to enquire into the expediency of passing a law making slander an offence punishable by fine or imprisonment. Adopted.

Mr. Calhoun introduced a bill for the relief of the heirs of Shalby Corrine, deceased. Read 1st time and referred to committee on Private Land Claims.

ORDERS OF THE DAY.
The resolution relative to the election of a State Engineer, pending when the House adjourned yesterday, taken up. [Mr. Lewis of Montgomery in the Chair.] Mr. Mills moved an indefinite postponement of the resolution. Mr. Dickson moved to refer it to the committee on Judiciary. On motion the House adjourned till 10 o'clock Monday morning, pending the motion to refer.

House of Representatives, Monday, Nov. 28, 1859.

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

Mr. Speights presented the petition of citizens of Sabine county, for relief of Nancy Sumpter. Referred to committee on Private Land Claims. Also presented the petition of the citizens of Sabine County. Referred to committee on the Judiciary.

Mr. Waterhouse presented three several petitions, that of P. W. Fuller, that of the heirs of David Kenly, deceased, and that of the heirs of Philip Potter, deceased; all referred to committee on Private Land Claims.

Mr. Foscue, chairman of committee on Internal Improvements, reported recommending the passage of the bill to incorporate the Houston, Trinity and Tyler Railroad Company, with the amendments by the committee:

AMENDMENTS.

In section 2nd, strike out the word "practicable" and insert "eligible."

In section 7, strike out the first five lines, down to the word "the next" inclusive, and the following:

"There is hereby granted to said company the right of way over any of the public roads or highways, necessary for the construction of said road; and said company may purchase or otherwise obtain from the owners the right of way over lands through which the road may run, as well as all lands necessary for the construction of Depots and other necessary buildings. And in
case said company cannot obtain such right of way and lands by agreement with the parties holding the same."

Amend section 8, by inserting the words "use of said" before the word "land" in the 13th line.

In section 11, strike out the word "fifty" and insert the word "thirty." Also reported a substitute for the bill to incorporate the Eastern Texas Rail Road Company, and recommended its passage.

A message was received from the Senate informing the House that the Senate had passed a bill supplemental to an act entitled an act to revive and continue in force, and supplemental to and amendatory of an act, to incorporate the San Antonio and Mexican Gulf Rail Road Company, approved September 5th A. D. 1850, and the several supplemental and amendatory acts concerning said Rail Road company, approved Nov. 14th, A. D. 1859.

Mr. Crooks, chairman of committee on Engrossed Bills reported correctly engrossed, a bill for the relief of purchasers of University Lands.

Mr. McCutcheon reported asking that the bill for the relief of Samuel W. McKee, be referred to committee on Private Land Claims.

Mr. Franklin, one of the committee on Internal improvements, reported recommending the passage of the bill to incorporate the Texas Telegraph Company, with the amendments and five additional sections by the committee:

AMENDMENTS.

In 3rd section, strike out the words "as well as any branch lines they may desire to build diverging from the Main Trunk lines above designated."

In section 8, insert the word "authorized" and the words "be required."

In section 9, add, "should any subscriber fail to pay the first installment called for after the organization of said company, his subscription shall be void, and the share or shares may be re-issued."

In section 11, after the word "president" insert "or in any other manner now prescribed, or that may hereafter be prescribed by law in cases where corporate bodies are parties," and amend by adding five additional sections.

Mr. Mabry, one of the committee on the Judiciary, reported recommending the passage of the bill for the relief of Buffalo Bayon, Brazos and Colorado Rail Road company, and their assignees.
Mr. Hubbard, chairman of committee on Slaves and Slavery, reported recommending the passage of the bill to amend article 1878 of Oldham & White's Digest.

Mr. Buckley, chairman of committee on Judiciary, reported recommending the indefinite postponement of the bill to amend article 773 Oldham & White's Digest [Penal Code] passed February 12th 1858. Also reported recommending the indefinite postponement of the bill to repeal article 3524, Code of Criminal Procedure.


Majority of the committee on Judiciary, reported recommending an indefinite postponement of the bill for the relief of Nathaniel M. Burford, Judge of the 6th Judicial District:

Messrs. Mills, Mauny, Hubbard, and Culberson, submitted a minority report, reporting a substitute for the above bill and recommended its passage.

[Mr. Taylor of Fannin in the chair.]

Mr. Short, one of the committee on Judiciary, reported asking to be relieved from further consideration of the resolution instructing said committee to enquire into the expediency of passing a law making slander an offense punishable by fine or otherwise.

A message was received from the Governor.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed a bill to grant 320 acres of land each to George Eberly Henry, Mary Eliza Henry, and Julia Pierce Henry.

Mr. Dougherty, one of the committee on Judiciary, reported recommending the passage of the bill for the relief of Blas Uribé and other co-heirs.

Mr. Mabry, chairman on part of the House, of the joint committee on Enrolled Bills, reported correctly enrolled and properly signed, the Senate's bill to appropriate $10,000 or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice, and had presented the same to the Governor for his signature.

Mr. Hubbard, chairman of committee on Slaves and Slavery, reported a substitute for the bill to regulate the sale of virulent poisons, and to prevent slaves from using or handling the same, and recommended its passage.

Mr. Culberson, one of the committee on Judiciary, reported
recommending the indefinite postponement of the resolution requiring said committee to enquire into the expediency of taking up the Criminal Docket on the first day of the District Court.

Mr. Pirkey, one of the committee on the Judiciary, reported recommending the passage of the bill to relieve Z. K. Gibson from the disability of minority.

On motion of Mr. Bogart, Mr. Darnell was added to the committee on Judicial Districts.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed the bill to make an appropriation to pay the Attorney General and District Attorney's, the costs due them under article 952d, of the Code of Criminal Procedure, and the bill to amend article 955 of the Code of Criminal Procedure.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill supplementary to an act appropriating $110,000 or so much thereof as may be necessary, for the mileage and per diem pay of the members, and the per diem pay of the officers of the 8th Legislature.

Mr. Perry introduced a bill for the relief of J. B. and D. B. Wortham. Read first time and referred to committee on Private Land Claims.

Mr. Ross, chairman of committee on part of the House, on revenue laws by permission, reported a bill to raise the revenue by direct taxation. Read first time. On motion of Mr. Ross, the rule was suspended and the report and bill was taken up and 200 copies of bill ordered to be printed.

Mr. McClarty, chairman of committee on Judicial Districts, reported recommending the passage of the bills to prescribe the times of holding the District Courts of the 5th and 7th Judicial Districts.

Mr. Haynes introduced a joint resolution to instruct our Senators and request our Representatives in Congress to enquire into the cause of the invasion of our State by troops from Mexico, &c. Read first time and referred to committee on Federal Relations.

Mr. Dougherty introduced a bill to limit suits upon judgments recovered in courts other than those of this State. Read first time and referred to committee on Judiciary.

Mr. Perry introduced a bill for the relief of Jas. P. Plummer. Read first time and referred to committee on Private Land Claims.

Mr. Martin introduced a bill for the relief of Mary A. Bristow. Read first time and referred to committee on Private Land Claims.
Mr. Elliott, by permission, presented the petition of citizens on the frontier. Referred to committee on Indian Affairs.

[The Speaker resumed the Chair.]

Mr. Welker introduced a bill for the relief of Jas. H. Brown. Read first time and referred to committee on Private Land Claims.

Mr. Dougherty introduced a bill supplementary to an act to regulate the public printing, read first time and referred to committee on Finance. Also introduced a bill to regulate the time of holding Justice's Courts in the counties composing the 12th Judicial District. Read first time and referred to a select committee.

Mr. McKnight offered the following resolution:

WHEREAS, The Constitution of the State of Texas requires that Senators shall be apportioned among the several Districts according to the number of qualified voters, and Representatives according to the free population of each county, and Whereas: Neither of these requirements can be literally complied with, therefore,

Resolved, That where any county from necessity must fall short of its due proportion in either House of the Legislature, such deficiency should as far as possible be supplied in its representation in the other House.

Resolved, 2nd. That the committee on Apportionment be instructed to take this matter into special and careful consideration, and when they shall report a bill for the apportionment of Representatives and Senators for the next eight years, they shall present with the same a table which shall show the relative fractional weight which a voter in each county may exercise in the representation of the State in each House of the Legislature by such apportionment.

Mr. McKnight moved to make the resolution the special order of the day, next Tuesday 11 o'clock.

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

YEAS.—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Baxter, Benevides, Billingsley, Bogart Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Dale, Darnell, Daniel, Davis of Bastrop, Dennis, Dickson, Duncan, Edwards, Fawellen, Franklin, Hall, Harrison, of Van Zandt, Hayes, Houghton, Hubbard, Lewis of Robertson, Lewter, Lynch, Maxey, McClarty, Middleton Munson, Nelson, Parker, Pirkey, Perry, Redgate, Robinson, Ross, Shelton, Speights, Townes,
   -36.


Mr. Maverick introduced a bill for the relief of James Dunn, read first time and referred to committee on Claims and Accounts.

Mr. Flewellen introduced a bill to incorporate the Texas Medical College, read first time and referred to committee on Education.

Mr. Taylor introduced the following resolution:

Resolved, That the committee on Apportionment be instructed in framing the apportionment bill, to district the State so as to make sixty members of the House of Representatives, and twenty-five for the Senate.

Mr. Duncan moved to lay the resolution on the table. Lost by the following vote.


Mr. Dougherty proposed to amend by striking out “60” and inserting “90,” by striking out “25” and inserting “33.”

Mr. Francis moved to lay the amendment on the table. Lost.

A division of the question being called for, the question was on striking out the words “60” and “25,” they were struck out by the following vote:

YEA.—Messrs. Baxter, Benevides, Bogart, Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cumby, Dennis, Dougherty, Duncan, Flewellen, Foscue, Hall, Harrison of Cherokee, Harrison of Van Zandt, Hartley, Henderson, Hubbard, Hubert, Kinney, Lewis of Montgomery, Lewis of Robertson, Martin, McClarty, McKnight, Middleton, Mundine, Munson,
Navarro, Nelson, Parker, Perry, Pirkey, Robinson, Shannon, Townes, Wieder, Walworth and Wortham.—44.


The question was then put: shall the blanks be filled with "90" and "33." Carried.

The question then being upon the adoption or rejection of the resolution as amended.

On motion of Mr. Bogart a call of the House was ordered.—


On motion of Mr. Mills the call was suspended.

Mr. McKnight moved to reconsider the vote inserting "90" and "33" in the blanks of the resolution. Lost.

Mr. Haynes moved to adjourn till 10 o'clock to-morrow.—Lost.

On motion, the House adjourned till 10 o'clock to-morrow pending the resolution.

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House of Representatives;
TUESDAY, Nov. 29th, 1859.

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

Mr. Nelson presented the protest of the citizens of Bosque county. Referred to committee on County and County Boundaries.

Mr. Stewart presented the petition of Robert Hall. Referred to committee on Military Affairs.

Also, presented the petition of R. J. Raper. Referred to committee on State Affairs.

Mr. Lynch presented the petition of K. B. White. Referred to committee on Private Land Claims.

Mr. Manly presented the petition of the heirs of E. Humphries. Referred to committee on Private Land Claims.

Mr. Middleton presented the petition of the heirs of Jas. W. Robinson. Referred to committee on Private Land Claims.

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