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 not 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 fulfill. 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.
zens of Gonzales, Guadalupe, Bexar and Karnes counties. Referred to committee on County and County Boundaries.

Mr. Warfield presented the petition of the citizens of Montague county. Referred to committee on County and County Boundaries.

Mr. Buckley, chairman of committee on Judiciary, reported a bill to amend article 608, and repeal articles 574 and 610 of the Penal Code, and recommended its passage. Bill read first time. Also reported recommending the passage of the bill to amend the 7th section of the act regulating weights and measures, article 2114, Oldham & Whites Digest, with amendments by committee:

Amend by adding “Provided that this section shall apply to all millers and distillers and dealers in merchandise, groceries and provisions, and to all others except where the latter give notice to the buyers that his weights and measures have not been tested and sealed.”

Mr. Foscoe, one of the committee on State Affairs, reported a substitute for the joint resolution to amend the Constitution, and recommended its passage.

Mr. Townes, one of the committee on the Judiciary, reported recommending the indefinite postponement of the several bills hereinafter named, to-wit:

A bill to amend an act passed January 10th, 1850.

A bill to define the duties of grand juries and district attorneys, and a bill to amend an act entitled an act to authorize the cancellation of patents in certain cases, passed February 3d, 1854.

Mr. Lewter, one of the committee on Private Land Claims, reported asking to be relieved from further consideration of the bill for the relief of heirs of Jno. Bailey, deceased.

Mr. Ross, one of the committee on State Affairs, reported recommending the passage of the bill to amend the 6th section of an act to incorporate the town of Henderson, approved February 12th, 1852.

Mr. Mabry, chairman of committee on Enrolled Bills reported correctly enrolled and properly signed a bill supplementary to the act appropriating $110,000 or so much thereof as may be necessary, for the mileage and per diem pay of the members and per diem pay of the officers of the 8th Legislature. And a bill for the relief of Geo. W. Goodwin. Report accepted.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to relieve Jackson L. Leonard from the disability of minority, and permit him to practice law.
Also, a bill to repeal the 12th section of an act to regulate Railroad companies, approved February 7th, 1839. Bill accepted.

Mr. Daniels, one of the committee on Private Land Claims, reported recommending the passage of the bill for the relief of Thomas J. Smith of Fort Bend county, one of the survivors of Col. J. W. Fannin's command.

Mr. Cumby, chairman of committee on the Land Office, reported recommending the passage of the bill to authorize the Secretary of State to purchase a certain number of Burlage & Hollingsworth's Abstract of valid land certificates.

Mr. Parker, one of the committee on Private Land Claims, reported a bill for the relief of J. C. P. Kennymore, and recommended its passage. Bill read first time. Also reported a substitute for the bill for the relief of Thomas S. McFarland, and recommended its passage.

Mr. Robinson, one of the committee on Private Land Claims, reported; asking to be relieved from further consideration of the petition of Sarah Miles.

Mr. Stewart, one of the committee on the Judiciary, reported, recommending the passage of the bill to authorize the county court of Collin county to levy a special tax to erect a court house therein.

Mr. Dennis, chairman of committee on State Affairs; reported, asking to be relieved from further consideration of the bill to suppress ten pin alleys and pistol galleries in Titus county. Also, recommending the indefinite postponement of the bill, supplemental to the act incorporating the Beneficiary Association of San Antonio. Also reported, recommending the passage of the bill amendatory of and supplementary to the act to incorporate the city of New Braunfels, passed 11th May, 1846.

A message was received from the Senate informing the House that the Senate had passed a bill to incorporate the Air Line Railroad Company. Also a bill to provide for the special election of a Senator in the eighth Senatorial district, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of the Hon. L. T. Wigfall.

Mr. Dennis, chairman of committee on State Affairs, reported recommending the passage of the bill to incorporate the Factors Cotton Press Company. Also reported a substitute for the bill to amend article 409, of Oldham & White's Digest, and recommended its passage.

Mr. Shannon, chairman of committee on Private Land Claims, reported recommending the passage of the bill for the relief of James P. Plummer.
Mr. Dougherty, chairman of committee on Stock and Stock Raising, reported a bill to regulate estrays, and recommended its passage. Bill read first time.

On motion of Mr. Parker, 200 copies of the bill were ordered to be printed.

Mr. Buckley introduced a bill for the relief of T. A. Whittaker. Read first time and referred to committee on Court Claims.

Mr. Barnard introduced a bill to incorporate Karnes county College. Read first time and referred to committee on Education.

Mr. Ellett introduced a bill to sectionize and settle the land in the Indian reservations on the Brazos, and Clear Fork of the Brazos River. Read first time and referred to committee on Public Lands.

Mr. Taylor introduced a bill to prevent white persons from playing at cards, or other games with slaves. Read first time and referred to committee on Slaves and Slavery.

Mr. Henderson offered the following resolution:

Resolved That it shall be the duty of the Engrossing clerk to receive from the Chief clerk each day, all bills ordered to be engrossed by the House, and to engross the same in the order in which they may have passed the House. Adopted.

Mr. Mills introduced a bill for the relief of the heirs of Jesse Simmons or their assigns. Read first time and referred to committee on Private Land Claims.

Mr. Caddell, chairman of committee on the Penitentiary, by permission, reported asking that the petition of A. G. Nolan be referred to committee on Claims and Accounts.

Mr. Bryan introduced a bill to validate bounty land certificates issued to Lefroy Gedrie for 320 acres of land. Read first time and referred to committee on Private Land Claims.

Mr. Navarro introduced a bill for the relief of J. Ignacio Cordova. Read first time and referred to committee on Private Land Claims.

Mr. Foscue introduced a bill to regulate railroads, approved January 30th, 1854. Read first time and referred to committee on Internal Improvements.

Mr. Anderson offered the following resolution:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of such change in our probate laws as to have elected one Probate Judge for every Judicial District in this State, to be Judge of Probate Court and to have an annual salary, and have jurisdiction of all matters appertaining...
to the estates of deceased persons, minors &c., and to hold his courts once every four months in each county in his district, and in place of fees of office to the Judge, let such fees go into the Treasury, so that the system would not be a charge upon the Treasury. And that the present probate laws be so altered as to conform with the new system, with such changes as might suggest themselves to the committee. Adopted.

Mr. Dickson offered the following resolution:

Resolved That the committee on Education, be instructed to report to the House at an early day, the bill now before them providing for the repeal of the law establishing a State University. Adopted.

Mr. Henderson introduced a bill for the relief of William Phelps. Read first time and referred to committee on Private Land Claims.

Mr. Flewellen introduced a bill to amend an act entitled an act to appropriate the sum of $300,000 for the improvement of the navigation of the navigable waters of Texas, passed August 1st, 1858. Read first time and referred to committee on Internal Improvements.

Mr. Anderson introduced a bill to prevent herders of stock from trespassing on the lands of other persons. Read first time and referred to committee on Stock and Stock Raising.

Mr. Davis of Hays introduced a bill supplementary to the act to regulate Estrays. Read first time and referred to committee on Stock and Stock Raising.

Mr. Hartly introduced a bill to declare valid the bounty warrant of A. S. Thurston. Read first time and referred to committee on Private Land Claims.

ORDERS OF THE DAY.

On motion of Mr. Stewart, the rule was suspended and the joint resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled land, taken up and read second time.

Mr. Taylor moved that the resolution be referred to committee on State Affairs. Lost, and the joint resolution ordered to be engrossed.

On motion of Mr. Flewellen, the rule was suspended, and the bill to legitimate Donacena Thomas, late Donacena Howland, together with substitute and report from committee on Judiciary, taken up, read second time, the substitute adopted and ordered to be engrossed.

On motion of Mr. Mills, the rule was suspended and the bill to raise the revenue by direct taxation, together with report from 13-H
Joint Select committee, taken up and on motion of Mr. Hubbard made the special order of the day for Monday 11 o'clock, next.

Mr. Hartley introduced a bill to declare valid the head-right certificate of P. Brewster—read first time and referred to committee on Private Land Claims.

Mr. Harrison, of Van Zandt, by request, was permitted to withdraw from the orders of the day the report of the committee on Private Land Claims and the evidence in the case of Gilbert Winne.

Mr. Billingsley, by request, was permitted to withdraw the report of the committee on Private Land Claims and papers in the case of Thomas G. Dunn.

The Senate's bill for patenting head-right certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates, taken up.

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

[Mr. McKnight in the Chair.]

Mr. Nelson proposed to amend by adding: “Provided no legal rights which may have heretofore arisen, adverse to said certificates and claims, shall by this act, be changed or invalidated.”

On motion of Mr. Culberson, laid on the table by the following vote:


Mr. Henderson proposed to amend by adding, after the words, “genuine head-right certificates,” the words, “or genuine Toby & Bryan scrip.”

Mr. Ellett moved to refer the bill and amendments to the committee on Court of Claims. Lost.
Mr. Barnard proposed to amend the amendment by adding, "and all genuine certificates of any District Court of this State establishing head-rights, but should any fraudulent certificate for land, by accident, inadvertence or design be perfected into patent under this act, said patent shall be void and no title shall vest."

Mr. Davis, of Hays, moved the previous question. Lost.

On motion of Mr. Henderson—Mr. Barnard's amendment to the amendment was laid on the table, and the amendment adopted.

On motion of Mr. Henderson, Mr. Barnard's amendment was taken up and adopted.

Mr. Henderson proposed to amend by adding in 3rd Section after the word "claims," the words, "and the Commissioner of the General Land Office, shall in all cases be the judge of the genuineness of all claims under the provisions of this act.

Mr. Taylor moved to refer the bill to the committee on Judiciary. Lost, by the following vote:


NAYS—Messrs. Speaker, Anderson, Armstrong, Billingsley, Branch, Bryan, Caddell, Craig, Crawford, Cumby, Dale, Darnell, Daniels, Dickson, Duncan, Epperson, Francis, Franklin, Fosco, Harrison of Cherokee, Hartley, Henderson, Hubbard, Lewter, Mabry, Maxey, McClarty, Middleton, Mills, Owens, Parker, Perry, Redgate, Redwine, Ross, Shannon, Shelton, Short, Townes, Warfield, Whitfield and Wrede—42.

[Speaker resumed the Chair.]

On motion of Mr. Dickson the previous question was ordered. Which being, shall the bill pass to a third reading, the same was put and carried by the following vote:

YEAS—Messrs. Speaker, Anderson, Armstrong, Barclay, Barnard, Benevides, Billingsley, Branch, Bryan, Caddell, Camp, Craig, Crawford, Crooks, Clark, Cumby, Dale, Darnell, Daniels, Davis of Hays, Dennis, Dickson, Dougherty, Duncan, Epperson, Franklin, Francis, Fosco, Harrison of Cherokee, Harrison, of Van Zandt, Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of Robertson, Lowter, Mabry, Maverick, Maxey,


Mr. Nelson moved to adjourn till 10 o'clock A. M. to-morrow. Lost.

Mr. Taylor moved to reconsider the vote passing the bill to a third reading. Mr. Baxter moved a call of the House. Lost, and the motion to reconsider lost by the following vote:


On motion, the House adjourned till 10 o'clock A. M., to-morrow.

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House of Representatives;
FRIDAY, Dec. 9th, 1859.

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

Mr. Franklin presented the petition of Thos. Ellis. Referred to committee on Private Land Claims.

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

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to regulate factors and warehousemen. Report accepted.