

HOUSE OF REPRESENTATIVES, }
 Monday, Feb., 4th, 1861. }

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

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

A bill to amend the 10th section of an act supplementary of an act to regulate Railway Companies, approved February 7th, 1853; approved Dec., 19th, 1857; approved Feb., 8th, 1860.

Mr. Branch, one of the committee on enrolled bills, reported correctly enrolled and properly signed :

A bill to reorganize the 16th Judicial District and to define the time of holding courts therein, and the same had been presented to the Governor for his approval and signature.

Mr. Buckley, chairman of committee on Judiciary, reported, recommending the passage of the Senate's bill, providing what be sufficient *prima facie* evidence in certain cases in suits brought by the State of Texas.

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

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

Mr. Mills, on part of the House, from the joint committee of conference, on the House amendment to Senate's bill for the relief of the Houston and Texas Central Railroad Company, reported, recommending the passage of the bill, with the following substitute to the amendment, to come in at the end of first section :

“ Provided, said railroad shall run on the nearest and most practicable route from its line at or near Horn Hill to Dresden in Navarro, and thence to the town of Dallas, or within one mile and a half of said town, and thence to the terminus on Red river, within fifteen miles of Preston. And said company shall have said road surveyed, staked and permanently located to Dresden, or within one mile of said town by the first day of April, A. D., 1862.

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

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to amend the 12th section of the act concerning the proceedings in the District Courts, approved March 16, 1848.

A message was received from the Senate, informing the House, that the Senate had amended and passed, the following House bills, to-wit :

Bill supplemental to the act to regulate estrays.

Bill to provide for the submitting the Ordinance of secession to a vote of the people, and had passed the House bill providing for running the county lines between the counties of Marion, Cass, and Titus.

Also, had passed a bill to require the Comptroller and Treasurer, to receive Treasury warrants, in payment for certain land dues.

Mr. Buckley offered the following resolution :

Resolved, That with the concurrence of the Senate, this Legislature adjourn at 11 o'clock, on Wednesday next, until the 1st day of April, 1861.

Laid over one day for consideration.

Mr. Mabry moved to suspend rule and take up resolution. Lost.

Mr. Flewellen introduced a bill to reduce the per diem and mileage of the members and officers of the Legislature and repealing certain acts relative thereto.

Mr. Flewellen moved to suspend rule and take up the bill. Lost.

Mr. Davis of H., introduced a joint resolution, relative to arms in Texas belonging to the United States. Read first time.

Mr. Davis of H., moved to suspend rule, and take up resolution. Lost.

Mr. Darnell offered the following resolution :

Resolved, That the committee on Military Affairs, be instructed to enquire into the propriety and necessity of authorizing the purchase by the State, of arms and munitions of war, &c., for the use of the State and that they report by bill or otherwise.

Mr. Hartley proposed to amend as follows :

“ And the committee on Bonds and Finance, are called upon to report how the means are to be raised to purchase the same.”
Adopted.

[Mr. Munson in the Chair.]

And the resolution as amended adopted.

Mr. Hubbard offered the following resolution :

Resolved, That the committee on Judiciary be requested to report a bill making provisions for the incorporation of volunteer companies of this State, without the necessity of requiring special legislation therefor. Referred to Judiciary committee.

Mr. Taylor introduced a bill, authorizing the raising, arming, and equipping a regiment, consisting of artillery, infantry and cavalry, for the protection of the Northern Frontier of Texas.

Read first and second times and referred to committee on Military Affairs.

Mr. Duncan offered the following resolution :

Resolved, That the State Gazettee, furnish the House of Representatives with a 1,000 State Gazette Appendixes, that were published for this House, under a resolution of last session.

Mr. Shannon moved to strike out "1,000," and insert "100."

On motion of Mr. Wælder the resolution was laid on the table for the present.

ORDERS OF THE DAY.

The report from the Judiciary committee, recommending the passage of the bill to amend section 149 and 154 of the act to regulate proceedings in the District Courts approved 13th May, 1846, to amend act to amend section 151 of the act to regulate proceedings in the District Courts, approved Dec., 24th, 1851, was taken up.

Mr. Henderson proposed to amend by striking out all after "enjoined," in second section and insert, "the court shall assess ten per cent. damages."

Mr. Stewart offered the substitute as follows for the amendment :

Strike out in the caption of the bill, the words, "and 154,"

Also, strike out section second of the bill, and change the number of fourth section. Accepted and adopted.

