House of Representatives,  
Monday, Feb'y 6th, 1860. 

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

On motion of Mr. Daniels, the rule was suspended, and the bill to prevent sale of liquors within three miles of Soule University, was taken up, and made the special order for to-morrow.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill for the relief of J. B. and D. R. Wortham.

On motion of Mr. Foscue, the rule was suspended, and the joint resolution making appropriation to pay our members of Congress in certain cases, was taken up.

Mr. Haynes moved to indefinitely postpone the joint resolution.

Lost by the following vote, the yeas and nays being ordered on motion of Mr. Foscue:


And the joint resolution ordered to be engrossed.

On motion of Mr. Harrison of V. Z., the rule was suspended, resolution read third time, and passed by the following vote:


Mr. Walden offered the following resolution:

Resolved, That the committee on Finance be instructed to provide for the payment of the men called out by the Governor under the instructions of this Legislature, for the protection of Brownsville and the Rio Grande frontier, and that they report by bill or otherwise. Adopted.

Mr. Robinson introduced a bill to authorize the county of Fayette to levy a special tax. Read first time.

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

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

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

A bill for the relief of John Burris.
A bill for the relief of Harmon Fracy.
A bill for the relief of Jacob S. Horn, John P. Grisham and James Y. Pistole.
A bill to grant land to N. G. Shelley, W. H. D. Carrington and Wm. Alexander.
A bill to legalize election of officers of Montague county.
A bill to fix salary of Accountant in Comptroller's Office.
A bill to amend an act to incorporate the city of Brownsville.

Also, had passed the following named House bills:

A bill to authorize the County Court of Henderson county to levy a special tax.
A bill for the relief of Wm. Drake.
A bill for the relief of Bigham White.
A bill to relinquish State tax of Orange and Nayarro counties, for 1859 and 1860, to said counties.
Also, had amended and passed House's bill authorizing certain counties to levy and collect additional tax for erecting county buildings.
A bill to incorporate Cedar Grove Male and Female Institute.
And a bill to amend the 24th section of an act of 27th August, 1856, to consolidate in one act and amend the several acts incorporating the city of Galveston.

And had indefinitely postponed House's bill to change south boundary line of Smith county.
And had concurred in the amendments, by the House, to Senate's bill for the relief of W. A. Bush.
A bill to define the boundaries of Hopkins county.
And had refused to concur in first, second and fourth amend-
ments of House, and concurred in third amendment of Senate's bill amendatory of Penal Code.

Also, had refused to concur in first and ninth amendments, and concurred in second, third, fourth, fifth, sixth, seventh, eighth, tenth and eleventh amendments to bill amendatory of an act to establish a Code of Criminal Procedure.

Mr. Craig, chairman of committee on Court of Claims, reported as follows:

Committee Room, Feb. 1860.

The joint select committee on the Court of Claims have had under consideration the cases referred to them by the Commissioner, and beg leave to submit the following report:

They deem it proper to state that the labor has been very great, and that they have faithfully and assiduously investigated these claims; believing that they have done under the circumstances, and the limited time allowed them from other Legislative duties, full and ample justice to parties interested—both to the State and to the individual.

The examination of each particular claim was necessarily tedious, and in passing upon them where the proof was sufficient, and the credibility of the witness properly testified to and authenticated, and no evidence that the party had heretofore received the same, we have recommended them favorably, and where the proof failed to establish the claim fully, we have rejected it—in most cases, too, without giving any particular reasons in this report, as it was regarded as entirely useless, as well as unnecessary consumption of the time of this body, to hear all of the objections to this character of claims.

The committee have acted upon all the recommended claims, and upon most of the referred claims for land, which have been submitted to the Legislature by the Commissioner of Claims, and would have acted upon all of the latter, had the Legislature continued long enough to have permitted it.

Besides the claims which had been acted upon by the Commissioner of Claims, the committee have also acted upon a large number of bills, memorials, &c., which were referred to them by the two Houses of the Legislature.

The following claims are recommended by the committee:

A. C. C. Bailey, 320 acres, bounty.
Moses Little, 1476 acres headright, and 1020 acres bounty.
Win P. Newman, 640 acres, donation, to be issued to the heirs.
J. B. Fox, 320 acres, bounty.
Robert C Cappy, 640 acres, bounty headright.
Moses Townsend, 640 acres, donation.
Philip Howard, 640 acres, headright.
M B Lamar, a duplicate donation issue for 640 acres.
Houston McKee, a duplicate of unconditional certificate issued by the Board of Land Commissioners of Upshur county, for 640 acres, which issued upon conditional certificate No. 53, in Bowie county, be issued.
George Dedrick, 3 of a league and one labor, augmentation headright.
Chester S Gorbett, duplicates for 320 acres bounty, and 640 acres donation issue.
Reynold Reynolds, unconditional headright certificate issue upon conditional No. 83, issued by the Board of Land Commissioners of Nacogdoches county, on the 5th July, 1838.
Robert: Wilkins, 1476 acres, headright.
William Gray, 1280 acres, headright.
B F Childress, 1280 acres, bounty.
Charles B Chough, 1476 acres headright, and 1220 acres bounty.
Mathew Dunn, 320 acres, bounty.
Heirs John Childress, 1 league and 1 labor.
Hudson Westbrook, That unconditional certificate issue for 640 acres, upon conditional No. 78, issued by the Board of Land Commissioners of Liberty county, on the 5th November, 1839.
Samuel Arbuckle, that unconditional certificate issue for 320 acres, upon conditional, issued by the Board of Land Commissioners of Galveston county, on the 30th December, 1839; No. 767.
Francis A Whitaker, that unconditional certificate issue for 640 acres, upon conditional No. 113, issued by the Board of Land Commissioners of Matagorda county.
John W. Anderson, 640 acres, donation, San Jacinto service.
George Sargent, 1 league and 1 labor, headright.
George Reynolds, 640 acres, donation.
Spar Singleton, 640 acres, bounty.
William Earp, 640 acres, headright.
F W Johnson, 1 league and 1 labor, headright.
Samuel C King, 1280 acres, bounty.
Charles S Fields, 320 acres, headright.
John W Hale, 320 acres, headright.
John H Pierson, 320 acres, bounty.
John Moss, 640 acres, donation.
James M Thomas, 1280 acres, bounty.
Robert Barr, 1476 acres, headright, and 640 acres, donation.
Jonathan B. Frost, 1476 acres, headright.
Heirs Daniel Fox, 640 acres, headright.
Hannah Donahoe, alias Alexander, 1 league and 1 labor.
Daniel H. Vail, 1 league and 1 labor.
Robert Foote, 320 acres, bounty.
Joseph Morrison, 1280 acres, bounty.
G. S. Park, 640 acres, donation.
William Davis, 640 acres, headright.
Isaac P. Wallace, 1476 acres, headright.
Anthony Foster, 320 acres, bounty, and 640 acres, donation.
Charles Jackson, 1280 acres, headright.
Wm. D. Hayden, 320 acres, headright.
James Smith, 640 acres, headright.
Rudolph Dufour, 640 acres, headright.
George W. McCurley, 2 of a league and 1 labor augmentation, headright. (Reconsidered and rejected; no service proved.)
J. D. Jennings, 640 acres, donation.
Peter Kendall, 640 acres, bounty.
Isaac Robertson, 320 acres, bounty.
Thomas Robbins, 640 acres, bounty.
Richard Treat, 640 acres, headright.
John Birth, 960 acres, bounty.
John J. Thompson, that unconditional certificate issue upon conditional No. 101, issued by the Board of Land Commissioners of Washington county, on the 2d August, 1838, for 640 acres.
Wm. A. Wood, 640 acres, headright.
Heirs Jacob Black, 1476 acres, headright.
James M. Robinson, recommended that a donation certificate for 640 acres, issued by the Commissioner of Claims, No. 4-15, issued on the 5th January, 1839, to the heirs of James M. Robinson, be validated.
William E. Glenn—captain in the navy, served three years—320 acres, headright.
John M. Smith, that unconditional certificate issue upon conditional, issued by the Board of Land Commissioners of Bastrop county, for 640 acres, in July, 1838.
Alexander E. Putnam, that a duplicate for 1 of a league issue, in lieu of one issued to him by the Adjutant-General, and failed to be countersigned by the Commissioner of the General Land Office.
John H. Adie, 1280 acres, bounty, and 640 acres, donation.
John H. Cullum, that unconditional certificate No. 41, issued
by the Board of Land Commissioners of Hopkins county, for 320 acres, on the 19th February, 1855, be validated.

