House of Representatives,
Monday, Jan. 2nd, 1860.

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

Mr. Walder presented the petition of the citizens of Blanco, Kerr and other counties. Referred to committee on Indian Affairs.

A message was received from the Senate informing the House that the Senate had passed the following named House's bills, to-wit:

- Bill to incorporate Eastern Texas Railroad Company, with amendments.
- Bill to incorporate Jefferson Insurance Company, with amendments.
- Bill to incorporate Houston, Trinity and Tyler Railroad Company, and
- Bill for the relief of Wm. Phillips.

Also, had passed a bill originating in the Senate, to incorporate the Columbus Tap Railway Company.

Mr. Branch presented the petition of Jonathan A. McGary. Referred to committee on Private Land Claims.

Mr. McClarty presented the petition of sundry citizens of Rusk county. Referred to Judiciary committee.

Mr. Dickson presented the petition of the heirs of Harrison Young. Referred to committee on Court of Claims.

Mr. Billingsley presented the petition of A. T. Berry. Referred to committee on Court of Claims.

Mr. Navarro presented the petition of the heirs of Juana Gomez. Referred to committee on Private Land Claims.

Mr. Middleton presented the petition of Jno. Grisett. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of the heirs of Wm. D. Carrington, deceased. Referred to committee on Claims and Accounts.

Mr. Maverick presented two several petitions of the citizens of Bexar county. Referred to committee on Counties and County Boundaries.

Mr. McKnight presented the petition of Jno. Maginnis. Referred to committee on Private Land Claims.

Mr. Branch, one of the committee on Education, reported recommending the passage of the bill to incorporate the German English school of San Antonio, with amendments by the committee.
Amend by striking out in 2nd section: "and such property shall be exempt from taxation."

Also, recommending the adoption of the joint resolution proposing an amendment to the constitution.

Also, recommending the passage of the bill to incorporate the Texas Medical College.

Mr. McKnight, one of the committee on Education, reported, recommending the indefinite postponement of the joint resolution to amend the constitution.

Also, recommending the passage of the bill to incorporate the Literary Institution of Gilmer in Upshur county, with amendments by the committee.

Amend by inserting an additional section.

Mr. Anderson, of the committee on Education, reported, recommending the indefinite postponement of the bill to amend the constitution.

Mr. Anderson reported, recommending the passage of the bill to incorporate the Dialectic Society of McKenzie Institute, with amendments by the committee.

Amend by adding an additional section.

Mr. Craig, one of the committee on Education, reported, recommending the passage of the bill to incorporate the Salado College in Bell county.

Mr. Dale, chairman of committee on Printing, reported a substitute for the bill regulating advertisements which may be required emanating from the State Department, and recommended its passage.

Mr. Mills, one of the committee on Counties and County Boundaries, reported a substitute for the bill to adjust the boundary line of Guadalupe, Comal and Hays counties, and recommended its passage.

Mr. Duncan, one of the committee on Counties and County
Boundaries submitted a minority report, recommending the passage of the bill to change the caption of the act creating the county of Blanco, &c.

Mr. Hubbard introduced a bill to incorporate the Central Transit Company. Read first time and referred to committee on Internal Improvements.

Also, a bill for the relief of Fletcher Logan. Referred to Judiciary committee.

Mr. Billingsly introduced a bill to authorize the counties in this State to levy an internal improvement tax to encourage the construction of Railroads. Read first time and referred to committee on Internal Improvements.

Mr. Flewellen introduced a bill to change the name of Mary Ann Simmons, to Mary Ann Hood. Read first time and referred to committee on State Affairs.

Mr. Hubbard offered the following resolution:

Resolved, That the committee on Judiciary be instructed to inquire into the expediency of so altering the fees of district clerks in criminal cases, as to make them conform and equal to the fee bill of March 20th, 1848, and that they report by bill or otherwise. Adopted.

On motion of Mr. Epperson, the rule was suspended and the bill relative to the Red river raft was taken up and made the special order of the day, for 11 o'clock on Friday next.

On motion of Mr. McKnight the rule was suspended, and the bill to repeal the act to establish university of Texas, was taken up and made the special order of the day for Thursday next, 11 o'clock.