And the House refused to engross the bill by the following vote :

YEAS—Messrs. Speaker, Armstrong, Benevides, Barclay, Caddell, Camp, Craig, Crawford, Clark, Culberson, Cunby, Dickson, Duncan, Edwards, Francis, Harrison of C., Houghton, Lewis of M., Lewis of R., Lynch, Mills, Norton, Redwine, Robinson, Shannon, Shelton, Speights, Stewart and Waterhouse—29.

NAYS—Messrs. Anderson, Baxter, Branch, Bryan, Dale, Darnell, Davis of B., Davis of H., Ellett, Epperson, Flewelling, Franklin, Foscue, Hancock, Harrison of V. Z., Hartley, Henderson, Hubbard, Hubert, Lewter, Mabry, Manly, Maverick, Morris, McKnight, Middleton, Mundine, Navarro, Owens, Parker, Perry, Pirkey, Redgate, Ross, Short, Smith, Taylor, Wælder, Walworth, Whitmore and Wrede—41.

Mr. Wælder moved to take from the table the resolution relative to the State Gazette Appendixes. Carried by the following vote :

Mr. Wælder calling for the yeas and nays.

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Bene-

vides, Bryan, Caddell, Camp, Craig, Clark, Culberson, Cumby, Dale, Darnell, Duncan Edwards, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Mabry, Morris, McKnight, Mills, Navarro, Nelson, Perry, Pirkey, Redgate, Robinson, Shannon, Shelton, Short, Smith, Stewart, Wælder, Walworth, Wortham, and Wrede—46.

NAYS—Messrs. Barclay, Branch, Buckley, Crawford, Davis of B., Davis of H., Dickson, Ellett, Epperson, Francis, Hancock, Henry, Lewis of R., Lewter, Mabry, Maverick, Middleton, Mundine, Norton, Parker, Redwine, Speights, Taylor, Waterhouse, and Whitmore—25.

And the resolution was adopted.

Mr. Bryan introduced a bill for the relief of the Trinity Valley Railroad Company. Read first and second times and referred to committee on Internal Improvements.

Mr. Cumby moved to take up the House's Bill to provide for submitting the Ordinance of secession to a vote of the people, with amendment by the Senate. Carried and amendment concurred in.

On motion of Mr. Stewart, 5,000 copies of the bill were ordered to be printed.

On motion of Mr. Parker the House bill supplemental to act to regulate estrays with amendments by the Senate was taken up and amendments concurred in.

The report of the Judiciary committee, recommending the passage of the bill to prescribe the order in which causes shall be determined in the Supreme Court, was taken up.

Mr. Franklin proposed to amend as follows:

“Provided, That nothing contained in this act shall prevent the court from continuing any case by consent of parties. Adopted.

Mr. Dennis moved to suspend rule and place the bill on its final reading. Lost by the following vote:

Mr. Franklin calling for the yeas and nays.

YEAS—Messrs. Speaker, Armstrong, Bryan, Buckley, Caddell, Crawford, Clark, Culberson, Cumby, Dennis, Dickson, Duncan, Flewellen, Francis, Hall, Henderson, Lewis of R., Lynch, Mabry, Manly, McKnight, Middleton, Nelson, Norton, Redwine, Robinson, Shannon, Short, Smith, Speights, Taylor, Wælder, Walworth and Wrede—34.

NAYS—Messrs. Barclay, Benivedes, Branch, Craig, Crooks, Dale, Davis of B., Davis of H., Ellett, Epperson, Franklin, Foscue, Hancock, Harrison of C., Harrison of V. Z., Hartley,

Haynes, Henry, Houghton, Hubbard, Lewter, Maverick, Morris, Mills, Mundine, Navarro, Owens, Parker, Perry, Redgate, Ross, Shelton, Warfield, Waterhouse, Whitmore and Worthan—37.

Report from committee on Judiciary relative to the bill to prevent the emancipation of slaves was taken up. Bill read and ordered to be engrossed.

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

Report from the committee on Public Lands, recommending the passage of the bill to attach the unorganized counties of Witchita, Wilbarger Hardiman and Grier to the county of Clay so as to form one land district, was taken up and bill ordered to be engrossed.

Mr. Shelton moved to suspend rule, take up bill and place it on its final reading. Lost.

Report of committee on Internal Improvements, on the petition of Sarah Cockerel, taken up and adopted.

Report from the Judiciary committee, recommending amendments to the bill to regulate the descent and distribution of intestate estates, approved March 18th, 1848, was taken up, amendments adopted and bill ordered to be engrossed.

