On motion of Mr. Parsons, the rule was suspended and a bill for the relief of the heirs of William J. Wills was taken up, read and ordered to be engrossed.

On motion of Mr. Britton, the Senate resolved itself into a committee of the whole, on a bill for the protection of the frontier by the following vote:

YEAS—Messrs. Britton, Dickinson, Erath, Fall, Gentry, Harman, Herbert, Hyde, Lott, Martin, Parsons, Pitts, Potter, Quinnan, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker and Whaley—21.


After some time spent therein, the committee arose and reported the bill to the Senate with the following amendments:


Amend 1st section. "In 12th district strike out "and" and add "and Blanco."

Amend 1st section. "In 13th district strike out "and" and add "and Bexar."

Amend 1st section. "In 11th district strike out "and" and add "and Travis."

Amend 8th section. "In 3rd line after the word "other" insert "usual and reasonable."

Amend 9th section. "In 1st line after "eighty-three men" insert "whenever the Governor may deem it necessary."

Amend 10th section. "In 2nd line after the word "have" insert "one captain."

Substitute for 13th section.
"That this force shall be raised in such manner as the Governor may direct from any portion of the State, and when mustered into service, shall take such position on the frontier as they shall be ordered by the Governor, and shall operate during the time they are in the service of the State under the Governor."

The bill was read by sections, and the amendments of the committee to the 1st section of the bill were adopted.

The second section having been read, Mr. Hart offered the following amendment:

"Amend 2nd section, by striking out "sixty-four and if" in first line and "or upwards" and insert the word "and" in second line, and strike out the word "two" in second line and insert the word "one," and strike out the word "four" wherever it occurs in the third line and insert "two" so that the three first lines of the second section will read as follows:

"SEC. 2. Said company shall consist of any number of men not exceeding thirty-two men, and shall be entitled to one Captain and one Lieutenant, to be elected by the members of said company, and two serjeants and two corporals to be appointed by the Captain." Lost by the following vote:

**Yea**—Messrs. Chambers, Dickison, Duggan, Fall, Grimes, Guinn, Hart, Pitts, Quinan, Rains, Sims and Wallace—12.


Mr. Guinn moved to postpone the further consideration of the bill until the second day of January, 1860, upon which the yeas and nays were called and stood thus:

**Yea**—Messrs. Chambers, Dickison, Duggan, Fall, Grimes, Guinn, Hart, Pitts, Rains, Sims and Wallace—11.


Mr. Shepard moved a reconsideration of the vote just taken, upon which the yeas and nays stood thus:

**Yea**—Messrs. Chambers, Duggan, Fall, Grimes, Guinn, Hart, Pitts, Rains, Rainey, Shepard, Sims and Wallace—12.

Mr. Rainey moved that the Senate adjourn until 10 o'clock, A. M., to-morrow, which was lost by the following vote:

_Yeas_—Messrs. Chambers, Dickinson, Duggan, Fall, Guinn, Hart, Martin, Parsons, Pitts, Potter, Rains, Rainey, Sims Stockdale and Whaley—15.


Mr. Stockdale offered a substitute for the bill.

Mr. Guinn moved to commit the bill and substitute to the committee on Indian Affairs.

Mr. Britton moved to lay that motion on the table, upon which a call of the Senate was had.

The Senate being full the motion to lay on the table was carried by the following vote:


_Nays_—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Hart, Parsons, Quinan, Rains, Rainey, Shepard and Sims—13.

The question being on the adoption of the substitute.

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


Friday, December 9th, 1859.

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

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to create the 20th Judicial District, and to define the times of holding courts therein, correctly engrossed.

Mr. Britton offered, he following resolution:

_Resolved_, That the Governor be and is hereby requested to communicate to the Senate, at as early a moment as possible, such information as he may have received from Capt. Ford, or other officers in relation to the position of affairs at Brownsville and its vicinity, provided such information would not be prejudicial to the public interest. Adopted.

Mr. Hart, from the committee on Public Lands, made the following report:
The committee on Public Lands, have instructed me to report the following as a substitute for a bill referred to this committee, in relation to the sale and settlement of the public domain, and to recommend its passage.

On motion of Mr. Walker, the rule was suspended, the report and substitute was taken up, and referred to the committee on Public Lands.

Mr. Throckmorton offered the following resolution:

Resolved, That the clerk appointed by the joint committee on the Court of Claims "be paid out of the contingent fund of the Senate's, at the rate of other officers of the Senate upon the certificate of the chairman of said committee for his services."

Adopted.

Mr. Wallace introduced the following bills, which were severally read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to amend the 34th section of an act to regulate proceedings in the District Courts, passed May 13th, 1846.

A bill validating the acts of Agents, done within the scope of their authority, or within the limits of their agency, after the death of the principal, and before notice of such death has reached said Agents.

A bill authorizing a creditor to bring suit against his debtors in the county where such debt has been contracted, when the debtor after contracting such debt removes from said last mentioned county to some other county within the limits of this State.

Mr. Throckmorton introduced a bill to provide for the appointment of Agents, to receive the money due for the sale of the University Lands. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Paschal introduced a bill to define the homestead. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Stockdale introduced a bill to incorporate Gulf Coast Fair Association, located at Victoria. Read 1st and 2nd times and referred to the committee on Agriculture.

Mr. Walker introduced the following joint resolution:

Resolved, By the Legislature of the State of Texas, That Governor Wise of Virginia, and President Buchanan, are entitled to the lasting gratitude and respect of the friends of the Federal Constitution and Union, for their prompt and energetic action in suppressing the recent outrage at Harpers Ferry, for capturing and bringing to justice and deserved punishment, John Brown and other insurgents.

8-S
Resolved, That the State of Texas, will stand by her sister States of the South, in the maintenance of their institutions, against all Abolitionists, Insurrectionists and Traitors, and in the preservation of the rights and powers reserved to the States. Read 1st and 2nd times and referred to the committee on State Affairs.

A message was received from the House informing the Senate, that the House had passed a bill originating in the Senate, to provide for the special election of a Senator, in the 8th Senatorial District, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of Hon. Louis T. Wigfall, with an amendment.

On motion of Mr. Potter, the Bill was taken up, and the amendment of the House concurred in.

ORDERS OF THE DAY.

The question before the Senate at its adjournment on yesterday, being the adoption of the substitute offered by Mr. Stockdale, for the bill for the protection of the frontier, the substitute was lost by the following vote:

Yeas—Messrs. Britton, Chambers, Dickinson, Duggan, Lott, Parsons, Pitts, Potter Quinan, Shepard, Stockdale and Wallace—12.


The amendments to the ninth, tenth, and thirteenth sections of the bill were adopted. The yeas and nays were called on the adoption of the amendment to the eighth section of the bill and stood thus:


Mr. Parsons offered the following amendment:

After the word "each" in second line section 1, add "provided in the opinion of the Governor, such minute men be necessary for the protection of the frontier."

The following message was received from the Governor:
EXECUTIVE OFFICE,
AUSTIN, December 9th, 1839.

Hon. F. R. Lubbock,
President Senate:

In compliance with a resolution of the Senate of this date, I herewith inclose a communication of Capt. John S. Ford, and the printed pronouncement of Cortinas accompanying it, received by express on yesterday.

H. R. RUNNELS.

On motion of Mr. Britton, the communication was laid on the table. And on motion of Lott, the Senate adjourned until 10 o'clock, to-morrow morning.

SATURDAY, December 10th, 1839.

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

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed bills, reported a bill for the relief of the heirs of William J. Wills, correctly engrossed.

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

The committee on Finance, to whom was referred a bill relinquishing the State taxes to the county of Hill, have considered the same, and have instructed me to offer a substitute for said bill and recommend its passage.

Mr. Duggan, chairman of the committee on County and County Boundaries, made the following report:

The committee on County and County Boundaries, to whom was referred the petition of the citizens of Uvalde county, have had the same under consideration, and are of the opinion that justice demands that the prayer of the petitioner should be granted. And have instructed me to report the accompanying bill and recommend its passage.

A bill to change and adjust the Western boundary lines of the counties of Uvalde and Dawson, and the Eastern boundary line of the county of Kinney. Read 1st time.

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 James Rodgers, have considered it, and instructed me to report the same back, and ask that the relief be
not granted. They have instructed me to say that they think it would be bad policy at this late date, to depart from what is the policy of the State, in relation to the Texas promissory notes. And to relieve Mr. Rogers, they must relieve others in the same situation, and they think it would cost the State a huge sum of money and but a small part of it would go to parties meritoriuous.

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

The committee on Finance, have instructed me to return to the Senate, the joint resolution authorizing the Governor to appoint some suitable person to take charge of the Library, and recommend that it be referred to the committee on the Capitol and Capitol Grounds.

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

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

The committee on the Judiciary, to whom was referred a bill to amend the 34th section of an act to regulate the proceedings in District court, passed May 13th, 1846, have considered the same and a majority of the committee have instructed me to report it back and recommend its passage.

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

The committee on Public Lands, have considered the bill ordering the return of certificates in Fisher's and Miller's colony, have considered the same, and instructed me to return it to the Senate and recommend its passage.

Mr. Britton offered the following resolution:

Resolved, That the Treasurer of the State, be and is hereby authorized to pay the sum of $75 00, out of the contingent fund to David Sloss, for expenses incurred while on express from Capt. Ford to the Governor of the State, during the month of December, 1839. Adopted by the following vote:


Nays—Messrs. Chambers, Duggan, Grimes, Quinna, Hart, Martin, Quinan, Rains, Rainey, Sims, Walker and Whaley—12.

Mr. Quinna, chairman of the committee on Education, to whom was referred a bill empowering the County court of the county of Calhoun, in the State of Texas, to regulate and restrain the run-
ing at large of hogs in said county, reported the bill back to the Senate for its consideration.

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

A bill to amend the act to incorporate the city of San Antonio, approved July 17th, 1839.

A bill for the relief of Mary Elam.

A bill to repeal an act creating a system of Bankruptcy, and regulating the collection of Foreign Debts.

A bill to relieve Jackson L. Leonard from the disabilities of minority, and permit him to practice law.

A bill regulating public sales in the county of Bastrop.

A bill to regulate Factors and Warehousemen.

A bill to repeal the 17th section of an act to regulate Railroad Companies, approved February 7th, 1859.

A bill from the Senate to provide for patenting Headright Certificates, not presented to the Court of Claims for approval, within the time prescribed by law, and for issuing duplicate and unlocated balance certificates, with amendments. And the following resolution:

Resolved, (The Senate concurring) that a committee of three on the part of the House and two on the part of the Senate, be appointed to make arrangements for the Inauguration of the Governor and Lieut. Governor elect, on the twenty-first of December instant, and that they be instructed to report on or before the 17th inst., and that Messrs. Navarro, Baxter and Maxey were appointed the committee on the part of the House, which was concurred in by the Senate, and Messrs. Schleicher and Whaley were appointed said committee on the part of the Senate.

**ORDERS OF THE DAY.**

A bill to regulate Factors and Warehousemen. Read 1st and 2nd times and referred to the committee on Agriculture.

A bill regulating public sales in the county of Bastrop. Read 1st time.

On motion of Mr. Townes, the rule was suspended and read 2nd time.

On motion of Mr. Quinan, the bill was amended, by adding after the word "sale" the words "and also at the Court-house door." The bill was then passed to a 3rd reading, and on motion of Mr. Townes, rule further suspended, bill read 3rd time and passed.

A bill to relieve Jackson L. Leonard, from the disability of minority and permit him to practice law. Read 1st and 2nd times and referred to the committee on the Judiciary.
A bill to repeal the 17th section of an act to regulate Railroad Companies, approved February 7th, 1853. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to repeal an act creating a system of Bankruptcy, and regulating the collection of Foreign Debts. Read 1st and 2nd times and referred to the committee on the Judiciary.

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

A bill to amend the act to incorporate the city of San Antonio, approved July 17th, 1856. Read 1st and 2nd times and referred to the Judiciary committee.

A bill to provide for patenting Headright Certificates, not presented to the Court of Claims, within the time prescribed by law, and for issuing duplicate and unlocated balance certificates. Read 1st time and amendment of the House concurred in.

Mr. Schleicher introduced a bill regulating salvage on horses recovered from Indians. Read 1st and 2nd times and referred to the committee on Indian Affairs.

Mr. Potter introduced a bill to amend the 11th section of the act of February 7th, 1853, entitled "an act to incorporate the Galveston, Houston and Henderson Railroad Company. Read 1st time.

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

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


A bill for the relief of Joseph C. Perez. Read 2nd time, and the question being on the engrossment of the bill, was put and lost by the following vote:


Nay—Messrs. Dickinson, Duggan, Fall, Grimes, Quinn, Harman, Hart, Herbert, Lott, Parsons, Pitts, Quinlan, Rains, Rainey, Sims, Walker, Wallace and Whaley—18.

A bill for the protection of the frontier.

The question being on the adoption of the amendment offered on yesterday by Mr. Parsons, to the 1st section of the bill.

Mr. Erath moved a call of the Senate.
The call being had the yeas and nays were called on the question and stood as follows:

Yea.—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Lott, Parsons, Pitts, Quinnan, Rains, Rainey, Shepard, Sims, Stockdale and Wallace—16.


So the amendment was adopted.

On motion of Mr. Scarborough, the vote refusing to adopt the substitute offered by Mr. Stockdale on yesterday for the bill was reconsidered.

The question on its adoption was then put and carried by the following vote:

Yea.—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinnan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Townes—23.


Mr. Erath offered the following amendment:

Insert after the word "frontier" in the tenth line of section 1, as follows:

"And one-half of said force at least, shall be immediately placed on the frontier, in such manner as to act as spies and minute men for the protection and defence of the settlements as the Governor may think proper."

Mr. Guinn proposed the following to the amendment:

"Provided the Governor may think necessary."

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

Yea.—Messrs. Britton, Erath, Gentry, Herbert, Hyde, Martin, Paschal, Quinnan, Rains, Scarborough, Schleicher, Throckmorton, Townes, Walker and Whaley—15.

Nay.—Messrs. Chambers, Dickinson, Fall, Grimes, Guinn, Hart, Lott, Parsons, Pitts, Potter, Rainey, Shepard, Sims, Stockdale and Wallace—15.

The President voting yea.

Mr. Guinn then moved to lay the amendment of Mr. Erath on the table, which was lost by the following vote:


Nay.—Messrs. Britton, Erath, Gentry, Herbert, Hyde, Lott,
Martin, Paschal, Pitts, Potter, Quinan, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker and Whaley—18.

Mr. Stockdale offered the following to the amendment of Mr. Erath.

"Insert after the word "immediately" the words "after their organization."" Adopted.

The question was then taken on the adoption of the amendment and carried.

Mr. Hart offered the following amendment:

"And that one million of dollars or so much thereof, as may be necessary, is hereby appropriated out of any money now in the Treasury, or which may come into the Treasury before the meeting of the next Legislature, to pay said troops and furnish supplies for the same."

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

Yea—Messrs. Britt, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Herbert, Hyde, Lott, Parsons, Paschal, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—25.


Mr. Schleicher moved to fill the blank in section 3, with the words "one hundred and eighty dollars." Carried by the following vote:


Mr. Stockdale offered the following preamble to the bill:

Whereas, a state of hostilities exists between the people of the State of Texas, and various Indian tribes who inhabit the unsettled portions of the State and adjacent territory—bands of said Indians having at various times within the last three years invaded our settlements, murdered our people and carried off or destroyed their property, so that the frontier settlements are receiving before the invaders, and our frontier counties in danger of depopulation; and

Whereas, the Federal Government, whose duty it is primarily, to protect the State from such hostilities has not efficiently afforded such protection; and
WHEREAS, we are continually in such imminent danger of being threatened by said hostile Indian tribes, as will not admit of delay. Therefore—Adopted.

The bill was then ordered to be engrossed by the following vote.


NAYS—Messrs. Ball, Grimes, Quinn, Hart, Rains, Sims, and Wallace—7.

On motion of Mr. Duggan, a bill to regulate the election of superintendent of the Penitentiary was taken up.

Mr. Duggan offered the following amendment:

"Sec. 3. That this act take effect and be in force from and after its passage."

On motion of Mr. Throckmorton, the bill was made the special order for Tuesday the 13th inst.

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

MONDAY, December 12th, 1839.

Senate met pursuant to adjournment; Prayer by Rev. Mr. McGee—roll called—quorum present.

The journal of Saturday was read and adopted.

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

The committee on Public Lands, have again considered the bill to amend the 5th, 8th and 9th sections of an act to authorize the sale of the public domain, and have instructed me to return the bill to the Senate with the following amendments, and recommend their adoption and the passage of the bill.

Amendments 1st. Amend caption by inserting "2nd" before "5th" section.

Amend 1st section, by striking out the three first lines and inserting:

SEC. 1st. Be it enacted by the Legislature of the State of Texas, That the 2nd, 5th, 8th and 9th sections of the above recited act be so amended as to read as follows:

SEC. 2nd. The alternate sections of land surveyed and reserved to the State under the provisions of the laws to encourage
the construction of Railroads by donations of land, and the act granting land to the Galveston and Brazos Navigation Company, and the islands heretofore reserved, and all other reserved sections, may be sold at one dollar and twenty-five cents per acre, provided that fractions of less than one hundred and sixty acres within the Memphis, El Paso and Pacific Railroad Reserve, and that has not been surveyed by the company, shall be subject to settlement and sale or either at 50 cents per acre, as hereinafter provided for by this act.

Mr. Throckmorton presented the petition of sundry citizens of Montgomery county, in reference to the county seat. Referred to the committee on County and County Boundaries.

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

The committee on Finance, to whom was referred a resolution instructing them to enquire into the propriety of reducing and regulating the salaries of officers of both branches of the Legislature, and also of the different departments of the State Government, and report by bill or otherwise, have had the subject under consideration, and find as they believe every officer of the Government, have been provided for by act of the State Legislature, within the last few years, and that your committee do not believe it advisable to change their salaries as per diem pay at the present session of the Legislature. Your committee therefore return the resolution to the Senate, and recommend that no further action be had thereon.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill for the protection of the frontier, correctly engrossed.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill to provide for a special election of a Senator in the eighth Senatorial District, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of the Hon. Louis T. Wigfall, correctly enrolled, properly signed and presented to the Governor on Saturday last.

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

The committee on the Judiciary, have considered a bill to provide for the appointment of Agents, to recover the monies due for the sale of the University lands, and a majority of the committee direct me to return the same to the Senate, and recommend its rejection.

The object of the bill is to provide for the appointment of collecting agents, to visit the various counties in which the University lands which have been sold are situate, for the purpose of
collecting the annual instalments due, or to become due on the sale of these lands. The act providing for the sale of these lands requires that they shall be sold on a credit of twenty years; five per cent of the purchase money with all the accruing interest to be paid into the Treasury at Austin. This is the contract of the purchasers of the land with the State, and under it no expense should be incurred by the State in collecting the money.