On motion of Mr. Branch, Mr. Whitfield was added to committee on Counties and County Boundaries.

Mr. Waelder moved to make bills for the incorporation of schools, academies, beneficiary associations, towns, bridge companies and private local corporations, the special order of the day for this evening 7 o'clock.

Mr. Norton moved to lay the motion on the table. Lost, and Mr. Waelder's motion carried.

Mr. Hubbard offered the following resolution:

Resolved, That this House meet hereafter, evening session at 7 o'clock, P. M., for the purpose of considering all local and private relief bills, and that they be considered at no other time. Laid over one day for consideration.

The hour having arrived the special order of the day, to-wit: the resolution on the 23rd inst., to adjourn sine die, was taken
up, and on motion of Mr. Norton laid on the table by the following vote:


The resolution to go into election of State Engineer and Superintendent was taken up, and on motion of Mr. Townes laid on the table.

ORDERS OF THE DAY.

The bill to incorporate the Eastern Texas Railroad Company, taken up and amendments by the Senate concurred in.

Bill to incorporate Jefferson Insurance Company, taken up and Senate's amendments concurred in.

The following named Senate's bills were taken up, read and disposed of as indicated, to-wit:

Bill for relief of Benjamin Baccus. Read first time and referred to committee on Private Land Claims.

Bill for relief of the heirs of Wm. Hertz. Read first time and referred to committee on Private Land Claims.

Bill for the relief Lt. M. Hitchcock. Read first time and referred to committee on Public Debt.

Bill to restore lands for taxes and purchased by the State to former owners on certain conditions. Read first time and referred to committee on State Affairs.

Bill to prevent sale of vinous, spirituous and other intoxicating liquors within one mile of Starrville in Smith county. Read first time and referred to committee on State Affairs.

Bill to incorporate the Fireman's Relief Fund Association. Read first time and referred to committee on State Affairs.

Bill to incorporate the Columbus Tap Railroad Company. Read first time and referred to committee on Internal Improvements.

Mr. Davis of B., one of the committee on Education, by per-
mission, reported, recommending the passage of the bill to incorporate Live Oak Female Seminary.

Also, recommending the passage of the bill to incorporate Karnes county College, with amendments by the committee.

Amend by striking out in the 14th line of 1st section, the words, "have a common school."

Also, asked to be discharged from further consideration of the bill to change the common school law.

Mr. Foscoe, chairman of committee on Internal Improvements, reported a substitute for the bill to renew the act to incorporate the Western Railroad Company, approved February 16th 1852, and recommended its passage.

[Mr. Shelton in the Chair.] Messrs. Norton, Lowler, Branch, McKnight, Maxey, Clark and Shelton, of the committee on Education, reported, recommending the passage of the bill to repeal the act to establish the University of Texas, approved February 11th, 1853.

Mr. Munson presented the petition of Mary Henman. Referred to committee on Private Land Claims.

[Speaker resumed the Chair.] The pre-emption bill with proposed amendments was again taken up.

Mr. Foscoe moved to lay the amendment to the amendment on the table.

Mr. Bogart moved to amend the motion by laying the amendment and the amendment to the amendment on the table.

A division of the question being called for, the amendment to the amendment was laid on the table by the following vote:


Mr. Nelson offered the following as a substitute for the pending amendment:

Section.—That no person not a resident of this State at the time of the passage of this act shall be entitled to the provisions.
of the same, and oath of such residence shall be made before
the surveyor by the applicant, verified by two responsible wit-
nesses, before said land shall be surveyed. And before patent
shall issue, the applicant shall file in the General Land Office a
receipt from the Comptroller or assessor and collector showing
that he has paid three years’ taxes on said land; provided, that
none of the members or employees of what is known as the
Overland Mail Company, shall be entitled to the benefits of this
act. Adopted.

Mr. Henderson proposed to amend by adding: “and further
provided, that no person who has obtained a pre-emption under
the laws heretofore existing, shall be entitled to this.

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

YEARS.—Messrs. Speaker, Anderson, Armstrong, Barnard,
Billingsly, Bogart, Branch, Buckley, Camp, Clark, Dale, Dar-
nell, Davis of B., Davis of H., Dennis, Duncan, Elliott, Flewel-
en, Harrison of V. Z., Haynes, Houghton, Hubbard, Lewis of
M., Lewter, Lynch, Manly, Martin, McClarty, McCutchan,
McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens,
Parker, Perry, Pirkey, Redwine, Shannon, Shelton, Short, Smith,
Speights, Townes, Warfield, Waterhouse, Whitfield, Whitmore,
and Wortham—51.

NAYS.—Messrs. Bryan, Craig, Crooks, Dickson, Dougherty,
Dedwards, Epperson, Francis, Foshee, Harrison of C., Hartley,
Henderson, Kimney, Lewis of R., Maverick, Redgate, Ross and
Wortham—18.

Mr. Pirkey moved to lay the bill and proposed amendments
on the table and to take up the Senate’s bill for the sale of the
public domain at fifty cents per acre. Lost by the following
vote:

YEARS.—Messrs. Anderson, Baxter, Billingsley, Buckley,
Craig, Crooks, Clark, Davis of H., Dickson, Dougherty,
Dedwards, Epperson, Flewelen, Foshee, Hall, Harrison of C.,
Hartley, Lewis of R., Manly, McClarty, Pirkey, Redgate,
Redwine, Ross, Sherton, Townsend, Walworth, Warfield, and
Whitfield—31.

NAYS.—Messrs. Speaker, Armstrong, Barnard, Benevides,
Bogart, Branch, Bryan, Camp, Culberson, Dale, Darnell, Davis
of B., Dennis, Duncan, Elliott, Francis, Harrison, of V. Z.,
Haynes, Henderson, Henry, Houghton, Hubbard, Kinney,
Lewis of M., Lewter, Lynch, Martin, Maverick, McCutchan,
McKnight, Mills, Mundine, Munson, Nelson, Norton, Owens,
Mr. Culberson proposed to amend by striking out the words, "resident citizens of this State," and inserting "any resident citizen of a southern State."

A division of the question being called for, the question to strike out was put, and lost by the following vote:


Mr. Craig proposed to amend by adding:

"Provided that the benefits of this act shall extend to heads of families only, and to such as are worth no more than $1,000 worth of property."

On motion of Mr. Nelson, laid on the table, and Mr. Nelson's amendment adopted.

Mr. Pirkey proposed to amend by adding:

"Provided, that the provisions of this bill shall not apply to any one who has had his survey made, and field notes returned under the provisions of the law authorizing the sale of the public domain, approved February 11th, 1858."

Mr. Mills moved to lay the amendments on the table.

Mr. Nelson moved the previous question, which was seconded, and the main question ordered, which being on the engrossment of the bill, the same was put and the bill ordered to be engrossed by the following vote:

Mr. Buckely proposed to amend by adding:
"Provided the provisions of this act shall not apply to the same person or head of a family more than one time." Adopted.

Mr. Dickson moved the previous question, which was seconded, and the main question ordered which being on the final passage of the bill, the same was put and the bill passed by the following vote:


On motion of Mr Shannon the rule was suspended and the bill read third time.
Mr. Buckely proposed to amend by adding:
"Provided the provisions of this act shall not apply to the same person or head of a family more than one time." Adopted.

Mr. Dickson moved the previous question, which was seconded, and the main question ordered which being on the final passage of the bill, the same was put and the bill passed by the following vote:


Mr. Henderson moved to suspend rule and take up the Senate's bill to provide for sale and settlement of public domain, and make it the special order of the day for to-morrow, 12 o'clock. Lost.

On motion the House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

House met pursuant to adjournment—roll called—no quorum.
Mr. Francis moved to adjourn till 10 o'clock, A. M., to-morrow. Lost—no quorum present.

Bill to incorporate the town of Jasper, together with report from committee recommending its passage of a substitute, was taken up and read second time.

Mr. Lewis of M. proposed to amend by adding after the word, "Jasper," the words, "Danville in Montgomery county and Mount Enterprise in Rusk county." Adopted, and the bill ordered to be engrossed.
On motion of Mr. Dickson, the rule was suspended and the bill read third time and passed.

Bill to incorporate the town of Shelbyville in Shelby county, together with report from committee, taken up, read second time and the bill ordered to be engrossed.

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

Bill to incorporate the Texas Telegraph Company, with report from committee, recommending amendments was taken up, the amendments adopted and the bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended, the bill read third time and passed by two-third vote.

Bill to incorporate the Galveston Turner's Association with report from committee, taken up, read second time and ordered to be engrossed.

On motion of Mr. Franklin, the rule was suspended. Bill read third time and passed by a two-third vote.

The bill to amend the act granting certain real estate to the city of Austin, with report from committee, taken up.

On motion of Mr. Townes the bill was laid on the table.

The bill to incorporate the Galveston Casino, with report from committee taken up, read second time and the bill ordered to be engrossed.

On motion of Mr. Franklin, the rule was suspended, the bill read third time and passed by two-third vote.

The Senate's bill to incorporate the Horse Head crossing of the Pecos Bridge Company, with report from committee, taken up, read second time and passed to third reading.

[Mr. Manly in the Chair.]

On motion of Mr. Hall, the rule was suspended, the bill read third time and passed by two-third vote.

The Senate's bill to incorporate the Pecos Bridge Company, with report from committee, taken up, read second time and passed to third reading.

On motion of Mr. Hall, the rule was suspended, the bill read third time and passed by two-third vote.

Bill to incorporate Colfax Lodge, I. O. O. F., at Clarksville, Red river county, with report from committee, taken up, read second time and bill ordered to be engrossed.

On motion of Mr. Crooks, the rule was suspended.

[Speaker resumed Chair.]

Mr. Foscue proposed to amend by adding:

"Provided, that the passage of this act shall not be construed
into an endorsement of the political course of Schuyler Colfax."
Speaker ruled the amendment out of order.
Mr. Mills appealed from the decision, and the Chair was sustained by the following vote:


Mr. Flewellen proposed to amend by striking out "Colfax" and inserting "Clarksville."
On motion of Mr. Crooks laid on the table.
Mr. Franklin proposed to amend by striking out "Colfax" in the caption and wherever it occurs.
Mr. Duncan moved to adjourn till 10 o'clock, A. M., tomorrow. Lost.

[Mr. Mills in the Chair.]
Mr. McKnight moved to adjourn till 10 o'clock, A. M., tomorrow. Lost.
Mr. Wortham moved the previous question. Lost.
Mr. Ellett moved the previous question. Lost.
And the amendment adopted by the following vote:


[The Speaker resumed the Chair.]
Mr. Bogart moved to adjourn till 10 o'clock tomorrow. Lost.
Mr. Buckley moved the previous question. Lost.
And the bill passed by two-thirds vote.
Mr. Francis moved to adjourn till 10 o'clock, A. M., to-morrow. Lost.

Mr. Mills moved to adjourn till half past nine o'clock, A. M. to-morrow. Lost.

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

HOUSE OF REPRESENTATIVES, Tuesday, January 3d, 1860.

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

A message was received from the Senate announcing to the House that the Senate had passed the following Senate's bills, to-wit:

A bill supplementary to an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858.

A bill amendatory of an act entitled an act to regulate proceedings in case of forcible entry and detainer, approved March 16th, 1848.

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

A bill to amend an act entitled an act to incorporate the Indiana Railroad Company, approved 21st January, 1858.

Also the following bill which originated in the House:

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

PETITIONS.

Mr. Davis of B., presented the petition of Mrs. Ann White.

Referred to committee on Private Land Claims.

Mr. Billingsley presented the petition of the heirs of W. D. Carrington. Referred to committee on Private Land Claims.

Mr. Speights presented the petition of the heirs of Wm. P. Wilson. Referred to committee on Private Land Claims.

Mr. Wrede presented the petition of sundry citizens of Comal county. Referred to committee on Counties and County Boundaries.

REPORTS.

Mr. Shannon, chairman of committee on Private Land Claims, to whom was referred a bill for the relief of Iredel Redding, reported a substitute, and recommended its passage.

Mr. Mills moved to suspend the rule and pass bill to a second reading. Carried—substitute adopted.