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

Mr. Duncan moved to adjourn until 10 o'clock, to-morrow. Lost.

Senate's joint resolution, relative to the roofing of the capitol, was taken up and read first time.

On motion of Mr. Dale, rule was suspended, resolution read second time.

On motion of Mr. Dale, rule further suspended. Resolution read third time and passed.

Report from committee on Internal Improvements, recommending the non-passage of the Senate's bill for the relief of Railroads in Texas was taken up. Bill read second time.

Mr. Epperson moved to re-refer the bill to the committee on Internal Improvements. Carried.

Report of committee on Internal Improvements, recommending the passage of the bill for the relief of the Memphis and E Paso Railroad Company, was taken up.

Mr. Ross submitted a minority report dissenting from the majority report:

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives:

The undersigned, a minority of the committee on Internal

Improvements, to whom was referred the petition of sundry citizens of Cass and Marion counties, asking the Legislature to pass a law, granting to that part of the Memphis and El Paso railroad, extending from Moore's Landing on Sulphur, to Jefferson, in Marion county, ten section certificates of six hundred and forty acres each, for each section of five miles graded.

Would dissent from the report of the majority for the following reasons :

1. It is a departure from the general law, without offering any additional guarantees for its completion ; but to a considerable extent reducing the same, or rather, nearly destroying the securities : in this, it grants the land to each five miles, when the general law required twenty-five miles to be graded before the road could draw any land certificates, after the first section is completed they would be the same.

2. It extends to the Memphis and El Paso railroad in this extension, the privileges above named, when the original road on commanding portions, has advantages which no other road possesses ; a reservation from Red River to the Rio Grande—a distance of near 700 miles.

3. That departures from the general law, would, in the opinion of the minority, operate ruinously in the present state of affairs ; it being calculated to reduce essentially the securities on which the State, must to some extent rely, for the means necessary for our protection, or offer as guarantees for the redemption of promises that it may be necessary that the State may make for that purpose.

4. It would be acting in bad faith to other enterprises of similar character, and equally as meritorious, by depriving them of rights and privileges guaranteed by the general law, thereby, injuring to that extent the other railroads of the State.

All of which is respectfully submitted,

WILLIAM M. ROSS.

[Mr. Lewis of M., in the Chair.]

Mr. Flewellen moved to recommit the bill to committee on Internal Improvements. Lost.

Mr. Morris proposed to amend as follows :

" *Provided*, That the provisions of this act shall apply to all the railroads in this State."

The amendment was rejected by the following vote :

Mr. Morris calling for the yeas and nays.

YEAS.—Messrs. Anderson, Barclay, Baxter, Caddell, Crawford, Clark, Cumby, Dale, Darnell, Davis of H., Dickson, Dougherty, Duncan, Francis, Foscue, Harrison of V. Z., Henderson,

Hubbard, Hubert, Lewis of M., Lynch, Manly, Morris, McKnight, Norton, Owens, Redgate, Redwine, Robinson, Ross, Stewart, Taylor, Wælder, Walworth, Whitmore, and Wrede—36

NAYS—Messrs. Speaker, Armstrong, Benevides, Branch, Camp, Craig, Crooks, Culberson, Davis of B., Dennis, Epperson, Ffewellen, Franklin, Hancock, Hall, Harrison of C., Henry, Houghton, Lewis of R., Mabry, Maverick, Middleton, Mills, Mundine, Navarro, Nelson, Parker, Perry, Shannon, Shelton, Smith, Speights, Warfield, Waterhouse, and Wortham—36.

On motion of Mr. Nelson, bill was made special order of the day for 11 o'clock, A. M., to-morrow.

On motion of Mr. Nelson, the bill to require the Comptroller and Treasurer to receive Treasury warrants in payment for certain land dues, taken up, read first time.

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

Mr. Nelson proposed to amend by adding two additional sections. Adopted.

Mr. Darnell, proposed to amend, by adding :

“And said warrants shall also be receivable for all government dues.” Withdrawn, and bill passed to third reading.

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

A message was received from the Governor, with the request, that when it was read it would be transmitted to the Senate.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to amend the act to organize the Justices' Courts, and to define the powers and jurisdiction of the same, approved, March 20, 1848.

On motion, the House adjourned till 9 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Tuesday, February 5, 1861. }

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

Mr. Foscue, chairman of committee on Internal Improvements, reported, that the committee recommended the passage of the bill for the relief of Railroads in Texas, with amendments by the committee; Messrs. Foscue and Ross dissenting. Amendments by the committee: