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

Mr. Shannon, one of the Select committee, reported a bill for relief of sundry person therein named, and recommended its passage. Bill read first time.

Mr. Shannon moved to suspend rule and take up bill. Lost.

Senate's substitute for House's bill making appropriation for maintenance of Government for 1860 and 1861, taken up. Read first time.

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

Bill for relief of legal representatives of Calvin Gage, dec'd.

Bill to authorize the county Surveyor of Grayson county to transcribe certain books of record in his office.

Also had amended and passed following House bill donating one league of land each to Dennis Mead, Richard Mead and Eastland.

And bill for relief of Buffalo Bayou and Colorado Railroad Company or their assigns.

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

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

Senate's second substitute taken up. Read first time.

On motion of Mr. Davis of B., rule suspended, bill read second time.

Mr. Mabry proposed to amend by striking out $250 00, to pay James S. Robinson, District Attorney of 16th Judicial District. Adopted.

Mr. Escoe moved to strike out $150 00, for James Swindells for making a map of Young Land District. Adopted.

Mr. Dale moved to strike out $750 00 each to J. G. Swisher and S. G. Haynie, as Commissioners for building State Capitol.

On motion, the House adjourned till 1-2 past 9 o'clock, A. M., to-morrow. Pending the motion to strike out.

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House of Representatives.

Friday, February 10th, 1860.

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

Mr. Crocks, chairman of committee on Engrossed bills, reported
correctly engrossed, bill to define the boundaries of Calhoun county.

On motion of Mr. Nelson, rule suspended and the bill to incorporate the Texas Cotton Seed Oil and Manufacturing Company, taken up, read first time.

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

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


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

Bill for relief of Matiana Vega Delgado.

Bill to authorize County Surveyor of Denton county to transcribe certain records.

Bill making appropriations for completing and supporting Lunatic Asylum.

Also had amended and passed House bill to prevent judgments from becoming dormant.

Also had passed a bill to regulate the fees of the General Land Office.

Mr. Craig introduced a bill for relief of certain persons therein named. Bill read first time.

A message was received from Senate informing the House that the Senate had passed bill to regulate surveys of land.

Bill to incorporate the San Antonio Literary Association.

Bill to provide for sale of reservations of land ceded to the United States for Indian purposes.

And bill to repeal 2nd section of act to authorize the Commissioner of General Land Office to issue patents on surveys, here-tofore made not in regular form according to law.

Mr. Epperson introduced a bill to provide for raising a revenue by taxation, to meet the present deficit in the Treasury, the current expenses of the government for 1860 and 1861, for fron-
tier protection, and for paying interest on Treasury Warrants. Bill read first time.

On motion of Mr. Epperson, rule suspended, and bill taken up.

Mr. Flewellen moved to postpone the bill and make it special order for half past 3 o'clock P. M. Lost, and bill read second time.

Mr. Flewellen moved to postpone bill and make it special order for 4 o'clock P. M. Lost.

Mr. Ross proposed to amend as follows:

Section—There shall be levied and collected of every physician and lawyer practicing their several professions for pay or emolument, a special occupation tax of twenty-five dollars, and in case of refusal to pay said tax, they, or either of them, shall forfeit all rights to collect their or his fees for services during the term of such refusal.

On motion of Mr. Dickson, bill and amendments laid on table by the following vote. Mr. Perry calling for yeas and nays:


On motion of Mr. Wadler, the rule was suspended, and the bill to provide for payment of the supplies furnished to Captain John Williams' company of rangers, with report from committee recommending amendments, was taken up, amendments adopted. Bill read second time and passed to third reading.

A message was received from Senate informing the House that the Senate had passed House's bill for relief of M. F. Alexander. Also had amended and passed House's bill for relief of Chas. D. Ferris.

And that Senate adheres to their amendment to House's bill to fix times of holding courts in second Judicial District, and had appointed Messrs. Townes and Duggan committee of conference, and asked that a like committee be appointed on part of House.
On motion of Mr. Nelson, rule suspended, bill read third time and passed.

Mr. Clark, one of committee on Engrossed bills, reported correctly engrossed, bill to incorporate American Agency.

Mr. McKnight submitted the following minority report:

House's bill supplemental to act to authorize the appointment of commissioners to take acknowledgments of deeds depostions and other instruments of writing, executed out of the State, approved May 8th, 1846, with amendments by the Senate, was taken up.

On motion of Mr. Harrison of V. Z., a call of the House was ordered.


Mr. Baxter moved to suspend call. Lost.

Speaker announced Messrs. Anderson, Davis of B., Davis of H., Townes and Stewart committee of conference on bill to change times of holding courts in second Judicial District and to require clerks therein to apportion their Dockets.

Mr. Davis of B., made the following report from the committee on enrolled bill, viz:

Hon. M. D. K. Taylor,

Speaker of the House of Representatives:

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

An act supplementary of and amendatory to an act to establish a Code of Criminal Procedure for the State of Texas.

An act for the relief of the heirs of Thomas Blanton.

An act to incorporate the Mystic Club at Woodville, Tyler county.

An act to incorporate the Corpus Christi Bay and Brazos St. Ingo Canal Company.

A joint resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary.

An act to incorporate the Southern Cotton Press and Manufacturing company.

An act authorizing the County Court of Fayette county to levy a special tax.

An act to incorporate the Texas Mutual Insurance Company, at Boston.
An act to amend the act to incorporate the city of San Antonio, approved July 17th, 1856.

An act to incorporate the North Sulphur Bridge Company, in Lamar county.

An act for the relief of Lucretia Franklin.

An act to fix the time of holding courts in the nineteenth Judicial District, and to define said District.

An act for the relief of W. P. Tindall.

An act supplementary and amendatory of an act entitled an act to incorporate the city of Corpus Christi, approved February 16th, 1852.

An act to change the times of holding the District Court in the 10th and 14th Judicial Districts.

An act for the protection of the Alabama Indians.

An act regulating the time of holding Justices' Courts in the counties comprising the 12th Judicial District.

An act to incorporate the Alamo Fire Association.

An act to incorporate the Trustees of the Baptist State Convention.

An act to incorporate the West Fork Bridge Company.

An act for the relief of the heirs of John E. Ross.

An act for the relief of Mrs. Ellen M. Gibbs.

An act to incorporate the Houston Gas Company.

An act ordering the return of certificates in Fisher & Miller's Colony.

And an act to incorporate Wharton College in the city of Austin.

All of which is respectfully submitted,

B. H. DAVIS,

one of committee.

To the Hon. M. D. K. TAYLOR,

Speaker of the House of Representatives:

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

An act in relation to the location, survey and patenting of the land granted by the State to the Galveston and Brazos Navigation Company.

A bill for the relief of the heirs of Caldwell Carson, deceased.

A bill to incorporate the Planters Danalogian Society, of the county of Gonzales.

An act for the relief of the Washington county Railroad Company.

And find the same correctly enrolled, properly signed, and
have this day been presented to the Governor for his approval and signature. A. M. BRACH.

one of the committee.

Senate's bill to organize State Militia, taken up, read second time.

Mr. McKnight moved to strike out all after "oath" in 15th section, and insert the official oath prescribed by the constitution in article 7, section 1. Rejected.

Mr. Lynch proposed to amend as follows:

"Strike out $1800 and insert $500 as salary for Adjutant-General."

Mr. Duncan offered the following substitute for Mr. Lynch's amendment:

Amend by adding $900 as salary for Adjutant-General.

Mr. Davis of H., moved to lay the amendment and amendment to amendment on table, a division was called, and Mr. Duncan's amendment tabled.

The question recurring on laying Mr. Lynch's amendment on the table, the same was put, and the House refused to table the amendment by the following vote, yeas and nays being ordered on motion of Mr. Davis of B:


Mr. Davis of H., moved to adjourn till 3½ o'clock, P. M.

Lost.

Mr. Davis of H., proposed to substitute the amendment by striking out $1800 and inserting $1500.

Mr. Dickson proposed to lay the substitute on the table. Carried by the following vote:

Mr. Short proposed to amend by striking out $1800 and inserting $1200 for first two years after act taking effect, and $750 thereafter.

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

Mr. Maverick proposed to amend by striking out $1800 and inserting $800.

On motion of Mr. Dickson, laid on table.

Mr. Davis of H., moved the previous question. Lost, and amendment adopted.

Mr. McKnight proposed to amend as follows:

"Strike out good behavior wherever it occurs in the bill, and insert for six years." Adopted, and bill passed to third reading.

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

House bill for relief of C. D. Ferris, with amendments by Senate, taken up, amendments concurred in.

House bill donating league of land each to Dennis Mead, Richard Mead and Eastland, with amendments by Senate, taken up, and amendments concurred in.

House bill for relief of B. B. & C. R. R. Co., or their assees, with amendment by Senate, taken up, and House refused to concur in amendments.

Mr. Craig moved to suspend rule and take up bill for relief of certain persons therein named. Lost.

On motion, the House adjourned till 3 o'clock, P. M.

3 O'Clock, P. M.

House met—roll called—quorum present.

A message was received from the Senate informing the House that the Senate had passed a joint resolution instructing our delegation in Congress in relation to frontier protection.

And a bill in relation to mineral lands and salt licks, and salt springs, held in reservation by the State.

Also, had amended and passed House bill amending the several acts regulating proceedings in District Courts.

And passed House's bill to define Boundary lines of Calhoun county.

House bill to prevent judgments from becoming dormant, with amendments by the Senate, taken up and amendments concurred in.
House's bill amending the several acts regulating proceedings in the District Courts, with amendments by Senate, taken up, and amendments concurred in.

Senate's bill regulating fees of General Land Office, taken up, read first time.

On motion of Mr. Ross, rule suspended, bill read second time.

Mr. Shannon proposed to amend as follows:

Provided that the provisions shall not be so construed as to apply to applications which have been made before the passage of this law.

Mr. Short proposed to amend the amendment as follows:

Strike out all after the word "addition," in the third line from bottom in first section. Rejected.

Mr. Lewis of M., proposed to amend as follows:

Provided that citizens shall not be required to pay for statements made or information given by the Commissioner of Land Office, in respect to their own lands. Rejected, and the amendments rejected.

A message was received from Governor.

Mr. Waelder proposed to strike out "75 cents," in first section and insert "50 cents."

Mr. Bryan proposed to amend as follows:

Strike out $10 and insert $6 for all over two-thirds of a league and up to a league.

Strike out $6 and insert $3 for all over one-third of a league and up to two thirds of a league. Rejected.

On motion of Mr. Lewis of M., the main question was ordered, which being on the passage of the bill to third reading.

The yeas and nays were ordered on motion of Mr. Haynes, and bill passed to third reading by the following vote:


Mr. Ross moved to suspend rule, and place bill on third reading. Lost by the following vote, the yeas and nays being ordered on motion of Mr. Shannon:


On motion of Mr. Shelton, the rule was suspended, and the Senate’s bill supplementary to the act to amend the act to incorporate the Memphis and Pacific Railroad Company, approved Feb. 10, 1858, was taken up.

Mr. Shelton offered a substitute for the bill which was adopted and passed to third reading.

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

On motion of Mr. Dougherty, the rule was suspended, and the Senate’s bill to authorize the county court of Nueces county to levy special tax, and read first time.

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

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

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT,

February 8th, 1860.

Gentlemen of the Senate
and House of Representatives:

Believing that a sense of duty would impel me, prior to the adjournment of your honorable body, to call your attention to the condition of the treasury, I addressed a note, on the 30th ult., to Maj. C. R. Johns, Comptroller of the Treasury, whose reply is herewith submitted:

COMPTROLLER’S OFFICE,

Austin, February 2d, 1860.

To Gen. Sam Houston, Governor, &c.—

Sir: In reply to your note of the 30th ult., I have to state that there will be required to meet the expenses of the government, including the balance due on the River Appropriations, for the two years ending August 31st, 1861, the sum of $837,725.
And for the payment of the outstanding debt of the late Republic - - - - 127,542.87

The expense of keeping in the field one regiment of mounted troops, under the provisions of the act approved January 2d, 1860, during the same time would be - - - - 1,206,000.00

To which should be added the appropriations made, and hereafter to be made by the present Legislature, for military and other extraordinary purposes not embraced in the above estimates, but which, so far as known to this office, amount for military purposes - - - - 74,000.00

$965,268.43

To meet which there was in the Treasury on the 31st August last, the sum of - - - - 411,402.69

Amount transferred from University Fund - - - - 106,972.26

Amount of two years revenue, 1859 and 1860 - - - - 696,517.22

Amount advanced by the State for frontier protection, which should be refunded by the Federal Government, - - - - 167,793.62

$1,382,690.79

Thus showing a deficit in the revenue, 31st Aug., 1861, of - - - - 862,577.64

$2,245,268.43

From the following statement it will be apparent that there is not, at this time, any funds in the Treasury subject to appropriation.

Amount of State funds on hand for quarter ending November 30th, 1859 - - - - $368,122.34

Amount received from that date to February 1st, 1860 - - - - 14,836.80

Total fund on hand February 1st, 1860 - - - - $382,918.14

Amount of Treasury Warrants paid during December and January last - - - - 117,127.16

Amount paid Members and Officers of the Legislature on Clerks Certificates - - - - 46,690.98

Balance due them, say - - - - 40,000.00
Current expense of Government for the month of January, unpaid, say $30,000.00
Amount of public debt still outstanding $122,682.59
Amount undrawn on river appropriations $73,120.67
Amount of appropriations for frontier defence made this Legislature $74,000.00
Less amount paid, included above $27,529.54 $46,470.46
Amount due on appropriations heretofore made $50,000.00

To which should be added all other appropriations made at this session of the Legislature, but which are not, at present, known to this office.

(Signed,)

CLEMENT R. JOHNS, Compt.

COMPTROLLER'S OFFICE;

Austin, Feb. 3, '60.

It will thus be seen that there was, on the first day of February last, in the Treasury $143,273.72 less than the amount already appropriated. To this is to be added the additional appropriations made by the present Legislature, not reported by the Comptroller, say $83,000.00. Of the $382,818.14 in the Treasury, $122,682.59 is set apart for the payment of our public debt, and $73,120.67 for river appropriations, and $50,000 due on appropriations heretofore made. These appropriations being pledged for a specific purpose, amounting to $245,803.26, they should remain in the Treasury. Deducting these from the balance on hand February 1st, 1860, there was really subject to appropriation $137,014.88. There had already been paid out on the 1st of February $163,818.14, or $27,293.26 more than was really subject to appropriation, which latter amount was taken from the appropriated funds. There remained in the Treasury at that date $219,000.00, against which stands balance of appropriation for contingent expenses and per diem of Legislature $63,309.02.

Expenses of Government for month of January $30,000.00
Amount set apart for public debt $122,682.59
Amount undrawn on river appropriation $73,120.67
Amount undrawn of $74,000 appropriated to frontier defence $46,470.46
Amount due on appropriations heretofore made $50,000.00
Additional appropriations made by present Legislature up to 1st of February, say $83,000.00

$468,582.74
Probable additional cost of Rio Grande War - 40,000 00

Amount in the Treasury February 1st - $508,582 74

Deficit February 1st - $289,582 74

As the act appropriating $300,000 for the protection of the frontier provides that no money shall be drawn under the act, so as to leave "a deficit in the amount required of the current revenue from time to time to pay the ordinary current expenses of the Government," the Legislature need but turn to the condition of the Treasury, herewith presented, to see that there will be no money in the Treasury for frontier defence, and that therefore, unless provision is made by the Legislature, our rangers will have to go without pay and subsistence after the University Fund is exhausted. As this fund, amounting to $106,992 26 is only to be used as a loan on account of the defence of the frontier, it cannot relieve the present embarrassed condition of the Treasury. Had the act creating a State University been repealed, and the money placed in the general fund, the Treasury operations would have not so soon have been impeded.

The Executive has, in view of the condition of the Treasury, not felt justified in calling more troops into the field than is at present absolutely necessary. We may expect, however, that when grass rises in the Spring, the Indians will come down in greater numbers, and that more rangers will be needed. The entire amount of the University Fund will barely be sufficient to sustain the companies now in the field for six months. If the regiment provided for in the "Act for the protection of the frontier" is called out, the estimates made by the Comptroller show that the sum of $1,206,000 00 will be necessary to sustain them in the field two years. This estimate is an exceedingly low one, and does not include mules, wagons, &c., which must necessarily be purchased. The embarrassing position of the Executive will at once be seen. The Legislature have passed an act providing for calling out a regiment of men. The frontier people, supposing that the Legislature has provided for their pay and subsistence, expect their appearance in the field; but the Legislature has not done so, and hence they cannot be called out.

There was in specie and bonds in the Treasury on the 1st of February, $219,000 00. The amounts enumerated by the Comptroller to meet the expenses of the Legislature, the current expenses for the month, the balance of $74,000 on account of fron-
tier defence, and the amount due on appropriations heretofore made, say $50,000, in all amount to $166,470 46. Nearly the whole of this amount will at once be pressing upon the Treasury. To meet it alone we would have to exhaust every dollar set apart for the payment of the public debt, and $43,787 87 of that belonging to the river appropriation fund. Of additional appropriations made by the present Legislature prior to 1st February, at least $50,000 will be needed in a few months, which would exhaust the balance of the river fund, and still leave a deficit; so that if the Legislature authorize the disbursing of every dollar in the Treasury, the amount will still fall short of the present demand upon it, and of the entire indebtedness of the State, on the first of February last, $289,582 74.

The ordinary expenses of government, estimated by the Comptroller are $418,862 78 per annum, which, deducting the river fond already enumerated, will be $31,858 53 per month, are to be met. The cost of the Rio Grande war is to be paid. The expense of government alone, from the 1st of February until the 1st of June, will be $127,434 12. No revenue will come in until that period. The entire amount then received from that source, according to the exhibit made by the Comptroller, will be $348,268 61. The deficit in the operations of the government will then amount to $117,016 86, independent of the extraordinary expenses on account of frontier defence. The entire revenue may be paid out, and there will still be a deficit of $68,755 25. The current expenses of government for the coming year will then be unprovided for, as no funds will come in until the 1st of June following—also such extra appropriations as have been made since 1st February.

The Legislature will see at once the necessity of providing for a revenue on the 1st of June, 1861, sufficient not only to meet the deficit, but also to sustain the government for the next fiscal year. To do this, taxation is absolutely necessary. It is better that the people should at once suffer taxation to relieve the present embarrassment, than that we should drift onward toward a heavy debt and utter bankruptcy.

It is by taxation alone that we can meet outstanding Treasury warrants; and a just policy towards those who may hold them, requires that the deficit shall be met and the reputation of the State remain unsullied.

The vast patrimony which it was hoped would relieve our people from the burden of taxation has been wasted. We must look to the pockets of the people hereafter for revenue. Our lands are yearly legislated away, and it is perhaps idle to hope
that a change in legislation will take place at this late day. The Executive still hopes that the measures of economy and reform which he has presented to the Legislature, will be adopted. His energies have been devoted towards overturning corruption and arresting abuses, but at every step he has been met by difficulties almost insurmountable.

The Executive had hoped that in case the Legislature saw proper to authorize the use of the money set apart for the public debt, he would be able to use that money economically, and thus sustain the government until the revenue from taxation comes in; but he has been disappointed to find that the greater part, if not all, of this money, has already been paid out upon the warrants of the Comptroller, thus making it essentially necessary that means shall be provided by the Legislature.

Events may transpire to control the action of the Executive in reference to calling troops into the field for frontier defence. If the means are placed at his command he will be justly responsible if the country is not defended. If not, the mere fact that he has been authorized to call out a regiment of men, does not justify complaint. The Executive is looking anxiously towards a settlement of our difficulties upon the Rio Grande, but he may yet be compelled by the force of circumstances to call into the field the entire force at his command. If by earnestly pressing our condition upon the attention of the General Government, a resort to our own resources can be avoided, it shall be done, but the Legislature should at least provide for the expenditures which it has authorized, leaving the Executive free and untrammelled in his action. If left in this destitute situation, and required to sustain the government, he should not meet with cooperation of the co-ordinate departments of it, he will at least enjoy the satisfaction of knowing that a failure has not arisen from any delinquency of his own.  

SAM HOUSTON.

On motion of Mr. Epperson, message referred to committee on Finance.

Senate's bill to create county of Wilson, taken up, and read first time.

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

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

Mr. Chub, one of the committee on Engrossed Bill, reported correctly engrossed the bill to incorporate Kaufman University.

On motion of Mr. Billingsley, the rule was suspended, and the bill for relief of Truman B. Beck et al, was taken up, read second time, and passed to third reading.

Mr. Davis of H., one of the committee of Conference, reported a substitute for the bill to change the times of holding the courts in the 2d Judicial district, and to require the clerks in counties therein to apportion their dockets.

On motion of Mr. Davis of H., rule suspended, bill read second time, and ordered to be engrossed.

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

Mr. Hall moved to suspend rule, and take up Senate's bill for relief of T. F. White. Lost.

Mr. Short offered the following resolution:

Resolved, That the Comptroller of public accounts be and he is hereby requested to furnish this House with a full statement of the manner in which the $10,000 appropriated under an act amendatory of an act concerning crimes and punishments, approved Feb. 2, 1856, was expended, giving the names of the persons to whom paid, the character of the services rendered, and the claims which form each separate account, and the evidence upon which said claim or claims was supported, and the names of the officers who approved and recommended the claim.

Laid over one day for consideration.

Senate's bill to encourage construction of canals in Texas by donations of land, taken up, read first time.

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

Mr. Camp moved to suspend rule and take up bill to adjust boundary lines of Uvalde, Dawson and Kinney counties. Lost.

Senate's bill to provide for sale of reservations ceded to the United States for Indian purposes, taken up, read first time.

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

Mr. Hall proposed to amend as follows:

Provided, The land named in this bill shall not sell for less than $3 per acre.
Mr. Harrison of V. Z. moved to adjourn till 7 o'clock, P. M. Lost.
Mr. Hall withdrew his amendment, and bill passed to third reading.
On motion of Mr. Ross, rule suspended, bill read third time and passed.
On motion, the House adjourned till 7½ o'clock, P. M.

House met—roll called—quorum present.
On motion of Mr. Ellett, ladies were invited into the hall for the night.
The majority and minority reports on Federal Relations were taken up.
On motion of Mr. Epperson, the five minute's rule was suspended for the night.
A message from the Senate informed the House that the Senate had passed:
Bill attaching certain unorganized counties to organized counties therein named for Judicial and other purposes, until organized.
Bill to define more certain the boundaries between Erath and Comanche counties.
And had passed House's substitute for Senate's bill supplementary to an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved Feb. 10, 1858.
And had amended and passed House bill to amend the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company.
And had passed a bill supplemental to the act to reorganize the court of claims, and extend the time for presentation of claims for land against the Republic or State of Texas, approved Feb. 7, 1860.
Mr. Ellett moved to reconsider the vote striking out of the deficiency bill the sum of $150 to pay Jas. H. Swindells for making a map.
On motion, the House adjourned till 10 o'clock, A. M., to-morrow.

House of Representatives, Saturday Feb. 11th, 1860.

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