Navarro, Nelson, Parker, Perry, Pirkey, Robinson, Shannon, Townes, Welder, 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 re-consider 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.

10-H
Mr. Waterhouse presented the petition of A. Huston. Referred to committee on State Affairs.

Mr. Davis of Bastrop, presented the petition of L. C. Cunningham. Referred to committee on Judiciary.

Mr. Billingsley presented the petition of Polly Ann Gillam. Referred to committee on Private Land Claims.

Mr. Hubbard, one of the committee on the Judiciary, reported asking to be relieved from further consideration of the petition of A. B. Bacon.

Mr. Harrison of Van Zandt, reported, asking that the bill to authorize the Commissioner of the General Land Office to correct errors and mistakes in certain cases be referred to committee on Judiciary.

Mr. Buckley, chairman of committee on Judiciary reported, recommending the passage of the bill to legalize the marriage of Margaret and Wm. H. Slain.

Also reported, recommending the passage of the bill to legalize the marriage between Wm. Davis and Sarah James.

Also reported a substitute for the bill to permit Abigail Bell to adopt Susan Alford and change her name, and recommended its passage.

Also reported a bill to amend an act to encourage the construction of Railroads in Texas by donations of lands, approved Jan. 30, 1834, and recommended its passage. Bill read first time.

Mr. Crawford, one of the committee on Engrossed Bills, reported correctly engrossed the bill for the relief of Chester B. Starks.

Also, as correctly engrossed the bill to amend the 4th section of an act allowing discounts and set off passed 5th February, 1840, (Oldham & White's Digest, art. 360.) Report accepted.

Mr. Foote, one of the committee on State Affairs, reported, recommending the indefinite postponement of the bill to regulate the distribution of Laws and Journals of this State.

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

A bill for the relief of Michael K. Hammond.
A bill for the relief of A. H. Booth.
A bill for the relief of Alexander Ferguson.
A bill for the relief of the heirs of A. Spain Summerlin, deceased.
A bill for the relief of the heirs of Matt Finch.
A bill to legalize John Jordan's unconditional headright certificate.
A bill to incorporate the Texas Masonic Institute.

A bill to empower the County Court of the county of Calhoun, in the State of Texas, to regulate and restrain the running at large of hogs in said county.

Mr. Parker, one of the committee on Private Land Claims, reported, recommending the indefinite postponement of the petition of the heirs of John F. Reynolds, dec'd.

Mr. Craig, chairman of the committee on Roads, Bridges and Ferries, reported, recommending the indefinite postponement of the bill to authorize and require the County Courts to regulate roads, appoint overseers, &c., approved Feb. 5th, 1858.

Mr. Short, one of the committee on the Judiciary, reported asking to be relieved from further consideration of the bill to regulate proceedings in the District Courts, approved May 11th, 1846.

Mr. Dennis, chairman of committee on State Affairs, reported a substitute for the resolution instructing the Comptroller to make out a statement of all money received in and paid out of his office since the annexation, &c., and recommended its passage.

Also reported asking to be discharged from further consideration of the bill to grant 160 acres of land to actual settlers as a bill of the same character had heretofore been reported to the House.

Mr. Lewis of Montgomery, one of the committee on State Affairs, reported a substitute for the bill for the distribution of the Penal Code of the State and the Acts and Journals of the Legislature to the several counties of the State, and recommended its passage.

Mr. Lewis of Robertson, one of the committee on Claims and Accounts, reported a bill for the relief of H. C. Lazenby, and recommended its passage.

Mr. Manly, one of the committee on the Judiciary, reported that the committee deemed that the passage of the bill to amend the 1st section of an act regulating the proceedings in the District Court approved, Feb. 13th, '54, inexpedient.

Mr. Short, one of the committee on State Affairs, reported a substitute for the bill to authorize the County Courts to regulate the pay of Sheriffs in certain cases, and recommended its passage.

Mr. Franklin offered the following resolution:

Resolved, That the committee on Apportionment take into consideration the 34th section of the general provision of the constitution of the State, and particularly the latter clause of
said section in the following words, "Every new county as to
the right of suffrage and representation, shall be considered as
part of the county or counties from which it was taken until
entitled to the right of separate representation," and report to
the House whether there is sufficient data or information before
them, to enable them to make an apportionment in conformity
to the said 34th section of the General Provisions, and whether
further legislation directing the mode of taking the census is
not necessary to enable the Legislature to make an apportion-
ment in conformity to the constitution, and that they report to
the House as early as practicable.

On motion of Mr. Haynes, referred to committee on Apportion-
ment.

Mr. Haynes, by permission, presented five several petitions,
to-wit: That of Antonio Garcia Vela; that of Manuel Farias;
that of Zenobia Longoria; that of Juan Longoria and that of
Marjil Garcia—all referred to committee on Private Land Claims.