Why appoint officers or Agents to collect this fund by going to the parties for twenty years to come, in order to demand the annually accruing payments, when we make unlike provision for the collection of the little amounts due by each pre-emptionist for the land on which he settles and makes his home, certainly if the pre-emptionist who gets poor land at from 6 1-4 cents to 50 cents per acre, can afford to come to Austin to pay his little dues. The man who can afford to buy choice lands at from $3 to $5 per acre, should not object to complying with his contract. The committee think the matter proposed by the bill in all respects unnecessary and unwise.

Messrs. Hart, Throckmorton and Wallace, made the following minority report:

A minority of the committee on the Judiciary, to whom was referred a bill to authorize the Governor to appoint a commissioner to visit the several counties in the State, when the University lands are located and have been sold, to receive the money for the same. Beg leave to dissent from the majority of said committee, and herewith report a substitute for the original bill and recommend its passage.

The minority are of the opinion that it is no more than just to the purchasers of these lands, and that portion of the State, as we believe all of said lands that have been sold are located east of the Brazos River, and consequently a long way from the capital of the State, where the money is required by law to be paid. These lands have been located in the richest portion of the State. The counties in which they have been located, have been retarded in their settlement by the location of these lands in their midst. They have also been deprived of the county taxes on these lands for many years, and compelled to defray their expenses without receiving any corresponding benefit from their location. We think now, it is too much to require of the citizens of these distant counties, who have purchased these lands, to be compelled to travel from one to three hundred miles annually to pay to the State, from twenty to fifty dollars on the land that they have bought, we think that it is enough, if they have money and are ready to pay the same at their several county seats when called on.
The expense to each of these individuals, if they are compelled to travel to the seat of government to pay for these lands would be considerable, when the expense to the State would be nominal, while there are thousands of the public funds squandered for less meritorious objects, when it is known that these people and counties pay a considerable proportion of the revenue of the State, and there is very little expended among them.

We therefore believe that it is nothing but just to these men—to the citizens of these counties, and to the people of this portion of the State, that the bill should be passed.

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

The committee on the Judiciary, to whom has been referred a bill authorizing the Executor or Administrator of a person whose death has been caused by wrongful act, neglect, &c., to institute suit against the person who thus caused or occasioned such death, have had the same under consideration, and beg leave to report back to the Senate a substitute and recommend its passage.

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

The committee on Internal Improvements, having had under consideration an amendment to a bill, amendatory of, and supplementary to an act to incorporate the Sabine and Galveston Bay, Railroad and Lumber Company, have instructed me to report as follows:

The committee believe the policy or object intended to be attained by the amendment is a good one. At the same time they believe it unjust to impose this policy upon a single road. They have therefore instructed me to recommend the rejection of the amendment, and that the accompanying substitute be recommended as a supplement to the general law regulating Railroads.

Mr. Quinn, chairman of the committee on Education, made the following report:

The committee on Education, instruct me to report the following bills, and recommend their passage.

A bill to incorporate the ‘‘Salado College.’’
Amend by striking out the 7th section.
A bill to incorporate ‘‘Starrville University.’’
Amend by striking out ‘‘University’’ wherever it occurs and inserting ‘‘Academy.’’

ORDERS OF THE DAY.

On motion of Mr. Lott, the report of the committee on Edu-
cation, on a bill to incorporate the Starrville University was taken up. Bill read 2nd time, amendments adopted, and bill ordered to be engrossed.

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


NAYS—none.

On motion of Mr. Erath, the report of the committee on Education, on a bill to incorporate the Salado College in Bell county was taken up, bill read 2nd time, amendments adopted and bill ordered to be engrossed.

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

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Lott, Martin, Parsons, Paschal, Potter, Pitts, Quinan, Rains, Scarborough, Schleicher, Sims, Throckmorton, Townes, Walker and Wallace—23.

NAYS—none.

A message was received from the House informing the Senate, that the House had passed a substitute for the Senate's bill, for the relief of John Ricord.

A bill to incorporate the Hebrew Congregation of the city of Houston.

And had concurred in the Senate's amendment to a bill to regulate public sales in Bastrop county.

On motion of Mr. Grimes, the substitute for the bill for the relief of John Ricord was taken up. Read 1st time, rule suspended, read 2nd time and passed to a 3rd reading.

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

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker, Wallace and Whaley—23.


A bill for the relief of Jacob Laux. Read 3rd time and passed.

A bill for the relief of the heirs of William J. Wills. Read 3rd time and passed.

A bill for the relief of Stephen Kelly. Read 3rd time and passed.
A bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi Bay. Read 3rd time and passed.

A bill for the protection of the frontier. Read 3rd time and passed.

The report of the committee on Internal Improvements, on a bill to perfect land claims of colonists in Castro's colony, and for the settlement of all classes of claims for said colony. Read and on motion of Mr. Paschal, made the special order for Tuesday the 13th inst.

The report of the committee on Claims and Accounts, on the petition of William Oldham, was read and adopted.

The report of the committee on Public Lands, on a bill to encourage the boring of Artesian Wells, in the counties of Hill, Navarro, Freestone and Limestone. Read.

Mr. Hart offered the following amendment to the bill, insert "and one well at Honey Grove in Fannin county."

Mr. Walker offered to amend by inserting "and one at Buchanan in Johnson county."

Mr. Gentry offered the following substitute for the amendments "strike out counties" and insert "in the State of Texas."

Mr. Hart moved to lay the substitute on the table, upon which the yeas and nays stood thus:

**YEAS—Messrs. Britton, Chambers, Dickinson, Hart, Martin, Rainey, Shepard, Sims, Throckmorton, Townes, Wallace and Whaley—12.**

**NAYS—Messrs. Duggan, Erath, Fall, Gentry, Guinn, Grimes, Harman, Lott, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Stockdale and Walker—17.**

Lost.

On motion of Mr. Shepard, the bill and amendments was referred to the committee on Agriculture.

A bill for the relief of Joseph Thompson. Read 3rd time and passed.

Mr. Britton by leave, presented the petition of the citizens of Bee county. Referred to the committee on County and County Boundaries.

Mr. Parsons introduced a bill for the relief of the administrator and heirs of Isaac C. Parker, deceased. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Pitts introduced a bill making an appropriation to pay Assessors and Collectors for taking the scholastic census for the year 1859. Read 1st and 2nd times and referred to the committee on Finance.

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

Mr. Herbert introduced a bill to incorporate the Columbus & Tap Railway Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys made not in the form required by law. Read 2nd time and on motion of Mr. Lott, made the special order for Saturday, the 17th inst.

The report of the Judiciary committee, on a bill for the relief of purchasers of University Lands, proposing amendments was read, amendments adopted, and on motion of Mr. Hart, the bill was made the special order for to-morrow, the 13th inst.

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

TUESDAY, December 13th, 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 the County court of Conrail County, in reference to levying tax for special purposes. Referred to the committee on the Judiciary.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill to provide for patenting Headright Certificates, not presented to the Court of Claims, for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates, correctly enrolled, properly signed, and presented to the Governor on yesterday.

Mr. Shepard, chairman of the committee on Public Debt, to whom was referred the petition of James McGee & Co., for a balance due them of $27 57-100, reported favorably to the petition and recommend that the claim be referred to the committee on Finance, with instructions to them to place the same on the general appropriation bill.

Mr. Gain, 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 A. H. Cook, have considered the same, and find that the subject-matter contained, properly should come before the committee on the Judiciary, and they have instructed me to report it back to the Senate, and ask that it be referred to that committee.
On motion of Mr. Guinn, the rule was suspended, the report taken up and adopted.

Mr. Rainey, chairman of the committee on Agriculture, made the following report:

The committee on Agriculture, to whom was referred a bill to incorporate the Gulf Coast Fair Association, located at Victoria, have considered the same, and believing that enterprises of this kind contribute, in a large degree, to the development and general advancement of the Agricultural interests of the State, by exciting a spirit of emulation among the producers, and encouraging a common desire for the progress and improvement in all the varied branches of Agriculture, have therefore authorized me to report the said bill back to the Senate, and recommend 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 the petition of Jose Leonovido de la Garza Treado, applying for a first class Headright Certificate, have had the same under consideration, and find from the evidence that the petitioner is and has been for many years a citizen of Texas. That at the date of the Declaration of Independence, he was residing at Bexar, a married man, and the head of a family, that he never aided the enemy, and stood faithfully on the Texan side, that he is entitled to a Headright Certificate of the first class, for one league and one labor of land. I am therefore instructed to report favorably on said petition, and to recommend the passage of the accompanying bill.

A bill for the relief of Jose Leonovido de la Garza. Read first time.

The committee on Private Land Claims, to whom was referred the following bill and memorial, have instructed me to report the same back, and recommend their rejection, for the reasons that the proof is insufficient to sustain the relief sought.

Bill for the relief of Joel Williams.
Bill for the relief of Henry Klouse.
Memorial of E. Vought.

Mr. Duggan offered the following resolution:

Resolved, That the committee on Finance, be requested to inquire into the expediency of reporting a bill to provide for the pay of all troops who have participated in quelling the Cortinas insurrection, and for the payment of those who have borne expresses, to and from the Governor. Adopted.

Mr. Paschal introduced the following resolution:
Resolved, By the Legislature of the State of Texas, That the prompt and energetic action of Gov. Wise of Virginia, and of President Buchanan, in suppressing the outbreaks at Harper's Ferry, and in their efforts to capture the insurgents, evince a degree of manliness and patriotism, honorable alike to them, and worthy of our warm admiration.

Resolved, That we pledge the State of Texas, to uphold and support the State of Virginia, and the President of the United States in the position they have assumed in connection with the unfortunate affair, and we earnestly counsel the utmost vigilance in guarding against the recurrence of similar conspiracies in our own borders, or elsewhere at the South.

3rd. That the prompt action of Gov. Packer of Pennsylvania in surrendering the fugitives who have taken refuge in the State, entitle him to the confidence and esteem of the South.

Referred to the committee on State Affairs.

Mr. Parsons introduced a bill explanatory of the Statutes now in force, directing the mode of taking and returning depositions of witnesses in civil cases, and authorising certain officers to take depositions. Read 1st and 2nd times and referred to the committee on the Judiciary.

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

A bill to incorporate Salado College in Bell county.
A bill to incorporate Starrville Union Academy.

Mr. Wallace introduced a bill to enable the vendor of real estate, to retain his lien on the land sold for the purchase money due thereon, although the vendor may have taken other security real or personal, for the payment of the purchase money. Read 1st and 2nd times and referred to the committee on the Judiciary.

ORDERS OF THE DAY.

On motion of Mr. Stockdale, the report of the committee on Agriculture, on a bill to incorporate the Gulf Coast Fair Association was taken up, bill read 2nd time and ordered to be engrossed.

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


Nay—none.

9-8
A bill for the relief of purchasers of University Lands, being the special order.

Mr. Stockdale offered the following amendments:

"Insert after the word "Governor" in 5th line of committee's amendment, the words " in writing."

Strike out in 6th line the word "object" and insert the words "desire and assent."

Insert in line 10 after the word "shall" the word "not."

Strike out the words " without regard to " in line 13, and insert the words "but shall allow."

Mr. Throckmorton offered a substitute for the bill, "authorizing the Governor to postpone the sale of University lands, that have been forfeited for non-payment of the annual installments required by law."

Mr. Paschal offered the following as an amendment to the substitute.

"Provided that the surety or sureties, shall cause his or their assent in writing, to such postponement to be filed in the office of the Secretary of State, on or before the first day of March next, 1850; and further provided this act shall not be so construed as to release the surety or sureties from his or their obligation or any bond or bonds given for the purchase of any of the University lands."

On motion of Mr. Gaunt, the amendment and the substitute were laid on the table.

The question recurring on the adoption of Mr. Stockdale's amendment was put and carried.

The bill was then passed to a third reading.

A bill to perfect land claims of colonists in Castro's colony, for the final settlement of all classes of claims for said colony, being special order.

On motion of Mr. Paschal, the words "now on file in the Secretary of State's office" were stricken out.

Mr. Britton moved to insert in 6th section, the words "as defined in the original contract." Carried.

Mr. Walker offered the following amendment:

"Provided that nothing herein contained shall be so construed as to entitle any one to a certificate for land as a colonist, who was not a resident citizen of said colony prior to the 15th day of February, 1847."

Mr. Paschal moved to lay the amendment on the table upon which the yeas and nays being called stood as follows:

YEAS—Messrs. Britton, Duggan, Hyde, Paschal, Potter, Quin-
aa, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, and Townes—12.


On motion of Mr. Rainey, the bill was indefinitely postponed by the following vote:


A bill to regulate the election of the Superintendent of the Penitentiary.

Mr. Throckmorton offered the following amendment:

"An election shall be held at the same time for a superintendent of the Lunatic, a superintendent of the Blind, and a superintendent of the Deaf and Dumb Asylums."

Mr. Paschal offered the following amendment:

"Also a State Geologist, Cotton Weighers, and State Engineer."

On motion of Mr. Stockdale, the bill and the amendments were referred to the committee on State Affairs.

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

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Wednesday, December 14th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain.

Roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Townes presented the petition of Charles Sheppard for relief. Referred to the committee on Finance.

Mr. Grimes presented the petition of W. E. Price, regarding fugitive slaves. Referred to the committee on the Judiciary.

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

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 A. H. Booth;
A bill for the relief of the heirs of Matt Finch;
And a bill for the relief of the heirs of J. W. Bass; find the proof fully ample to sustain the claims and recommend their passage.

The committee on Private Land Claims, to whom was referred a bill for the relief of the heirs of John Gates, reported favorably on the bill and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the following bills, reported unfavorably on the bills, and recommended their rejection.

A bill for the relief of Stephen F. Slaughter.

The petition of John Fisher.

A bill for the relief of John Smith.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill making an appropriation to pay Assessors and Collectors, for taking the scholastic census of the year 1859, return the bill and recommend its passage.

Mr. Walker presented the petition of John Lane and Thomas J. Rhodes for relief. Referred to the committee on Court of Claims.

Mr. Shepard, chairman of the committee on State Affairs, made the following reports:

The committee on State Affairs, to whom was referred a bill to regulate the election of the Superintendent of the Penitentiary, together with the amendments, have had the same under consideration, and instruct me to report that the bill and amendments be indefinitely postponed.

The committee on State Affairs, to whom was referred the joint resolution, approving the conduct of Gov. Wise of Virginia, Gov. Packer of Pennsylvania, and the President of the United States, in relation to the late disgraceful and insurrectionary riots at Harper's Ferry, instruct me to report the annexed joint resolutions and recommend their passage.

Mr. Duggan introduced a bill to incorporate the Guadalupe and Female College. Read 1st and 2nd times and referred to the committee on Education.

Mr. Quinan introduced a bill to amend an act to incorporate the Houston, Tapp and Brazoria Railway Company, passed September 1st, 1856, and for their relief. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Townes introduced a bill to amend an act to incorporate the Bastrop Academy. Read 1st and 2nd times and referred to the committee on the Judiciary.

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

Mr. Pitts introduced a bill amendatory of an act passed September 1st, 1856, for the relief of Nathaniel Prescott, B. S. Wheat, L. S. McGanghey and Eliza Green. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Throckmorton moved to take up a bill for the relief of John Gates. Carried.

Bill read 2nd time and ordered to be engrossed.

On motion of Mr. Rains, rule suspended, bill read 3rd time and passed.

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

A bill from the Senate, to provide payment for printing the proclamation of the Governor, with an amendment.

On motion of Mr. Grinn, the amendment was concurred in.

A bill to relieve A. E. Benham from the disabilities of minority.

A bill to legitimate Donaecana Thomas, late Donaecana Howard.

A joint resolution authorising the Comptroller to contract for 500 copies of the New Abstract of Titled Lands.

Mr. Herbert moved to reconsider the vote taken on yesterday, indefinitely postponing the bill to perfect land claims of colonists in Castro’s colony, and for the settlement of all classes of claims in said colony. Carried.

On motion of Mr. Paschal, the bill was postponed until the 5th day of January, 1860.

On motion of Mr. Gentry, a bill amendatory of, and supplemental to an act, to incorporate the Sabine and Galveston Bay, Railroad and Lumber Company, was taken up.

Mr. Potter offered the following amendment:

That this company shall be, and is entitled to all the benefits of an act entitled an act to encourage the construction of Railroads in Texas, by donation of land, approved January 30th, ’54, and an act entitled an act to provide for the investment of the special school fund in the bonds of railway companies, incorporated by the State, passed August 13th, 1856, and all acts supplemental thereto, and amendatory thereof. And it is specially provided that nothing contained in this act or the acts to which it is supplemental and amendatory of, shall be so construed as to permit this company, to appropriate any part of the said aid received from the State of Texas, to the construction of its Railroad in the State of Louisiana. Adopted.

The bill was then ordered to be engrossed.
On motion of Gentry, the rule was suspended, bill read 3rd time and passed by the following vote:


**Nay**—Messrs. Hart and Lott—2.

**ORDERS OF THE DAY.**

A bill for the relief of purchasers of University lands.

Mr. Townes offered the following amendments:

Strike out the words “or any of them” in 4th line and the words “surety or” in 6th line. Adopted.

Mr. Paschal offered a substitute which was adopted; bill read 3rd time and passed.

Report of the Judiciary committee, on a bill to incorporate the Houston Hook and Ladder Co., No. 1, and Liberty Fire Co., No. 2, of the city of Houston, offering amendments, amendments adopted and bill passed to a 3rd reading.

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


**Nay**—none.

Report of the committee on a bill to amend the 4th section of an act allowing discounts and set offs, passed 5th February, 1849, offering amendments; amendments adopted and bill passed to a 3rd reading.

A bill for the relief of Alexander Fuggerson. Read 2nd time and passed to a 3rd reading.

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

A bill to incorporate the Texas Masonic Institute. Read 2nd time.

Mr. Guinn offered to amend, by striking out “thirty” and inserting “twenty.” Adopted and bill passed to a 3rd reading.

A bill to incorporate the Hebrew Congregation at the city of Houston. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill for the relief of James C. Dillingham. Read 2nd time.

Mr. Quinan offered the following amendment:
“Provided he shall prove to the satisfaction of the Commissioner of the Land Office, that he has not heretofore received any certificate or patent therefor.” Adopted and bill ordered to be engrossed.

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

Report of the committee on County and County Boundaries, on the memorial of the citizens of Collin county, asking that they be discharged from the further consideration of the same, was adopted.

Report of the committee on Claims and Accounts, on the petition of J. W. Vickery, recommending that the relief be not granted, was adopted.

A bill to change and adjust the Western boundary lines of the counties Uvalde and Dawson, and the Eastern boundary line of the county of Kinney. Read 2nd time and ordered to be engrossed.

A bill to amend the 34th section of an act to regulate proceedings in the District Court, passed May 13th, 1846. Read 2nd time and ordered to be engrossed.

The report of the Judiciary committee, on the petition of N. M. Burford, was by motion of Mr. Throckmorton, laid on the table.

The committee on Claims and Accounts, on the petition of James Rodgers, recommending its rejection, was adopted.

A bill to authorize Hill county to levy a special tax, on report of the committee on Finance, offering a substitute was read, substitute adopted and bill ordered to be engrossed.

A bill ordering the return of certificates, in Fisher's and Miller's colony, ordered to be engrossed.

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

The report of the Judiciary committee, on a bill authorising the heirs, representatives or relatives of deceased persons, to sue for and recover damages, where the death of such person or persons has been caused or occasioned by the negligent, culpable or wrongful act of another, recommending a substitute, was read, substitute adopted and bill ordered to be engrossed.

The report of the Judiciary committee, on two several bills for the relief of Chester B. Starks, and to legalize the unconditional certificate, Headright of John Jordan, recommending their reference to the committee on Private Land Claims, was adopted.

The report of the committee on Private Land Claims, on a bill for the relief of Ingram Mudget, recommending a substitute was
read, substitute adopted and bill ordered to be engrossed.

Mr. Potter, chairman of the committee on the Judiciary, reported the resolution of the House, asking a joint committee to revise the Probate laws, and recommended that the Senate refuse to concur.

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

On motion of Mr. Throckmorton, a bill requiring the field notes of certain surveys in Young's land district, to be recorded in the surveyor's office, was taken from the table, and on motion of Mr. Grimes, referred to the committee on Public Lands.

The report of the majority and minority of the Judiciary committee, on a bill to authorize the Governor to appoint a commissioner, to visit the several counties in the State, where the University lands are located and have been sold, to receive the money for the same, were read.

The question on the adoption of the majority report recommending the rejection of the bill, was put and carried by the following vote:

**YEAS—** Messrs. Chambers, Dickinson, Duggan, Grimes, Guinn, Harman, Herbert, Lott, Martin, Paschal, Pasons, Pitts, Potter, Quinlan, Rains, Rainey, Shepard, Townes and Whaley—18.

**NAYS—** Messrs. Erath, Fall, Gentry, Hart, Hyde, Schlicher, Sims, Throckmorton, Walker and Wallace—1.

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

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**Thursday, December 15th, 1859.**

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

The journal of yesterday was read and adopted.

Mr. Guinn presented the petition of B. B. Milam for relief. Referred to the committee on Private Land Claims.

Mr. Townes presented the petition of W. B. Green for land. Referred to the committee on Private Land Claims.

Mr. Gentry presented the petition of the heirs of Spyra Singleton for land. Referred to the committee on the Court of Claims.

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

The Judiciary committee, have considered a bill concerning vendors liens on real estate, and direct me to return the same to the Senate, and recommend its passage.
The Judiciary committee, have considered a bill to amend the 8th section of the act of 5th February, 1840, concerning conveyances, and direct me to return the same to the Senate, and recommend its passage. The object of the bill, is to define what portions of judgment or decrees of court, by which title to real estate is passed, shall be recorded in the county in which particular parcels of land is situated, and thereby greatly to decrease the expense attending the making out a chain of title, where any link of it depends upon the decree of a court, in a partition or other suit.

The committee on the Judiciary, have considered a bill to define the Homestead in a town or city, and direct me to return the same to the Senate, and recommend its passage.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Gulf Coast Association, located at Victoria, correctly engrossed.

Mr. Grimes, chairman of the committee on Finance, to whom was referred the memorial of Charles Shepard, praying that a pension be allowed him, reported a bill granting a pension to Charles Shepard. Read 1st time.

Mr. Townes, from the committee on Enrolled Bills, reported a bill for the relief of Joseph Thompson, and a bill regulating public sales in the county of Bastrop, correctly enrolled, duly signed and this day presented to the Governor.

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

The committee on Private Land Claims, to whom was referred the petition of Andreas Manchaca, have had the same under consideration, and from an investigation of the facts, they consider him entitled to the relief sought. They therefore instructed me to report the accompanying bill and recommend its passage.

The petitioner Andreas Manchaca, was a resident of Texas at the time of the Declaration of Independence, he was then a married man, and head of a family, and continued to reside in the country ever since. He did not leave the country to avoid the struggle, but on the contrary, took an active part in the war of Independence on the Texan side. From ignorance of his rights, he received in the year 1845, a second class headright of 120 acres of land. The commissioner having no authority to issue another. On finding out his error, he appealed to the District Court, and made full proof of his right to a first class headright, but the court decided that it could not issue an augmentation certificate, or cancel the 1280 acre certificate which he had received. This decision was confirmed on his appeal to the Supreme Court.
It is evident, he used all diligence to obtain redress, but that under the law no remedy was open to him but Legislative relief for which he now prays. Read 1st time.

The committee on Private Land Claims, to whom was referred a House bill for the relief of the heirs of N. Spann, Turner, have had the same under consideration, and find from the evidence that said Turner fell at the Alamo, and that he has not heretofore obtained his land, and we believe his heirs entitled to the claims granted in the bill; we therefore report the same, and recommend its passage.

The committee on Private Land Claims, to whom was referred a bill for the relief of W. P. Timolli, have examined the same. They find by the proof and the records of the Court of Claims, that the party is entitled to a donation. But under the law he is not entitled to a headright. The committee report the bill back with an amendment, to strike out the words "a headright certificate for one-third of a league of land" and which will then provide simply for the donation, and so amended would recommend its passage.

Mr. Hart, from the committee on Finance, made the following minority report:

I, a sole minority of the committee on Finance, beg leave to dissent from the majority report, "on a resolution referred to that committee, in relation to the reduction of the pay of officers of the Legislature, and the various clerks employed in the different departments of the State Government." The "sole minority" would respectfully submit a few reasons for his difference with the report of the majority. All the officers of the Legislature receive a salary of five dollars per day for their services. All the clerks employed by the State in her different departments, receive a salary of from 900 to 1400 dollars per annum for their services, can these salaries be reduced without detriment to the public interest? If they can, why not reduce them. Let us examine these questions. Cannot officers of the Legislature, of equal capacity and efficiency, be employed for from three to four dollars per day (according to the service they have to perform.) The Legislature generally continues in session about 106 days, or one-third of a year, their pay then amounts to about 330 dollars per session or about 1000 dollars per annum. How many clerks are there in the State equally able, that only receive a salary of from 500 to 600 hundred dollars per annum. Why this difference? Why should men employed in the service of the State, receive as much for one-third of a year, as those employed by private individuals receive for the entire year? Upon what rule of logic or
calculation in arithmetic is this difference made? Now as to the other officers of the Legislature, such as Sergeant-at-arms, Doorkeepers, and their assistants and Messengers. I have no doubt many men work as much, and are equally able to discharge the duties of their offices, at less than two dollars per day, and the only difference to my mind, is that the people, the tax-payers, pay the one, and individuals (who are more careful of their means) pay the others. The clerks and other officers of inferior grade, who receive a salary of from 900 to 1400 dollars per annum, labor 36 hours per week during the session of the Legislature, and some of them 34 hours per week during the balance of the year. This for those who receive the smallest salary, amounts $2.87 per day or 47 cents per hour for their services, and those who receive the largest salary, receive at the rate of $4.15 per day or 69 cents per hour. This accounts for the 300 clerkships applied for in the Land Office alone two years ago. It accounts for the crowd of office seekers who attend the Legislature every session. Office seeking has got to be a trade under the State Government its emoluments are sought for with avidity from all parts of the State. Reduce its emoluments and you reduce the applications in number, but not in efficiency. I know some think it too tame to pay low wages, where the State is the recipient of their labor. That the salary should rather be in proportion to the great State they serve, than the services they perform. "They despise the day of small things." The Treasury must respond to their call; and when that is empty (which is now a sad reality.) Then taxes must be raised, bonds must be sold, the public credit must be strained, Bankruptcy and Blackmail must shortly follow. But if one should perchance see and speak of these things, they must whisper, "speak in hushed breath." "money. economy. "low salaries," how mean is he who calls these words. But with this opprobrium upon my brow, I will proceed. Where does the money come from, that pays these high salaries? From the tax-payers, the labor of the people, many of the men who pay these taxes work nine hours per day, at one and two dollars per day, their sweat is swapped two or three for one, to fill these offices. They have a right to complain, they have a right to be heard, and the time is at hand when they will be heard. I do not propose any bill with this report, for the reason that I do not believe that it would receive a favorable consideration at the hands of the Legislature. I beg leave to say that this report is not made for popularity, at least among the tax consumers, nor among those whose who sneer at the word economy, nor even for the
more patent praise of newspaper correspondents and scribblers,

"Whose warmest plaudits I would scarcely prize
Their sneers and censures, I alike despise,
I spurn the rod that scribblers bid me kiss
And care not whether courts or crowds applaud or hiss."

In this report on the principle of "solitary and alone" I have expressed my sentiments long and honestly entertained as a principle of the Democratic faith. "Economy in the public expenditures," to this sentiment I now most heartily subscribe.

MARTIN D. HART.

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

The committee on Internal Improvements, have instructed me to report the accompanying bill and to recommend its passage.

The reasons which have induced your committee to recommend the bill are obvious. The requirements of the general laws, and of several of the charters, that twenty-five miles of road should be constructed, completed and put in running order each and every year, is found by experience to be exceedingly onerous. The result of a non-compliance with this requirement is frequently a nullity of the charter, and always a forfeiture of the rights and privileges secured to Railroad companies, by any general law to encourage the construction of Railroads. The consequence is that when a company discovers that a section can not be completed in time to save the charter and the privileges, the work is abandoned, till the meeting of the Legislature, when relief is sought. An unexpected war or storm at sea may place it entirely out of the power of a company to make twenty-five miles of road any one year. As soon it becomes doubtful whether the road can be completed or not, it is impossible to proceed with energy. If the year should expire six months, one year or more before the meeting of the Legislature, we may readily conceive how disastrous would be the result. The bill is not intended to add any more privileges to companies, nor to require less road to be constructed in two years, than is now required, but merely to dispense with the necessity of building at least one section any year.

Mr. Townes, from the Judiciary committee, to whom was referred a bill to repeal the " usury laws," reported that he deemed it necessary to change the laws of the State on the subject of interest. The majority of the committee recommend that the bill be rejected.

Mr. Britton introduced a bill making an appropriation to pay
the expenses of Capt. Tobins command, called into service by the Governor. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

Mr. Sheppard introduced the following bills:
A bill to amend the law regulating fees of office.
A bill to prevent the offense of keeping unlawful forgeries.
A bill to amend the 7th chapter 15th title of the Penal Code.
A bill to regulate the sale of Liquors, which were severally read 1st and 2nd times and referred to the Judiciary committee.

Mr. Herbert introduced a joint resolution proposing an amendment to the constitution. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Quinan introduced a joint resolution proposing an amendment to the constitution. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Hart introduced a bill to increase the common school fund. Read 1st and 2nd times and referred to the committee on Education.

Mr. Rainey introduced a bill to incorporate the Neches Navigation Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

On motion of Mr. Britton, the communication from the Governor, transmitting copy of special army orders relative to the removal of the U.S. troops to the scenes of difficulty on the Rio Grande, was taken from the table and referred to the committee on State Affairs.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a resolution instructing them to enquire into the expediency of paying the troops called out to quell the Cortinas insurrection, reported the same and recommended its reference to the committee on the Militia. Rule suspended, report taken up and adopted.

ORDERS OF THE DAY.
A bill to amend the 2nd, 5th, 8th, and 9th sections of an act to authorize the sale of the public domain, on report of the committee on Public Lands proposing amendments. Amendments adopted.

Mr. Potter offered the following amendments:
Sec. 2 of said act shall hereafter read as follows:
Sec. 5 of said act shall hereafter read as follows:
Sec. 8 of said act shall hereafter read as follows:
Sec. 9 of said act shall hereafter read as follows: Adopted.
Mr. Shepard moved that 50 copies be printed. Lost.
Mr. Townes moved to make the bill the special order for Saturday, 17th inst., and that 100 copies be printed.
Mr. Parsons called for a division of the question.
Mr. Potter moved a call of the Senate.
The report of the majority and minority of the committee on Finance, on a resolution relative to a reduction of pay of officers &c., were read.
The question being upon the adoption of the majority report was put and carried.
The report of the committee on Private Land Claims, on a bill for the relief of Joel Williams, for the relief of Henry Klum and the memorial of E. Vought, recommending their rejection was adopted.
A joint resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled lands, Read 1st and 2nd times and referred to the committee on the General Land Office.
On motion of Mr. Wallace, the report of the Judiciary committee, on a bill to repeal the warranty laws, was taken up; the report of the committee on farther motion of Mr. Wallace, was laid on the table.
Mr. Wallace then offered a substitute for the bill.
Mr. Guinn move to indefinitely postpone the whole subject.
Mr. Guinn then modified the motion so as to postpone the consideration of the subject until the 5th day of January, 1869, which was put and carried.
Mr. Hart moved a suspension of the call of the Senate moved by Mr. Potter. Lost.
On motion of Mr. Hart, the bill was made the special order for to-morrow, the 16th inst.
A message was received from the House informing the Senate, that the House had passed the following bill originating in the Senate.
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, '59, and the several supplemental and amendatory acts concerning said Railroad, approved, November 14th, 1857.
The report of the committee on Private Land Claims, on a bill for the relief of Jose Leonardo de la Garza Trudo, recommending its passage, was on motion of Mr. Hyde, laid on the table.
The report of the committee on Public Debt, on the claim of James Magee & Co., recommending its reference to the committee on Finance, was adopted.
A bill to legitimate Donacena Thomas late Donacena How-
Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to release A. E. Benham from the disabilities of minority. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to amend the 4th section of an act allowing discounts and set-offs, passed 5th February, 1849. Read 3rd time and passed.

A bill to incorporate the Texas Masonic Institute. Read 3rd times and passed by the following vote:


Nay—none.

The following bills were severally passed to a 3rd reading:

A bill for the relief of A. H. Booth.
A bill for the relief of Matt Finch.
A bill for the relief of Joseph W. Bass.

The report of the committee on State Affairs, on the resolutions referred to them relative to the conduct of Governor Wise and President Buchanan, in connexion with the Harper's Ferry outbreak, was read.

Mr. Quinan offered the following amendment:

Strike out these words in 2nd resolution: "and we earnestly counsel the utmost vigilance in guarding against the recurrence of a similar conspiracy within our own borders, or elsewhere in the South." Lost.

Mr. Rainey moved to postpone the further consideration of the resolutions until Monday the 19th, inst. Lost.

The resolutions were then ordered to be engrossed.

On motion of Mr. Parsons, Mr. Rainey was added to the committee on State Affairs.

Mr. Paschal was excused from attendance on the Senate, until the 5th January, 1859.

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

Friday, December 16th, 1859.

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

The journal of yesterday was read and adopted.
Mr. Whaley presented the petition of sundry citizens of Robertson, Leon and Milam counties, for mail route from Crockett to Austin. Referred to the committee on State affairs.

Mr. Walker, chairman of the committee on Public Lands, to whom was referred a bill for the relief of Michael K. Hammond, returned the same to the Senate and recommended its passage.

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

The committee on Public Lands, have again considered the bill to provide for the record of certain field notes.

The committee have instructed me to return the bill to the Senate with the following amendments, and to recommend its passage.

Amend by adding the following paragraph to the first section of the bill to-wit:

"Provided nothing herein contained shall divest any one of rights already acquired."

The committee on Public Lands, have considered the bill to permit the Mercer colony certificates to be located upon any public domain in the State.

The committee have instructed me to return the bill to the Senate with the following amendments, and to recommend its passage.

Amend by inserting in the second line and after the word "that" the words "the unlocated."

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

A bill amendatory of and supplemental to an act to incorporate the Sabine and Galveston Bay, Railroad and Lumber Company.

A bill for the relief of James C. Dillingham.

A bill ordering the return of certificates in Fisher's and Miller's colony.

A bill authorizing the heirs representatives or relations of deceased persons, to sue for and recover damages where the death of such person has been caused or occasioned by the negligent, culpable or wrongful act of another.

A bill authorizing the County court of Hill county, to levy a special tax for the purpose of building a Courthouse.

And a bill to change and adjust the Western boundary lines of the counties of Uvalde and Dawson, and the Eastern boundary line of the county of Kinney.

Mr. Quinan, from the committee on Internal Improvements, made the following report:
The committee on Internal Improvements, to whom was referred a bill to be entitled an act to amend an act to incorporate the Houston, Tap and Brazoria Railway Company, passed September 1st, 1836, and for their relief, have had the same under consideration, and have instructed me unanimously to return the same to the Senate, and recommend its passage.

The propriety of granting to this company the relief which the bill extends, can be made apparent by a brief recital of the facts. The company have now completed and in running order a section of their road, extending from Houston to a point near Columbus, a distance of forty miles. The grading for 30 miles more extending to the line of Wharton county, is either completed by this time or nearly so, and contracts have been made for the grading and ties for the whole length of the road, so far as located to the town of Wharton, on the Colorado.

The cost of the whole work, and the estimated cost of the work yet to be done, under the very prudent and energetic management which has characterized the operations of this company will not much exceed the unexampled low figures of $10,000 per mile. This is measurably to be attributed, besides the facilities indicated by the line of their road, to the hearty co-operation and deep interest taken in the undertaking by the Merchants and Planters along the line of the road. Under the conviction that by their charter they were entitled to the benefits of the laws for the investment of the school fund, the company purchased the iron for the greater part of their road on the faith of the State loan, and with the understanding that the loan should be applied to the payment of that indebtedness.

Before purchasing the iron the company obtained from the then Commissioner of the school fund, the Governor, Attorney General and Comptroller, their opinion in writing, that the company was entitled to and would receive the State loan, and with the credit which this gave them, they had little difficulty in making their negotiations. Having completed 35 miles of their road, the company applied to the Board of School Commissioners, and obtained from them drafts upon the Treasurer to the amount of $21,000, on the school fund. The Treasurer however, entertaining serious doubts, whether by the terms of the law they were entitled to the State loan, refused to pay the drafts. The company applied to the courts for redress, but without success, the Supreme court deciding that a mandamus cannot be awarded against the Treasurer of the State.

By this unfortunate event, the notes of the company for the payment for their iron, have fallen under protest. The credits
of the company has been prostrated, and their efforts for the further prosecution of their work paralyzed. In this condition of affairs, they have applied to the Legislature for relief. Without undertaking to determine the questions of law, which have arisen upon the construction of the charter of the company, your committee deem it proper to state that two successive Attorneys General of the State, have pronounced in favor of the company's right to the loan; the board appointed to invest the school fund have given judgment in their favor. The legal warrants have been issued to the Treasurer in accordance with the judgment, and whatever might be the opinion of the committee under other circumstances, they have not the least hesitancy in expressing their conviction that the charter of the company ought to be amended so as to remove all doubts as to their rights under it, and that the warrants upon the Treasurer ought to be honored. A different course, while it would inflict irreparable loss and injury upon the company, who in good faith have undertaken a very praiseworthy enterprise, and set such an example of economy and energy to the other Railway corporations of the State, would also seriously affect the credit of the State, and endanger the success of all other companies engaged in similar enterprises. No Railway Company in the State is more deserving of encouragement, and to none can the school fund be loaned with more ample guarantees for its punctual refunding.

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

The committee on the Judiciary, have considered a House bill, "to repeal an act creating a system of Bankruptcy, and regulating the collection of foreign debts," and a majority of the committee direct me to return the same to the Senate and recommend its passage.

The Judiciary committee, have considered a House bill, to incorporate the Hebrew Congregation, at the city of Houston, and direct me to return the same to the Senate with amendments, and recommend the adoption of the amendments and the passage of the bill.

Amend 1st. In section 1, line 10, after the word "associates" insert "and successors."

Amend 2nd. In section 1, line 11, after the word "Houston" insert for "religious purposes."

The committee on the Judiciary, have considered a bill, authorizing and requiring the County courts of the several counties in the State, to lay off their respective counties, into Commissioners Districts, and to provide for the election of county
commissioners, therein. And a majority of the committee direct me to return the same to the Senate and recommend that it do not pass. The object of the bill is to provide for the election of County commissioners by districts, and the committee think that as the commissioners are to represent the interests of the entire county, they should be elected by the direct vote of all of the electors of the county as is now provided by law.

The Judiciary committee, have considered a bill concerning party walls and division, fences and ditches in common and otherwise, and direct me to return the same to the Senate and recommend its passage. We have statutory regulations upon the subject matter, of the bill, and the committee think the provisions of the bill judicious and proper.

The committee on the Judiciary, have considered a bill to amend the eighth section of an act regulating fees of office, approved March 20th, 1848, and to add an additional section to said act, and direct me to return the same to the Senate and to recommend that it do not pass. The object of the bill is to increase the pay allowed to Sheriffs in certain cases, and to increase the compensation of Bailiffs, and the committee are of the opinion that the proposed legislation is unnecessary.

The Judiciary committee, have considered a bill authorizing a creditor to bring suit against his debtor, in the county where such debt has been contracted, and a majority of the committee direct me to return the same to the Senate and recommend that it do not pass. The object of the bill is to give the creditor the right to sue his debtor, in the county in which the debt was contracted, although the debtor may have removed from the county, and there was no contract to pay in such county. The committee think that the law as it now is, giving the creditor the right to sue his debtor in the county where he has contracted to pay, and also authorizing the issuance of an attachment, when the defendant is about to leave the county, or send his property out of it, is sufficiently convenient for the creditor, and renders further legislation on the subject unnecessary. If the creditor wishes to protect himself in the right to sue in any particular county, he has only to take the precaution to so contract with his debtor, and thus accomplish his object in all cases.

The committee on the Judiciary, have considered a bill amendatory of an act passed September 1st, 1856, for the relief of Nathaniel Prescott, B. S. Wheat, L. S. McGaughey and Eliza Green, and direct me to return the same to the Senate with a substitute thereof, and recommend the adoption of the substitute and the passage of the bill.
Mr. Townes, from the committee on Enrolled Bills, reported a bill to provide payment for printing the proclamation of the Governor, and 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, correctly enrolled, duly signed and this day presented to the Governor.

Mr. Shepard, from the committee on the Judiciary, reported back to the Senate a House bill to legitimate Donacena Thomas, late Donacena Howland, and recommended its passage.

And also a House bill for the relief of Hannah C. Buckner, and recommended its passage.

Mr. Rainey, chairman of the committee on Agriculture, made the following report:

The committee on Agriculture, have considered a bill to regulate Factors and Warehousemen, and regard the object sought to be accomplished by said bill, as wise and necessary, and that Legislative protection of the character proposed, is indispensable to the welfare of the planting interest of the State. When abuses become intolerable they should be removed. The committee are of the opinion that too much encouragement cannot be given to the development of the agricultural resources of our State, and that the labor of the producer should be protected from onerous exactions, whether made by the State or private individuals. The committee have therefore instructed me to return said bill to the Senate and recommend its passage.

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

A bill to incorporate the Western Texas Life, Fire and Marine Insurance Company, of the city of Indianola, State of Texas.

A bill to authorize the County court of Collin county, to levy a special tax for the erection of a court house therein.

A bill making appropriations to defray the expenses of the State Penitentiary.

And a bill to amend an act to incorporate the Houston, Tap and Brazoria Railway Company, and for relief.

Mr. Gruinn, offered the following resolution:

Resolved, That the committee on State Affairs, be required to inquire into the expediency of preparing a bill compelling commanding officers of the troops now on the field, or which may be called into the field hereafter, to return all of the property furnished them by the State, as soon as said expedition shall be
dissolved, to the proper officer of the State, to be appointed by
the Governor, and in case they fail or refuse to return or account
satisfactorily for such property, they shall be liable for the full
value of the same, and that said committee be required to report
by bill or otherwise, at an early day of the session. Adopted.

Mr. Shepard introduced a bill to incorporate the Washington
County Manufacturing, Insurance and Safety Fund Association.
Read 1st and 2nd times and referred to the committee on Agri-
culture.

Mr. Scarborough introduced a bill for the relief of Martha
Brown. Read 1st and 2nd times and referred to the committee
on Private Land Claims.

Mr. Potter offered the following resolution:

Resolved, That the committee on Internal Improvements, be
requested to take into consideration the propriety of encouraging
the construction of Canals by donations of lands, on the basis of
land donations to Railroads, and report by bill or otherwise.
Adopted.

Mr. Britton introduced a bill to ascertain and adjudicate cer-
tain claims for land against the State, situated between the
Nuces and Rio Grande rivers. Read 1st and 2nd times and re-
ferred to the committee on the Judiciary.

Mr. Scarborough introduced a joint resolution, requesting our
Senators and Representatives in Congress, to obtain the removal
of the port of entry for the district of Brazos Santiago, from Point
Isabel to Brownsville, and to obtain an appropriation for building
a custom house. Read 1st time.

On motion of Mr. Scarborough, rule suspended, read 2nd time
and ordered to be engrossed.

On motion of Mr. Scarborough, rule further suspended, read
3rd time and passed.

On motion of Mr. Rainey, the rule was suspended, and the bill
to regulate Factors and Warehousemen was taken up.

Mr. Wallace moved to refer the bill to the committee on the
Judiciary.

Mr. Rainey moved to postpone the bill until to-morrow. Lost.
The bill was then referred to the committee on the Judiciary.

On motion of Mr. Herbert, the rule was suspended, and the
bill to legitimate Donacena Thomas, late Donacena How-
land was taken up. Read and passed to a 3rd reading.

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

On motion of Mr. Quinan, the rule was suspended, and a House
bill to amend an act to incorporate the Houston, Tap and Bra-
zoria Railway Company, passed September 1st, 1856, and for their relief, was taken up and read 1st time.

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

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


NAYS—Mr. Herbert—1.

Mr. Hart moved to reconsider the vote taken on yesterday, making a bill to repeal the usury laws, the order of the day for Friday the 6th day of January. Carried.

On motion of Mr. Hart, it was made the order of the day for Monday the 19th inst.

On motion of Mr. Throckmorton, Mr. Britton was excused from attendance on the Senate for twenty days from Monday next.

On motion of Mr. Quinan, Mr. Erath was excused for one week, from Monday next.

ORDERS OF THE DAY.

A bill to amend the 2nd, 5th, 8th and 9th sections of an act to authorize the sale of the public domain, was read.

Mr. Harman offered a substitute for the bill.

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

YEAS—Messrs. Chambers, Dickinson, Fall, Gentry, Guinn, Hart, Herbert, Hyde, Lott, Martin, Potter, Quinan, Schleicher, Shepard, Sims, Townes and Wallace—17.


Mr. Schleicher offered the following amendment:

"Provided that no district or county surveyor or any of their deputies, shall be allowed to make any survey under the provisions of this act in conflict with any lands previously titled or equitably claimed." Rejected.

Mr. Duggan offered the following amendment:

"Provided that any person who may have previously received land under any pre-emption law of this State, or the Republic of Texas, shall not be entitled to the benefit of this act."

On motion of Mr. Hart, the amendment was laid on the table. The bill was then ordered to be engrossed.
On motion of Mr. Hart, the rule was suspended, bill read 3rd time and passed by the following vote:


NAYS—Messrs. Duggan, Grimes, Herbert, Potter, Quinan and Shepard—6.

A bill to change and adjust the western boundary lines of the counties of Uvalde and Dawson, and the eastern boundary line of the county of Kinney. Read.

A bill authorizing the heirs, representatives or relations of deceased persons to sue for and recover damages, when the death of such person or persons has been occasioned by the negligent culpable or wrongful act of another, were severally read 3rd time and passed.

A bill for the relief of A. Spain Summerlin, deceased. Read and passed to a 3rd reading.

A bill making appropriations to defray the expenses of the State Penitentiary. Read 1st and 2nd times and referred to the committee on the Penitentiary.

The report of the committee on Private Land Claims, recommending the rejection of a bill for the relief of the heirs of Stephen F. Slaughter.

A bill for the relief of John Smith, and the petition of John Fisher, was read and adopted.

A bill releasing railroad companies of this State, from the necessity of completing, equipping and putting in running order a section of twenty-five miles of road each and every year; was on motion of Mr. Guinn, made the order of the day for Thursday, the 22nd instant.

The report of the committee on State Affairs, on a bill to regulate the election of the Superintendent of the Penitentiary, was, on motion, of Mr. Guinn, made the order of the day for Tuesday, the 10th day of January next.

A bill granting a pension to Charles Shepard. Read 2nd time and ordered to be engrossed.

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

The following bills were severally read and ordered to be engrossed:

A bill for the relief of Andreas Manchaca.

A bill making an appropriation to pay Assessors and Collectors for taking the scholastic census for the year 1859.
A bill concerning vendor's lien on real estate.
And a bill to amend the 8th section of the act of 5th February 1849, concerning conveyances.

The report of the committee on the Judiciary, on a bill to define the homestead in a town or city, was on motion of Mr. Potter, laid on the table.

The report of the committee on Private Land Claims, on a bill for the relief of W. P. Tindall, offering amendments there-to, was read, amendments adopted, and bill ordered to be engrossed.

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

On motion of Mr. Potter, Mr. Shepard was excused for one week, from and after Tuesday next.

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

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SATURDAY, December 17th, 1859.

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

The Journal of yesterday was read and adopted.

Mr. Grimes presented the petition of William Herty, for relief. Referred to committee on Private Land Claims.

Mr. Quinnan presented the petition of the county court of Brazoria county, praying confirmation of certain acts of the court. Referred to the committee on the Judiciary.

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

Joint Resolution of the State of Texas, approving the course of Mr. Buchanan President of the United States, Gov. Wise of Virginia, and Gov. Parker of Pennsylvania.

A bill to amend the 34th section of an act, to regulate proceedings in the District Court, passed May 13th, 1856.

A bill for the relief of the heirs of John Gates.

A bill for the relief of Myram Mudget, and his assignees.

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

The committee on Claims and Accounts, to whom was referred a bill to appropriate two thousand dollars to pay for supplies furnished Capt. Tobin's command, have considered it, and have instructed me to report a substitute, and recommend its passage. A majority of the committee have instructed me to say that they
are fully satisfied that the person or persons who furnished supplies to said company ought to be paid a reasonable price for such supplies furnished as the State is bound to supply; but that they will not consent to pay for fire arms, in any case, to this company or any other company of Rangers, from the fact the State pass such men on the service $25 per month, and that they must supply themselves with arms, horses, and all the necessary equipages for the trip, or expedition, and that the State will only pay for so many horses or mules, and wagons, as are necessary for transportation, and for such a fair price, and that the State will only pay 40 cents for rations and forage, per day, for man and horse, or 20 cents for a man and the same for his horse; and should a Captain make a contract with a gentleman to furnish him or his company with supplies at a higher price than those above stated, the State will not pay the same, but will cut it down to the charges named in this report, and that the contractor must look to the Captain for the extra price.—

The committee see no good reason why the State should pay any more for supplies, than an individual ought to pay for the same kind of articles. The committee make the report on this bill and make these suggestions, because the State has troops now in the field, and will likely have more, and they think that there ought to be some settled policy established as to supplies furnished the troops by contractors, and they hope that commanding officers and contractors will look to this and observe the same, and shape their course so as to have no conflict of vouchers, and that all may fare alike, and that justice may be done.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:
A bill for the relief of William P. Tendall.
A bill making an appropriation to pay Assessors and Collectors for taking the scholastic census for the year 1850.
A bill for the relief of Andres Manchaca.
A bill granting a Pension to Charles Shepard.
A bill concerning vendors lien on real estate.

And a bill to amend the eighth section of the act of 5th February 1840, entitled an act concerning conveyances.

Mr. Quinan, from the committee on Internal Improvements, to whom was referred the bill to incorporate the Columbus Tap Railway Company, reported the same back to the Senate with the following amendments and recommended its passage.

Amend section 3rd by inserting in place of “one” in the second line “three,” so that the capital stock shall be $300,000.
Amend section 5 by striking out "ten" in the first line and
inserting "forty."

Strike out sections 11, 12 and 13.

In section 14 strike out all after "Railway Company" in the
fourth line, and insert, "And shall be entitled to receive the
benefits of the laws, to encourage the construction of railroads
in Texas by donations of lands, in proportion to the length of
their road though the same be less than ten miles long. This
company shall be allowed three years from the passage of this
act, to complete their road and bridge across the Colorado river,
and unless the same be fully completed in that time, they
shall forfeit all rights under this charter. This company is to
be subject to all general laws of the State, to regulate railroad
companies, and the right is reserved to the State at all times to
pass such laws as may be proper for the regulation of the same
and the public interest.

A message was received from the House informing the Senate
that the House had passed a bill originating in the House, to
make an appropriation for furnishing the Governor's Mansion.

Mr. Pitts, chairman of the committee on the Land Office, to
whom was referred a Joint Resolution, "authorizing the Comptroller
to contract for 500 copies of a new Abstract of titled lands
reported the same back to the Senate and recommended its
passage.

On motion of Mr. Towns, the rule was suspended, the Joint
Resolution taken up, read and passed to a 3rd reading.

On motion of Mr. Guinn the rule was further suspended, Resolu-
tion read 3rd time and passed.

Mr. Whaley, chairman of the Joint committee on the part of
the Senate, for the Inauguration of the Governor and Lieutenant
Governor, made the following report:

The Joint committee appointed to make arrangement for the
Inauguration of the Governor and the Lieutenant Governor elected
on the 21st inst. on the part of the Senate, beg leave to report:
That the Inauguration shall take place in the Hall of the House
of Representatives, at Eleven (11) o'clock, A. M. That the two
branches of the Legislature shall meet in the House 1-4 before
11 o'clock. The Speaker in the chair, and the President of the
Senate on his right, that the Chief Justice and Associate Justi-
ces of the Supreme Court, with the Attorney General, shall
occupy seats on the platform before the Speaker's chair. That
the heads of Departments and officers of the late Republic of
Texas, shall occupy seats on the left of the platform. That the
Senators shall occupy seats on either side of the aisle of the
House, and the Representatives, as near as possible to the Speaker's chair. That the ladies shall occupy seats within the bar of the House, and that citizens shall occupy seats without the bar and in the gallery. The retiring Governor, the Governor and Lieutenant Governor, with the committee will enter the House at 11 o'clock, and be seated—the retiring Governor and Governor elect, on the right of the Speaker's chair, and the Lieutenant Governor on the left. Prayer by the Chaplain of the Senate. The retiring Governor and Lieutenant Governor will deliver their valedictory, and immediately after, the Governor and Lieutenant Governor elect will have the oath of office administered to them respectively, by the Chief Justice of the Supreme Court.

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

Mr. Stockdale chairman of the committee on Enrolled Bills, reported a bill to legitimate Donacenna Thomas, into Donacenna Howland.

And a bill to amend an act to incorporate the Houston Tap, and Brazoria Railway Company, passed September 1st, 1856, correctly enrolled, duly signed and this day presented to the Governor.

ORDERS OF THE DAY.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys heretofore made in the form required by law. Read.

The question being on the adoption of the amendment offered by Mr. Schleicher.

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

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

A bill for the relief of the heirs of A. Spain Summerlin, dec'd. Read 3rd time and passed.

A bill empowering the County Court of the County of Calhoun to regulate and restrain the running at large of hogs in said county. Read.

On motion of Mr. Throckmorton the Senate resolved itself into a committee of the whole upon the bill, with Mr. Rainey in the chair. After spending sometime therein, the committee arose and reported, that no progress had been made.

The question being on the passage of the bill to a 3rd reading,

Mr. Scarborough, moved to indefinitely postpone the bill, upon which the yeas and nays were as follows:


There being a tie the President voted in the negative. So the motion to postpone indefinitely was lost—the bill was then rejected.

A bill to incorporate the Hebrew congregation, at the city of Houston, together with the report of the committee on the Judiciary, offering amendments thereto was read, amendments adopted, and bill passed to a 3rd reading.

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


NAYS—none.

A bill to repeal an act creating a system of bankruptcy, and regulating the collection of foreign debts. Read and passed to a 3rd reading.

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

A bill for the relief of Michael K. Hammond. Read and passed to a 3rd reading.

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

A bill for the relief of Hannah B. Buckner. Read and passed to a 3rd reading.

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

A bill to amend an act to incorporate the Houston Tap and Brazoria Railway Company, passed September 1, 1856, and for their relief, was on motion of Mr. Guinn, laid on the table.

The report of the committee on the Judiciary recommending the rejection of a bill to amend the 8th section of an act regulating fees of office, approved March 20, 1848, and to add an additional section to said act, was read and adopted.

A bill authorizing a creditor to bring suit against his debtor in the county where such debt has been contracted when the debtor after contracting such debt, removes from said last mentioned
county to some other county within the limits of this State, to
gether with the report of the committee on the Judiciary, recom-
mending its rejection, was read.

On motion of Mr. Wallace, the report was laid on the table.
Mr. Wallace offered a substitute for the bill.
Mr. Guinn, moved to refer the substitute and bill to the com-
mittee on the Judiciary.
Mr. Wallace moved to lay the motion on the table. Lost.
The reference was then made.
A bill amendatory of an act passed September 1, 1856, for the
relief of Nathaniel Prescott, R. S. Wheat, S. G. McGaughey,
and Eliza Green, together with the report of the committee on
the Judiciary offering a substitute therefor, was read, substi-
tute adopted and bill ordered to be engrossed.
On motion of Mr. Guinn, the rule was suspended, bill read 3rd
time and passed.
A bill concerning party walls, and division walls, fences and
ditches in common and otherwise. Read.
And on motion of Potter, made the order of the day for Mon-
day the 19th inst.
A bill authorizing and requiring the county courts of the several
counties of this State, to lay off their respective counties into
Commissioners' districts, and to provide for the election of county
Commissioners therein, together with the report of the com-
mittee on the Judiciary, recommending its rejection, was read.
On motion of Mr. Martion, the report was laid on the table.
Mr. Guinn moved to lay the bill on the table. Lost.
On motion of Mr. Throckmorton, the bill was made the order
of the day for Tuesday, the 20th inst.
A bill to permit Mercer Colony certificates to be located upon
any vacant public domain of the State, together with the report
of the committee on Public Lands offering amendments thereto,
was read, amendments adopted, and bill ordered to be engrossed
by the following vote:

YEAS.—Messrs. Chambers, Dickinson, Erath, Fall, Guinn,
Harman, Hart, Hyde, Lott, Martin, Parsons, Pitts, Potter,
Quinan, Rains, Scarborough, Shepard, Sims, Stockdale, Throck-

On motion of Mr. Walker, the rule was suspended, bill read
3rd time and passed.
A bill to provide for the record of certain field notes, together
with the report of the committee on Public Lands, offering an
amendment thereto, was read.
Mr. Quitman offered the following as an amendment to the amendment offered by the committee:

"And field notes taken from the land office for the purpose of being recorded, shall not thereby lose the right vested by their original return to the Land Office in accordance with the laws now in force." Adopted.

The amendment of the committee as amended was then adopted, and bill ordered to be engrossed.

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

A bill for the relief of Myram Mudget and his assignees. Read 3rd time and passed.

A bill to authorize the county court of Collin county to levy a special tax for the erection of a court house therein. Read 1st and 2nd times and referred to the committee on Finance.

A bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of Indianapolis. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill making an appropriation for furnishing the Governor's Mansion. Read 1st and 2nd times and referred to the committee on Public Buildings.

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

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MONDAY, December 12, 1839

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—no quorum present.

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

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TUESDAY, December 20th, 1839

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

The Journal of Saturday was read and adopted.

Mr. Grimes presented the petition of H. P. Garner for relief. Referred to the committee on the Judiciary.

Mr. Harman presented the petition of sundry citizens of Hopkins county, for money. Referred to the committee on State Affairs.
Mr. Hyde presented the petition of Leslie Combs, for money. Referred to the committee on Public Debt.

Mr. Rains presented the petition of sundry citizens of Upshur county praying the passage of a law, prohibiting the sale of ardent spirits in the town of Pitts, or within three miles thereof. Referred to the committee on State Affairs.

Mr. Hart presented the petition of Martin Gordins, for land. Referred to the committee on Court of Claims.

Mr. Rains presented the petition of sundry citizens of Wood county, for relief. Referred to the committee on Private Land Claims.

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 amend the several acts regulating juries in civil cases," and direct me to return the same to the Senate, and recommend that it do not pass. The bill proposes an entire change in our present laws regulating trial by jury and the committee think the proposed change would not answer any beneficial purpose.

The Judiciary committee have considered a bill to be entitled "an act validating the acts of Agents, done within the scope of their authority, or within the limits of their Agency, after the death of the principal, and before notice of such death has reached said agent. And a majority of the committee direct me to return the same to the Senate, and recommend its rejection. The act under consideration proposes to change old and well settled principles of law, which have long been well understood, and this act does not furnish as definite a rule, or one so easily susceptible of proof as that furnished by the existing law.

The Judiciary committee have considered the petition of W. E. Price, and find that he states that in the year 1835, he was the owner of a certain negro slave, in the State of Alabama, that said slave ran away, and the petitioner found him in this State in the year 1856, and petitioner took the negro into his possession, whereupon the negro brought suit for his freedom in the District Court of Polk county. The petitioner does not show what the result of the suit has been, but states that there are other negroes in the county under like circumstances and prays the Legislature to pass an act requiring them to be delivered up to the former owners as slaves. The committee think the courts of the county are the proper tribunals for the settlement of the legal rights of parties situated as the petitioner says he is, and that the Legislation on the subject is unnecessary. The committee therefore direct me to return the petition to the
Senate, and recommend that no further action be taken thereon.

The Judiciary committee have considered a bill to incorporate
the Galveston Firemen's Relief Fund Association, and direct
me to return the same to the Senate, and recommend its pas-
sage.

The committee on the Judiciary have considered a bill for the
relief of the administrator and heirs of Isaac G. Parker, dece'd,
and direct me to return the same to the Senate with a substitute
therefor, and recommend the adoption of the substitute, and the
passage of the same. The object of the substitute is to provide
by a general act for the extension of time for the redemption of
lands heretofore sold for taxes and purchase by the State.

The Judiciary committee have considered a bill to be entitled
an act for the benefit of Jose Sanchez, a minor. The object of
the bill appears to be, to authorize Jose Sanchez, a minor, to make
conveyances of lands and rights in the State of Texas, and to
confirm any conveyances previously made by him. It appears
from the bill that Jose Sanchez is the son of Tomas Sanchez of
Matamoras, Mexico. The committee presume that said Jose
being a minor is also a resident of Matamoras, and under such
circumstances it would not be proper for the Legislature of Texas
by special act to undertake to make him of full age or bind him
to his contracts. I am therefore directed by the committee to
return the bill to the Senate and recommend that it do not pass.

The committee have also considered a bill to be entitled an
act for the benefit of the heirs of Tomas Sanchez, deceased, and
find that the matter of the bill appears to be connected with the
bill above reported on, and as the committee are not advised of
any sufficient reason to justify or require the Legislation sought
by the bill I am therefore directed to return the bill to the Senate
and recommend that it do not pass.

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

The committee on Private Land Claims, to whom was referred
the following bills and petitions, have carefully examined them,
and find the proof insufficient in all of them and especially
some of them allege too much and do not prove much. The
committee think it unnecessary to cite their reasons in full for their
action upon them; they ask that this all be rejected to-wit:

"Petition of Horatio V. Philpot, petition of Joseph Massey,
petition of Burbry Rileys, petition of John Laramon, petition of
James English, petition of J. B. Gorden and John Myers.

A bill for the relief of John Murchison, assignee of John
Carroll, deceased, the petition of W. B. Green, the following petition of J. H. Davis, agent of Wm. Berry, asking relief in relation to bounty warrant that was not presented to the Commissioner of the Court of Claims, in time, will be provided for in the bill to reorganize the Court of Claims, and will not need any action of this body to give relief.

The committee on Private Land Claims, to whom was referred a bill for the relief of Benjamin Becas, and find the proof sufficient to entitle him to the relief asked for, they report it back and recommend its passage.

Mr. Towns, from the committee on Public Grounds, to whom was referred a bill to make an appropriation for furnishing the Governor's Mansion, reported the bill to the Senate and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the petition of the heirs of Wm. Hertz, find that said Hertz served 6 months in the service of Texas, and is entitled to the relief sought; they therefore instruct me to report the accompanying bill and recommend its passage.

A bill for the relief of the heirs of William Hertz. Read 1st time.

The committee on Private Lands, to whom was referred the House bill for the relief of Mary Elam, have fully examined the same and find she is entitled to the relief sought, they therefore instruct me to report the bill back and recommend its passage.

The committee on Private Land Claims, to whom was referred the petitions of Brackell & Heath, J. D. Matthews & Charley Clark, have considered the same and recommend that the same be referred back to the Senate, and be referred to the committee on the Court of Claims.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill for the relief of Michael K. Hammond correctly enrolled, duly signed and this day presented to the Governor.

Mr. Lott introduced a bill, to amend an act entitled an act to incorporate the Sabine and Rio Grande Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

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

A bill to amend an act for relief of Nathaniel Prescott, R. S. Wheat, L. G. M. Gaughey, and Eliza Green; passed September 1st, 1856.

A bill to permit Mercer's Colony certificates to be located on any vacant public domain in the State.
A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys not in the form required by law.

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

A bill to require field notes of certain surveys in Young Land District to be recorded in the surveyor's office.

A Joint Resolution requesting our Senators and Representatives in Congress to obtain the removal of the Port of Entry for the District of Brazos St. Iago from Point Isabel to Brownsville, and to procure an appropriation for building a Custom House thereat.

A message was received from the House of Representatives informing the Senate that the House had concurred in the amendments of the Senate to the House bills to amend the 4th section of an act allowing discounts and set offs, 5th February, 1840, to a bill to incorporate the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2 of the city of Houston, and to a bill to incorporate the Texas Masonic Institute, and had passed the following bills:

A bill to incorporate the Eastern Texas Railroad Company.

A bill appropriating ten thousand dollars or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin's company.

A bill to amend Article 955 of the Code of Criminal Procedure.

And a bill making an appropriation to pay the Attorney General and District Attorney's the costs due them under Article 952 d of the Code of Criminal Procedure.

Mr. Stockdale introduced a bill to amend an act to incorporate the Indiana Railroad Company approved 21st January, 1858, read 1st and 2nd time, and referred to committee on Internal Improvements.

Mr. Grimes introduced a bill to amend the 23d section of the General Land Law, passed 14th December, 1837. Read 1st and 2nd times and referred to committee on Public Lands.

On motion of Mr. Potter, a bill making an appropriation for furnishing the Governor's Mansion, was taken up, and passed to a 3rd reading, rule suspended bill read 3rd time and passed.

Mr. Walker offered the following Resolution:

Resolved, That the resolution heretofore passed tendering the use and occupation of the Senate Chamber to the public on the 21st inst., for the Inauguration of the Governor and Lieutenant Governor, be continued for the use and occupation of the Senate Chamber to the public on the 21st inst., for the Inauguration of the Governor and Lieutenant Governor.
Governor, (being unnecessary) be and the same is hereby rescinded. Rejected by the following vote:


NAYs.—Messrs. Dickinson, Fall, Gentry, Graves, Harman, Herbert, Hyde, Martin, Potter, Rainey, Schleicher, Stockdale, Throckmorton, Townes and Whaley—15.

On motion of Mr. Stockdale, Mr. Potter was added to the committee on Internal Improvements.

Mr. Potter introduced a bill to validate the acknowledgments and registration of deeds and other instruments of writing heretofore recorded. Read 1st and 2nd time and referred to Judiciary committee.

Also a bill for the relief of the heirs of Charles Innes, dec'd., which was read 1st and 2nd times and referred to committee on Private Land Claims.

Mr. Harman introduced a bill granting toll privileges to B. H. Oxford, for building a bridge on South Sulphur. Read 1st and 2nd times, and referred to committee on Roads, Bridges and Ferries.

Mr. Hart introduced a Joint Resolution to authorize and require the Governor to organize the Militia of the State of Texas. Read 1st and 2nd times and referred to the committee on the Militia.

Mr Rainey introduced a bill to incorporate the Trinity Valley Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

On motion of Mr. Fall a bill to incorporate the Eastern Texas Railroad Company, was taken up. Read 1st and 2nd times and referred to committee on Internal Improvements.

On motion of Mr. Gentry a bill supplemental to an act entitled an act, supplemental to an act entitled an act, to encourage the construction of Railroads in Texas, by donations of land approved January 30, 1854, approved February 16, 1858.

Mr. Potter offered the following amendments:

After "State Engineer" where ever it occurs, insert "or such other persons as the Governor may appoint." Sec. 2. after the word proceed in 8th line "or such other person as the Governor may appoint on the application of any Railroad Company."—Adopted and bill ordered to be engrossed, suspended bill read 3rd time and passed.

Mr. Pitts introduced a bill to amend article 411 of Oldham & White's Digest, regulating proceedings in the District Court.—
Read 1st and 2nd times and referred to the committee on the Judiciary.

A message was received from the Governor as follows:

EXECUTIVE OFFICE, December 19, 1859.

Gentlemen of the Senate and
House of Representatives:

I have the honor to communicate herewith the report of the Attorney General:

In making this communication, it is proper to mention that at the instance of the Attorney General, James Willie, Esq., and by virtue of the authority vested in me by the 9th section of an act supplementary to an act to establish a General Land Office, for the Republic of Texas, passed December 22, 1836, I employed Messrs. Oldham & White, attorneys of this place, to assist the Attorney General in three empresario cases mentioned in the Attorney General’s report, and agreed to pay them the same fees as the Attorney General is by law entitled to receive in the same cases. It will devolve on the Legislature to make the appropriation necessary to defray the expenses of these suits.

H. R. RUNNELS.

The report of the Attorney General was referred to the committee on the Judiciary, and 500 copies ordered to be printed.

The House bills to amend art. 955 of the Code of Criminal Procedure, and making an appropriation to pay the Attorney General and District Attorneys the costs due them under art. 3527 d of the Code of Criminal Procedure, were taken up, and read 1st and 2nd times and severally referred to the committee on the Judiciary.

On motion of Mr. Scarborough a bill (from the House) appropriating ten thousand dollars, or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin’s Company was taken up.

On motion of Mr. Guinn, the report of the committee on Claims and Accounts, on a like bill in the Senate was also taken up. Mr. Scarborough moved to lay the report on the table.

Mr. Hart moved a call of the Senate. The roll having been called and the Senate not being full, Mr. Lott moved to adjourn until to-morrow morning, 1-2 past 10 o’clock. Previous to putting the motion to adjourn, the President of the Senate, Hon. F. R. Lubbock, rose and addressed the Senate as follows:

Gentlemen of the Senate:

To-day will close that official connection which has existed between us for the last two years.
Since first I was called to preside over the honorable body, my every aim has been to discharge my duties promptly and impartially. With your generous aid and attention, I have, I trust, succeeded in this, and I am happy to know that my relations have ever been of the kindest character with every Senator upon this floor.

Nothing of a personal nature has ever influenced my conduct as your presiding officer.

My official association with you has been pleasant and instructive, and rest assured Senators, that I shall bear to my home vivid recollections of the many happy days spent in your body, and for the happiness and prosperity of each and every one of you, I shall ever feel a lively interest.

Senators, I bid you adieu.

The President pro tem being in the chair, Mr. Hart offered the following resolution:

Resolved, That the Senate tender their cordial and heartfelt thanks to the Hon. E. R. Lubbock, President of the Senate, for the able and impartial manner in which he has discharged the duties of Presiding officer of this body for the last two years.—Which was unanimously adopted.

The question then being taken on the motion to adjourn, was carried.

**Wednesday, December 21st, 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 joint resolution, originating in the Senate, instructing our Senators and Representatives in Congress, to use their influence in endeavoring to remove the port of entry from Brazos St. Iago to Brownsville, and to procure an appropriation for building a custom house thereat. Also inviting the Senate within the Hall of the House of Representatives for the purpose of witnessing the inauguration of the Governor and Lieutenant Governor.

The Senate proceeded to the Representative Hall.

**IN JOINT SESSION.**

A committee was appointed to wait upon the retiring Governor and Governor elect, and inform them that the two Houses of the Legislature were in waiting to receive them, and having performed that duty and reported, the retiring Governor, H. R.
Randels, and the retiring Lt. Governor F. B. Lubbock, with Sam Houston, Governor elect, and Edward Clark Lt. Governor elect, having been conducted to the Speaker's stand. Prayer by the Chaplain of the Senate;

Governor H. B. Randels arose and delivered the following valedictory address:

Gentlemen of the Legislature

and fellow citizens:

This vast conourse has assembled to-day to witness one of those interesting periodical events which mark the history, progress and development of a free constitutional government, to witness the transfer of honor and authority from those who have been entrusted with the difficult and perplexing cares of State, to the hands of others, who, by election of the people, have been chosen to assume them. It having been my fortune to hold the position which I am now about to surrender, for the past two years, custom as well as a proper regard for the occasion has seemed to require that I should add my presence and participate in the ceremonies that are to commemorate it. In performing this task, let no one be surprised at the difficulty I find in arriving at that which shall at the same time be appropriate and expressive of my own sentiments, nor let it be supposed that this difficulty and embarrassment arises from any feeling of reluctance at the surrender of a position enviroved with difficulties, which it has required so enlarged a sentiment of self-sacrifice and so much firmness and determination of purpose, faithfully to encounter. There are those within the sound of my voice who know that the act of to-day would have been voluntary on my part, could I have been permitted the free exercise of my own inclinations; but had they even been different, and the office again earnestly desired, I should regard my position in defeat far more fortunate and honorable than to have succeeded at the price of principle and a surrender of the independence of thought, or, by swerving one iota from that disinterestedness of action by which he who has imposed on him high moral and constitutional duties should alone be governed. It is not my intention to weary the public patience with a recital of my long connexion with our public affairs, nor shall I stoop to a vindication of its history from the misrepresentations with which it has been assailed. The time and occasion are not propitious. The purpose of the hour is to listen to the cancatabulation of principle and policy from those who are to take—not those who are about to yield position. My own is already part and parcel of the history of the country, and it is for those who may seek truth for their
guidance to examine it and judge for themselves. As a Representative of the people, as the presiding officer of either branch of the Legislature, or as the Executive of the State, I have fulfilled the performance of no duty, changed no opinion, abandoned no position, advanced no new theory, but consistently adhered to the same principles of State and federal policy from the beginning of my career to the present time; striving only for the present and future welfare and safety of my State and country.

It has been well and truly said that "censure is the tax a man pays the public for being eminent," and without presuming upon this myself, if I could close my eyes to the truth, that the recent change of popular sentiment, is more to be attributed to the name and fame of the aged and eminent chief who sits before you, than to the course of a few licentious presses and politicians who in the heat of partizan strife have forgotten or disregarded the proprieties and amanities of life, I should then regard that change as truly suggestive of serious reflection to those who may hereafter seem to tread the thorny path of political life in Texas.

Two years ago on taking the oath of office I recommended the organization of the militia in view of the impending sectional difficulties as a measure of public defense as a necessary measure of public defense only. It was not then favorably acted on by the Legislature, but subsequent events have fully justified the recommendation. It is now clearly demonstrated by the history of the past five years that a deep unchangeable determination exists in the Northern States to assail our dearest political rights, and if possible destroy our domestic institutions. This determination has its foundation in a difference in the manners, feelings and opinions of the Northern people upon the subject of negro slavery. They believe it to be a moral, social and political evil. This belief strengthened into a conviction has been incorporated with and now constitutes the soul of their religion and the mainspring of their morality. In the South, the great mass of the people entertain opinions entirely opposite in their character, which are equally irrevocable and equally amalgamated with our religion and morality. We therefore occupy the singular and anomalous position of two people differing in almost everything calculated to promote peace, happiness and brotherly love, and yet in many respects living under the same government. One of these people is actuated by a spirit of aggression; the other standing upon the ramparts of the constitution, is acting upon the defensive, and asking only to be let alone. It is unnecessary to recapitulate facts to substantiate these truths, nor that a wide spread conviction exists that we are approaching a
terrible crisis, and that we being forewarned we should be also forearmed. The history of the world affords no example of two people so divided long remaining under a common government, of their own voluntary accord. The framers of ours foreseeing a change of the opinions and sentiments of its different people, attempted by leaving this and other questions of domestic policy to the State governments as much as possible, to avoid the practicable, future cause of disruption, and by restricting the federal government to the powers delegated by the constitution, place it beyond the power of any one section to interfere with the peculiar interest and institutions of another. The binding efficacy of these restrictions from every indication is now soon to be tested, and a question to be determined is, whether Texas will remain indifferent to the consequences while those with whom she should be united by every tie of blood and interest, are animated with but one sentiment in regard to the common danger. Preparation will not hasten the coming of events, if come; they must, while if it does not prevent, it may avert the consequences of the threatening storm. The time has surely arrived when the South should look to her defenses.

I have now, perhaps, exceed the limits prescribed for such an occasion; yet I can not conclude without a word of farewell to those with whom I have been associated; who are bound to me by the strongest ties of sympathy, and that friendship which results from common labors and common motives. I honor the magnanimity which rises above the mere considerations of party. The rancor of its hostility is more than counterbalanced by the spirit of truth and justice evinced by it, and above all, the remembrance of that charity blended with so many evidences of kindness and appreciation from fair hands, which has been so generously bestowed during my sojourn at the Capital, will be carried with me to my distant home, and deeply treasured in the well of memory until life's last pulsation shall cease.

And the Hon. F. B. Lubbock delivered the following valedictory address:

Senators, Representatives, Ladies,
and you my fellow-citizens:

Two years ago I had the pleasure of appearing before you upon this stand, then taking upon myself an obligation to discharge the duties incumbent upon me as Lieutenant Governor of this our empire State. To-day I am here surrendering the trust then reposed in me to another, he being the choice of the voters of the State of Texas.
I have my fellow-citizens endeavored to perform every duty incumbent upon me with fidelity and impartiality.

I am conscious of having discharged them with an eye single to the public good.

I feel that it would not be in good taste for me to make a speech upon this interesting occasion, or to suggest such matters as I might deem of great importance to the welfare of the nation; others will follow more able and experienced than myself, nevertheless, I cannot permit this opportunity to pass without congratulating my fellow-citizens upon the general prosperity of our country. We have been peculiarly favored by Divine Providence, and with the exception of our frontier troubles, I can but see that Texas is fast advancing to that prominent position which she is destined to occupy in this nation.

Prompt and efficient frontier protection is demanded by the wants of the people, and I trust the present Legislature will not adjourn without having fixed upon some efficient plan for the permanent protection of our exposed settlement.

Our system of Internal Improvements is rapidly developing the vast resources of our fertile and productive State, and by continuing our present liberal policy, much good must result in a very short space of time.

For the many evidences of kindness received at the hands of my fellow-citizens, I feel, and will ever feel grateful, and through you their Representatives, let me return to them my most cordial thanks.

Ladies, for your attention and the interest you manifest in the affairs of the State, I thank you. I am not sufficiently gifted to entertain you with compliments, tropes and figures, but believe me when I say, that no one is more ready to pay homage to the matrons and daughters of America than I, or more fully appreciates their beauty, intellect and influence.

I thank the audience for their kind attention, and I shall ever recall with pleasure my agreeable sojourn at the city of Austin.

The oath of office was then administered by Chief Justice Wheeler, to Sam Houston Governor, and Edward Clark Lieutenant Governor elect, when Sam Houston delivered the following inaugural address:

Gentlemen of the Senate
and House of Representatives:

Called from retirement by the voice of my fellow citizens, to the responsible position of the Executive of the State, I am not insensible to the delicacy and importance of the duties which devolve upon me. Having been withdrawn, for years past, to the
discharge of Federal duties, as Senator of the United States, I have not had the advantage of participating in the local affairs of the State, and have much to inquire into as to its interests.

I am aware that our local interests are varied and important, and I feel pleasure in assuring my fellow-citizens that my object will be to promote and advance every interest without regard to the section, and to use my best endeavors to develop our resources.

To effectuate this object, and meet the just expectations of my fellow-citizens, it will be necessary that I should enjoy and realize a hearty co-operation on the part of the people's representatives, in consummating these desirable objects. My purpose, as well as my desire, will be to sustain such measures of policy as may have been introduced promotive of the public good, and to inaugurate and advance such others as will conform to the best interests of the community.

Our insular situation imperatively demands the construction of railroads on an extended and practicable scale, commensurate to the growing importance of our settlements, as well as to the production and commerce daily increasing in our country; at the same time a policy should be adopted and pursued which would secure the State against all imposition and ensure the fulfillment of every charter granted, and the accomplishment of every contract to which the government may be a party. The munificent grants made by the government hold out every inducement for the investment of capital and the employment of enterprise; and it is but just to it that all fair requirements in its behalf should be exacted and conceded in return for its liberality. The improvement of our rivers so far as can be effected at a commensurate expense, so as to render them navigable, where it is practicable, seems to me to be an object demanding the fostering care of the government. Nature has provided these channels of commerce, and when improved they will supply the necessities and wants of communities, which railroads cannot accomplish for a length of time. True economy dictates that we should realize from them whatever advantages they possess.

Having treated of the physical economy of our State, it is proper and highly important that I should advert to the intellectual and moral improvement of our people. It is a truism that "to maintain liberty, intelligence is indispensable." To attain this object education is all important; and if important, it should not be confined to classes, but disseminated throughout the whole community. How to accomplish this object, to the greatest perfection seems to be a subject yet left for solution. The Constitution evidences that its framers regarded education as a primary
object, and in that instrument ample provision was made for the
endowment of Universities, and the support of common schools.
The improvement and perfection of common schools suggest
themselves to me as the foundation upon which to erect the best
system of education, and when that foundation is firmly laid, it
will be very easy to erect thereon materials for a University, if the
voice of the State should, at some future day, require its estab-
lishment. To me it seems both wise and expedient that all rea-
sonable encouragement should be extended to all educational in-
stitutions now in existence, which have been established and sus-
tained by individual enterprise, and to promote the establish-
ment of others in various portions of the State, thus rendering
them more able to extend their usefulness, and increase their ad-
vantage to the community.

In the attainment of these various objects, it does seem to me
that two important desiderata must enter into the plan of their
accomplishment: Economy in relation to the finances and the
public domain; and strict accountability on the part of all pub-
lic functionaries should be indispensable. It is for the legislature
to enact such laws as are necessary to attain this object, and se-
ure the public treasury from imposition and fraud. So far as is
dependent upon my official action, I can assure my constituents
that in the appointment of official functionaries, I will entrust no
man with office in whose integrity I have not entire confidence,
and that he will discharge the duties of the trust confided to him
with fidelity. I have confidence that my constituents, in the ex-
ercise of their discernment, will not fail to discriminate between
that which was desired to be accomplished, and could not be done
for want of unity and co-operation of the different parts of gov-
ernment, and that which fell within the constitutional power of
the Executive. As regards the public domain, the intelligence
of the legislature, whose attention has been called to it, is capa-
bile of devising a system for its future disposition, and such an
one as will embrace a liberal policy towards the settler. From
the inception of the government of the Republic of Texas, a pro-
vision contained in the Constitution providing for sectionizing the
public domain; and if such a policy had been carried out, it
would have prevented a vast amount of litigation which has since
that time occurred. If the legislature of the State should, at any
time, adopt such a measure, it would have a tendency to dispel
a thousand anxieties which the settler now entertains, because
when he would then settle upon a tract of land, he would know
his lines and bounds, and that he should repose assuredly in the
guarantees which the State afforded for the occupancy of his
homestead.
In an inaugural it is not expected that subjects which would be more appropriate in a general message to the legislature, which I contemplate making should be embraced; yet there are subjects which demand of me attention. The subject of our frontier defences is of absorbing interest. Where it is possible for the government to give protection to its citizens, it is a duty which can not be disregarded. The extent of our frontier, stretching as it does, from the Red River to El Paso, on the Rio Grande and from thence to the mouth of that river, comprises a distance but little short of two thousand miles. One-half that distance is exposed to Indian depredations, and the other bordering upon Mexico, which is in a state of anarchy. Depredations by the Indians are so frequent, that to hear of them has almost ceased to excite sympathy and attention in the interior of our State. We have a right to look to the Federal Government for that protection which as a part of the confederacy, we are entitled to. The Federal Government has stationed troops on our frontier, but they are infantry, and not calculated for that effective warfare which should be carried on against Indians. When depredations are committed by the Indians, they escape, and the infantry cannot overtake them. Were a force authorized by the Federal Government of Texian Rangers, who understand the mode of warfare, and whose animals would be capable of subsisting upon prairies, without other forage, the expense would be less to the government, and their efficiency greater in protecting our frontier than any other description of troops. The misfortune which has attended us is the fact that annuities paid by the United States to tribes that infest our borders, receive them by way of Arkansas, and not by way of Texas, which causes many of them to believe that they violate no treaty stipulation by marauding upon Texas, because the people of Texas are not identified with those of Arkansas. If annuities were paid to the Indians upon our border, it would exercise a salutary influence upon them. We must look beyond mere physical means of defence. There must be a moral influence exerted upon the Indians, and that can, and I earnestly hope will be exercised by the President of the United States, having full confidence in his desire to promote the well-being of the whole country, and that he will not withhold any means in his power to protect our bleeding frontier. The various tribes on our borders, if they were invited to meet at some place convenient on our frontier, and a treaty were made with them to give them a trifling annuity compared to the amount required to afford us but partial protection, would give peace to our borders. This policy, at the time of annexation, gave security to our fron-
dict. Of the future 'tis fair to judge by the past. In the meantime we must not neglect the demands of the emergency; but must ourselves provide means for the immediate defense of our settlements.

Our entire boundary bordering upon the Rio Grande from the anarchy which prevails in that country, is in an exposed and excited condition. The utter disregard of all law and order in Mexico has communicated its unhappy influence to this side of the Rio Grande, and a portion of our citizens, at this time, are in a most deplorable condition, and in what it is to eventuate it is impossible to conjecture. The federal arm has been extended there, and I hope will give security and restore tranquility to our people. I will deem it my duty, if sustained by the legislature, to institute a proper inquiry into the causes which have led to the recent disorders, and adopt such measures as will prevent the recurrence of similar outbreaks. I am satisfied they have grown out of local causes, and that no premeditated insurrection was contemplated.

Whilst your representative in the Senate of the United States, being well apprized of the hopeless condition of Mexico, I introduced a measure, for the purpose of establishing a Protectorate by the government of the United States, over Mexico. The measure was received with disfavor. Aware of the state of Mexican affairs, I believed the Mexican people utterly incapable of framing a government and maintaining a nationality. This has been demonstrated since their separation from old Spain. Their history is a catalogue of revolutions, of usurpation and oppression. As a neighboring people to us, it is important for the maintenance of good neighborhood, that law and order should exist in that country. The Mexicans are a mild, pastoral and gentle people; and it is only by demagogues and lawless chieftains, who with armed bands have robbed and plundered the people, that the disorders of that country are continued. A guarantee given to those people, for the protection of their lives and property against such, would cause them to rejoice, and they would hail with pleasure any measure which might be adopted by any foreign government that would give them peace and security. As a border State, our own security must, to a great extent, depend upon the condition of things in Mexico and the restoration of order and the establishment of good government in that country. This is a subject for the consideration of the Federal authorities, and, no doubt, will command their gravest reflection. Should no change take place in Mexico restraining their disorders, and should they extend to this side of the Rio Grande, it will demand
of the Executive of this State, the exercise of his fullest powers, if needful, to protect our citizens and vindicate the honor of the State.

In concluding this Inaugural, I am irresistibly led to reflections which I hope will be heard with no disadvantage to any of my audience. —When Texas united her destiny with that of the government of the United States, she took upon herself duties and responsibilities, for the faithful performance of which we are pledged as a State. She entered, not into the North, nor into the South; but into the Union. Her connection was not sectional, but national; and however distinct or diversified her interests, may be, as compared with those of other States, she relies upon the same constitution as they, to secure her in the enjoyment of her rights. —Making that constitution the guiding star of our career as a state, let our rivalry be to approximate more closely to it, than any of our sister States. It inculcates faithfulness to the Union, let us be faithful to it. Let us, in our relationship with the general government and with the States of the confederacy, allow none to excel us in our desire to promote peace and harmony. When our rights are assailed, let us be behind none in repelling the attack; but let us be careful to distinguish between the acts of individuals and those of a people, —between the wild ravings of fanatics and that public sentiment which truly represents the masses of a State. It is in the diversity of opinion, that democracy may rest securely. The right to think adversely to us, is a guarantee of American republicanism and though this privilege may often be carried to extremes and to our detriment, yet the very institutions depend upon our maintaining it as a republican principle. When thought becomes treason, the traitor is as much the enemy of one section as the other. Its overt acts we must repel. Its expression by those inimical to our institutions, where they do not exist, need affect us nothing. The alarm at their endeavors is needless, and but strengthens them. The eternal din, which has been echoed to their song of hostility to the South, is music to their ears. Their aim is to array sectionalism upon their side, and thus to promote strife and confusion. We should meet their clamor with the contempt of a people, who fear no invasion of their rights, and instead of feeding the flame of discord, which a few in both sections have kindled, lend our endeavors toward quenching it altogether. How happy would have been the result, if the attention of Statesmen, North and South, had been as much directed toward promoting harmony between the States and cementing those fraternal bonds which alone can hold them together as a people,
as toward promoting the strife of sections, and the antagonism which are fast dividing us. —Half the care, half the thought, which has been spent in the endeavor to meet sectionalism by sectionalism, bitterness, by bitterness, and abolitionism by disunion, would have made the people to-day, a happy, united and hopeful nation.

Elected by the people, I am responsible to the people alone. Imbued to no clique or caucus for the position I occupy, I shall act alike beyond the wishes and control of such. Looking to the people, in their broad conservatism and their patriotism to sustain my endeavors, I shall pursue that course which will best conduce to the prosperity of Texas. Regarding my election as an endorsement of the sentiments enunciated by me, when I yielded my name to the people, I shall feel as the representative of the popular will, an additional incentive to make my administration accord with those principles.—Should my endeavors to turn the attention of the legislature toward those questions, whose solution bear the prosperity and happiness of the people of Texas, to the sacrifice of those national abstractions which should have no place in our councils, fail of success, I have but to look to the people to sustain me. My hopes, point me, however, to the honorable body before me, believing that in so much wisdom and intelligence there cannot fail to exist at the same time, that amount of virtue and patriotism necessary to meet any emergency.

After which Edward Clark, Lt. Governor delivered the following inaugural address:

_**Gentlemen of the Legislature**_

_and fellow-citizens:_

The part devolving upon me in the ceremonies of this hour, is comparatively an humble one, little more will be expected of me than to return my thanks to my fellow-citizens, as I now sincerely do, for the distinguished honor done me by my election to the office, the duties of which, I have now to assume.

The only business of the Lieut. Governor, ordinarily, is to preside over the Senate, in which capacity, his duty and authority is prescribed by the constitution, and must be exercised under the limitations imposed by that instrument, and such rules as may be enacted for the government of the body. He can neither propose or prosecute any measure in the Senate, and in one single contingency alone, has he any participation in the legislation of the country. Estimating the character of the office by the scope and extent of its powers, it might seem to be one of minor consequence, and yet, when considered with reference to the con-
tingent duties and responsibilities annexed to it, and the channel through which it must be obtained, it assumes a dignity and importance not usually ascribed to it. I should be wanting in justice to myself and respect to my fellow-citizens, if, on this occasion, I should withhold an expression of my sincere gratitude for the compliment paid me by its bestowal. As much however as I value the honor done me, I think it but candid to remark, that I attribute my success less to my own merits or any hold I have upon the confidence and partiality of the people of Texas, than to the popular association in which I was placed, and the force and importance of the issues involved in the election. It is proof of the correctness of this opinion, that I was opposed by a gentleman very generally acquainted with our citizens, of great personal popularity, having the advantage of the incumbency of the office, the duties of which he had well performed, and commended to the favor and support of the electors of the State by the nomination of a large and respectable political convention.

The Senate retired to their chamber, and on motion of Mr. Parsons, adjourned until Friday morning 10 o'clock.

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FRIDAY, December 23rd, 1859.

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

The Hon. Ed. Clark, President of the Senate, addressed the Senate as follows:

Gentlemen of the Senate:

You will, I trust, permit me a few remarks upon taking my place this morning. I had expected and intended to make the usual address at the time and place of my induction into office, but was prevented. I was wrong, perhaps in not using that occasion for the purpose.

My duties here though few and plain are responsible, and you will not receive it as the affectation of a sentiment I do not entertain to say that I assume their performance with great apprehension of my ability to discharge them well. I can scarcely expect in the beginning of my service to escape the commission of errors, and I ask that you will view my imperfections with leniency and forbearance, at least until I shall have had time to familiarize myself with your rules of proceeding. I deem it unnecessary to ask your aid and assistance in the discharge of my labors for when needed, I know it will be kindly and promptly given. Allow me to express the hope that in my place, I may
find it somewhat in my power to contribute to the speedy accomplishment of the business of the session and the promotion of the interests and prosperity of every section of our beloved State.

The Journal of Wednesday was read and adopted.

Mr. Fall presented the petition of Daniel H. Veal for land.—
Referred to the committee on the Court of Claims.

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

The Judiciary committee, to whom was referred a bill to incorporate the Sabine and Neches river Insurance Company, reported the bill back to the Senate with amendments, and recommended its passage.

AMENDMENTS.

Insert the following as sec. 6th:

Sec. 6. The President and Directors of the Company shall annually or semi-annually divide to the stockholders thereof so much of the profits of the business of the company as in their discretion they deem safe and proper, which dividends when paid, shall in the discretion of the President and Directors, be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled. But no dividend of any of the profits of the Company shall be made at any time, unless the capital paid in remain unimpaired.

Insert the following as sec. 7.

Sec. 7. So soon as the President and Directors of the company shall establish by proof to the satisfaction of the County Court of Jefferson county, that ten per centum on one hundred thousand dollars of the capital stock of the corporation has been paid in by the stockholders to the Secretary of the Company, and that the balance or residue of said one hundred thousand dollars, of capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same; and also shall establish to the satisfaction of said county court, that the direction of said corporation has been organized in conformity with the provisions of this act, then said county court shall give them a certificate thereof, which shall be their warrant to commence business operations, under the authority conferred by this act. And any increase in the capital stock of the company beyond said sum of one hundred thousand dollars, shall be by resolution of the stockholders at their annual meeting, and the subscriptions to such increased stock, shall be secured as in this
section before provided. But the company shall not be allowed to do business on increased capital stock until the President and Directors thereof shall have made proof to the satisfaction of the county court of said Jefferson county, that the ten per cent on such increased stock has been paid to the Secretary of the company, and that the residue of the subscription, to such increase stock have been secured to be paid in the manner as in this section provided in relation to the first one hundred thousand dollars of stock, and said county court shall have given a certificate thereof to said President and Directors.

Make sec. 6 of the bill sec. 8; sec. 7, sec. 9; sec. 8; sec. 10; sec. 9, sec. 11.

At the end of section 9 as re-numbered insert as follows:

In case the company shall fail, refuse, or be unable to pay any judgment which may be recorded against the said the persons or persons interested in such judgment shall have a right of action against each stockholder thereof and his, her, or their securities on the notes required to be given by the seventh section of this act, until such judgment or judgments are satisfied.

And the officers of said company, shall during the month of January, of each year cause a full and accurate statement of the affairs of the company, to be made up and published at least one week in some newspaper published in Jefferson county, which statement shall be signed and sworn to by the President and Secretary of the company and in case there is not a newspaper published in said county their such statement shall be published in some newspaper in Liberty or Galveston.

The Judiciary committee have considered a House bill to be entitled an act supplementary to an act entitled an act to amend the second and seventh sections of an act entitled an act to organise the Supreme Court of the State of Texas, &c., and direct that a return be made to the Senate with a substitute therefor and recommend the adoption of the substitute and the passage of the bill.

The committee on the Judiciary have considered a House bill, to be entitled an act to amend an act to incorporate the city of San Antonio, approved July 17th, 1856, and find that the object of the bill is to so amend the charter of the city of San Antonio and to require a man to be a freeman or a householder in said city in order to be entitled to vote at a corporate election in said city. This is a departure from the policy adopted by the State, in enacting the law providing for the incorporation of towns and cities. Sec. 5th of charter, provides that every free male person who has attained the age of twenty-one years, and who has
resided within the limits of the proposed town for the six months next preceding, and is a qualified elector under the laws of the State, shall be entitled to a vote at the election. This provision is in strict accordance with the requirements of the constitution of the State in prescribing qualifications of electors for State officers from Governor down to the lowest officer in the State, Art. 3d, sec. 7, constitution of the State, and it would appear but reasonable, that any one who is qualified under the constitution to vote for Governor, Judges of the Supreme and District Courts, and all other State officers, as well as for electors of President and Vice President of the United States, should be considered as possessed of all the qualifications, necessary to entitle him to vote for the officers of a Municipal corporation, in which he may happen to reside. And this view of the matter, appears the more reasonable and just when we call to our minds the fact that the corporate authorities of such towns and cities, are authorized to enact laws or ordinances which are voted as laws, within the corporate limits, and which are binding upon all the inhabitants of such towns and cities both as to person and property. Entertaining this view of the matter a majority of the committee direct me to return the bill to the Senate, and recommend that it do not pass.

Mr. Whaley presented the petition of sundry citizens of Leon, Robertson and Milam counties. Referred to the committee on State Affairs.

Mr. Stockdale introduced a bill supplemental to the modified charter of the Aransas Road Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Walker, chairman of the committee on Public Lands reported a bill to grant pre-emption privileges to the company carrying the overland mail from Memphis and St. Louis through Texas to San Francisco, back to the Senate and recommend its passage.

On motion of Mr. Throckmorton, the bill was taken up.

Mr. Stockdale offered the following amendment:

And the like quantity of land be granted to the company who have the contract for the overland mail to California from San Antonio to El Paso, upon the same terms and conditions.

Mr. Throckmorton moved to make the bill the special order for Tuesday the 3rd day of January, 1860.

Mr. Townes moved an adjournment 'til Tuesday the 27th inst., at 10 o'clock, A.M., upon which the yeas and nays were called, and the question lost by the following vote:

YEAS.—Messrs. Chambers, Dickinson, Fall, Herbert, Lott,
Martin, Parsons, Rainey, Scarborough, Townes and Whaley—11.


The question on Mr. Throckmorton's motion was then put and carried.

ORDERS OF THE DAY.

A bill to repeal the usury laws. On motion of Mr. Potter was laid on the table.

Mr. Gentry moved to adjourn until Monday the 27th inst., 10 o'clock, A. M. Lost.

A bill concerning party walls and division walls, fences and ditches in common and otherwise.

On motion of Mr. Rainey, was made the special order for Tuesday the 3rd day of January, 1860.

Joint Resolution relative to the Harper's Ferry insurrection. Read 3rd time and passed.

Mr. Townes, from the committee on Enrolled Bills, reported a bill amendatory of and supplemental to an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, correctly enrolled, duly signed and this day presented to the Governor for approval.

A bill to amend the 34 section of an act to regulate proceedings in the District Courts passed May 12th, 1860.

On motion of Mr. Rainey, was made the special order for Wednesday, 4th January, 1860.

On motion of Mr. Parsons the Senate adjourned until Tuesday next at 11 o'clock, A. M.

TUESDAY, December 27, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called and there being no quorum, on motion of Mr. Hyde the Senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, December 28th, 1852.

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

The journal of Friday was read and adopted.
Mr. Dickinson presented the petition of Johnathan Anderson. Referred to the committee on the Judiciary.

Mr. Lott presented the petition of the citizens of Van Zandt county. Referred to the committee on Finance.

Mr. Potter presented the petition of Lieut. M. Hitchcock. Referred to the committee on Claims and Accounts.

Mr. Stockdale presented the petition of E. D. Holland. Referred to the committee on Private Land Claims.

Mr. Wall, chairman of the committee on Engrossed Bills, reported a bill supplemental to an act entitled an act to encourage the construction of Railroads in Texas by donations of land, approved January 30th, 1854, approved February 16th, 1858, correctly engrossed.

Mr. Throckmorton introduced the following bills:

A bill for the relief of Greenbury Gates.

A bill for the relief of the heirs of Jacob Black; severally read 1st and 2nd times and referred to the committee on the Court of Claims.

A bill for the relief of E. G. Spencer and A. L. Cartwell, read 1st and 2nd times and referred to the committee on Private Land Claims.

A bill supplementary to an act to ascertain what certificates have been illegally issued by the County courts of counties in Peter's colony. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Lott introduced the following bills:

A bill to incorporate the McKenzie Male and Female College. Read 1st and 2nd times and referred to the committee on Education.

A bill to prevent the sale of vinous, spirituous or other intoxicating liquors, within one mile of the town of Starrville in Smith county. Read 1st time, rule suspended, read 2nd time and ordered to be engrossed.

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

Mr. Grimes introduced a joint resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary. Read 1st and 2nd times and referred to the committee on the Penitentiary.

Mr. Walker introduced a bill for the relief of certain colonists or their assignees of Peter's colony. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Potter introduced a bill providing for the next election of Representatives to the Congress of the United States from the
State of Texas. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Parsons offered the following resolution:

Resolved, That 500 copies of the report of the State Geologist now in the hands of the committee on Printing in the House of Representatives be ordered to be printed for the use of the Senate. Adopted.

Mr. Stockdale offered the following resolution:

Resolved, That the committee on the Judiciary be requested to consider the propriety of so amending the law in regard to the taking of depositions in civil cases, as to allow the parties or their attorneys to be present at the examination of the witnesses and examine them in open court, instead of filing interrogatories as now required. Adopted.

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

A bill to change the time of holding the district courts in the sixth judicial district.

A bill for the relief of Jose Maria Gonzales.

A bill for the relief of J. P. C. Kennymore.

A bill for the relief of William Phelps.

A bill for the relief of H. C. Lageney.

A bill for the relief of the heirs of R. Humphreys.

A bill to incorporate the Jefferson Insurance Company.

A bill to incorporate the Houston, Trinity and Tyler Railroad Company.

A bill to fix the time for holding the District courts of the seventh judicial district.

A bill amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, passed 11th May, 1846.

A bill supplementary to an act to regulate Railroad Companies, approved February 7th, 1853, approved December 19th, 1857.

Also the following bills originating in the Senate:

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

A bill amendatory and supplemental to an act entitled an act to incorporate the Sabine, Galveston Bay, Railroad and Lumber Company.

A bill for the protection of the frontier.
A bill to create the 20th Judicial District, and to define the time of holding courts therein.

A bill to authorize the Governor to postpone the sale of University lands, that have been forfeited for nonpayment of annual instalments required by law.

A bill for the relief of Wiley Burns, the heirs of Robert M. McKinney, the heirs of Carmel Ramon, and the heirs of David Baslow with an amendment; and that the House had concurred in the Senate's amendment to a bill to incorporate the Hebrew Congregation of the city of Houston; and had passed a substitute for the Senate's bill to validate certain surveys in Fisher's, Miller's and Peter's colonies.

On motion of Mr. Parsons, a bill to change the time of holding the district courts in the sixth judicial district was taken up and read 1st time, rule suspended, read 2nd time and passed to a 3rd reading; rule further suspended, read 3rd time and passed.

ORDERS OF THE DAY.

The report of the committee on Claims and Accounts, on a bill appropriating ten thousand dollars or so much thereof, as may be necessary to defray the expenses incurred by Capt. Tobin's command, with the bill for a like purpose from the House, was on motion of Mr. Throckmorton, laid on the table.

The report of the committee on Internal Improvements, on a bill relieving railroad companies of this State, from the necessity of completing, equipping and putting in running order a section of 25 miles of road each and every year, was on motion of Mr. Guinn, laid on the table.

The following bills were severally read 3rd time and passed:

A bill to amend the 8th section of the act of February, 1840, entitled an act concerning conveyances.

A bill concerning vendors liens on real estate.

A bill for the relief of Andreas Mancha.

A bill making an appropriation to pay Assessors and Collectors for taking the scholastic census for the year 1858.

A bill for the relief of Benjamin Baccus. Ordered to be engrossed, rule suspended, read 3rd time and passed.

A bill for the relief of the heirs of William Hertz. Ordered to be engrossed.

A bill for the relief of Mary Elam. Passed to a 3rd reading.

The report of the Judiciary committee on a bill for the benefit of Jose Sanchez, a minor; and a bill for the benefit of the heirs of Tomas Sanchez, deceased, recommending their rejection was read and adopted.

The report of the Judiciary committee on the petition of W.
E. Price, recommending its rejection, was read and adopted.

The report of committee on Private Land Claims, on the petitions of Bracken & Heath, of J. D. Mathews and Charley Clark recommending their reference to the committee on the Court of Claims, was read and adopted.

A bill to incorporate the Galveston Firemen's Relief Fund Association. Ordered to be engrossed.

The Senate refused to concur in the amendment of the House to a bill for the relief of Wiley Burns, the heirs of Robert M. McKinney, the heirs of Carmel Ramey and the heirs of David Barlow, and appointed Messrs. Throckmorton and Guinn a committee of conference, and ask a like committee on the part of the House.

The report of the Judiciary committee on a bill for the relief of the Administrator and heirs of Isaac G. Parker, deceased, offering a substitute. Substitute adopted and ordered to be engrossed; rule suspended, read 3rd time and passed.

The report of the committee on Internal Improvements, on a bill to incorporate the Columbus Tap Railway Company, offering amendments. Read, amendments adopted and bill ordered to be engrossed.

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


NAYS—none.

A bill authorizing and requiring the county courts of the several counties of this State, to lay off their respective counties into commissioners districts, and to provide for the election of county commissioners therein. Read 3rd time and rejected by the following vote:

YEAS—Messrs. Duggan, Fall, Martin, Parsons, Walker, Wallace and Whaley—7.


The report of the committee on Private Land Claims, on the petitions of W. B. Green, James English, Horatio V. Philip, J. B. Gordon, John Myers, John Laramore, Joseph Massey; and John Murchison, recommending their rejection; also on the petition of Joshua Davis, recommending that it lie on the table, was read and adopted.
The report of the committee on the Judiciary, on a bill validating the acts of agents done within the scope of their authority, or within the limits of their agency after the death of the principal and before notice of such death has reached said agent, was read.

On motion of Mr. Wallace, the report was laid on the table.

Mr. Wallace then made the following minority report:

The undersigned a minority of the Judiciary committee, are constrained to dissent from the report of the majority of said committee (on a bill to validate the acts and contracts of agents done after death of the principals and before notice of such death has reached said agents) recommending its rejection. The law proposed to be amended is no part of our statute law, but has been incorporated into our system by adoption. It is a part of the ancient common law of England which lies at the foundation of our jurisprudence. Although this law has undergone many alterations of form and structure to fit it to a new world and new people, it still retains many of its primitive features. Whole branches of that law have been handed down to us untouched by the hand of legislation. The law regulating the conduct of agents and determining their rights, duties and liabilities, is a part of that inheritance. We have received it from our ancestors, and have adopted it as a whole, without looking into the minute details of the system. Its general provisions are dictated by an enlightened wisdom and are admirably calculated to meet the wants of a commercial people, and to guard the rights of both principal and agent. But while the operation of these general rules is in the main equitable and just, there are particular cases of hardship and wrong which require legislative intervention. It is a rule of the common law, that all agencies are terminated by the death of the principal. This rule in its general application is wise and just for the party who is entitled under the law to the property of the deceased, should be entitled to control it and there is no hardship in holding that an agent who has notice of his principal's death, shall no longer bind his estate by his acts. But where the principal during his lifetime instructed the agent to do certain acts or make certain contracts, and the agent after the death of the principal and in ignorance of such death proceeds to execute the trust reposed in him, every principle of justice requires that those who inherit the fortune or profits by the bounty of the deceased, should save harmless the diligent agent and the ignorant public who have been imposed upon by a show of authority which the law pronounces null, but the invalidity of which they have no present means of ascertaining. And yet the law is
otherwise, the ignorant agent and the credulous public are the sufferers. The want of notice protects neither the one or the other. The heirs of the deceased principal affirm the acts and contracts of the agent, if in their opinion they are beneficial, but if advances are made by the agent, or if losses are sustained by him in carrying out the trust, or if the contract results injuriously to the estate, the whole transaction is repudiated no matter how closely the agent has followed his instructions and no matter how great the sacrifice made by him in executing the agency. But this is not the rule where the principal continues alive and revokes the authority conferred on his agent. Then the acts of the agent are valid and binding upon the principal no matter how injurious they may be until notice of such revocation reaches the agent. The law even goes farther; for the agent who has notice that his authority has been revoked may still bind his principal by his acts, provided he be a general agent and the person dealing with him has no notice that the authority has been revoked. This rule is established to prevent fraud and imposition upon the public. The principal having entrusted the agent with external indicia of authority, and having held him out publicly as authorized to transact business for him, the withdrawal of authority is required by law to be as public and notorious as the act conferring it, and notice should be brought immediately home to the party dealing with the agent, and to the agent himself before his acts cease to bind the principal. The latter has no reason to complain for he has placed it in the power of the agent to do the act, by having recognized former acts of a similar character as binding upon him or by having left in his possession the written evidence of his agency. It is true, that in such case the agent who has received notice of the revocation of his authority and attempts to bind his principal by making contracts in his name after such notice will be personally liable to the principal for all damages sustained by him from such unlawful exercise of authority, but the person who deals with the agent in matters relating to the business of the agency, and in ignorance of the revocation of his authority will be fully protected, and contracts thus made will be enforced against the principal. The whole object of the bill under consideration is to make the law uniform and to place revocations by death of the principal on the same footing as revocations by the act of the party in his lifetime, that is to say, that such revocation should not be operative until the agent had received notice of the death. The change proposed is not great, its advantages are evident and no serious danger can be apprehended from the alteration. Its only effect will be to protect
the innocent and ignorant against an act of providence which they could not foresee, prevent or know; the only hardship which it imposes upon those who inherit the estate of the deceased principal, is that they shall not avail themselves of his death to rip up a transaction, which if he had lived, would have been binding upon him. The only duty which it imposes on them is to respect his will as indicated to his agent and to carry out his contracts in good faith. Surely it is not hard for those who live by the bounty of the deceased to abide by his contracts also. In the case supposed, the agent has acted honestly, he has been guilty of no laches, he has strictly and literally carried out his instructions. His every promptitude in discharging his duty is made by law the cause of his ruin, and yet by the same law any delay in the execution of the business of the agency is equally dangerous to the agent and may subject him to heavy damages, for he is bound to use due diligence in the affairs of the principal entrusted to his management. He is thus placed between two fires, he is required in the same breath to do and not to do the same thing. It is utterly impossible for a man living in Texas to know at the very moment the time of the death of his principal then in New York and England, and yet as the law now stands the agent is required at his peril to know the precise time of his death. A. living in this State, makes B. his agent to transact business here and embarks at the port of Galveston, direct for England. The day after his departure he dies, no information of this fact can reach the agent until the vessel arrives in England and the news is brought back. One month or more may have elapsed. In the meantime the agent ignorant of the death of the principal and acting in good faith under the authority conferred upon him, sells lands, purchases goods, receives, remits and pays out moneys on account of his principal and incurs heavy expenses and makes large outlays in carrying out the objects of the agency, every act thus done is invalid. The agent loses his commissions and the advances he has made on behalf of his principal. Nor is this all, he becomes liable to the heirs of the deceased principal and also to those who have dealt with him on the faith of his agency. Payments made to him under such circumstances of moneys due the deceased principal, will not discharge the debtor from liability but the debt may still be collected by the administrator of the deceased, lands sold by him under like circumstances will still belong to the estate, although the agent may have received payment. These hardships are sufficient in the opinion of the undersigned to justify and require an alteration in the existing laws. Surely a law which interrupts commerce and destroys com-
fidence, which makes the agent shoulder the acts of his principal and become responsible for the losses arising therefrom, which punishes industry and legalizes frauds, which visits losses arising from death, not upon the estate of the deceased, but upon those who have acted for its advantage, which ensnares the public by requiring it to know what in many instances cannot be known should not be permitted to remain upon our statute book longer. In this belief the undersigned recommend the adoption of the following substitute:

H. C. WALLACE.
One of the committee.

Mr. Wallace then offered a substitute which was adopted.

The question then being on the engrossment of the bill, was lost by the following vote:


NAYS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Harman, Herbert, Ilyde, Martin, Parsons, Pitts, Potter, Rains, Stockdale, Throckmorton and Whaley—16.

On motion of Mr. Guinn, Mr. Potter was added to the committee on Claims and Accounts.

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

A bill to incorporate the Houston, Trinity and Tyler Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill for the relief of Jose Maria Gonzales. Read 1st and 2nd times and referred to the committee on Private Land Claims.

The following bills were severally read 1st and 2nd times and referred to the committee on Private Land Claims:

A bill for the relief of William Phelps.
A bill for the relief of J. C. P. Kennymore.
A bill for the relief of H. C. Lazenby. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

The following bills were severally read 1st and 2nd times and referred to the committee on the Judiciary:

A bill amendatory of and supplemental to an act to incorporate the city of New Braunfels, passed 10th May, 1846.
A bill to fix the time for holding the district courts of the seventh Judicial district.
A bill to incorporate the Jefferson Insurance Company.
A bill amendatory of an act entitled an act to regulate proceedings in case of forcible entry and detainer, approved 15th March, 1848.
A bill supplementary and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853, approved December 19th, 1857. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to validate certain surveys, and confirming certain patents in the Mississippi and Pacific Railroad Reserve. Read 1st and 2nd times and referred to the committee on Public Lands.

A bill to incorporate the Sabine and Neches River Insurance Company.

On motion of Mr. Pitts, the bill was laid on the table.

Mr. Stockdale offered the following resolution:

Resolved, That a select committee of five be appointed to consider the subject of providing the means to pay and subsist the Rangers called into the service of the State for the protection of the frontier, and report the result of the deliberations to the Senate, which was adopted and Messrs. Stockdale, Grimes, Throckmorton, Herbert and Pitts were appointed the committee.

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

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Thursday, December 29th, 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 Elijah V. Dale. Referred to the committee on Private Land Claims.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill to authorize the county court of Collin county to levy a special tax for the erection of a court house therein, reported the same back to the Senate and recommend the passage of the bill.

Mr. Duggan from the committee on the Judiciary, to whom was referred the memorial of the county court of Comal county, reported the accompanying bill, and recommend its passage.

A bill to authorize the county court of Comal county to levy a special tax to liquidate the indebtedness of said county, contracted in erecting the court house of said county. Read 1st time.

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

The Judiciary committee have considered a House bill making
an appropriation to pay the Attorney General &c., and direct me
to return the same to the Senate and recommend its passage.

The Judiciary committee have considered the following House
bills:

An act to fix the time for holding the District Courts of the
seventh Judicial District.

A bill to release N. E. Benham from the disabilities of minority,
and recommend their passage.

The Judiciary committee have considered a Joint Resolution
proposing to amend Sec. 2nd of Art. 4 of the Constitution of
the State, so as to make the Supreme Court consist of five
Judges, and also to authorize the Governor to make temporary
appointment to fill vacancies that may occur on the Supreme or
District Court benches, and direct me to return the same to the
Senate and recommend its passage.

It is well known that the Supreme Court as now constituted,
is not, and will not be able to transact the business that must
necessarily be brought before it. It is not in the power of any
three Judges to keep up with the business of the court, and at
the present term there will be more causes left undetermined on
the dockets of the court at Austin and Galveston than will be
determined during the term, and more than could be decided by
three Judges in a year from this time, were they to devote their
entire time and attention to these dockets. In addition to this
the business of the court is rapidly increasing, and must con-
tinue to do so for many years to come, the committee can see no
remedy for this but to increase the number of the Judges of the
court as proposed by the Joint Resolution, the propriety of the
other clause of the resolution must be apparent to all without
question from the committee.

The Judiciary committee have considered a bill to amend
Article 11 of Oldham & White's Digest regulating proceedings
in the district court, and direct me to return the same to the
Senate and recommend its rejection. The object of the bill is
to so change the law regulating service of process in civil cases,
as to provide that service may be made by leaving a copy of the
citation, &c., at the residence or usual place of abode of the
party to be served. The committee think the laws now in force
on the subject are wise and salutary, and that further legislation
thereon is unnecessary. The plan proposed by the bill was given
a fair trial under the Republic and being found to work badly
was repealed and the committee see no good reason for returning
to it now.
Mr. Hart, from the committee on the Judiciary, made the following report:

The committee on the Judiciary to whom was referred the petition of A. Bacque Bacon, have had the same under consideration, and find the following facts, as stated in his petition:—

That he has lately been elected to the high and honorable office of District Attorney of the twelfth Judicial District. That since his election there has been an insurrection in his part of the State, and that in all probability not less than five hundred persons have committed felonies, from larceny up to murder, and that said five hundred persons who in the ordinary course of legal justice ought to be tried and convicted in our courts, but that it is probable they will be killed by our arms or fly to Mexico or some other hiding place, or in case of their arrest they should claim a change of venue. So that whether they be summarily punished or driven into exile or be indicted and held to trial, he would be deprived of the ten thousand dollars, which he would be entitled to for said five hundred convictions, if they could be had. He therefore alleges that the five hundred dollars allowed him by the State, would only pay him fifty cents for each mile of the thousand he would be compelled by law to travel, not leaving anything wherewith to pay his expenses or for the support of his family. He therefore prays that his salary be at least trebled, so that he may be the better able to support his family and relieve the distresses of those who may happen to travel into that fortune forsaken region of the country.

If he has been elected to the office he claims to hold, we are of the opinion that he ought to understand the constitution and laws of the State, more particularly as he has five hundred criminals in his district, that ought to be convicted. We therefore recommend for his consideration and study as a very important part of our constitution and one which should be well understood by all of our officers, the following paragraph of the 7th Section of the 7th Article of the general provisions of the State Constitution: The Legislature shall not grant extra compensation to any officer, agent, servant or public contractor after such public service shall have been performed, contract entered into for the performance of the same, nor grant by appropriation or otherwise any amount of money out of the Treasury of the State to any individual on a claim real or pretended when the same shall not have been provided for by pre-existing law. He will discover that the Legislature is very wisely prohibited from granting extra compensation or from paying claims real or pretended during the term of his office, to which he was elected.
And as to a donation to support his family, and to relieve the
distresses of those who may happen to travel into that fortune
forsaken region of country, we very much doubt its propriety,
and are of the opinion that it would be unwise and inexpedient,
the opinion of A. Baccus Brown to the contrary notwithstanding.
But, as the committee are of the opinion that the present salary
is entirely too small to justify any constitutional lawyer which we
are satisfied the memorialist soon will be, and more particularly
as he has five hundred culprits in his District who ought to be
convicted, we therefore recommend him to resign his office and re-
turn to "sublimer themes of sweet repose" and that the relief be
not granted.

Mr. Guinn, chairman of the committee on Claims and Ac-
counts, made the following report:

The committee on Claims and Accounts, to whom was referred
the petition of L. M. Hitchcock have duly considered it and find
the proof satisfactory, and further find this claim has passed the
Senate two or three times at previous sessions, and they find from
the proof that the amount proven is $1,836 68, and that previous
committees who have acted upon this claim, have cut it in two
from the fact, they supposed it was to be paid in exchequer
money which was worth fifty cents on the dollar in March 1842,
when this debt was contracted, and the service rendered and sup-
plies furnished by Mr. Hitchcock to the men on the vessel men-
tioned in the vouchers filed with the committee. The committee
think that the former action of committees on this claim was
just and right, and the present committee have instructed me to
report the bill to the Senate that passed at its last session, and
recommend its passage. Read 1st time.

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

The committee on Private Land Claims, to whom was referred
the House bill for the relief of J. C. P. Kennymore, have ex-
amined the same with the proof accompanying, and find that the
party is entitled to the relief sought. They therefore authorize
me to report the bill back to the Senate, and recommend its pas-
sage.

The committee on Private Land Claims to whom was referred
the memorial of John A. Menerof, have considered the same
and find that the laws now existing, are amply sufficient to re-
lieve all just claims of the kind sought, and that no further
Legislation is necessary, they therefore instruct me to report the
same back, and recommend its rejection.

The committee on Private Land Claims to whom was referred
a bill for the relief of the heirs of Charles Inlos, have considered the same, and find that Charles Inlos emigrated to Texas with his family in 1838, and was entitled to 640 acres of land under the laws existing at the time, and they therefore authorize me to return the bill and recommend its passage with the following amendment to be added to the first section: provided the said Charles Inlos, or his heirs have never received any land as emigrants.

Mr. Potter, chairman of the committee on the Judiciary, reported a bill amendatory of an act entitled an act to regulate proceedings in cases of forcible entry and detainer, approved 15 March, 1848, and recommended its passage.

Mr. Lott introduced the following bills, which were severally read 1st and 2nd times, and referred to the committee on Private Land Claims:

A bill for the relief of William Price.
A bill for the relief of Alexander Wheeler.

Mr. Throckmorton introduced a bill supplementary to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10, 1858. Read 1st and 2nd times, and referred to the committee on Public Lands.

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

A bill to incorporate the Firemen’s Relief Fund Association.
A bill for the relief of the heirs of William Hertz.
A bill to restore lands sold for taxes and purchased by the State to former owners on certain conditions.
A bill to prevent the sale of vinous, spirituous and other intoxicating liquors within one mile of the town of Starrville in Smith county.

A bill for the relief of Benjamin Baccus.

Mr. Fall introduced a bill to amend the laws providing for the registry of deeds and other instruments of writing. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Duggan introduced the following resolution:

Resolved, That the committee on the Judiciary be requested to report a bill authorizing the Post Masters of this State to burn all abolition or incendiary documents received at their offices. Adopted.

Mr. Guinn offered the following resolution:

Resolved, That the Judiciary committee be requested to report a bill to prevent the manumission of slaves by will or otherwise. Adopted.
ORDERS OF THE DAY.

A bill for the relief of Mary Elam. Read 3rd time and passed.

On motion of Mr. Guinn, the report of the Judiciary committee on a bill to incorporate the Sabine and Neches river Insurance Company was taken from the table; the amendments of the committee were adopted.

Mr. Pitts offered the following amendment:

Sec. 3 after the name M. J. Phillips, insert H. W. Benley. Adopted, and bill ordered to be engrossed.

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


NAYS—none.

On motion of Mr. Potter, the report of the Judiciary committee on the memorial of the county court of Comal county, presenting a bill, to authorize the county court of Comal county, to levy a special tax to liquidate the indebtedness of said county, contracted in erecting the court house of said county, and recommending its passage was taken up. Rule suspended bill read 2nd time, and ordered to be engrossed. Rule further suspended bill read 3rd time and passed.

On motion of Mr. Potter, the report of the Judiciary committee on a House bill making an appropriation to pay the Attorney General and District Attorneys the costs, due them under article 952d of the Code of Criminal Procedure recommending its passage, was taken up and bill passed to a 3rd reading. Rule suspended bill read 3rd time and passed.

On motion of Mr. Grimes, the report of the Judiciary committee on a bill to fix the times of holding the district courts in the seventh judicial district, recommending its passage, was taken up, and bill passed to a 3rd reading. Rule suspended, bill read 3rd time and passed.

On motion of Mr. Stockdale, the report of the Judiciary committee on a bill to relieve A. E. Benham, from the disabilities of minority, recommending its passage, was taken up, and passed to a 3rd reading. Rule suspended bill read 3rd time and passed by the following vote:

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Guinn, Harman, Herbert, Lott, Martin, Parsons, Pitts, Potter, Rains, Scarborough, Stockdale, Throckmorton and Whaley—17.

On motion of Mr. Potter, the report of the Judicary committee on a Joint Resolution proposing an amendment to the constitution, for the purpose of increasing the number of judges of the supreme court, recommending its passage, was taken up, and bill ordered to be engrossed.

On motion of Mr. Guinn, the report of the committee on Claims and Accounts on the petition of L. M. Hitchcock presenting a bill for his relief, was taken up. Bill read 2nd time and ordered to be engrossed.

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

On motion of Mr. Throckmorton the report of the committee on Finance, on a bill to authorize the county court of Collin county, to levy a special tax for the erection of a court house therein, recommending its passage was taken up, and bill passed to a 3rd reading. Rule suspended bill read 3rd time and passed.

A bill for the relief of the heirs of William Hertz. Read 3rd time and passed.

A bill to incorporate the Firemen's Relief Fund Association. Read 3rd time and passed by the following vote:


Nays—none.

Mr. Stockdale, one of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to which was referred the bill to be entitled an act to amend an act to incorporate the Indianapolis Railroad Company, approved 21 January, 1858, beg leave to report: That they have considered said bill, and find that the relief granted is necessary and just. When the legislation with reference to the San Antonio and Mexican Gulf Railroad Company is considered, because the operations of the Indianapolis Railroad Company must depend upon those of the San Antonio and Mexican Gulf Railroad Company. They therefore recommend the passage of the bill.

On motion of Mr. Throckmorton, the report was taken up, and the bill ordered to be engrossed.

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

Yeas—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons,
Pitts, Potter, Raines, Scarborough, Sims, Throckmorton, Walker, Wallace and Whaley—22.
Nats—none.
On motion of Mr. Sims, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, December 30th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.
The journal of yesterday was read and adopted.
Mr. Whaley presented the petition of sundry citizens of Robertson county, relative to the time of holding the District courts of said county. Referred to the committee on the Judiciary.
Mr. Erath presented the petition of sundry citizens of Lampa-sas county, relative to spoliations by Indians. Referred to the committee on Indian Affairs.
Mr. Potter, chairman of the committee on the Judiciary, made the following report:
The Judiciary committee have considered a bill, supplementary to an act entitled an act to ascertain what land certificates have been illegally issued by the county court of counties in Peter's colony &c., and direct me to return the same to the Senate, and recommend its passage.
The Judiciary committee have considered a bill, to validate the acknowledgment and registration of deeds, and other instruments of writing heretofore recorded, and direct me to return the same to the Senate with an amendment, and recommend the adoption of the amendment and the passage of the bill.
Amendment to come in the end of the last section:
This act shall not be so construed as to effect or bind in any manner any person or party with constructive notice of the existence of any deed or other instrument of writing, as a recorded deed or instrument, except in the future, and after the taking effect of this act, unless such person or party would have been so affected or bound with such notice, had this act never been passed.
The committee on the Judiciary have considered a House bill, amendatory of and supplementary to an act to incorporate the city of New Brunswick, passed May 11th, 1846, and direct me to return the same to the Senate, and recommend its passage.
The Judiciary committee have considered a House bill, to re-
lease Jackson L. Leonard, from the disabilities of minority and permit him to practice law, and direct me to return the same to the Senate and recommend that it do not pass. The committee are not advised of any special causes demanding the proposed legislation, and without some good cause shown, the committee think such legislation unwise and improper.

The Judiciary committee have considered a House bill, to incorporate the Jefferson Insurance Company, and direct me to return the same to the Senate with amendments, and recommend the adoption of the amendments and the passage of the bill.

AMENDMENTS.

In section 1, lines 10 and 11, strike out the words “one hundred” and insert “$25” and in the 11th line of same section, after the word “dollars” insert “at anytime.”

Insert the following as section 6:

Sec. 6. The President and Directors of the company, annually or semi-annually divide to the stockholders thereof, so much of the profits of the business of the company as in their discretion, they shall deem safe and proper, which dividend when declared shall in the discretion of the President and Directors be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled, but no dividend, of any of the profits of the company shall be made at any time, unless the capital paid in remain unimpaired.

Insert the following as section 7:

Sec. 7. So soon as the President and Directors of the company shall establish by proof to the satisfaction of the County court of Cass county, that ten per cent on one hundred thousand dollars of the capital stock of this corporation has been paid in by the stockholders to the Secretary of this company, and that the balance or residue of said one hundred thousand dollars of capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same; and also shall establish to the satisfaction of said County court that the direction of said corporation has been organized in conformity with the provisions of this act, then said county court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this act. And any increase in the capital stock of said company, beyond said sum of one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual meeting; and the subscription to
such increased stock shall be secured as in this section before
provided; but the company shall not be allowed to do business
on such increased capital stock until the President and Directors
shall have made proof to the satisfaction of said county court of
Cass county, that ten per cent on such increased stock has been
paid to the Secretary of the company, and that the residue of the
subscriptions to such increased stock have been secured to be
paid in the manner as in this section provided, in relation to the
first one hundred thousand dollars of stock subscriptions, and
said county court shall have given a certificate thereof to said
President and Directors.

4. Make section 6, of the bill sec. 8, sec. 7, sec. 9, sec. 8, sec.
10 and sec. 9, sec. 11.

5. At the end of sec. 9, as remembered, add the following:

In case the company shall fail, refuse, or be unable to pay any
judgment which may be recorded against the same, the person
or persons, or corporation interested in such judgment, shall have
a right of action against each stockholder thereof, and his her or
their securities on the notes required to be given by the seventh
section of this act, until such judgment or judgments are sat-
fied. And the officers of the company shall during the month
of January of each year, cause a full and accurate statement of
the affairs of the company to be made out and published at least
one week in some newspaper published in said town of Jefferson
which statement shall be signed and sworn to by the President
of the company.

6. In section 2, lines 7 and 8 strike out the words “at the dis-
cretion of” and insert “by.”

In the 8th line of same section after “corporation” insert
“whenever a majority of the stockholders shall by vote so direct.”

The Judiciary committee have considered the application of
J. H. Anderson and M. V. Lott, who ask to be refunded the
amount they expended in attempting to capture a fugitive from
justice under a commission from the Governor of the State for
that purpose. The committee find that in December, 1850, the
Governor of the State made a requisition on the Governors of
Tennessee, Arkansas, Mississippi, Louisiana and Kentucky, for
the delivery of William E. Cox, a refugee from justice from
Panola county, and commissioned such parties as agents to bring
back said fugitive. That said parties acting under said commis-
sion spent over six weeks time and $125, in money in attempting
to capture and bring back said fugitive, but did not succeed in
capturing him. Art. 887 of the Code of Criminal Procedure,
provides that “whenever the Governor may think proper to de-
mand a person who has committed a crime in the State, and has fled to another State or Territory, he may commission any suitable person to take such requisition &c., and that reasonable compensation for his services shall be paid to the person so commissioned out of the Treasury of the State. The service appears to have been rendered in this case in accordance with the provisions of the law as cited. The parties only ask to be paid the amount which they actually expended, and a majority of the committee think they are entitled to the relief sought. I am therefore directed to return the claim and accompanying papers to the Senate, with the recommendation that the same be referred to the committee on Finance, with the request that provision be made in the general appropriation for the payment of said sum of $125, to said parties.

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

The committee on Public Lands, have had under consideration the Senate's bill, validating certain surveys in Fisher's and Miller's and Peter's colonies, together with a substitute from the House for the same. The committee have instructed me to return the bills to the Senate, and to recommend the adoption of substitute and the passage of the same.

The committee on Public Lands have considered a bill, supplementary to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 11th, 1858. The committee have instructed me to return the bill to the Senate and recommend its passage.

The Public Land committee have considered a bill, to amend the 23rd section of the General Land Law, passed 13th December, 1837. I am instructed by the committee to return said bill to the Senate, and to recommend its passage.

The committee on Public Lands have considered a bill, for the relief of certain colonists or (their assigns) of Peter's Colony. The committee have instructed me to return the same to the Senate, and to recommend its passage.

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

The committee on the judiciary, to which was referred the bill, concerning property conveyed to and held in trust by the Bishop of the Roman Catholic Church in Texas for charitable uses, instruct me to report that they have duly considered said bill, and that with the amendments herewith submitted, they see no objection to the bill. They therefore recommend the adoption of the amendments and passage of the bill.
AMENDMENT.

Add at the end of the 2nd section the following:

Provided, that the Bishop or chief Pastor for the time being, shall have the full power at all times of alienating any and all property which may be held by him for the uses aforesaid at will; and further provided that, the transmission of such property, from Bishop to succeeding Bishop, without deed or will as provided in this act, shall continue only while this act remains in force, and this act may be repealed at the discretion of the Legislature.

Mr. Lott, chairman of the committee on the Penitentiary, to whom was referred "a joint resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary," returned the joint resolution to the Senate, 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 William Phillips, reported that committee had examined the same, and find that a conditional certificate issued to the party, by the Board of Land Commissioners of Harris county, and that he complied with the conditions required, and is therefore entitled to the relief sought they therefore recommend the passage of the bill.

Mr. Stockdale, from the committee on Internal Improvements, to which was referred a bill to incorporate the Eastern Texas Railroad Company, reported the same to the Senate with sundry amendments, and recommended their adoption and the passage of the bill.

Mr. Throckmorton introduced a bill, to require the County courts of the counties of this State, to furnish county Surveyors with offices and books of record. Read 1st and 2nd times and referred to committee on Public Lands.

Mr. Herbert introduced a bill for the relief of Nancy Robinson. Read 1st and 2nd times and referred to the committee on Public Lands; also a bill for the relief of Caleb C. Dibble, which was read 1st and 2nd times and referred to the same committee.

Mr. Lott introduced a bill to donate to Joel Williams, a certificate for 320 acres of land. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Potter introduced a bill, supplementary to an act to provide for the registry of deeds. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Duggan introduced a bill to incorporate the Masonic Fe-