
NAYS.—Messrs. Speaker, Anderson, Barclay, Caddell, Camp, Crawford, Crooks, Culberson, Cumby, Darnell, Daniels, Duncan, Edwards, Francis, Fosque, Harrison of Van Zandt, Hartley, Hubbard, Lewis of Robertson, Lewter, Lynch, Mabry, Martin, Maverick, McKnight, Middleton, Mundine, Munson, Norton, Owens, Parker, Perry, Pirkey, Redgate, Redwine, Ross, Shannon, Shelton, Speights, Stewart, Townes, Whitmore and Wrede.—43.

Mr. Mills moved that the bill and amendments be postponed till and made the special order of the day, Thursday, 11 o'clock.

Mr. Norton moved a call of the House. Lost.

Mr. Wælder moved to adjourn till 10 o'clock to-morrow. Carried by the following vote:


Pending the bill.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, DECEMBER 7TH, 1859.

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

Mr. Camp presented the remonstrance of sundry citizens of Atascosa county. Referred to committee on Counties and County Boundaries.

Mr. Warfield presented the petition of the citizens of Montague county. Referred to committee on State Affairs.

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

...
A bill to repeal the act creating a system of bankruptcy and regulating the collection of foreign debts.

A bill for the relief of Mary Elam.

A bill to amend the act incorporating the city of San Antonio, approved July 17th, 1856.

A bill to regulate public sales in the county of Bastrop.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of the heirs of James Holman, and recommended its passage. Bill read first time.

Also, reported a bill for the relief of Daniel Hopkins, and recommended its passage. Bill read first time.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of the bill for the relief of the heirs of Harry Martin.

Mr. Stewart, chairman of committee on Finance, reported a bill to authorize the county court of Karnes county to levy and collect a special tax, and recommended its passage. Bill read first time.

Also, reported, recommending the passage of a bill making an appropriation of money to pay for proclamations of the Governor.

Also, reported, recommending the passage of the Senate bill to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, James Bourland and John Henry Brown; also, for the pay of the Commissioners sent by the Governor to the Indians.

Also, reported, recommending the indefinite postponement of the bill supplementary to an act to regulate the public printing.

Also, reported, recommending the rejection of the petition of the citizens of Erath county.

Mr. Harrison of Van Zandt, one of the committee on Private Land Claims, reported, asking to be relieved from further consideration of the petition of Latchlin T. Dews.

Also, reported, asking to be discharged from further consideration of the petition of Gilbert Winnie.

Mr. Fosco, one of the committee on State Affairs, reported a joint resolution providing for the final interment of the remains of the late Hon. J. P. Henderson, and recommended its passage. Joint resolution read first time.

Mr. Walworth, one of the committee on Private Land Claims, reported a substitute for the Senate's bill for the relief of John Ricord, and recommended its passage.

Also, reported a bill for the relief of Dennis and Richard Mead, and recommended its passage. Bill read first time.
Mr. Ross, chairman, on part of the House, of the Joint select committee on the Revenue laws, reported, asking that the bill to authorize counties and towns to levy a tax for Railroad purposes be referred to committee on Internal Improvements.

Mr. Buckley, chairman of the committee on the Judiciary, reported, recommending the passage of the Senate's bill to validate headright certificates issued by the supreme and district courts, and to authorize the issuance of patents thereon.

Also, reported a substitute for the bill supplemental to the general act regulating proceedings in the district courts, and recommended its passage.

Also, reported back to the House, the House's bill to amend the 2nd section of the act to regulate the license and practice of Attorneys and Counsellors at law, approved May 12th, 1846, and the Senate's bill to amend the 4th section of the act of May 12th, 1846, to regulate the license and practice of Attorneys and Counsellors at law, and recommended the passage of the Senate's bill with the amendments by the committee.

Amendments.

Amend the title by adding at the end thereof "and to amend the 2nd section of the act of February 11th, 1854, entitled." Insert an additional section to be section No. 2. In section 2nd strike out "2" and insert "3."

Mr. Middleton, one of the committee on Private Land Claims, reported a bill for the relief of Mary Elam, and recommended its passage. Bill read first time.

Also, reported, asking that the petition of Swenson & Swisher be referred to committee on Court of Claims.

Mr. Shannon, chairman of committee on Private Land Claims, reported a substitute for the bill for the relief of the heirs of E. Humphries, dec'd, and recommended its passage.

Mr. Bryan, one of the committee on Private Land Claims, reported, asking that the bill for the relief of J. B. & D. R. Wortham be referred to committee on the Judiciary.

Mr. Lewis of Montgomery, chairman of committee on Agriculture, reported a bill to authorize the formation of county and town agricultural societies, and recommended its passage. Bill read first time.

[Mr. Radwine in the Chair.]

On motion of Mr. Mills 200 copies of the report and bill were ordered to be printed.

[Speaker resumed the Chair.]

Mr. Lewis of Montgomery, also reported, asking to be relieved from further consideration of the petition of the citizens of
Fayette county as he had just reported a bill of a general character to the House.

Mr. Whitmore introduced a bill to provide for the election of a Senator to fill the vacancy occasioned by the resignation of Hon. L. T. Wigfall. Bill read first time.

Mr. Whitmore moved to suspend the rule and place the bill on its second reading. Lost.

Mr. Barnard introduced a bill to amend the act incorporating Paine Female Institute, passed Aug. 6th, 1856. Read first time and referred to committee on Education.

Mr. Stewart introduced a joint resolution to authorize the Comptroller to contract for the printing of 500 copies of the new Abstract of titled lands. Joint resolution read first time.

Mr. Stewart moved to suspend the rule and place the resolution on second reading. Lost.

Mr. Dickson introduced a bill to authorize the issuance of patents on certain certificates therein named. Bill read first time.

Mr. Navarro introduced a bill to ascertain the legal claims for land against the State. Read first time and referred to committee on the Judiciary.

A message was received from the Senate informing the House that the Senate had passed a bill to provide payment for printing the proclamations of the Governor, and a bill to provide for patenting headright certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates.

Mr. Crooks introduced a bill to incorporate Colfax Lodge No. 36, I. O. O. F. at Clarksville. Read first time and referred to committee on State Affairs.

Mr. Harrison of Cherokee, introduced a bill for the relief of the heirs of James Boulter, dec'd. Read first time and referred to committee on Private Land Claims.

Mr. Dale introduced a bill relative to nuisances. Read first time and on motion of Mr. Dougherty rejected.

Mr. Epperson introduced a bill supplemental to the act regulating public printing, approved Nov. 22nd, 1859. Read first time and referred to committee on Printing.

On motion of Mr. Shelton, Mr. Lewter was added to committee on Education.

On motion of Mr. Lewis of Montgomery, Mr. Townes was added to committee on Education.

On motion of Mr. Mabry, Mr. Hubert was added to committee on Public Buildings and Grounds.
On motion of Mr. Norton, Mr. Navarro was added to committee on Roads, Bridges and Ferries.

ORDERS OF THE DAY.

The bill to regulate factors and warehousemen together with the proposed amendments was taken up and read second time, and the amendments adopted.

Mr. Buckley proposed to amend as follows:

In section 6th, 2nd line, strike out "balance" and insert "beam." Adopted.

In section 7th, 4th line, after the word "strange" insert the word "to." Adopted.

Mr. Henderson proposed to amend by adding at the end of the 9th section "and give a receipt to the owner showing the exact condition of the cotton, sugar or other produce weighed by them." Adopted.

[Mr. Taylor of Fannin, in the Chair.]

Mr. Henderson also proposed to amend by adding to 7th section: "Provided no warehouseman shall be compelled to store cotton received by them until it is perfectly dry." Rejected by the following vote:


Mr. Davis of Hays, proposed to amend by inserting an additional section.

Mr. Martin moved to re-commit the bill and amendments to the committee on Agriculture, which on motion of Mr. Nelson was laid on the table, and Mr. Davis' of Hays, amendment adopted.

Mr. Townes proposed to amend 4th line of section 7, by inserting after the word "storage" the word "double."

"[Speaker resumed the Chair.]

Mr. Lewis of Robertson, moved the previous question.
Mr. Henderson moved a call of the House. Lost.
The motion for the previous question being seconded, it was ordered by the following vote:


—Yea 45.


The main question being whether or not the bill shall be engrossed the same was put and the bill ordered to be engrossed.
The following communication from the Governor was taken from the Speaker's table, read and referred to the committee on Internal Improvements:

Executive Office,

Austin, Dec. 6th, 1859.

Gentlemen of the Senate
and House of Representatives:

I feel constrained by a sense of duty, to bring to your atten-
tion the present unfortunate condition of the Houston and Brazoria Tap Railroad. During the Spring of A. D. 1858, some controversy arose as to the right of the Company to a loan from the State, under the provisions of the act authorizing the in-
vestment of the School fund. On the 10th of April, James Willie, Esq., Attorney General and ex-officio, one of the Board of School Commissioners, gave his written opinion to E. W. Taylor, Vice President of the company, declaring the right of the company to the loan under the law. That opinion was sub-
mitted to the Board and endorsed by Mr. James B. Shaw, the Comptroller, and myself, on the 18th of May following. A copy of both the opinion of the Attorney General and action of the Board is herewith submitted. Upon the faith of this action, large liabilities were contracted abroad in the procurement of iron and necessary material for the completion of the road, which could not have been obtained in any other manner, and which without receiving the anticipated aid from the State, the com-
pany has no possible means at its command to liquidate. Subsequently to the completion of the first section of 25 miles of road and after the inauguration of the new Board of Commissioners the company applied for a loan of $150,000 to which its managers believed it entitled under the law and assurance of the former Board. Mr. Johns, the Comptroller, dissented from the opinion of the former Board, but the majority consisting of Mr. Attorney General Graham and myself addressed our warrant to the Treasurer for the amount claimed, which, for reasons no doubt satisfactory to himself, he refused to pay. Suit for a mandamus was brought which having been decided against the company was appealed to the supreme court and the judgment of the court below affirmed, but from the best information I have been able to obtain upon points of law calculated to invalidate the right of the company in question. It is in this state of the case that I have felt it my duty to bring the subject to your attention and ask that relief which it is in the power of the Legislature only to grant. The failure to obtain the loan will terminate not only in disaster and ruin to the enterprise, but must prove highly injurious to those who have involved their private fortunes in its success, and it is much to be feared may compromise the reputation of the State, in faith of which the company were enabled to enter into engagements with creditors which it is now anxiously desired punctually to fulfil. From the satisfactory manner in which the affairs of the company have been managed, the superior character of the work as reported by the State Engineer, and the cheapness of its construction, having cost less by near one-half than any other similar improvement in the State, the highest considerations are presented to the liberality and justness of the Legislature for that assistance and relief to which they are earnestly believed to be entitled.

(Signed.)

H. R. RUNNELS.

Mr. Flewellen made a personal explanation.

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