Greenberry Gates, 1476 acres, headright.
Heirs Wistar Evans, 640 acres headright, and 320 acres bounty.

Thomas Gray, \( \frac{1}{2} \) of a league, headright.
Heirs Charles Spaulding, 640 acres, headright.
Heirs Andrew P Cunningham, \( \frac{1}{2} \) of a league, headright.

J D Morris, 320 acres bounty, and 640 acres donation, for waiting on the sick.

Randolph G. Blanton, 320 acres, additional headright.
W W Waring, 320 acres, headright.
Heirs Douglas Brown, 320 acres, bounty.
Simon P Ford, 640 acres, donation.

Levi P Scott, 369 acres, augmentation headright.
F C Catonet, that \( \frac{1}{2} \) of a league be issued in lieu of No. 224, issued by the Board of Land Commissioners of Brazoria county, and the original be cancelled.

Randolph D Spain, 960 acres, additional bounty.

Antonio Hernandez, that donation warrant No. 724, issued by Adjutant-General Gillett, for 640 acres, be validated.

James Alameda, that donation warrant, issued by Adjutant-General Gillett, No. 732, for 640 acres, be validated.

Randolph D Spain, 960 acres, additional bounty.

Heirs John Jacobs, that \( \frac{1}{2} \) of a league issue; in lieu of \( \frac{1}{2} \) of a league issued by George Antonio Nixon, 26th October, 1835, and that the original be cancelled.

John F Lund, 1476 acres, headright.

Gustavus Bunson, \( \frac{1}{2} \) of a league headright, and 960 acres bounty, (additional.)

Robert M Burton, 1476 acres headright, and that it issue to Josiah Bishop, as assignee.

Anthony Bates, 1280 acres, bounty, (one having issued for that amount heretofore, but failed to be signed.)

Louis Lapodini, \( \frac{1}{2} \) of a league, headright.
Jacob Rogers, 240 acres, bounty.

Thomas G Masterson, 1280 acres, headright.

John James, 1600 acres bounty, and 640 acres donation.
Heirs Ulrich Wutrich, 960 acres, additional bounty.

Heirs Benjamin F Blake, 1280 acres, bounty.
Heirs M P Kelly, 320 acres bounty, and 640 acres donation.
Heirs Willis Edson, 1280 acres, bounty.
Stephen Stanley, 1 labor, additional headright.

Heirs Thos J Robinson, ⅓ of a league headright, 320 acres bounty, and 640 acres donation.

Sylvanus Dunham, 24 acres, bounty.

James Calh, ⅓ of a league headright, 1920 acres bounty, and 640 acres donation.

Joseph Smith Johnson, ⅓ of a league headright, and 1280 acres additional bounty.

J a mes Cn lk, 1920 acres bounty.

H orace Hall, 1476 acres headright, and 1280 acres bounty.

H orace I\Vc McKillop, 640 acres, bounty.

H eirs J h ose Hobenett, 320 acres, headright.

H erm Hobin, 1476 acres headright, and 1280 acres bounty.

H orace \Vmc Brooks; 320 acres, bounty.

J ac ob Allbrnchct, 960 acres, bounty, and to be issued to Henry Teal.

H eirs L or y W ilkimson, 960 acres bounty, and 640 acres donation, for being in the battle of San Jacinto.

H eirs L or y W ilkimson, 960 acres bounty.

C harles B Banister, 640 acres, bounty.

L ewis W e llen, 320 acres, bounty.

B enjamin Howard, 1280 acres, bounty.

J ohn B. Rh 0 d es, 640 acres, bounty.

H enry Halbrook, 640 acres, bounty.

J ac ob E y ler, 640 acres, San Jacinto donation.

J ohn L Bo t r ight, 640 acres, bounty.

M.M. Parkerson, 640 acres bounty, in lieu of Poe certificat e.

J oh n H. Burton, 640 acres, bounty, (reconsidered and recommended.)

H eirs P lace do V en ab id es, 320 acres bounty and 640 acres donation, for being at the siege of Bexar.

W B Burditt, 1 labor, augmentation.

A G reenlaw, 640 acres, donation, for being at San Jacinto.

H enry Gardner, 320 acres, headright.

H eirs J ohn Henry Maynard, 320 acres, headright.

M igu el d el T a ro, 1 league and 1 labor, less 1280 acres.

J ustc T r vac c o, 3325 acres, additional headright.

L un cs M u no z, 3325 acres, additional headright.

H eirs J os e D el g a do, 1 league and 1 labor, in lieu of an amparo title issued by Gov. L otona, on the 20th April, 1831.

O ct av ius A. C o ok, that a duplicate donation warrant issue upon certificate No. 7, issued by the Board of Land Commissioneer of Matagorda county, for 1 league.

J C E arp, 320 acres, headright.
Mary Ann Brush, 640 acres, headright.
Elizabeth Stanley, 1 league, additional headright.
J R Miller, 320 acres, headright.
John Frederick, that unconditional certificate issue upon condition, issued by the Board of Land Commissioners of Harris county, on the 6th June, 1838, for 640 acres.
Heirs Isaac D Steel, 640 acres headright, and 640 acres bounty.
John F Gilbert, 1476 acres, headright.
Edward S Jones, 1476 acres, headright.
James Cole, 1476 acres, headright, less 640 acres.
John Anderson, that bounty warrant No. 1713, issued by Adjutant-General Gillett, F Bricha assignee, for 320 acres, be validated.
James A Umphries, 320 acres, bounty, in lieu of lost Poe certificate.
George M Deadrick, 640 acres bounty, and 640 acres donation.
Fielding Deadrick, 640 acres bounty, and 640 acres donation.
Daniel Martindale, 1476 acres headright, 640 acres bounty, and 640 acres donation.
Thomas P Hutchkiss, 640 acres, bounty.
Heirs James Bowie, 1 labor augmentation headright, and 1920 acres bounty.
William Crittenden, 640 acres, bounty.
Samuel Shope, ⅔ of a league and 1 labor augmentation.—(The district court decreed to him this amount in 1838, but the clerk failed to issue it, and it cannot now be issued by the clerk, because the power to do so elapsed with the expiration of the time within which such power could have been exercised under the law.)
Santiago Hernandez, 1 league and 1 labor, less 640 acres, headright.
Heirs David Cowan, 320 acres bounty, and 640 acres donation.
A E C Johnson, 320 acres, bounty.
Heirs Ephraim Tally, 320 acres, bounty.
H Anderson, 320 acres, bounty.
Juan Ximenes, 960 acres, bounty.
Lewis Mathews, 1476 acres, headright.
Oliver T Brown, 1230 acres bounty, and 640 acres donation.
Washington P Kelly, 640 acres, bounty.
J D Rains, 320 acres, special bounty, for being at Bexar.
John Cooper, 320 acres, bounty.
E. C. Miller, 320 acres, bounty.
William Watts, 320 acres, bounty.
Heirs J. Rutherford, 320 acres, special bounty, for being at Bexar.
E. G. Rector, 1 league, donation, for being permanently disabled in the battle of San Jacinto.
Thomas Dresser, 320 acres, bounty.
Wm. A. Thorn, 640 acres, bounty.
Heirs Wm. C. Crenshaw, 640 acres, headright.
W. B. Rhee, H. L. Kinney assignee, that unconditional certificate No. 6, class 4, issued by the Board of Land Commissioners of Nueces county, the 11th January, 1854, be validated to the original grantee.
Clemente García, 960 acres, additional bounty.
Matas Casillas, 960 acres, additional bounty.
Grisaco Contré, 960 acres, additional bounty.
Carlos Chacan, 960 acres, additional bounty.
Luis Castanon, 960 acres, additional bounty.
Domingo Losoa, 1280 acres bounty, and 640 acres donation.
Marcelena de la Garzia, 960 acres, additional bounty.
Pedro Gonz, 960 acres, additional bounty.
Jesus Gomez, 1280 acres bounty, and 640 acres donation.
Marjil Salinas, 960 acres, bounty.
Agapeto Cervantes, 960 acres, additional bounty.
Guadalupe García, 960 acres, additional bounty.
Francisco Días, 960 acres, additional bounty.
John C. Baker, § of a league, headright.
Justo Traviero, 1280 acres bounty, and 640 acres donation.
Antonio Balle, 1280 acres bounty, and 640 acres donation.
Juan Casillas, 1280 acres bounty, and 640 acres donation.
Juan Jose Ávácha, 1280 acres bounty, and 640 acres donation.
John H. Hyde, Senor, 1 league and 1 labor, less 1280 acres.
John H. Hyde, Jr., § of a league, less 640 acres.
George S. Hyde, § of a league, less 640 acres.
The following are the claims rejected by the committee:
George N. Robinson, application for § of a league, headright; rejected. The applicant is at present a citizen of another State.
Samuel C. King, application for headright and bounty. This claim was recommended for bounty, under the head of recommended claims, and rejected as to headright.
Ed F. Williams, application for headright. No evidence of his being a free white man. Rejected.
George W. McCurry, application for $\frac{3}{4}$ of a league and labor. No evidence of service. Rejected.
Heirs Christiana Gurley, application for 1 league and 1 labor. Her daughter was married when they came to Texas; all lived together, and the son-in-law received a league and labor of land as a headright.
John H. Simons, application for headright, bounty and donation. Rejected.
George P. Kearns, application for headright and donation.
Heirs G. W. Pierson, application for 1 league, augmentation. John G. W. Pierson has already obtained two leagues of land. Rejected.
John H. Adie, application for headright, bounty and donation. This claim was recommended for bounty and donation, under the head of recommended claims, but was rejected as to headright.
Thomas P. Hulickis, application for headright and bounty. Recommended for the bounty, and rejected as to headright.
Heirs Wistar Evans, application for headright, bounty and donation. Recommended for bounty and donation, and rejected as to headright.
George Grounds, application for 1 league and 1 labor. Rejected.
Noah Smithwick's bounty warrant for 1280 acres, No. 3295, issued by Bernard E. Bee, Secretary of War, 10th May, 1838. Recommended by the committee that this warrant be condemned by the Comptroller. This is one of six, all for the same amount, that has been issued in this name: three by special acts, and three by the Secretary of War.
Heirs James Brown, application for $\frac{3}{4}$ of a league and 1 labor. No proof of service, or that he contributed in any manner to the war of Independence.
George D. Shaw, application for headright. Rejected.
John James, application for headright, bounty and donation. Recommended under the head of recommended claims, for bounty and donation, and rejected as to headright.
H. H. Hawley, application for headright. Rejected.
James J. White, application for headright. Rejected.
War Hale, application for headright. Rejected.
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Buttice Pulverdora, application for headright. Rejected.
Samuel Raymond, application for 1 league and 1 labor, headright. Rejected.
Heirs Willis McHarg, application for headright.
Wm Lewis, application for $ of a league and 1 labor, augmentation. Rejected.
John Jones and Lewis Jones, application for bounty. No proof of actual participation in the reduction of Bexar.
Heirs Jane Brown, application for headright. Rejected.
Jose Ignacio Truxuro, application for headright. Rejected.
Mercado Martinez, application for headright. Rejected.
Winslow Turner, application for bounty and donation. Rejected. There is no evidence of his participation in the reduction of Bexar, nor any evidence of the witnesses having obtained a donation for having entered Bexar, as alleged.
Fernando Seguin, application for headright. Rejected.
Alexander Blair, application for $ of a league and 1 labor, augmentation. Rejected.
Heirs McK Moses, application for headright, bounty and donation. Bounty heretofore recommended. Rejected as to headright and donation.
Heirs Thomas Robenett, application for $ of a league. 320 acres is all that he is entitled to; that has been heretofore recommended. Rejected as to the balance.
George P Diggs, application for a duplicate of 1 league and 1 labor. The committee have no jurisdiction over this claim, it should properly belong to the Land Office.
George Howell, application for $ of a league, headright. Rejected.
Heirs Ezra Cobb, application for headright. Rejected.
Benjamin Howard, application for headright and bounty.—Recommended for bounty heretofore, and rejected as to headright.
George W Scott, application for bounty. Rejected. He has received a bounty warrant for this service, No. 2137, issued by Barnard E Bee, Secretary of War.
Heirs John Creed, application for 1 league and 1 labor. Rejected.
A Greenlaw, application for headright, bounty and donation. This claim has been recommended for 640 acres donation, for being at San Jacinto. He was a teamster, a mere employee of the government, and not entitled to bounty; he is also alive, and the captain of a steamer running the Mississippi, consequently not entitled to a headright.
Heirs Jeffry Mumford, application for 1 league and 1 labor, headright. Rejected.

Heirs Hiram Bebee, application for 1 league and 1 labor, headright. Rejected.

Heirs George W Cash, application for 1 league and 1 labor, headright. The party applying are representing the heirs of Cash; his widow survived him, and her heirs are not represented, although they are the only legal ones. Rejected.

— Thompson, application for headright, bounty and donation. Proof of identity insufficient. Rejected.

Heirs Samuel Bosier, application for 1 league and 1 labor, headright. Rejected.

Heirs Robert Johns, application for 1 league and 1 labor, headright. Rejected.

Oliver T Brown, recommended heretofore for bounty and donation. Rejected as to headright.

James Canfield, colony certificate. Rejected.

Heirs Thomas Utley, application for 1 league, donation, for being wounded at San Jacinto. Those donations being regarded as merely a pension, and for the benefit of the individual during his lifetime, consequently his heirs are not entitled to it.

Heirs James Odle, application for headright. The heirs are not entitled to it.

Heirs William H Steel, application for headright. Proof insufficient.

Heirs Joseph B Jewell, application for 1 league and 1 labor, headright. Proof insufficient.

John D Rains, application for 1/4 of a league, headright. He has already received 1/4 of a league by special enactment, issued to Richard B Jarmon, assignee.

John Cassidy, application for headright. Proof insufficient.

Nathan Davis, to validate certificate No. —, issued by the Board of Land Commissioners of Harrison county, 10th Sept., 1842. Two men by this name have each received 1 league and labor. No evidence that this is not one of them. Dismissed.

The foregoing report is respectfully submitted, and the bill this day introduced in the Senate, and recommend its passage.

J. W. THROCKMORTON,
Chairman on part of the Senate.

E. T. CRAIG,
Chairman on part of the House.

On motion of Mr. Davis of H., the rule was suspended, and the bill to fix times of holding courts in second judicial district was taken up.
Mr. Anderson offered a substitute for the bill, which was adopted, and ordered to be engrossed.

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

On motion of Mr. McClarty, the rule was suspended, and a bill for the relief of H. H. Edwards was taken up, read second time, and ordered to be engrossed.

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

On motion of Mr. Clark, the rule was suspended, and the bill to incorporate the Dialectic Association of McKenzie Institute was taken up, read second time, and ordered to be engrossed.

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

On motion of Mr. Hartley, the rule was suspended, and bill No. 205 taken up, and made the special order for to-night.

ORDERS OF THE DAY.

Joint resolution authorizing the Governor, Comptroller and Treasurer to apply moneys herebefore appropriated for payment of public debts, to claims of more immediate necessity, was taken up and read first time.

On motion of Mr. Dickinson, rule suspended, bill read second time and passed to third reading.

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

House bill to regulate estrays, with amendments by the Senate, was taken up, and amendments concurred in.

Senate's bill to incorporate Clarksville and Red River Insurance Company, taken up, read first time.

On motion of Mr. Eppard, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Eppard, rule further suspended, bill read third time and passed by the following vote:


Mr. Redgate voting in the negative.
The joint resolution to permit withdrawal of certificate No. 127, issued by Board Land Commissioners of Houston county, to Elmes Robertson, read first time.

On motion of Mr. Shannon, rule suspended, bill read second time and passed to third reading.

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

House's bill to authorize certain counties to levy and collect additional taxes, with amendments, taken up, and amendments concurred in.

House's bill to incorporate Cedar Grove Male and Female Institute, in Kaufman county, with amendments by Senate, taken up, and amendments concurred in.

House's bill to amend acts incorporating city of Galveston, with amendments by Senate, taken up, and amendments concurred in.

Senate's bill to legalize locations on Kemper's Island, taken up, and read first time.

On motion of Mr. Barnard, rule suspended, bill read second time, and passed to third reading.

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

Senate's bill to amend act to incorporate Freestone School Association, taken up, read first time.

On motion of Mr. Perry, rule was suspended, bill read second time and passed to third reading.

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

Senate's bill for the relief of heirs of Wm. Becks, taken up, read first time.

On motion of Mr. Dennis, rule suspended, bill read second time, and passed to third reading.

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

A message was received from the Senate informing the House that the Senate had amended and passed House's bill to authorize the formation of county and town agricultural societies.

Senate's bill for relief of B. B. E. & C. R. W. Co., taken up, read first time.

On motion of Mr. Redgate, rule suspended, bill read second time, and passed to third reading.

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

Senate's bill to provide for next election of Representative to
U. S. Congress from Texas, read first time, and referred to Judiciary committee.

Senate's bill to incorporate the Masonic and Odd Fellows Male and Female Academy, read first time.

On motion of Mr. Shannon, rule suspended, bill read second time, and passed to third reading.

On motion the rule was suspended, bill read third time, and passed by the following vote:


Bill to validate A. D. Kennards bounty certificate No. 242, for 320 acres. Read first time.

Mr. Shannon moved to suspend rule, and place bill on second reading. Lost.

Senate's bill for relief of Harmon Tracy, taken up, and read first time.

On motion of Mr. Smith, the rule was suspended and bill to incorporate town of Sabine Pass, taken up, read second time, and ordered to be engrossed.

On motion of Mr. Smith, bill read third time and passed.

House's bill to authorize formation of town and agricultural societies, with amendments by the Senate, taken up, and amendments concurred in.

Senate's bill to amend act to incorporate city of Brownville, read first time.

Mr. Crooks, chairman of committee on Engrossed Bills, reported as follows:

Hon. M. D. K. Taylor,
Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined the following bills and report them correctly engrossed:

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

A bill to amend an act, authorizing and requiring the county courts to regulate roads, appoint overseers, &c.

A bill to be entitled an act amending the several acts regulating proceedings in the District Court.
A bill to be entitled an act to authorize the county surveyor of Denton county to transcribe the land records of said county, from the records of the late Denton Land District, and to legalize the same.

A bill to be entitled an act to make admissible in courts of the State, unrecorded deeds and conveyances on file in the General Land Office.

Mr. Elliott offered the following resolution:

Resolved, That the committee on Public Lands be and they are hereby requested to report a bill which was referred to them early in the session, to sectionize and sell the Indian Reservation. Adopted.

To Hon. M. D. K. Taylor,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills, have examined the following bills, viz:

A bill to be entitled an act for the relief of Jose Maria Gonzales.

A bill to incorporate the town of Shelbyville.

A bill to authorize the County Courts of Shelby county to regulate the pay of Sheriffs therein, in certain cases.

A bill to regulate the time of holding the District Courts in the eighteenth Judicial District.

A bill to be entitled an act for the relief of Myram Mudget, Daniel Kitchings, A. L. Spencer and E. G. Cantwell.

A bill for the relief of W. A. Bush.

An act entitled an act to define the boundary of Hopkins county.

A bill to be entitled an act for the relief of James Herndon.

A bill to incorporate the Texas Insurance and Saving Fund Company.

A bill to be entitled an act authorizing the Comptroller of public accounts to dispose of United States bonds.

An act creating the county of Greer.

A bill granting land to the Lavaca Navigation Company.

A bill for the relief of Alexander Miller.

A bill concerning Common Schools, and find the same correctly enrolled, properly signed, and have this day been presented to the Governor for his signature.

Hon. M. D. K. Taylor,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the following bills, to-wit:

"An act to incorporate the town of Kaufman in Rusk county,
approved February 12, 1852, and an act to reorganize the Court of Claims, and to extend the time for the presentation of claims for land against the Republic or State of Texas," and find the same correctly enrolled, properly signed, and this day presented the same to the Governor for his signature and approval.

On motion of Mr. Dale, the rule was suspended, and the bill to amend the first section of the act to encourage construction of steamboats, &c., was taken up, together with report from committee recommending a substitute, which was adopted and ordered to be engrossed.

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

On motion of Mr. Armstrong, the rule was suspended, and the joint resolution for relief of Catharine R. S. Jones, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Armstrong, rule suspended, joint resolution read third time and passed by two-thirds vote.

On motion of Mr. Maverick, the rule was suspended, and the bill for the relief of the assignees of the B. B. & C. R. Way Company, was taken up, read second time and ordered to be engrossed.

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

On motion of Mr. Mills, the rule was suspended, and bill for relief of Jose Ygnacio Cordova, was taken up, read second time and ordered to be engrossed.

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

On motion of Mr. Francis, the joint resolution to distribute Oldham & White's Digest, was taken up, read second time and ordered to be engrossed.

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

On motion of Mr. Warfield, the rule was suspended, and the bill to incorporate the Greenville Institute, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Warfield, the rule was further suspended, and the bill passed by the following vote:

Yea—Messrs. Speaker Anderson Barnard Benevides Billingsley Bogart Branch Bryan Caddell Camp Craig Clark Cumby Dale Daniels Davis of B. Davis of H. Dennis Dickson Dougherty Epperson Francis Franklin Foshee Harrison of G., Harrison of V. Z., Haxley Haynes Houghton Hubert Lewis of M. Mabry Manly Martin Maverick McCrary McRitchie McKnight Mid-
On motion of Mr. Wrede, the rule was suspended, and the bill to adjust the boundaries of Kerr and Blanco counties, taken up, read second time and ordered to be engrossed.

On motion of Mr. Wrede, the rule was suspended, bill read third time and passed by the following vote:


The House's amendments (which Senate refused to concur in) to the Senate's bill supplementary to and amendatory to the act to establish a Code of Criminal Procedure for the State of Texas, were taken up, and the House receded from them.

The House's amendments to the Senate's bill supplementary to and amendatory of the act to establish and adopt a Penal Code, which the Senate refused to concur in, were taken up, and the House receded from them.

Senate's bill for relief of J. S. Horn, John T. Gresham and J. Y. Pistole, taken up, read first time.

On motion of Mr. Middleton, rule suspended, bill read second time and passed to third reading.

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

On motion of Mr. Wrede, the rule was suspended, and the bill to adjust the boundaries of Kerr and Blanco counties, taken up, read second time, and ordered to be engrossed.

On motion of Mr. Wrede, the rule was suspended, bill read third time, and passed by the following vote:


NAYS—Messrs. Anderson Crawford Dickson Redwine and Ross—5.

The House's amendments which Senate refused to concur in, to the Senate's bill supplementary of and amendatory to the act to establish a code of criminal procedure for the State of Texas, were taken up, and the House receded from them.

The House's amendments to Senate's bill supplementary to and amendatory of the act to establish and adopt a penal code, which the Senate refused to concur in, were taken up, and the House receded from them.

Senate's bill for relief of J. S. Horn, John T. Grisham and J. Y. Pistole, taken up, read first time.

On motion of Mr. Middleton, rule suspended, bill read second time, and passed to third reading.

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

Mr. Mabry, chairman of the House committee on Enrolled Bills, submitted the following report:

Committee Room,  
Feb. 6, 1860.

Hon. M. D. K. Taylor,  
Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the subjoined list of bills, and find them correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval and signature.

"An act for the relief of the heirs of Wm. McDowell."

"An act in relation to the pay of grand and petit jurors in Harrison county."

"An act for the relief of the assignees of John Hennecke."

"An act to continue the pension heretofore granted to Henry Tierwester, to his widow."

"An act supplementary to an act supplementary and amendatory of an act to give to each corporate county of this State its own county surveyor, maps and records, and defining the duties of surveyors."

"An act to amend the 6th and 7th sections of an act entitled an act regulating sequestrations," approved March 15, 1848.

"An act to amend an act entitled an act to incorporate the Sabine and Rio Grande Railroad Company."
"An act supplementary to an act and amendatory of an act to regulate railroad companies." And
"An act to locate site of Justice of Tarrant county."
On motion of Mr. Dougherty, the rule was suspended, and the bill to amend an act to incorporate city of Brownsville, was taken up, read second time, and passed to third reading.
On motion of Mr. Dougherty, rule was suspended, bill read third time and passed.
The Senate bill to grant land to N. G. Shelley, W. H. D. Carrington and Wm. Alexander, was taken up and read first time.
On motion of Mr. Townes, the rule was suspended, bill read second time, and passed to third reading.
Mr. Townes moved a further suspension to place bill on final reading. Lost.
On motion of Mr. Mills, a call of the House was ordered.
On motion, the House adjourned till 7 o'clock, P. M.

7 O'Clock, P. M.

House met pursuant to adjournment—roll called—quorum present.
Mr. Dickson offered the following resolution:
Resolved, That the committee on Printing have printed 2000 copies of the captions of the acts passed at the present session of the Legislature for use of the House. Adopted.

A message was received from the Senate informing the House that the Senate had passed the following named Senate bills:
Bill to incorporate the Hydraulic Company of San Antonio.
Bill to incorporate the Southern Cotton Press and Manufacturing Company.
Bill to incorporate Ingleside College on Corpus Christi bay.
Bill to provide for organization of militia of Texas.
Joint resolution relative to mail route from Austin to El Paso.
And the House's bill to reorganize the 13th District and fix times of holding courts therein.
The House's bill amendatory of and supplementary to the act to incorporate the Galveston Wharf and Cotton Press Company, with report from committee, recommending amendments, was taken up.

Mr. Hartley offered the following as a substitute for committee amendments: strike out in 3d section all after expedient. Adopted, and bill ordered to be engrossed.
On motion of Mr. Hartley, rule was suspended, bill read third time, and passed by the following vote:

Mr. Redwine voting in the negative.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed bill to incorporate Yegua Bridge and Tucupka Company.

Mr. Manly, one of the committee on Engrossed Bills, reported correctly engrossed joint resolution relative to distribution of Oldham & White’s Digest.

On motion of Mr. Craig, the rule was suspended and the bill to incorporate Indianaola and Goliad Bridge and Ferry Company, was taken up, read second time, and ordered to be engrossed.

On motion of Mr. Craig, rule was suspended, bill read third time, and passed by the following vote:


NAYS—Messrs. Foshee Lewis of M. Redwine Ross and Whitmore—5.

On motion of Mr. Hubert, the rule was suspended, and the bill for the relief of M. F. Alexander was taken up, read second time, and ordered to be engrossed.

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

On motion of Mr. Speights, the rule was suspended, and the bill to regulate elections of county commissioners, with report from committee, recommending a substitute, was taken up, the substitute adopted.

Mr. Dougherty proposed to amend as follows:

Provided, That the counties of Cameron, Hidalgo and Galveston be exempted from the operations of this law.
Mr. Wortham moved to lay the bill on the table, carried by the following vote, the yeas and nays ordered on motion of Mr. Davis of B.


Mr. Anderson moved to suspend rule and take up bill for relief of heirs of Ben. R. Milam. Lost.

Mr. Dougherty moved to suspend rule and take up bill 73. Lost.

Mr. Owens moved to take up bill for relief of Phillip Hogan. Lost.

The Senate's bill for the relief of Jas. C. Bellingham was taken up, read second time, and passed to third reading.

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

Senate's bill for relief of heirs of Wm. J. Wills with report from committee, recommending that the bill be not passed, was taken up, and report adopted.

Senate's bill for relief of Benjamin A. Campbell et al, was taken up and read second time.

Mr. Walder proposed to amend by inserting the name of Thos. A. Rodriguez, ruled out of order, and bill passed to third reading.

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

Mr. Crawford, one of the committee on Engrossed Bills, reported as follows:

Hon. M. D. K. Taylor,

Speaker of the House of Representatives:

The committee on Engrossed Bills to which were referred the bills to be entitled an act for the relief of Jose Ygnacio Cordova.

An act for the relief of the Buffalo, Brazos and Colorado Company, or their assigns. And

Joint resolutions relinquishing to Catherine R. S. Jones all the right, title and interest that the State has to the developed.
property of David Williams, deceased, have examined the said
bills and resolutions, and report them correctly engrossed.

The Senate's bill to incorporate Galveston Firemen's Relief
Fund Association, was taken up, read second time, and passed
to third reading.

On motion of Mr. Franklin, rule suspended, bill read third
time, and passed by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Baxter Billingsley
Bogart Branch Bryan Caddell Craig Crawford Clark Cumby
Dale Daniels Davis of B. Davis of H. Dennis Dougherty Epper
son Ewewen Francis Franklin Fessue Hall Harrison of C.
Hartley Houghton Hubert Kinney Lewis of B. Lynch Mabry
Manly Martin Maverick McClarty McCutchan Mundine Munson
Norton Parker Redgate Robinson Ross Shannon Shelton
Speights Townes Walder Walworth Warfield Waterhouse
Whitfield Whitmore Wortham and Wrede—57.


Bill for the relief of Nancy Robertson taken up, read second
time, and passed to third reading.

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

Mr. Mills moved to reconsider the vote refusing to pass bill
relative to surveys in Young land district. Lost.

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

Bill for relief of heirs of Shelby Corzine.
Bill for relief of Wm. DeWoody.
Bill for relief of heirs of Addison Litton.
Bill for relief of Sarah Miles.
Bill for relief of W. D. Langham.
Bill for relief of J. T. Wilson, T. H. Roberts, and heirs of
Mark Copeland, dec'd.
Bill for relief of Thos. J. Smith of Ft. Bend county, one of
the survivors of Col. Fannin's command.
Bill for relief of Richard B. Wardroup.
Bill for relief of Richard N. Williams.
Bill for relief of heirs of William L. Flemmings, a settler in
Mercer's colony.

Bill to prevent sale of vinous, spirituous or other intoxicating
liquors within one mile of New London, in Rusk county, Veal's
Station, in Parker county, and Mt. Enterprise in Rusk county.

Mr. Cumby moved to reconsider the vote passing the bill to
define the boundary line of Hopkins county. Carried by the
following vote, the yeas and nays being ordered on motion of Mr. Norton:


On motion of Mr. Wortham, a further consideration of the bill was postponed till 11 o'clock, A. M. to-morrow.

Mr. McClarty, chairman of Special committee, by permission, reported as follows:

**To the Hon. M. D. K. Taylor, Speaker of the House of Representatives:**

The Special committee appointed to draft suitable resolutions expressive of the respect entertained by this House for the memory of the Hon. J. Pinckney Henderson, dec'd, beg leave to submit the following resolutions:

Whereas, it having been the will of the Divine ruler of the destinies of men and nations, to remove by death, from a high sphere of usefulness, our late distinguished fellow-citizen, J. Pinckney Henderson,

Resolved, 1st. That in his death our State has sustained a great and almost irreparable loss; that so long as patriotic services in the camp, the Cabinet and the Senate, are respected by the citizens of Texas, so long will the memory of the deceased be cherished and revered.

Resolved, 2nd. That in the circumstances which preceded his death—in his self-devoted fidelity to the duties of his position—we recognize evidences of that exalted heroism of character which had so justly concentrated in him the general admiration and confidence of the people of his State; and that the family of the deceased have our heartfelt sympathy in their bereavement, with the assurance that the claims of the husband and father upon the State, which his services while living, so much contributed to establish and sustain, will not be forgotten.

Resolved, 3rd. That these resolutions be spread upon the journals of this House, and a copy of the same be forwarded to
the family of the deceased; and as an evidence of respect to the
memory of the deceased, this House do now adjourn.

Unanimously adopted.

JOHN McCARTY,
ISAAC N. DENNIS,
E. H. BAXTER.

Mr. Speaker:

At an early period of this session I offered a resolution requesting you to appoint a committee, whose duty it should be to report to this House resolutions expressive of its respect for the memory of J. Pinckney Henderson, late United States Senator from Texas, and who died whilst in the discharge of his duties at Washington city, in the month of June, 1838, and since the adjournment of our last Legislature. I am aware, sir, that this duty has been long delayed; I will remark that this delay has arisen from no want of respect on the part of the committee toward either this House or to the memory of the distinguished deceased. The resolutions just read, have been long since prepared, and as its chairman, and as the personal friend of him whose loss we deplore, the committee have requested me to accompany the presentation of the resolutions with at least an outline of the public and private life of J. Pinckney Henderson.

I speak in all candor, when I say that I am ever reluctant to gain the floor of this House, or to occupy its valuable time with any remarks of mine. There were other reasons which have influenced this delay. The deceased was for a period of over twelve years, my warm personal friend. Although, sir, his manly form and generous eye may now lie mingled with the dust; although that mellow voice that once fell in sweet music upon my ear, is now hushed to be heard no more, yet my heart is not nor will not be treacherous to his memory. His memory is inseparably linked with that of the earlier years of my life, and with that of other near and dearly beloved friends, who like himself, have lain down in that sleep from which naught but the archangel's trump shall awake them. When I reflect that upon this earth I shall mingle with them no more, that mutual assurances of affectionate regard are indeed ended, it is not my nature to be otherwise than affected with emotions which are sacred to my own heart, and which I never desire to obtrude upon others.

I desired further, sir, that all of our political differences and rivalries should be ended before I submitted the report. It was not within the scope of my purpose in the remarks I should submit, to excite partisan feelings. I disclaim any such purpose, and any sentiments which I may make on this occasion to his
peculiar political views and my full endorsement of those sentiments I trust may not so be so construed. Surely, on an occasion like this, all feelings other than sorrow for the noble, the gifted dead, should be banished from our minds. However widely we may have differed with him politically whilst he lived, now that he is dead may we not gather around his tomb and remember him only as the patriot.

"As those who meet upon some foreign shore,
Wrecked by the same tempestuous surge, recall past fœuds no more:
Thus let friends and foes combine
To pour the homage of their hearts upon one common shrine."

JAMES PINKNEY HENDERSON was born in Lincoln county, North Carolina, on the 31st day of March, 1808. His parentage was of the highest respectability. He was one of a family of several sons, all of whom like himself, were remarkable for their fine intellects. After having well improved favorable educational opportunities, at an early period in his youth, he devoted himself to the study of the law. At the age of nineteen years he was admitted to the practice of his chosen profession.

I regret that it is not within my power to give any particular account of the years of his life, from his admission to the bar up to the age of twenty-seven. I can, however, state confidently, that during that period he was a close and ambitious student, and that he laid then that deep foundation which so well supported him in his after efforts in his profession. JAMES PINKNEY HENDERSON, at all times, was modest in the extreme, and never willingly made himself the topic of conversation. In the year 1835, he removed to the State of Mississippi, and entered upon the practice of the law. His progress in attaining an enviable reputation was rapid, a brilliant career seemed to be opening upon him. But at that juncture the thrilling appeals of Texans struggling for freedom, reached him, and in 1836, almost without a second thought, he abandoned the tempting prospect which was unfolding itself around him, and repaired to Texas. So high were the credentials which he presented and so forcibly did his demeanor endorse them, that the Provisional Government of the infant Republic at once conferred upon him the rank of General of Brigade in its armies. It was not his fortune to share the glorious victory of San Jacinto with Houston and his Spartan band, his appointment having been made subsequent to that engagement.

At the conclusion of hostilities he was successively a member of the State Department and Attorney General of the Republic.
In 1837, he was appointed Minister Plenipotentiary and Envoy Extraordinary to the Courts of England and France, where, by his exalted discretion he succeeded in obtaining a recognition of the independence of Texas as a sovereign State. In 1844, he was elected as an adjunct to Mr. Van Zandt, our United States Minister at Washington city.

When the annexation of Texas to the United States of America was consummated, Gen. Henderson was chosen without opposition, as the first Executive of the new State.

It will be remembered that the first Legislature of our State was in session when hostilities began in 1846, between our country and Mexico. Soon after the battles of Palo Alto and Resaca de la Palma, fought on the 8th and 9th of May in that year, Gen. Taylor, who was in command of the army of occupation, which had against desperate odds achieved those brilliant victories, made a requisition upon the government of Texas for five regiments of troops. Four of those were soon enrolled, and Gen. Henderson, by the joint request of both Houses of the Legislature of the State, repaired to the field and assumed the command of those forces. His rank as Major General was recognized by the United States Government, and in this position he rendered valuable assistance in the reduction of Monterey. At the termination of that engagement he was selected by the commanding General—Taylor—as one of the three Commissioners chosen to conclude the terms of capitulation of the city with the Mexican Commander in-Chief—Gen. Ampudia. As a testimonial to his bravery and able generalship in this action, the Congress of the United States afterwards presented him with a magnificent sword—a fitting tribute to his merit. For many years after the conclusion of the Mexican war, Gen. Henderson devoted himself to the practice of his profession and the cultivation of the more private but not less satisfactory enjoyments of life. Although often and pressingly solicited, he declined to enter upon political life in official position. It is true that he was keenly alive to the progress of political events as they transpired, and ever ready and fearless when occasion required in the expression of his opinions. He was, I believe, elector for the State at large on the Democratic ticket in the contest between Cass and Taylor in 1848. When the noble but ill-fated Buck vacated his seat in the United States Senate in 1857, the State, by one almost unanimous voice, solicited Henderson to fill his unexpired term. I know that he accepted this position with reluctance, for office-seeking—a hungering and thirsting after place and position—was a spirit which he always contemned. It was his misfortune
to be in very feeble health when the intelligence of his election as United States Senator reached him. He felt gratified in the fact that he was the unanimous choice, or almost so, of the representatives of a free people who had known him so long and well, and by whom his political opinions were so well understood; but he felt that the finger of death was then feeling about his vitals, and that the time of his sojourn upon this earth was drawing to a close.

Yielding to the earnest entreaties of his friends, who were ever at his bedside, for a brief period he delayed his departure for the Federal Capitol, but he found that his physical energies were failing; and impelled by an ardent desire to reach the field of his last labors, he began his journey, and dragged by the power of an indomitable will, his disease-smitten frame onward to his post of duty, like a stricken soldier upon the field of battle. For a time he carried amidst the orange groves of the Island of Cuba, with a faint hope that the balmy breath of the tropics would yet quicken the flagging life-stream within his veins. He found that this was not to be so, for each day and each hour the solemn warning—"Dust thou art and to the dust thou shalt soon return"—became more audible.

With a final exertion he reached the Federal Capitol. He assumed for a few days his seat in the Senate, then a reaction took place—the flame of life flickered feebly for a time, then passed away gently as the breath of morning, when it floats among the trees. James Pinckney Henderson, in the meridian of his manhood—clothed with well-earned honors—was dead. His mortal career was ended, but he still lived on the page of history and in the hearts of friends, where his virtues will remain embalmed while life endures.

It was in his character as a lawyer that I first became acquainted with General Henderson. At the time he stood proudly eminent as a profound jurist and eloquent advocate. When I remark that his associates at the bar were such men as Rusk, Anderson, Vanzandt, Clark, Jennings, Hill, Wheeler, Roberts and Ochiltree, who have contributed so much to establish and maintain the dignity and reputation of the profession of the law in Texas, it will be seen that I pay to the memory of the deceased no empty compliment.

For the study of the sublime principles and skillful application of the details of the common law, General Henderson had an intellect peculiarly fitted. His mind grasped the subject with masterly force, and the beauty and harmony of the system were ever objects of his special admiration. The common law to his
mind was not an exhalation that had arisen in a single night, nor as the deceitful mirage of the desert that invites but to betray into confusion he who seeks an intimate acquaintance with its principles—but like some massive structure, which had its foundations in the first aspirations of our favored Anglo-Saxon race for self-government, and which had lain under contribution the master minds of every age which marked the history of its existence in the work of its enlargement and improvement.

A system at once the foundation of our civil liberties, and as the most nearly perfect work of human reason. With such exalted conceptions of the object of the common law, crowned with a clear and elevated intellect as an ancient ambition for success, he could not be otherwise than successful. To this combination he had another quality inseparable from a thorough knowledge of the law—he had an honest, truth-loving nature.

As a soldier, Gen. Henderson was a very Bayard for bravery, skill, and high-toned chivalric spirit. As an officer, he placed the highest estimate upon the duty of obedience of inferiors to those superior in command. At the close of the third day of the battle of Monterey, at the head of the Eastern Texas Rangers, under command of Col. Wood, and the glorious Mississippi rifles under the distinguished Davis, Gen. Henderson made a desperate assault upon the eastern end of the city.

The Mexicans knew that this charge, if successful, would close the engagement, and fought with the desperation of despair. But despite the fearful odds of superior numbers and the more favorable position of the enemy, Henderson's gallant band forced its way onward, cutting through the solid walls, whilst from house top to house top, protected by barrels and sand bag defences, the enemy kept up a steady fire, and every street was swept as with an iron shot from the cannon in the barricades. I remember that evening well, as I sat upon my horse whilst upon picket guard, high upon the side of a towering mountain that overlooked the city. Dense clouds of smoke were ascending over the scene of combat, but the shouts of my friends and the shrill reports of their rifles, as the tide of battle rolled onward like a resistless wave, were plainly audible, save when drowned by theullen roar of artillery. At this juncture, when maddened by success and the loss of friends and comrades; when the glorious fruition of victory seemed to be just within their grasp, an order from Gen. Taylor reached Henderson, commanding him to withdraw his command from the field, and thus abandon a position he had so gallantly conquered—Davis states that he asked Gen. Taylor what he should do. "Do," replied the hero,
"why, sir, obey superior orders;" and without a murmur he gave the signal for retreat, which was sullenly obeyed by his command.

As a politician, Gen. Henderson entertained clearly defined views. His estimate of the powers of the Federal and State Governments, was founded upon a true basis, for he read the Constitution of our country aright. To obtain a correct knowledge of the Federal Constitution, he had devoted much labor and research. In the prosecution of this labor he had to contend with erroneous views, imprinted in his mind by early impressions received from his father, but he entered upon the study with a clear and vigorous intellect, well trained to habits of patient thought, and an honest, truth-loving heart. The mists of pre-conceived opinion were gradually dissipated, and the Constitution, symmetrical in all its parts, rose in its true outlines before his understanding. It will be seen that in thus truly conceiving the spirit and meaning of that wonderful instrument, he was led to the same conclusions which those mighty minds—Jefferson, Madison and Calhoun, had adopted before him. He held that the dangers, which, above all others, menaced the perpetuity of the confederated form of our Government, was in a tendency toward consolidation, arising from latitudinarian constructions of the Constitution; and against these he held that the people should combat as against the incipient developments of a deadly disease. The fearful storms which had swept over our political horizon in the last ten years preceding his death, he believed had their origin in the mistaken views of some, and the selfish desires of others for a strong central Government, and such as was never contemplated by the framers of the Constitution, undesired and unsanctioned by the genius of the American people. No man has lived in Texas who has exerted such an influence upon the public mind. Upon great political questions, there have been others, who, by the superior advantages of a military popularity, always captivating to a border people who have had cause to bless its influence, who for a time entwined him in public esteem; but when the period arrived, when our constitutional rights were menaced, he at a stride passed to the front of the political line, and became the leader-in-chief of what is known as the State Rights Democratic party, and the only one which has had an existence for several years in this State. For some time before the question of the relative powers of the Federal and State Governments was canvassed freely in Texas, Gen. Henderson stood with a slender minority, who were unjustly branded as fire-eaters and extremists, contending for the true doctrines of the Constitution, against what was regarded then as a hopeless oppo-
sitim. But he faltered not, nor shrank from the issue. His heroic soul rose more grandly, if possible, in the midst of desperate contest and defeat, than in the delirious intoxication of victory. He lived to see the views, which for years he had proclaimed as correct, adopted by a vast majority of the people of Texas. And though now he is dead—though “those lips which were once tremulous with the divine afflatus of a swelling heart,” are crumpled to the dust—though no more he shall be seen in his place in the Senate, or hear, with the joy of a warrior, the shrill trump or rolling drum, he is not altogether dead, for his labors do live after him. Though at present, through unfortunate circumstances, the party to which he belonged, and of which he was the chief ornament and leader in his State, be under a cloud, that cloud will soon be swept away, nor leave a trace of its ephemeral existence behind. The people of Texas will be found, when the emergency arrives, which the tokens of the time evince to be rapidly approaching, loyal to their best interests.

For the minor details of party management Gen. Henderson had little fitness. He was ever for open, manly contests upon clearly defined issues. He could not sit in the filthy sink of partisan rancor, nor gleat like a vulture or hyena in the work of personal defamation. Nor had he ever a thought for personal advancement linked with his political action; no! his heroic soul scorned the fetid atmosphere of such a region, and soared aloft into the purer altitudes of principle.

It has been urged against him that he was at heart an enemy to our Federal form of Government, and desirous for its overthrow. This accusation I know to be most unjust. The wonderful wisdom which effected the Union of the thirteen original States, was always a theme of his admiration. It was the abuse of the delegated powers of the Constitution to which he was a foe. I have heard him declare that could the true intent of our Constitution be carried out and its provisions sacredly maintained, the advancement of our system of Government would outstrip every prophecy which had been made in its favor. Like that river which the prophet of God in holy vision saw—which was at its source but a shallow stream, but rolled on widening and deepening until it passed beyond the scope of mortal vision, so would the current of our American institutions flow onward like an advancing tide, that should know no retiring ebb until it filled every bay and inlet, and the music of its billows was heard on every shore.

However elevated a man’s position may be in the control of
human affairs, upon close inspection he is sometimes found to dwindle down into littleness in his private character. In the history of many men who have figured prominently before the public eye, arrayed in the gaudy trappings of official position, we find traits even of a revolting character. When the curtain, which has concealed their private life, has been removed, the revolting evidences of a moral leprosy has been discovered; treachery has been found to lurk behind a captivating address; self-interest, as remorseless as the spirit which impels some of the brute creation to feed upon their own offspring, has been found concealed, a misanthropy as hideous as a den of hissing serpents has been found to lurk in their hearts. My deceased friend was marked in his character by no such hideous deformities of soul. To say that he had not his faults would be to say that he was not mortal. His friends who knew him best, knew that he was strongly, it may be for his own good, piercingly human. His character was none of that smooth description that was seemingly faultless, for his nature was a positive one. He had his errors, but they arose from the redundancy of a generous, impulsive and noble soul, and moderation and self-restraint were his acquired virtues. In forming him, nature seemed to have been in one of her most prodigal moods. In person, he was tall, well-proportioned, erect and dignified in his carriage. His head was large, finely formed, with a broad and full forehead, whilst his features were moulded in a form of uncommon manly beauty.

In the social circle he was ever the centre and focal point of attraction, for his bright and generous smile and mellow voice were singularly attractive. Wherever he went he won the hearts of those with whom he met, whilst his intimate friends knew no bounds to their love and devotion to him.

It was characteristic of his life, that he should have met with his death whilst devoting himself to what he considered to be the discharge of his duty. Had he have yielded to the persuasions of friends, it may be that by careful attention his life might have been prolonged; but he was as immovable as adamant when once his course was determined upon. I have heard of a distinguished French soldier, Pierre Latour I believe was his name, who, though gifted with a highly improved intellect and noble by birth, devoted his whole life to the elevation of the rank of the common soldier in the armies of his country.—The great Napoleon knew him personally, and appreciated his exalted merits, and often sought by urgent solicitation to induce him to accept official promotion; but the hero refused, and replied that his sole ambition was to be the first grenadier of
France. Death came to him as he desired, upon the field of battle with his harness on and his weapons in his hands. When the star of Napoleon's empire was setting in the gloom of the evening of Waterloo; when Grouchy did not come up and Blucher did come to the aid of the English; when the Imperial leader of the French was hurried a heart broken fugitive from the field, one heroic band, amidst the fearful and dismaying scenes of defeat, still, with unavailing valor, strove to rally up the desperate fight. It was the Old Guard. As the shot shattered their stubborn ranks, with his back to the earth and his feet to the foe, Pierre Latour fell with the dying cry upon his lips—the "Old guard dies but never surrenders."

That an example so glorious should never be forgotten to this day—Pierre Latour's name is still called as though he were yet living in the French army and an officer always responds "Pierre Latour lies dead on the field of honor." If I had an epitaph to inscribe upon the tomb of our deceased Senator, it would be "JAMES PINCKNEY HENDERSON lies dead upon the field of honor."

In accordance with the above resolutions, the House adjourned till 10 o'clock, A. M., to-morrow.