Mr. Baxter introduced a bill for the relief of A. S. Thurman.
Read first time and referred to committee on Claims and Ac-
counts.

Mr. Waddler introduced a bill providing for the issuance of
patents upon locations and surveys, which are not in a square
form. Read first time and referred to committee on Public
Lands.

Mr. Martin introduced a bill for the relief of the heirs of
Lewis T. Watkins. Read first time and referred to committee
on Private Land Claims.

Mr. Houghton introduced a bill to suppress ten pin alleys
and pistol galleries in the county of Titus. Read first time
and referred to committee on State Affairs.

Mr. Culberson introduced a bill to repeal arts. 170, 171, 172,
173 and 174 of the Penal Code. Read first time and referred
to committee on Judiciary.

Mr. Buckley introduced a bill to relieve T. D. Busk of
Nacogdoches county and John W. Hanna of DeWitt county,
from the disabilities of minority. Read first time and referred
to committee on Judiciary.

Mr. Nelson introduced a bill to incorporate the town of
Meridian, in Bosque county. Read first time and referred to
committee on State Affairs.

Mr. Davis of Bastrop, introduced a bill for the relief of John
Hearn. Read first time and referred to committee on State
Affairs.

Mr. McCutcheon introduced a bill to amend art. 1776 Old-
ham & White's Digest. Read first time and referred to committee on Roads, Bridges and Ferries.

Mr. Walker introduced a bill to amend the charter of New Braunfels. Read first time and referred to committee on State Affairs.

Mr. Taylor introduced a bill supplementary to the act authorizing the disposition and sale of the University Lands. Read first time and referred to committee on State Affairs.

Mr. Buckley introduced a joint resolution to make an appropriation to repair and furnish the Executive Mansion. Read first time and referred to committee on Public Building.

Mr. Flowellen introduced a bill to repeal art. 201 of Oldham & White's Digest. Read first time and referred to committee on Judiciary.

Mr. Wrede introduced a bill to amend art. 703 of the Penal Code. Read first time and referred to committee on Stock and Stock-raising.

Mr. Mills introduced a bill to amend art. 409 of the Penal Code. Read first time and referred to committee on State Affairs.

Mr. Duncan presented the petition of E. Clegg. Referred to committee on Public Debt.

On motion of Mr. Lynch the following Senate bills were taken from the Speaker’s table and disposed of as indicated.

A bill to revive and amend the act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved 5th Sept., 1850, and the several supplemental acts thereto approved Nov. 14th, 1857. Read first time and referred to committee on Internal Improvement.

A bill to authorize the Clerk of the District Court of Cherokee county to apportion causes on the Docket of said Court.—Read first time and referred to Special committee of three from the 9th Judicial District.

A bill for the relief of John Ricord. Read first time and referred to committee on Private Land Claims.

A bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the main land, in aid of the Galveston, Henderson and Houston Railroad, and to validate the bonds by them issued for such purpose, and to impose a special tax to pay the interest on said bonds, and to provide a fund to meet said bonds when due. Read second time and passed to a third reading—rule suspended, read third time and passed.
Gen. Sam Houston, Governor elect, was invited to a seat within the bar of the House.

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

On motion of Mr. Flewelling a joint resolution to pay 4 clerks in the Comptroller's office was taken up, read second time and ordered to be engrossed.

A resolution to go into the election of a State Engineer was taken up, and on motion of Mr. Dickson laid on the table.

A resolution of instruction to the committee on Apportionment was taken up and adopted by the following vote:


A message was received from the Senate informing the House that the Senate had adopted a resolution appointing a joint committee of two from the Senate and three from the House, on Public Grounds and Public Buildings, and had appointed Senators Britton and Townes on said committee.

The Speaker announced Messrs. Townes, Kinney and Billingsley a committee on part of the House to act with said Senate committee.

And that the Senate had passed the House resolution to go into the election of U. S. Senator, with an amendment proposing Wednesday the 30th inst., at 12 o'clock, M., for said election.

The question being upon the agreement to the Senate amendment. On motion of Mr. Henderson a call of the House was ordered. Absentees: Messrs. Craig, Darnell, Davis of Hays, Edwards, Henry, Kinney, Maxey, Munson and Smith.

On motion the call was suspended.
Mr. Nelson offered the following as a substitute for the resolution:

Resolved, That this House with the concurrence of the Senate, proceed to the election of U. S. Senator to fill the vacancy of J. P. Henderson, on Monday the 5th December, at 11 o'clock, A. M. Adopted, and resolution adopted.

The following communication from the Governor was taken from Speaker’s table, read and referred to committee on State Affairs.

EXECUTIVE OFFICE, 
AUSTIN, Nov. 28th, 1859.

Gentlemen of the Senate and House of Representatives:

In the hurry of preparation incident to the meeting of the Legislature, I necessarily omitted any specific suggestion in regard to the three charitable institutions located in the immediate vicinity of this place, I deem the subject of sufficient importance to do so at this time; in view of their present condition and that of the State to supply their present and future wants, for which, there is no ready means at command, nor likely to be hereafter from existing sources of revenue.

An act making an appropriation of $50,000 for the support and direction of the Lunatic Asylum, was approved August 28th, 1855, by authority of which the contract for its construction has been let, covering the appropriation; but according to the plan of the building adopted by the preceding administration, there will be required not less than 4 or 5 times that amount for its final completion.

With the appropriation of the last session an Institution for the Blind has been erected and is now occupied as such; but with a very moderate increase of the number of pupils next year, additional room will be required for their accommodation.

The Deaf and Dumb continue to occupy the buildings on the site purchased by authority of the act approved Aug. 26th, '56. These buildings are but temporary, and must soon be replaced by others of a more substantial character, better befitting the purposes of the Institution.

By act of August 30, '56, there was set apart 100,000 acres of land for the benefit of the Lunatic Asylum, and a like amount for the Deaf and Dumb, and Blind Institutions.

The current annual expenses of those institutions alone, after they shall have been completed and put in successful operation, will in a very few years involve a charge upon the State varying
perhaps from twenty to fifty thousand dollars, if not otherwise provided for.

I therefore recommend an additional appropriation for each of these objects, which in addition to that already appropriated, will insure an ample fund for all the purposes of construction and the investment of the remainder a sufficient interest to cover the ordinary annual expenses hereafter. The more valuable portion of the public domain is fast passing away, and it is surely the part of good policy to appropriate whatever may be required to those useful objects which if left unprovided for, must eventually be supplied from the ordinary sources of revenue, the lands belonging to these institutions have been located for several years and if judicious selections have been made, it is presumed may be sold in sufficient quantities and on fair terms within the next two years, by which, means may be raised to further the construction of the necessary buildings and eventually carry out the objects intended. That of the Lunatic Asylum is, in my judgment, an undertaking of such magnitude as to make this or some similar measure absolutely necessary at this time if it is intended ever to perfect the present plan and give the unfortunate of our State a full benefit of its usefulness. The interest of the Institution cannot suffer by the sale of a part or even the whole of the land set apart to it, and especially if sufficient provisions be made to meet future contingencies.

H. R. RUNNELS.

A bill for the relief of Chester B. Starks was taken up, read third time and passed.

Mr. Hartly, by permission, offered the following resolution:

Resolved, That the Public Printer be directed to furnish the House with 1,000 additional copies of the census table at a cost of not more than $25 provided the errors in the table be corrected.

Mr. Henderson moved to lay the resolution on table. Lost, and the resolution adopted.

A bill for the relief of Michael K. Hammonds. Read third time and passed.

A bill to amend the 4th section of an act allowing discounts and off-sets, passed Feb. 5th, 1840. Read third time and passed.

A bill for the relief of A. H. Booth. Read third time and passed.

A bill for the relief of Alex. Ferguson. Read third time and passed.

A bill for the relief of the heirs of A. Spain Summerlin. Read third time and passed.
A bill for the relief of the heirs of Matt Finch, doc'd. Read third time and passed.
A bill to legalize the unconditional headright certificate of John Jordan. Read third time and passed.
A bill to incorporate the Texas Masonic Institute. Read third time and passed by a two-thirds vote.
A bill to empower the County Court of Calhoun county to regulate and restrain the running at large of hogs in said county. Read third time and passed.

On motion, the House adjourned until 10 o'clock, A. M., tomorrow.

House of Representatives,

Wednesday, November 30th, 1859.

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

Mr. Nelson presented the petition of the citizens of Erath county. Referred to committee on Finance.

Mr. Foscue presented the petition of the citizens of Cherokee county. Referred to committee on Counties and County Boundaries.

Mr. Francis presented the petition of James Hastings. Referred to committee on Public Lands.

Mr. Bogart presented the petition of the Chief Justice and County Commissioners of Collin county. Referred to committee on Judiciary.

Mr. Waterhouse presented the petition of A. H. Dodd. Referred to committee on Public Lands.

Mr. Billingsley presented the petition of the citizens of Fayette county. Referred to committee on Agriculture.

Mr. Shannon, chairman of committee on Private Land Claims, reported a bill for the relief of the heirs of Charles D. Ferris, and recommended its passage. Bill read first time.

Mr. Billingsley, chairman of committee on Claims and Accounts, reported, asking to be relieved from further consideration of the bill for the relief of James Dunn. Also, reported a bill for the relief of A. F. Smith, and recommended its passage. Bill read first time. Also, reported a bill for the relief of Peter B. Norton, and recommended its passage. Bill read first time.

Mr. Dougherty, one of the committee on the Judiciary, reported a substitute for the following bills, to-wit: