

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

REPUBLIC OF TEXAS,

AT THE SECOND SESSION OF THE FIRST CONGRESS,
HELD BY ADJOURNMENT AT THE CITY OF
HOUSTON, AND COMMENCING MON-
DAY MAY 1ST., 1837.

HOUSTON:
TELEGRAPH OFFICE.

1838.

JOURNAL.



In pursuance of the order of adjournment on the twenty-first day of December, eighteen hundred and thirty-six, the house met at the city of Houston, at 12 o'clock, M., on Monday the first day of May, eighteen hundred and thirty-seven, in the hall of the state house, temporarily prepared for their reception.

On motion of Mr. Allen of Nacogdoches, Mr. McKinney was called to the chair, and the roll being called, the following members answered to their names, viz: Messrs. McKinney, Archer, Allen of Nacogdoches, Allen of Milam, Baker, Branch and Brush.

There not being a quorum present,

On motion of Mr. Baker, the house adjourned until to-morrow Morning at 10 o'clock.

TUESDAY, MAY 2, 1837.

The house met pursuant to adjournment.

Mr. McKinney in the chair.

The roll being called, the following members appeared and answered to their names: Messrs. McKinney, chairman; Archer, Allen of Nacogdoches, Allen of Milam, Baker, Boyd, Branch, Brush, Cartwright, Gant, Hill, Holman, Lewis, Pennington, Roman, Rowe, Wright and West.

There not being a quorum present, the house adjourned until to-morrow eleven o'clock, A. M.

WEDNESDAY, MAY 3, 1837.

The house met pursuant to adjournment.

Mr. McKinney in the chair.

The roll being called, the following members answered to their names; Messrs. McKinney, chairman; Archer, Allen of Nacogdoches, Allen of Milam, Baker, Billingsly, Boyd, Branch, Brush, Cartwright, Gant, Hill, Holman, Lewis, Pennington, Roman, Rowe, Wright and West.

There not being a quorum present, the house adjourned until to-morrow Morning at eleven o'clock.

THURSDAY, MAY 4, 1837.

The house met pursuant to adjournment.

Mr. McKinney in the chair.

On calling the roll, there did not appear to be a quorum, And on motion of Mr. Archer, Mr. Baker of Matagorda, a newly elected member from Matagorda, in the place of Mr. Ira Ingram, resigned; and Mr. Arnold of Nacogdoches, a newly elected member, in place of Mr. Edwards, resigned; being in attendance, were introduced, qualified by the chairman, and took their seats.

On motion of Mr. Archer, George S. Stratton was appointed sergeant-at-arms, *pro tem*.

It being ascertained that a sufficient number of members to form a quorum had arrived in the city, the sergeant-at-arms was sent in quest of the absentees.

The roll being called again, the following members answered to their names. Messrs. McKinney, Archer, Arnold, Allen of Nacogdoches, Allen of Milam, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Branch, Brush, Cartwright, Gant, Hill, Holman, Lewis, Pennington, Roman, Rowe, Wright, White and West:

Which being two thirds of the whole house, the chair announced that a quorum was present, and

On motion of Mr. Baker of Austin, the house proceeded to the election of officers. Messrs. Hill and Rowe, were appointed tellers. For speaker, in the place of Mr. Ingram, resigned; Mr. Baker of Austin, nominated Mr. Branch T. Archer; there being no opposition, Mr. Archer was unanimously elected speaker for the present session, and was conducted to the chair, by Messrs. Baker of Austin, and Rowe.

For sergeant-at-arms in place of the late incumbent, resigned,

Mr. Allen of Nacogdoches nominated George S. Stratton.
Mr. Brush nominated Mr. George M. Casey.

A ballot being taken, the vote stood for George S. Stratton 12, for Casey 10, so George S. Stratton was duly elected sergeant-at-arms.

For clerk of the house, in place of the late incumbent, resigned; Mr. Allen of Nacogdoches, nominated Mr. Wm. Fairfax Gray; and there being no opposition, Mr. Gray was unanimously elected clerk of the house.

For assistant clerk Mr. Rowc nominated John S. Simpson; and there being no opposition, Mr. Simpson was unanimously elected.

For engrossing clerk, Mr. Gant nominated Thomas Green; and there being no opposition, Mr. Green was unanimously elected engrossing clerk.

For door keeper, Mr. Allen of Milam, nominated Abner S. McDonald; and there being no opposition, Mr. McDonald was unanimously elected.

On motion of Mr. Allen of Nacogdoches, it was unanimously *Resolved*, That the thanks of the house be presented to Willis A. Faris, Esq., late clerk of this house, for the fidelity and ability with which he has discharged the duties of that station.

On motion of Mr. Baker of Austin, the house adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The house met pursuant to adjournment,

And on calling the roll the following members answered to their names,

Messrs. Speaker, Arnold, Allen of Milam, Baker of Austin, Billingsly, Boyd, Brush, Holman, Lewis, McKinney, Pennington, Roman, Rowe, Wright, White and West.—16.

There being no quorum, the sergeant-at-arms was sent in quest of the absentees.

A second call was made and the following members answered.

Messrs. Speaker, Arnold, Allen of Milam, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Brauch, Brush, Gant, Holman, Lewis, McKinney, Pennington, Roman, Rowe, Wright, White and West.—19.

A third call being made, the following members answered: Messrs. Speaker, Allen of Nacogdoches, Allen of Milam, Arnold, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Branch, Brush, Cartwright, Gant, Hooper, Holman, Lewis, McKinney, Pennington, Roman, Rowe, Wright, White and West.—22; which being a quorum the house proceeded to business.

The oath of office was then administered to the speaker, by Isaac Batterson Esq., a justice of the peace for the county of Harrisburg; and the oaths of office were administered to the other officers of the house by the speaker.

On motion of Mr. White it was

Resolved, That a committee be appointed to inform the senate that the house of representatives is organized and ready to proceed to business.

Messrs. White, Baker of Austin, and Branch, were appointed the committee.

On motion of Mr. Brush, amended on motion of Mr. Baker of Austin, it was

Resolved, That the clerk of the house be requested to cause the journals of the last session, and the reports of the house of representatives, which were ordered to be printed for the use of the members at this session, to be distributed to them immediately.

A message was received from the senate, through Messrs. Irion and Somervell, informing the house that the senate was organized and ready to proceed to business, and that they had appointed the following officers, viz:

Hon. Jesse Grimes,—*President pro tem.*

Arthur Robertson,—*Secretary.*

E. M. Glenn,—*Assistant Secretary.*

E. L. Stickney,—*Enrolling Clerk.*

Oscar Farish,—*Engrossing Clerk.*

N. T. Byars,—*Sergeant-at-arms.*

Marshall Mann,—*Door Keeper.*

A. M. Tomkins,—*Reporter.*

On motion of Mr. Baker of Austin, it was

Resolved, That a committee be appointed to act with such a committee as may be appointed on the part of the senate, to wait on the president and to inform him, that the two houses have organized, and are now ready to receive any communication that he may have to make.

Messrs. Baker of Austin, Allen of Nacogdoches, and Mc-

Kinney, were appointed the committee, and the clerk was sent to communicate the same to the senate.

A message was received from the senate, by their reporter, informing the house that the senate concurred in the resolution appointing a joint committee to wait on the president, and that they had appointed senators Ellis and Hill a committee to wait with the committee appointed by the house for that purpose.

On motion of Mr. Branch, the house adjourned until 10 o'clock to-morrow.

W. F. GRAY, *Clk.*

FRIDAY, MAY 5, 1837.

The house met pursuant to adjournment.

On calling the roll, twenty-three members answered, and the minutes of the preceding meetings of the session, were then read.

Mr. Baker of Austin, from the joint committee appointed to wait on the president and inform him of the organization of the two houses,

Reported, that they had performed that duty, and that the president had returned for answer, that he would meet the two houses this day at twelve o'clock and deliver his communication in person.

A committee consisting of Messrs. McKinney, Hooper and Allen of Nacogdoches, were appointed to invite the senate to meet the house of representatives, in this hall, for the purpose of receiving the president.

A petition from A. Huston, late quarter master general of the army, was presented by Mr. Rowe, which on motion of Mr. Brush, was referred to the committee on claims and accounts.

On motion of Mr. Allen of Nacogdoches, it was

Resolved, That his Britannic Majesty's Consul at Tampico, Mr. Crawford who is now in this country, be invited to take a seat in the hall of representatives, at any time it may suit his convenience, and that a committee be appointed to notify him of the same.

Messrs. Allen of Nacogdoches, Rowe, and Roman, were appointed a committee to carry said resolution into effect.

The speaker laid before the house a letter from the honorable M. W. Matthews, late a representative from the county of Red River, resigning his seat in this house; which resignation, on motion of Mr. Allen of Nacogdoches was accepted; and

Messrs. Allen of Nacogdoches, and Branch were appointed a committee to notify the executive of said resignation.

On motion of Mr. Branch the house took a recess, until half past eleven o'clock.

AT HALF PAST ELEVEN, A. M.

The Speaker resumed the chair.

Mr. McKinney, from the committee appointed to invite the senate to meet the house of representatives in this hall, at 12 o'clock, to receive the president, reported, "that they had performed that duty."

A message was received from the senate through senators Somervell and Wilson, that the senate accepted the invitation of the house, and will unite with it in this hall, at 12 o'clock, for the purpose of receiving the communication from the president of the republic.

The committee heretofore appointed to inform the president that the congress is organized, was then instructed to wait on him, and conduct him into the house.

On motion of Mr. Gant it was ordered that seats be prepared within the bar of the house for the accommodation of ladies on this occasion.

On motion of Mr. Allen of Milam, it was

Resolved, That the honorable Arthur Butler, late minister from the United States of North America to the United Mexican States, now on a visit to this city, be invited to a seat within the bar of this house.

Mr. Allen of Milan was appointed a committee to communicate the invitation to the honorable Wm. Butler.

The senate then entered the hall, preceded by their sergeant-at-arms, the president *pro tem.* took his seat on the right hand of the speaker, and presided jointly with him.

The senators were provided with seats in front of the chair, and the officers of the two houses associated in their several duties, at their respective stations.

At twelve o'clock his excellency the president entered the hall, accompanied by the heads of the several departments, and other officers of the government, and also by Joseph Tucker Crawford, Esq., His Britannic Majesty's Consul at Tampico, and commissioner from the British government to this republic, and preceded by the joint committee of the two houses. The president was received by the members of the two houses stan-

ding uncovered, and was conducted to a seat between the president *pro tem.* of the senate, and the speaker of the house.

The heads of departments, the British commissioner, and the other attendants of his excellency, were accommodated with seats on the right and left of the chair.

The members having resumed their seats, after a short pause, His Excellency rose and read the following communication.

Gentlemen of the Senate and House of Representatives.

With peculiar pleasure I greet your return to the Capitol.— At the adjournment of the last session, the country was under the apprehension of an invasion from our enemy, which created much solicitude, and had an unkind influence on our foreign relations. It was temporary in its effects, as was manifested in the recognition of our independence by the Government of the United States of America. We now occupy the proud attitude of a sovereign and independent Republic; which will impose upon us the obligation of evincing to the world, that we are worthy to be free. This will only be accomplished by wise legislation, the maintainance of our integrity, and the faithful and just redemption of our plighted faith wherever it has been pledged. Nothing can be better calculated to advance our interests and character, than the establishment of a liberal and disinterested policy, enlightened by patriotism, and guided by wisdom.

The plan of legislating for present emergencies, without reference to a general and permanent system, will render a government less stable in its institutions and less prosperous in its progress, than it must be where a proper foundation is laid, and a corresponding fabric is erected on its basis. Diversified interests must exist in every community, and that system which is best calculated to promote the general interest, is the one which should be adopted and adhered to with fidelity. The representatives of the sovereign people by a calm and deliberate discussion of the various interests of the different sections of our country will be enabled to arrive at such conclusions as will induce them to adopt a course, which must be in its effects, both salutary and pleasing to every true patriot.

The views which must actuate every friend of the country, will be the advancement of its glory and the happiness of its citizens. The present prospects of crops in our country is a subject of sincere gratulation, and while it reflects lustre on the industry and enterprise of our citizens, it should inspire us

with veneration and gratitude to a Divine Providence for this manifestation of his continued favor.

Among the various subjects of deep and vital interest to the country, is that of our finances. The demands on our Treasury, since the adjournment of Congress, have been great, without the means of meeting them, and rendering that aid which was in every way so desirable. The several acts providing for the issues of land scrip to the agents specified, have been complied with, and I regret to say, that comparatively none of the responsibilities incurred by the laws, have been met by these agents to whom the scrip was issued. A compliance with the conditions of the law, placed the agents beyond the control of the executive, and left it without resources, so far as the supplies of the army and navy were dependant upon the means placed in their hands. Repeated calls have been made upon them to render their accounts current to the proper department, but no response has been given nor reason rendered for protesting the drafts which have been drawn upon them. This state of affairs being presented, the Executive resorted to the only alternative left, and directed that no further sales of scrip should take place by them; but, that the means remaining in their hands, should be immediately passed over to the special agent of the government, and that they should render their accounts accordingly. To this subject the early attention of congress is earnestly requested.

The commissioners sent to the United States, for the purpose of negotiating a loan of five millions, have constantly reported so unfavorably of the money market, that it was not deemed necessary to issue the bonds until recently. One of the gentlemen indicating a wish to retire after having been much delayed on his journey by ill health, and the other giving us no hope of being able to effect any thing by present exertions, it was thought proper to permit them both to return, and others have been appointed and proceeded to the United States, with a part of the bonds, and with confident hopes of success.

The public domain of the country being the foundation of its finances, will demand the most serious and enlightened judgment of congress, and from its importance, urge the necessity of adopting some secure system for the future government of that branch of our resources, and for the regulation of the rights which have been acquired under former laws in relation to it.— The views of the Executive having been given during the last session of congress in relation to the land bill, submitted for ap-

prevail, have undergone no change, but time has only given to them additional weight. By reference to the bill, it must be manifest to all, that it is not adapted to our situation; and should it be permitted to go into effect, the public interest must suffer injury, and the public faith, so far as it is concerned, in the redemption of pledges, based on her public domain, must also suffer serious prejudices. I would recommend that some plan be devised that will ascertain all the located lands of the county; this being done, the vacant lands will be readily indicated, and prevent the future conflict of titles.—Unless some precaution of this character is adopted, endless litigation must be the consequence.

The subject of the undefined limits on our northeastern frontier, between the United States and this Republic will require the action of Congress. The boundaries have been so well described by the treaty of 1819, between Spain and the United States, that little difficulty is apprehended in defining and establishing our just line, and obviating all trifling difficulties which may have at any time existed, through a want of proper consideration. Provision for the appointment of a commissioner to meet one on the part of the United States is desirable. Connected with the subject of boundary is that of the Caddo Indians, inhabiting a portion of our northeastern frontier. By a treaty recently held with that tribe they have ceded certain lands to the United States, and have shown a disposition to amalgamate with the wild Indians within our unquestionable boundary, while late advices have assured me that the United States agent of the tribe has issued to the warriors, rifles and ammunition. The condition and disposition of these Indians as well as their thefts and murders upon our borders, have been subjects on which our ministers at Washington city have been advised and instructed to make immediate and urgent remonstrances to that government, and I am well assured from the character of the gentlemen, that they have not been wanting to their duty in this respect. The principal aggressions on our frontiers have either been instigated or perpetrated by the Caddos. It would be painful to suppose, under the circumstances, that the United States agent, in furnishing them the means of further injury to the exposed frontier inhabitants of our country, had acted under the orders of his government. It is due to his government to suppose that he has proceeded unadvisedly, and that the stipulations of the treaty concluded between the United States and Mexico in April 1830, will be rigidly adhered to so far as they appertain to the United States and Republic of

Texas. It was among the first objects of the constitutional government, on assuming its duties, to adopt such measures as would give peace and security to our extended frontier. For this purpose commissioners were appointed at an early period to hold treaties with several of the most numerous and active of the frontier tribes. As yet, nothing has been effected, owing in part to the season of the year at which the business was commenced as well as to other causes. A hope is entertained that something beneficial will shortly result, as our commissioners are in constant expectation of holding a treaty with the associate bands of the prairies. This government has recently received information from sources entirely satisfactory, that a delegation consisting of twenty northern Indians residing on the borders of the United States, had visited the town of Matamoras, and had stipulated with the Mexican authorities, to furnish that government three thousand warriors, well armed, so soon as it would invade Texas. Commentary upon such alliances in the present age, would be an insult to chivalry, and a reflection upon the hearts and understandings of those who have sought to establish the maxim, that war is calamitous enough without the evils of treachery and massacre, which devote alike the female and the warrior to cruelty and death. Assurances are rendered to this government, that citizens of this republic have lately been made prisoners by the Caddos, and that scalps recently taken on our frontier have been seen in their nation. It is within the province of this government to enquire into the causes which have produced these calamities, and no vigilance on my part shall be wanting to prevent their recurrence. I feel fully aware that the policy of this government is to pursue a just and liberal course towards our Indian neighbors; and to prevent all encroachments upon their rights.

The army of Texas has never been in a more favorable condition than at present. The permanent force in the field is sufficient to meet all the emergencies of invasion, while at the shortest notice the defence of the country can be brought into immediate action in that event.

I feel assured that a system of discipline, subordination and police has been established in the army, which reflects much credit upon its general, and does no less honor to the officers and soldiers than to our country. They have encountered many privations and difficulties within the last season, which it was impossible for the government to avert, owing to causes already stated, and I am proud to say that order has been main-

ifested, and the spirits of those men devoted to liberty have not sunk into pusillanimity and weakness, but have been borne up and illumined by the ardent hope that they may, ere long, meet an enemy opposed to human rights, when they can evince to the world that they are the descendants of freemen, and that they are invincible. I feel pleasure in recommending their condition to the consideration of congress, and trust that every possible aid may be rendered to their comfort, efficiency, and glory. At the same time I feel assured that they will not disregard the history of revolutions, and that one important truth will not escape their observation, viz: that those who contend for liberty must be prepared to endure privations. The glory of the soldier is always proportioned to the difficulty and danger of his achievements. The situation of the army at the adjournment of the last session of congress was far from what was desirable to the country; since then an organization has taken place, and much credit is due to the officers and soldiers for their ready obedience to the laws and regulations which have been enacted for their government. By the reduction of the number of supernumerary officers its expenses have been diminished to the amount of \$229,032, per annum. The requisite number of officers are now in command, and the organization is complete.

The insufficiency of our navy must be a subject of serious consideration. When the constitutional government assumed its functions, the armed vessels, Brutus and Invincible, were in the port of New York, and remained there until a few weeks past, when they returned, but without either crews or provisions for a cruise.

The Independence having not more than two weeks provisions, was taken to New Orleans some months since, where she has been detained, and has not yet been reported to this government for service.

At an early day a confidential officer was despatched to the United States, for the purpose of purchasing such vessels as would enable us to keep the command of the gulf from our enemy.

He has reported to the proper department, and his arrival is daily expected with one or more fine vessels, in preparation to defend our commerce, and make reprisals on the enemy.

Our commerce has suffered to some extent, and a small portion of supplies for the army, has been captured and taken into Mexican ports. I take leave to call the serious attention of congress to the establishment of a naval depot at some point

on our coast, which will add greatly to our efficiency at sea, and at the same time diminish our expenses.

The suspension of business attendant on the removal of the public archives and documents, with other reasons, has rendered it impossible to lay before congress detailed reports of the several departments of the government, showing their condition; but so soon as practicable, and at an early day, they will be submitted, and all important information referred to congress.

Not unconnected with the naval force of the country, is the subject of the African slave trade. It cannot be disbelieved that thousands of Africans have lately been imported to the Island of Cuba, with a design to transfer a large portion of them into this republic. This unholy and cruel traffic has called down the reprobation of the humane and just of all civilized nations.—Our abhorrence to it is clearly expressed in our constitution and laws. Nor has it rested alone upon the declaration of our policy, but has long since been a subject of representation to the government of the United States, our ministers apprising it of every fact which would enable it to devise such means as would prevent either the landing or introduction of Africans into our country.

The naval force of Texas not being in a situation to be diverted from our immediate defence, will be a sufficient reason why the government of the United States, and England should employ such a portion of their force, in the Gulf as will at once arrest the accursed trade and redeem this republic from the suspicion of connivance which would be as detrimental to its character as the practice is repugnant to the feelings of its citizens. Should the traffic continue the odium cannot rest upon us, but will remain a blot upon the escutcheon of nations who have power, and withhold their hand from the work of humanity.

It will be proper to remark that our attitude in relation to the subject of annexation to the United States of America, has undergone no important change since the adjournment of the last session of congress. Our ministers at Washington City gave to the subject of our national concerns, their able, zealous and untiring attention, and much credit is due to them for the character which they sustained in advocating our interests at a foreign court. The period at which the congress of the United States was compelled to adjourn, prevented any action of that government, relative to annexation. It will, it is hoped, be referred to the action of the next session, and receive an early determination.

In the mean time it will be proper for Texas to pursue a course of policy which will be beneficial to her in a character substantive, and to secure her existence and her rights, without reference to contingencies. For it is not possible to determine what are to be her future relations to the civilized nations of the globe. Blessed with a soil the most fertile, and climate the most delightful and salubrious, Texas must attract the attention of all the commercial and manufacturing nations of the world.

Her cotton, sugar, indigo, wines, peltries, live stock and the precious minerals will all become objects of mercantile enterprise and activity.

Nor can we loose sight of the important production of the Live Oak. It is but reasonable to say that four fifths of all that species of timber, now in the world, is to be found growing in Texas, while many millions worth of it is daily decaying on our cultivated fields.

To establish such intercourse with nations friendly to us, as will induce them to seek our market with their manufactures and commodities, and receive from us in exchange our productions, will become our most imperative duty.

Texas with her superior natural advantages must become a point of attraction, and the policy of establishing with her the earliest relations of friendship and commerce will not escape the eye of statesmen.

England has not disregarded our situation thus far, nor can we believe from the indications already manifested by her, that she is to regard our prosperity with unkind feelings of suspicion or indifference.

Should our resources be regulated by a wise and politic system of legislation, we must remain an independent and become a prosperous people.

Our relations to Mexico since the last session of congress, have undergone no important change, nor have overtures been made by either nation.

Texas, confident that she can sustain the rights for which she has contended, is not willing to invoke the mediation of other powers; while Mexico, blind to her interest and her future existence, seems determined on protracting the war, without regard to her internal commotions. Revolutions is stalking abroad throughout her land while she is unable to defend her frontier against the incursions of the bands of predatory Indians on the frontier of the Rio Grande from Santa Fe to Matamors. Early in last winter a correspondence was opened by the secretary

of state with the Mexican Consul at New Orleans containing propositions to exchange prisoners, so far as the number of Texans would extend, and then to release the excess of Mexican prisoners on parole.

Notwithstanding the humanity and liberality of this offer, it has met no official response from that government. It seemed to me, that it would be in accordance with the civilization of the age, to release all the prisoners, and to permit them to leave our shores so soon as they can do so. In the meantime I have learned that our citizens, as well as the prisoners, at Matamoros, (amounting to thirteen in number) have been liberated. It is impossible for me to account for the apathy with which Mexico treated the subject, and her willingness to permit a portion of the bravest troops of the nation to remain prisoners in exile, when a just policy, would at once, have restored them to their country and their homes.

Congress will no doubt find it necessary to revise the laws of the republic, and to direct that a digest be made of those of Coahuila and Texas so far as they may be useful to the establishment of rights acquired, under them.

It will be seen that the adoption of the common law of England, with modifications adapted to our situation, is required by the provisions of the constitution.

Nothing can conduce more to the order and stability of a government than the simplicity of laws, the proper definition of rights, and their impartial and consistent administration.

I will not close this communication to your honorable body, without presenting to your consideration, the claims of citizens of the United States, who acquired, as they conceived, *bona fide* titles to lands in Texas.

It is due to many of these individuals, to suggest, that their generous and manly efforts in behalf of our cause, will entitle them to the most favorable decisions of congress.

Their means have aided us in the darkest hours of our protraction, and recently have aided in dispelling our embarrassments. Such men deserve the gratitude, as well as the justice of our country.

While reflecting upon the dispensations of an Almighty Being, who has conducted our country through scenes of unparalleled privation, massacre and suffering, it is but gratitude and sensibility to render to him our most devout thanks, and invoke his kind benignity and future providence, that he will preserve and govern us as a *chosen people*.

SAM. HOUSTON.

Houston, May 5, 1837,

His excellency having concluded, retired from the hall, conducted and accompanied as on his entrance.

The business on which the two houses had united in joint session being ended, the honorable senators arose on the call of their president; the two houses separated, and the senate withdrew to their chamber in the same order in which they had entered.

On motion of Mr. Allen of Nacogdoches, it was

Ordered, That one thousand copies of the president's communication be printed for the use of the house of representatives.

On motion of Mr. Baker of Austin the house adjourned until Monday morning at 10 o'clock.

W. F. GRAY, *Clerk*.

MONDAY, MAY 8, 1837.

The house met pursuant to adjournment.

Mr. Gant presented the petition of David Laughlin praying a grant of Lands to Mary Merilla Foot, which, on motion of Mr. Gant, was referred to the committee on public lands.

Mr. Allen of Nacogdoches, from the committee appointed to notify the executive of the resignation of the Hon. M. L. Matthews of the county of Red River, reported, that the committee had performed that duty, and had received in answer that there would be a writ of election issued without delay.

Mr. Brush submitted the following joint resolution:

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the president be required to issue writs of election to fill the vacancies that have occurred in the depopulated districts, since the first meeting of congress; leaving it discretionary with him to order the polls to be held wherever the inhabitants of the said district may be.

On motion of Mr. White the fifty-first rule of the house was suspended, and the said joint resolution was read a second time, and

On motion of Mr. Baker of Austin, it was referred to the committee on the judiciary.

On motion of Mr. Gant the following preamble and resolution were adopted.

Whereas several new members have been elected to the house of representatives, and whereas several of the former members are absent;—

Be it resolved, That the speaker is hereby instructed to

form anew, standing committees of at least five members each, on such subjects as he may think necessary and proper.

Mr. Gant asked leave to introduce a bill to be entitled "an act to regulate and fix inheritances;" which being granted by the house,

The bill was read a first time and laid on the table.

On motion of Mr. Rowe it was

Resolved, That a committee of three be appointed to examine and report on the unfinished business of the last session.

Mr. Rowe, Mr. White, and Mr. Gant were appointed a committee for said purpose.

On motion of Mr. White the house adjourned until to-morrow morning at ten o'clock.

W. F. GRAY, Clk.

TUESDAY, MAY 9, 1837.

The Speaker resumed the chair at the usual hour; and the roll being called, the following members appeared: Messrs. Speaker, Allen of Milam, Arnold, Baker of Matagorda, Billingsly, Boyd, Branch, Brush, Chenoweth, Cartwright, Gant, Hill, Hooper, Holman, Lewis, McKinney, Roman, Rowe, Wright, White, West.

Messrs. Baker of Austin, and Pennington, were reported sick and unable to attend.

The sergeant-at-arms was dispatched in quest of the absentee, returned, and reported, that he could not be found.

Mr. Branch moved an adjournment until 2 o'clock, which was lost.

The sergeant-at arms was again sent in quest of the absent member, but again returned and reported an unsuccessful search.

At a quarter past 11 o'clock, on motion of Mr. Hooper, the house adjourned until half past two o'clock, P. M.

AT 2 O'CLOCK, P. M.

The house met pursuant to adjournment,

And the roll being called, twenty-three members answered.

The Speaker announced the following *standing committees*, appointed under the resolution passed yesterday.

On Foreign Relations.—Messrs. Boyd, Allen of Nacogdoches, Allen of Milam, Holman, McKinney.

On Ways and Means.—Messrs. Allen of Nacogdoches, Branch, Chenoweth, Rowe, Pennington.

On Claims and Accounts—Messrs. Branch, Baker, of Matagorda, West, White, Wright.

On the Judiciary—Messrs. Baker of Austin, Hill, Cartwright, Arnold, Gant.

On Public Lands—Messrs. Rowe, Holman, Baker of Matagorda, Arnold, Brush.

On the Post Office—Messrs. Holman, Boyd, Wright, Roman, Lewis.

On Indian Affairs—Messrs. Billingsly, Allen of Milam, Hooper, McKinney, Branch.

On the State of the Republic—Messrs. Allen of Milam, Brush, Baker of Matagorda, Hooper, Baker of Austin.

On County Boundaries Messrs. Lewis, Holman, White, Brush, Hill.

On Roads Bridges and Ferries—Messrs. Pennington, Roman, West, Gant, Lewis.

On Military Affairs—Messrs. Roman, Chenoweth, Rowe, Baker of Matagorda, Brush.

On Naval Affairs—Messrs. Gant, Boyd, Hill, Cartwright, Hooper.

On Enrolled Bills—Messrs. White, Boyd.

Mr. Chenoweth presented the petition of James Taylor, which was read and referred to the committee on claims and accounts.

Mr. Branch submitted the following joint resolution:

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be, and he is hereby required, to audit all claims presented to him for articles of whatever kind or description, purchased by or furnished to the commissaries or quarter masters of our army, by a citizen of this republic, upon the certificate of such commissary or quarter master, or other satisfactory testimony of the fact, and upon the individual's taking the oath prescribed by law:

Which was read a first time and laid on the table.

On motion of Mr. Rowe it was

Resolved, That so much of the president's message as relates to land laws be referred to the committee on public lands.

On motion of Mr. Allen of Nacogdoches, it was

Resolved, That so much of the president's message as relates to finances be referred to the committee of ways and means.

On motion of Mr. Gant it was

Resolved, That so much of the president's message as relates to naval affairs be referred to the committee on naval affairs.

On motion of Mr. White it was

Resolved, That so much of the president's message as relates to Indian affairs be referred to the committee on Indian affairs.

On motion of Mr. Chenoweth it was

Resolved, That such portion of the president's message as relates to the army, be referred to the committee on military affairs.

On motion of Mr. White it was

Resolved, That so much of the president's message as relates to foreign relations be referred to the committee on foreign relations.

On motion of Mr. Chenoweth it was

Resolved, That so much of the president's message as relates to Texian agents be referred to the committee on the state of the republic.

On motion of Mr. Allen of Nacogdoches it was

Resolved, That so much of the president's message as relates to our pledges to the people of the United States, be referred to the committee on foreign relations.

On motion of Mr. Gant, the bill (No. 1,) to be entitled "an act to regulate and fix inheritances," was taken up and read a second time, and referred to the committee on the judiciary.

On motion of Mr. White, the house adjourned till to-morrow morning at ten o'clock.

W. F. GRAY, Clk.

WEDNESDAY, 10th May, 1837.

The members assembled according to adjournment, but owing to the storm of the preceding night, and the insufficiency of the building, the floor being flooded with water, and the hall unfit for the transaction of business, on motion, the house adjourned until to-morrow morning at 10 o'clock.

W. FAIRFAX GRAY, Clk.

THURSDAY, MAY 11, 1837.

The house met pursuant to adjournment, and twenty-two members appeared in their places.

The petition of Peyton S. Wyatt, praying compensation for expenditures, &c. was presented by Mr. Roman, read, and referred to the committee on claims and accounts.

Mr. Boyd presented the petition of Samuel Bacon, praying compensation for services; which was read and referred to the committee on claims and accounts.

Mr. Holman presented the petition of David O. Warren and others, praying compensation for services; which was read and referred to the committee on claims and accounts.

Mr. Rowe, from the committee on lands submitted a report on so much of the president's message as relates to the public lands and general land office, accompanied by a bill supplementary to the "act to establish a general land office."

On motion of Mr. Branch, "that the report be accepted," the ayes and noes were called.

AYES—Messrs. Speaker, Arnold, Boyd, Branch, Cartwright, Gant, Hill, Hooper, Holman, Lewis, McKinney, Pennington, Rowe, Wright, White, West—16.

NOES—Messrs. Allen of Nacogdoches, Allen of Milam, Baker of Matagorda, Billingsly, Brush, Chenoweth and Roman—7.

Ordered, That three hundred copies of the report be printed for the use of the house.

On motion of Mr. Rowe, the bill was read a first time and laid on the table.

Mr. Gant, from the committee on the unfinished business of last session, made a report of the business remaining on the speaker's table at the close of the last session.

Mr. Gant also submitted a bill and two joint resolutions which had passed the two houses at the close of the last session, and about which it was uncertain whether or not they had been enrolled and presented to the president.

Referred to the committee on enrolled bills for enquiry.

Mr. Gant introduced a bill to be entitled "an act for the benefit of aliens, who are the the lawful heirs of citizens who have, or may hereafter die, or be killed in the service of the republic of Texas," which was read a first time, and laid on the table.

The Speaker laid before the house sundry returns of elections held for members of this house, which had been transmitted to him from the office of the Secretary of State.

On motion of Mr. White the said returns were referred to a select committee. The chair appointed Messrs. White, Rowe, and Allen of Nacogdoches that committee.

On motion of Mr. Branch, the joint resolution submitted by him on Tuesday, respecting the duties of the auditor, was taken up on its second reading, and being amended, was referred to the committee on the state of the republic.

The Speaker laid before the house a report from the audi-

tor of public accounts, which was read, and on motion of Mr. Gant, referred to the committee on the state of the republic.

On motion of Mr. Pennington, the house adjourned until 10 o'clock to-morrow.

FRIDAY, MAY 12, 1837.

The house met pursuant to adjournment—23 members present.

Mr. Branch presented the petition of Charles Sage praying compensation for services and relief for expenditure, which was read, and, on motion of Mr. Branch, was, with the accompanying documents, referred to the committee on claims and accounts.

On motion of Mr. Rowe, the Hon. R. M. Williamson was permitted to appear at the bar of the house to read and explain a petition on his own behalf, as agent and attorney in fact of the late empresario, Benjamin R. Milam. The petitioner appeared, read his petition, and commented at large on the same.

On motion of Mr. Holman, the petition of R. M. Williamson was referred to the committee on public lands.

A message was received from the Senate by their clerk, informing the house that the senate had passed the following joint resolution, in which they asked the concurrence of the house:

“A joint resolution for the suppression of Indian hostilities.”

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a special committee be appointed by each house of Congress, to act in conjunction on the subject of making an expedition against the several tribes of hostile Indians that are infesting our frontier settlements.

Also, a joint resolution requesting the President to appoint an agent to the court of Great Britain.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be requested to appoint an agent to repair to the court of Great Britain to solicit the recognition of our independence, and to enter into such treaties as may be necessary to advance our mutual interests, and that nine thousand five hundred dollars are hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this resolution into effect.

The first joint resolution from the Senate being under consideration, on motion of Mr. Gant, the fifty first rule of the

house was suspended, and the resolution was read three times and passed.

On motion of Mr. Billingsly the same was re-considered.

Mr. Billingsly, submitted the following substitute for the said joint resolution.

Resolved, by the House of Representatives in congress assembled, That the Speaker of this house appoint a committee of three to act in conjunction with a like committee appointed on the part of the Senate, to draft a bill for the better protection of the Indian frontier.

Which was adopted, and ordered to be sent to the senate for their concurrence, and Mr. Billingsly, Mr. White and Mr. Gant were appointed the committee.

The second resolution from the Senate was then taken up, read a first time and laid on the table.

On motion of Mr. White, it was

Resolved, That the committee on county boundaries be instructed to report a bill defining the boundaries of the several counties of this republic.

The house then proceeded to the orders of the day. On motion of Mr. Rowe, a bill to be entitled "an act to legalize marriage contracts" was taken up on its second reading, and referred to a select committee, consisting of Messrs. Rowe, Baker of Matagorda, and Branch.

A bill to be entitled "an act establishing a rate of interest, which had passed the house at the last session, was, on motion of Mr. White, ordered to be engrossed, and sent to the Senate.

On motion of Mr. Pennington, the house adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Rowe, from the select committee on the bill to legalize marriage contracts, reported a new bill as a substitute.

Mr. Chenoweth moved a rejection of the bill, which was lost, and the substitute received in lieu of the bill, on its second reading.

On motion of Mr. White, the house resolved itself into a committee of the whole house on the bill to legalize marriage contracts.

Mr. Branch in the chair.

After some time spent in consideration thereof, the com-

mittee arose. Mr. Branch reported the bill to the house, without amendments, and asked that the committee be discharged from the further consideration thereof, which was accordingly granted.

The house then, on motion of Mr. Branch, proceeded to consider the bill by sections.

Mr. Gant moved an amendment to the first section which was rejected, and the bill having been read through,

Mr. moved that it be referred to the committee on the Judiciary; on which question the ayes and noes being called, those who voted in the affirmative were Messrs. Speaker, Allen of Nacogdoches, Arnold, Baker of Matagorda, Billingsly, Brush, Chenoweth, Gant, Hooper, McKinney, Roman White—12.

Those who voted in the negative were Messrs. Allen of Milam, Boyd, Cartright, Kill, Holman, Lewis, Pennington, Rowe, West, Wright—10.

So the bill was referred to the committee on the judiciary.

Mr. Branch moved that the house do now adjourn, which was lost.

On motion of Mr. Gant, the bill to be entitled "an act for the benefit of aliens who are the lawful heirs of citizens who have, or may hereafter die or be killed in the service of the republic of Texas," was taken up and referred to the committee on the judiciary.

On motion of Mr. Brush, it was

Resolved, That the committee on the Judiciary be instructed to report as early as practicable in relation to the subject of elections in the depopulated counties, referred to some days ago.

On motion of Mr. Allen of Nacogdoches, it was

Resolved, That the Clerk be, and he is hereby authorized to procure, on the faith of the Republic, such stationary and other articles as may be necessary for the use of the house.

On motion of Mr. Brush, the house then adjourned until to-morrow morning, 10 o'clock.

W. F. GRAY, Cl'k.

SATURDAY, 13th May, 1837.

The house met pursuant to adjournment, twenty-three members present.

Mr. Chenoweth presented the petition of George C. Arnest, late assistant quarter-master, praying relief and audit of his accounts, which, with the accompanying documents were referred to the committee on claims and accounts.

Mr. Branch presented the petition of James Richardson, praying for relief, which was referred to the Judiciary committee.

Mr. Branch presented a petition of Margaret R. Harrell, praying for a divorce from Josiah J. Harrell—referred to the committee on the Judiciary.

Mr. West presented the petition of Louisa Rowe, praying for a divorce from her husband, ——— Rowe. Referred to the Judiciary committee.

A message was received from the Senate, by their clerk, Mr. Robertson, with a bill to suppress gambling.

Mr. White, from the committee on enrolled bills, reported that the bill and two joint resolutions which had been referred to that committee for enquiry had become laws, and that no further action on the subject was necessary. The committee was accordingly discharged from the further consideration of the subject.

Mr. Arnold, from the committee on the Judiciary, to whom was referred the resolution respecting vacancies in the depopulated districts, made the following report.

Mr. Brush moved that the report be rejected; which motion was lost.

Mr. White, from the select committee on election returns, made the following report: The committee to whom was referred the elections of Nacogdoches and Matagorda, have examined the returns from the said counties, and find, that in the county of Nacogdoches, Haden Arnold received 160 votes, and John Durst 61 votes. Mr. Arnold is therefore elected. In the county of Matagorda, D. Davis D. Baker received 89 votes, and George Collinsworth 81 votes. Mr. Baker is therefore elected. The proper members having taken their seats, your committee ask to be discharged.

The committee was accordingly discharged, and the report laid on the table.

Mr. Hooper submitted a resolution on taxation, which being amended, was adopted in the following words:

Resolved, that the committee on ways and means be instructed to prepare a bill to raise a revenue by direct taxation, and also to enquire what amendments are necessary in the law that levies impost duties after the first day of June next.

Mr. Chenoweth by leave presented a bill to be entitled "an act to incorporate the Red river and Aransas Bay Rail Road, Navigation and Banking Company."

Which was read a first time.

Mr. Brush submitted a protest against the report of the committee on lands, made by Mr. Rowe on the eleventh instant, which he asked to have entered upon the journals.

On motion of Mr. Allen of Nacogdoches it was

Ordered, That the protest lie on the table.

Mr. Branch by leave of the house introduced a bill to be entitled "an act for the relief of Alexander Buxton, which having been read,

On motion of Mr. White the fifty first rule of the house was suspended, and the bill read a second time, and

On motion of Mr. Branch, it was referred to the committee on the judiciary.

On motion of Mr. Brush the report of the committee on the judiciary, concerning vacancies in the depopulated districts, was taken up, and

On motion of Mr. Chenoweth it was

Resolved, That the report of the judiciary committee, with the resolution on the subject of elections in the depopulated districts, be referred to a select committee.

Messrs. Chenoweth, Baker of Matagorda, and Brush were appointed the select committee.

The Speaker laid before the house a letter from the auditor of public accounts, which was referred to the committee on the state of the republic.

The Speaker also laid before the house a report from the auditor of public accounts, on the subject of colonel A. Huston's accounts which, with the accompanying documents, were referred to the committee on claims and accounts.

The bill from the senate to be entitled "an act to suppress gambling," was taken up, and being read,

On motion of Mr. Branch the fifty-first rule of the house was suspended, and the bill read a second time.

Mr. Branch moved a further suspension of the rule for the purpose of reading the bill a third time, but the motion was lost.

Mr. Chenoweth moved its reference to a select committee which was also lost.

Mr. White moved its reference to the committee on the state of the republic,—which was likewise lost.

On motion of Mr. Branch the house adjourned until Monday morning at 10 o'clock.

W. G. GRAY, Cl'k.

MONDAY, MAY 15, 1837.

The house met pursuant to adjournment,
And Mr. Wharton and Mr. Geraghty appeared and took their seats.

The Speaker laid before the house a letter from Abner S. McDonald, resigning his office of door keeper to the house, which was accepted.

Mr. Branch nominated Solomon L. Johnson to the office, and there being no opposition, Mr. S. L. Johnson was unanimously elected, and sworn into office by the Speaker.

Mr. West presented the credentials of Jesse Burnham, a member elect from the county of Colorado, in place of the honorable J. J. Robinson, deceased, which being attested in due form, the honorable member was sworn into office by the Speaker and took his seat.

Mr. West presented the petition of Henry Griffeth, praying compensation for a vessel pressed into the public service, which was referred to the committee on claims and accounts.

Mr. Branch from the committee on claims and accounts, to whom was referred the petition of A. Huston, made the following

R E P O R T :

The committee on claims and accounts, to whom was referred the petition of A. Huston, late quarter master general, together with the accompanying documents, have diligently examined the same, and from the vouchers therewith submitted, entertain no doubt of the correctness of the transactions of this officer. Your committee are of opinion that the amount of government funds (\$3,980,) stolen from the quarter master general at Natchitoches, was owing to no negligence on the part of that officer, but was unavoidable, and should consequently be a loss to the government. The individual responsibilities incurred by that officer for the purchase of articles for the use of this government,—when the credit of the government had failed to procure them,—are clearly shown by the vouchers submitted to your committee,—amounting to near four thousand dollars, and should, in their opinion, be liquidated in the manner prayed for. With regard to the services of the quarter master general in the United States, conceiving he was acting in the discharge of his duties, the committee are of opinion no extra pay should be allowed, and in conformity to these views have instructed me to offer the following resolution.

EDWARD T. BRANCH,
Chairman.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be, and he is hereby authorized to make a settlement with A. Huston, late quarter master general, and that the secretary of the treasury be directed to pay the amount of said account, (*provided the same shall not exceed four thousand dollars,*) in government land scrip, at fifty cents per acre.

Mr. Chenoweth, from the select committee to whom was referred the resolution and report, of the committee on the judiciary, respecting elections in the depopulated districts, made the following

R E P O R T :

The select committee, to whom was referred the report of the judiciary committee upon the subject of filling vacancies in the representation from the depopulated districts, have had the same under consideration.

The committee are at a loss to conceive how the judiciary committee could have arrived at the conclusion, that it would be unconstitutional to permit the inhabitants of depopulated districts, to vote for representatives, in the manner pointed out in the resolution. The constitution which must always be the rule for our government in such cases, in defining the rights of suffrage and citizenship in this republic, is plain and definite as language can make it. It expressly declares "that every citizen of the republic, who has attained the age of twenty-one, and shall have resided six months in the district or county where the election is, shall be entitled to vote for members of the general congress." From the foregoing clause it will be readily perceived, that it ever was the intention of the framers of that instrument to provide, and in no case prevent a citizen of this republic from voting for representatives in those counties or districts where they may have resided, and established their rights of citizenship. And further it does appear they seem to have contemplated, and wisely provided for, the state of things which now unhappily exist, within a portion of our western frontier, and which have entirely grown out of our relations with Mexico. The committee are clearly of opinion that any other construction would conflict with the sixth and seventh section of the schedule, which most authoritatively declares, and points to the mode and manner in which every county, in this republic, shall be represented in the two houses of congress. We would now ask for information, how all the counties are to be represented, which are imperatively required to be, by the section above re-

ferred to, as well as by the whole spirit of the constitution, if the citizens of the frontier counties, who cannot safely return to their homes, are not permitted to vote for representatives in the counties where they may be temporarily residing at the time of election! Is any portion of this republic to be, by a military decree, exiled and disfranchised, deprived of their boasted rights of suffrage and representation, and they too who have borne the brunt, and most severely felt the ravages of war?—certainly not.—Can it be possible that a jealousy exists in this body towards the west? Your committee cannot believe that a feeling of so odious a character can have obtruded itself into our councils,—that would, with an unhalloved hand, in anywise war and check the prosperity of that beautiful portion of our country. But, in truth, we are entirely at a loss to conceive what arguments can be urged against the propriety of the course recommended in the resolution, and cannot but believe that when this subject shall have received the mature and enlightened consideration of congress, the views herein contained will be fully approved and sustained. We therefore recommend the adoption of the following resolution.

S. CHENOWETH,
Chairman.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby directed to issue writs of election to fill all the vacancies that may exist in either house of congress, and that he be required to order the polls to be opened, for the election of representatives for the depopulated districts, in any part of this republic where the citizens of said counties may be temporarily residing, until such times as the citizens of said counties may be permitted to return with safety to their homes.

Mr. Roman moved to accept the report, on which the yeas and noes being called,

Those who voted for accepting, were, Messrs. Speaker, Baker of Matagorda, Billingsly, Boyd, Brush, Burnham, Chenoweth, Geraghty, Holman, Lewis, Roman, White,—12.

Those who voted in the negative, were, Messrs. Allen of Nacogdoches, Arnold, Branch, Gant, Hill, Hooper, McKinney, Rowc, West, Wright,—10.

So the house refused to postpone the resolution indefinitely.

Mr. White moved to suspend the fifty first rule of the house in order that the resolution may be read a second time, which motion was rejected.

Mr. Pennington by leave of the house, presented the petition of John M. Clifton, praying compensation for expenditures, &c., referred to the committee on claims and accounts.

The Speaker laid before the house a letter from Martin Parmer, resigning the office of agent of the government for the purchase of supplies &c., accompanied by sundry documents.

Mr. Rowe moved a vote of thanks to Mr. Parmer, and that the documents accompanying his letter be sent to the auditor of public accounts, which being withdrawn,

On motion of Mr. Pennington the letter and documents were referred to a select committee, consisting of Messrs. Pennington, Arnold and Allen of Milam.

On motion of Mr. White, it was

Resolved, That the committee on military affairs be instructed to enquire into the condition of the military establishment of this republic, and report by bill or otherwise.

Ordered that Messrs. Wharton and Burnham be added to the committee on military affairs:

Messrs. Wharton and Geraghty to the committee on Foreign relations:

Mr. Geraghty to the committee on naval affairs: and

Mr. Wharton to the committee on the judiciary.

A message was received from the senate by Mr. Stickney, that the senate had concurred with the house in adopting the substitute on Indian hostilities, and have appointed Messrs. Irion, Robertson and Lester, a committee to act in conjunction with such committee as may be appointed by the house on that subject.

The following gentlemen were appointed on the part of the house: Messrs. Billingsly, Allen of Milam, Gant.

The house then proceeded to the orders of the day.

On motion of Mr. Gant, the bill to be entitled "an act for the relief of ministers of the Gospel," was taken up on its second reading.

Mr. Gant moved that it be engrossed for a third reading, and made the order of the day for to-morrow.

Mr. Pennington moved that it be indefinitely postponed: And the ayes and noes being called on this question.

Those who voted in the affirmative were, Messrs. Speaker, Baker of Matagorda, Boyd, Burnham, Geraghty, Hill, Holman, Lewis, McKinney, Pennington, Roman, Rowe, Wharton, Wright,—14.

Those who voted in the negative were, Messrs. Allen o

Nacogdoches, Allen of Milam, Arnold, Billingsly, Brush, Branch, Chenoweth, Gant, Hooper, West, White,—11.

So the bill was indefinitely postponed.

On motion of Mr. Allen of Nacogdoches the joint resolution from the senate, for the appointment of an agent to the government of Great Britain, was taken up on its second reading.

Mr. Brush moved to amend the joint resolution, by inserting the words "by and with the advice and consent of the senate," which was rejected.

On motion of Mr. Branch, the fifty-first rule of the house was suspended; the joint resolution was then read a third time, passed, and returned to the senate.

On motion of Mr. Branch, the bill from the senate to suppress gambling was taken up and read a third time; and on the question, "shall the bill pass?" the ayes and noes being called for,

Those who voted in the affirmative were Messrs. Allen of Nacogdoches, Allen of Milam, Baker of Matagorda, Billingsly, Burnham, Chenoweth, Geraghty, Hooper, Lewis, McKinney, West, White—12.

Those who voted in the negative were Messrs. Speaker, Arnold, Boyd, Branch, Brush, Gant, Hill, Holman, Pennington, Roman, Rowe, Wharton, Wright—13.

So the bill was rejected.

Mr. Chenoweth submitted the following joint resolution: "Whereas, the army is at present without a commanding general, therefore,

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in congress assembled, That the President of this Republic be, and he is hereby authorized and requested to proceed forthwith to the head quarters of the army, and take command in person."

Which was read a first time.

A message was received from the senate by Mr. Stickney, communicating a bill, to be entitled, "an act to authorize the president to appoint a commissioner to run the boundary line between the United States of America and the Republic of Texas;" which had passed the Senate.

Also, a bill to be entitled "an act supplementary to the several acts, organizing the several counties of the republic," which had also passed the Senate.

The bills were severally taken up and read.

Mr. Holman moved to suspend the fifty-first rule of the house, in order that the bill from the senate, authorizing the appointment of a commissioner to run the boundary line between the United States and Texas, may be read a second time; which motion was rejected.

On motion of Mr. Branch, the vote rejecting "the bill to suppress gambling" was re-considered; and the bill being again under consideration,

On motion of Mr. Billingsly, it was referred to a select committee, consisting of Messrs. Branch, Allen of Nacogdoches, and Wharton.

On motion of Mr. Rowe, the house adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Clk.

TUESDAY, 16th May, 1837.

The house met pursuant to adjournment.

The roll being called, twenty-three members were present.

Mr. Arnold presented the petition of Iredell Reding, John B. Reding and others, of Mustang Prairie, praying the forming of a new county.

Referred to the committee on county boundaries.

Mr. Wright presented a petition of sundry individuals in behalf of William D. Stewart, a free man of color, praying for land and settlement rights.

Referred to the committee on the judiciary.

Mr. Hill presented the petition of Robert Stevenson, administrator of the estate of Robert J. Moseley, which, with the accompanying documents, was referred to the committee on claims and accounts.

Mr. Rowe, from the committee on public lands, made the following report:

The committee on lands to whom was referred the petition of R. M. Williamson, with the accompanying documents, have examined the same, and find therein legal questions involved, which they are incompetent to decide; therefore, they ask to be discharged from its further consideration, and recommend that it be referred to the committee on the judiciary.

JOSEPH ROWE, Clk.

The report was accepted, and the petition and documents referred to the committee on the Judiciary.

Mr. Branch from the committee on claims and accounts made the following report:

The committee on claims and accounts, to whom was referred the petitions of Charles Sage, George C. Arnest, J. Bacon, Peyton S. Wyatt, James Taylor, Thomas O. Warren, and others Henry Griffith and John M. Clifton, have diligently examined the same, and are unanimously of opinion that the facts set forth in said petitions are not sufficiently explanatory to enable your committee to grant the prayers of said petitions. Your committee are of opinion that the laws amply provide for the cases above mentioned, and ask to be discharged from their consideration.

EDWARD S. BRANCH, Ch'n.

On motion of Mr. Roman, the report was concurred in, and the committee discharged from the further consideration of the petitions.

Mr. Pennington from the select committee to whom was referred the letter of Martin Palmer, made the following report:—

The select committee to whom was referred the documents of Col. Martin Palmer, find charged against the government thirty-five hundred and eighty-five dollars and eighty-seven cents, drawn for by said Palmer, as agent for the government of Texas, and from an account sent in by said Palmer, we find the amount has been chiefly paid out for horses, guns, and provisions, for the use of the army.

Said Palmer's vouchers for the disbursements of said property are so informal, that your committee are unable to determine whether the entire amount has been disbursed or not.

Your committee would further suggest the propriety of receiving his resignation, and beg leave to refer the accompanying documents and vouchers to the auditor, and to be discharged from the further consideration of the same.

S. O. PENNINGTON, Ch'n.

On motion of Mr. Allen of Milam the report was concurred in, and the committee discharged.

Mr. Brush moved that the house take up the protest made by him to the report of the committee on the land bill, and which was yesterday laid on the table.

The motion was rejected by the house.

ORDERS OF THE DAY.

On motion of Mr. Rowe, the house took up the bill to be entitled "an act supplementary to an act establishing a general land office." On its second reading, it was,

On motion of Mr. Chenoweth,

Resolved, That the said bill, together with the act to which it is intended to be a supplement, be referred to a select committee; and that the senate be requested to appoint a similar committee to act on the subject, in conjunction with the committee on the part of the house.

On motion of Mr. Rowe, it was

Resolved, That the house do appoint the committee, and by ballot.

On motion of Mr. Branch, it was

Ordered, That nominations for said committee be made publicly.

Mr. Chenoweth moved that the committee consist of seven members, which motion was rejected.

Mr. Roman moved that the committee consist of five, which was ordered.

The following members were then put in nomination: Messrs. Wharton, Rowe, Hill, Holman, Branch, White, Pennington, Roman, Arnold, Cartwright, Baker of Matagorda, Burnham and Chenoweth.

Mr. Brush moved that the house adjourn until 3 o'clock, p. m. which was rejected.

The house then proceeded to ballot for the committee, and Messrs. Brush and Rowe were appointed tellers.

On counting the ballots it was found that twenty-three votes had been given, of which Mr. Rowe received fifteen, Mr. Branch, fourteen, Mr. Hill thirteen, and Mr. Holman twelve. No other member having received a majority of the whole, the chair announced that only four members of the committee were elected. Mr. Wharton having received ten votes, and being the next highest on the list of those voted for, all the other nominations were withdrawn, and by unanimous consent Mr. Wharton was declared elected a member of the committee.

The committee therefore consists of Messrs. Rowe, Branch, Hill, Holman, and Wharton.

The following message was received from the President of the Republic, by his private secretary, M. Richardson:

EXECUTIVE DEPARTMENT,
City of Houston, 16th May, 1837.

Gentlemen of the Senate and House of Representatives:—

I have the honor to enclose to you certain documents in relation to the two first loans that were made for the benefit of Texas, in regard to which the faith of the government has not yet been carried into execution.

The sums received on these loans were twenty and fifty thousand dollars.

You will see by the accompanying copy of a resolution passed by the convention, that the government *ad interim* was invested with full power to compromise the first contracts, in relation to those loans, on any terms that should be deemed most expedient and proper.

That government did accordingly enter into a compromise, as the contract to that effect, herewith furnished, will shew. It was, however, formerly accepted only by the taking of the first loan, upon which twenty thousand dollars were received.

In regard to the terms of the compromise, I would take leave to observe that, though they appear to us now sufficiently onerous, (but for which indulgence may be found in the critical posture of our affairs, and our great need for money at the time,) they are, nevertheless, now presented to us in a character which wholly precludes objection, being founded in a contract which solemnly engages the faith and honor of our country.

Doubting however the power of the present executive to carry into effect the engagements of the last, I submit to you the propriety of conferring upon me the requisite authority to execute the one under consideration, in favor of those who have accepted of its provisions. In regard to the loan of fifty thousand dollars, I have to communicate for your information that there is now at the seat of government, a gentleman fully empowered to enter into a compromise in relation to it, upon terms so liberal and just, that no difficulty is apprehended as to its satisfactory adjustment. I submit to you the propriety of referring that also, for its settlement, to any person of your selection, or to the executive, as you shall deem proper. In conclusion I would observe that I am deeply impressed with the importance of speedily adjusting those first engagements of our country, as the aid we received by them greatly contributed to our relief in a time of imminent distress, and as the persons who depended on our good faith have long waited for such a manifestation of it as would prove that their confidence was not misplaced.

SAM. HOUSTON.

The message being read,
Mr. Branch moved their reference to a select committee, which was carried, and the speaker appointed Messrs. Branch, Wharton, and Allen of Nacogdoches, the select committee.

On motion of Mr. Gant, it was

Resolved, That the select committee on the President's

message, in relation to the loans, be authorized to ascertain what compromise can be effected, and report to the house.

Mr. Brush moved that the house adjourn until 7 o'clock P. M., which was rejected.

Mr. Boyd, by leave of the house introduced a bill for the relief of Captain Benjamin Bryan and his company, which was read a first time.

On motion of Mr. Chenoweth, it was

Ordered, that the Senate be informed of the appointment of a committee on the land bill and supplement, to act with such committee as may be appointed on the part of the Senate.

On motion of Mr. Rowe, the house took up the bill from the Senate, to be entitled "an act to authorize the President to appoint a commissioner to run the boundary line between the United States of America and the Republic of Texas.

The bill being on its second reading, Mr. White moved that the fifty-first rule of the house be suspended, and the bill read a third time to-day; on which motion, the ayes and noes being ordered,

Those who voted in the affirmative were Messrs. Speaker, Arnold, Baker of Matagorda, Boyd, Branch, Burnham, Cartwright, Hill, Hooper, Holman, Lewis, McKinney, Pennington, Roman, Rowe, West, White, Wright—18.

Those who voted in the negative were Messrs. Allen of Milam, Brush, Chenoweth, Gant, Geraghty—5.

So the fifty-first rule was suspended, and the bill read a third time, and passed.

On motion of Mr. Branch, the house took up the report and resolution of the committee of claims, in relation to the claims of A. Huston, late quarter master general.

Mr. Brush moved that they be re-committed to a select committee, which was rejected.

Mr. Rowe moved the following amendment—"and further, that he be allowed five per cent. on the amount of sales made by him of scrip in the United States for this government.

The amendment was adopted.

Mr. Gant moved to strike out the words "in government land scrip at fifty per cent. per acre,"—on which the ayes and noes being ordered,

Those who voted in the affirmative were Messrs. Brush, Chenoweth, Gant, Geraghty, West and Wright—6.

Those who voted in the negative were Messrs. Speaker, Allen of Milam, Arnold, Baker of Matagorda, Boyd, Branch,

Burnham, Cartwright, Hill, Hooper, Holman, Lewis, McKirney, Pennington, Roman, Rowe, White—17.

So the house refused to strike out.

Mr. Branch moved to strike out five per cent. commission on sales of scrip, and insert two and a half per cent., which was agreed to.

On motion of Mr. White, the resolution was further amended by the addition of the following clause:—and further, that if the amount should exceed four thousand dollars, he be paid in a draft on the treasury for such excess.

On motion of Mr. White, it was

Ordered, that the joint resolution as amended, be engrossed, and made the order of the day for to-morrow.

On motion of Mr. Chenoweth, the vote of the house of yesterday, on the indefinite postponement of the bill for the relief of ministers of the gospel was re-considered.

On motion of Mr. White, the bill being on its second reading, was taken up, and

On motion of Mr. Branch, the fifty-first rule of the house was suspended, and the bill ordered to a third reading. It was accordingly read a third time, and passed.

Mr. Rowe, by leave of the house, introduced a bill, to be entitled "an act for the benefit of soldiers and others," which was read a first time.

On motion of Mr. Chenoweth, the joint resolution in relation to elections in the depopulated districts was taken up, and read a second time.

Mr. Brush moved to adjourn until 7 o'clock, P. M., which was rejected; and

On motion of Mr. Rowe, the house then adjourned until to-morrow morning, 10 o'clock.

W. F. GRAY, C^{PK}.

WEDNESDAY, MAY 17, 1837.

The house met pursuant to adjournment.

Twenty four members being present,

Mr. Gant presented the petition of Stillman S. Curtis, praying remuneration for property used &c., which on motion of Mr. Gant was, with the accompanying documents, laid on the table.

On motion of Mr. Wharton it was

Resolved, "That the secretary of state be instructed to furnish this house with a copy of the report made by our commissioners, Messrs. Austin, Archer and Wharton, together with doc-

uments that accompanied said report, and also all other letter and documents in his possession that related to the loans negotiated by the commissioners."

On motion of Mr. Wharton, it was

Resolved, "That the special committee, to whom was referred the president's message, on the subject of the loans negotiated by the commissioners, be instructed to take into consideration the whole proceedings of our commissioners in the United States, and report on the same; and that they be authorized and empowered to send for persons and papers."

On motion of Mr. White, it was

Resolved, "That a committee be appointed on the part of the house, to act with such committee as may be appointed on the part of the senate, to enquire into the performance of the contract with the editors of the Telegraph to publish the laws and journals of this congress,—and to make such other contracts as may be deemed necessary."

Messrs. White and Branch were appointed the committee.

A message was received from the senate by Mr. Stickney, that the senate had passed the bill from the house entitled "an act to establish a rate of interest," with amendments, in which they request the concurrence of the house.

On motion of Mr. Pennington, it was

Resolved, That the committee on ways and means be required to report a bill taxing grog shops and retailers of spirits in this republic.

A message was received from the senate by Mr. Stickney, that the senate had passed the following resolution.

Resolved, That the honorable house of representatives be requested to furnish the senate with copies of any reports they may have received from the heads of the different departments.

The Speaker laid before the house a letter from the auditor of public accounts, which was read;

Also a letter from the secretary of the treasury in obedience to a resolution of the house of representatives under date of the nineteenth of December last.

Mr. Pennington moved "that one hundred copies of the letter of the secretary be printed for the use of the house," the motion was rejected.

Ordered, That Mr. Branch be added to the committee on the state of the republic.

On motion of Mr. Wharton the house adjourned until 7 o'clock, P. M.

AT 7 O'CLOCK, P. M.

The house met pursuant to adjournment.

On calling the roll only nineteen members answered; absentees Messrs. Allen of Nacogdoches, Branch, Burnham, Baker of Matagorda, Gant, Wright, Baker of Austin.

The sergeant-at arms, was sent in quest of the absent members: a quorum being formed.

Mr. Gant by leave of the house, introduced a bill to be entitled "an act to prescribe the proof necessary to admit deeds, conveyances, liens &c., upon record: which was read a first time.

On motion of Mr. Pennington the report of the committee on claims and accounts, adverse to the petition of Henry Clifton which had been sanctioned by the house was re-considered,

And on motion of Mr. Hooper, the petition of captain Henry Clifton, with his vouchers and other accompanying documents, were referred to a select committee, consisting of Messrs. Hooper, Pennington, and Allen of Milam.

The letter from the secretary of the treasury, laid before the house this morning, was then read, and on motion of Mr. Wharton referred to the committee on ways and means, with instructions to report by bill or otherwise.

On motion of Mr. _____ the engrossed joint resolution for the relief of A. Huston was taken up, read a third time, and passed.

On motion of Mr. Rowe the bill to establish a rate of interest, returned from the senate amended, was taken up; and the original bill passed by the house not having been returned from the senate,—it was laid on the table, until the original bill be furnished by the senate.

On motion of Mr. Rowe the joint resolution from the senate, declaring the time when the constitution went into effect, was taken up and postponed indefinitely.

On motion of Mr. White the joint resolution, forming the basis on which Texas asks admission into the union of the United States of America, was taken up and postponed indefinitely.

On motion of Mr. Branch the house took up the bill creating the county of Houston; and

On motion of Mr. Arnold, the bill was referred to the committee on county boundaries.

On motion of Mr. Rowe, the joint resolution acknowledging the authority of colonels Handy, Morgan, and Huston, was taken up and referred to the committee on enrolled bills, to enquire whether or not the same has become a law.

On motion of Mr. Branch the joint resolution, for the relief and benefit of certain officers, was referred to the committee on enrolled bills, to enquire whether the same has or not become a law.

On motion of Mr. Pennington the bill for the relief of Mrs. Dickenson, was taken up, and

On motion of Mr. Branch, it was postponed indefinitely.

On motion of Mr. Rowe the house took up the petition of Edmond T. Jackson, praying compensation, and on motion of Mr. Allen of Nacogdoches, it was postponed indefinitely, with leave to the petitioner to withdraw his papers.

The petition of Hetty Floyd, was taken up, Mr. Branch moved its indefinite postponement, which was rejected and, on motion of Mr. White, it was referred to a select committee, consisting of Messrs. Baker of Austin, Branch and White.

The petitions of sundry citizens of Harrisburg, praying compensation for loss of property by the enemy, was taken up, and on motion of Mr. White postponed indefinitely.

The petition of Susan S. King, praying for relief, was then taken up.

Mr. Branch moved to postpone it indefinitely, which was lost, and on motion of Mr. Rowe it was referred to the same select committee, to whom was referred the petition of Hetty Floyd.

The bill to incorporate the Red River and Aransas Bay Rail Road, Navigation and Banking company, was taken up on its second reading.

On motion of Mr. Chenoweth, it was

Ordered, That it be laid on the table, and be made the order of the day for to-morrow.

Mr. Rowe moved that the house adjourn until to-morrow at 10 o'clock: which was lost.

On motion of Mr. Chenoweth, the joint resolution respecting elections for the depopulated districts was then taken up and read a third time, and, on the question "shall the resolution pass?"

The ayes and noes being ordered, those who voted in the affirmative were, Messrs. Speaker, Allen of Nacogdoches, Baker, of Matagorda, Billingsly, Brush, Burnham, Chenoweth, Geraghty, Lewis, Pennington, Roman, Wharton, White,—13.

Those who voted in the negative, were Messrs. Allen of Milam, Arnold, Branch, Cartwright, Gant, Hooper, Holman, McKinney, Rowe, West,—10.

So the joint resolution was passed.
 On motion of Mr. Wharton the house adjourned until to-
 morrow morning at 10 o'clock.

W. F. GRAY, CLK.

THURSDAY, MAY 18, 1837.

The house met pursuant to adjournment.

Twenty-four members present.

Mr. Rowe presented the petition of White and Beaford, praying payment for articles furnished to Griffin Bayne for the use of the government of Texas, referred with the accompanying documents to the committee on claims and accounts.

Mr. McKinney presented the petition of John Herring and others, in favor of Eliza Smith, an orphan, which was referred to the committee on the judiciary.

Mr. Gant presented the petition of the trustees of Washington college praying an act of incorporation &c., which, on motion of Mr. Gant, was laid on the table.

Mr. Wharton presented the petition of John Murray, captain of the schooner Watchman, praying for compensation, referred to the committee on claims and accounts.

Mr. Wharton also presented the petition of Herman & Co. merchants of New Orleans, asking indemnity for the cargo of the schooner Fanny Butler.

Referred to the committee on claims and accounts.

Mr. Wharton presented the petition of Robert Stephenson, praying for a divorce, which, on motion of Mr. Wharton was referred to a select committee. The chair appointed Messrs. Wharton, Branch and Allen of Nacogdoches, the committee.

A message was received from the senate by Mr. Stickney, that the senate had passed a joint resolution fixing the time of meeting of the next congress.

Mr. Hooper from the select committee to whom was referred the petition of captain John M. Clifton, made the following report.

Your committee, to whom was referred the petition of captain John M. Clifton, have had the same under consideration, and beg leave to make the following

R E P O R T .

From the certificate of the secretary of war, and other officers, we are satisfied that John M. Clifton recruited 151 men for the service of Texas, and mustered into service 97 men; and from the best information that we can procure, said Clifton bore

all the expenses of those men from the state of Tennessee to New Orleans, where 54 deserted.

Your committee are of opinion, from all the proof procured, that the said Clifton actually expended all the amount set forth in his accounts, for the transportation and sustenance of said troops, and that the auditor be required to audit said accounts of \$1434,39.

RICHARD HOOPER,
Chairman of Committee.

On motion of Mr. Billingsly the report was accepted.

Mr. Branch, from the select committee to whom was referred the bill to suppress gambling, reported the same with amendments, which were adopted by the house, and the bill as amended ordered to be engrossed for a third reading.

Mr. Hooper submitted the following joint resolution,

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be instructed to audit the accounts of John M. Clifton for fourteen hundred and thirty-four dollars and thirty-nine cents: read a first time.

Mr. Billingsly moved to suspend the fifty-first rule of the house, and that the said resolution be read a second time forthwith: the motion was rejected and the resolution laid on the table.

Mr. Chenoweth submitted the following resolution:

Whereas many of the good citizens of this republic, especially those living on the western and distant frontiers, have sustained heavy, and in some cases, even ruinous losses, in consequence of and during the war: and whereas numbers of such individuals are so situated as to be unable to spare the time or meet the expense requisite to an attendance at the seat of government, and petitioning congress in person for a compensation for their losses:

Resolved, That a committee of three be appointed to report, by bill or otherwise, a plan whereby such citizens may have an opportunity of conveniently presenting their respective cases and of being indemnified for their losses.

JOHN CHENOWETH,

On motion of Mr. White the resolution was laid on the table.

Mr. Gant by leave of the house introduced a bill to incorporate the trustees of Washington College, which was read the first time.

Mr. Rowe submitted the following resolution,

Resolved, By the House of Representatives, That the

president of this republic be requested to inform this house, why he has failed to execute the duties required of him by an act to establish a general land office for the republic of Texas, passed the twenty-second of December 1836,—by a constitutional majority of both houses of the congress of the republic of Texas; which was laid on the table.

On motion of Mr. Gant, the joint resolution authorizing certain officers to administer oaths to the officers and soldiers of the army, was read a second time.

On motion of Mr. Wharton, the house took up the report of the committee on the judiciary, respecting forfeited lands, made to the house on the thirteenth November, 1836, which being read, was laid on the table.

On motion of Mr. Billingsly, the house took up the bill from the senate, supplementary to the several acts organizing the several counties of the republic, on its second reading.

Mr. Gant moved to strike out the first section,—lost.

On motion of Mr. Billingsly the fifty-first rule of the house was suspended, and the bill read a third time and passed.

A message was received from the senate by Mr. Stickney, "That the senate had concurred in the resolution of the house for the appointment of a joint committee on the land bill, supplement thereto, &c., and have appointed senators Hill, Horton, Everitt and Ellis, a committee on the part of the senate to act in conjunction with the committee of the house,—also

The senate has passed a joint resolution concerning the pay of the district judges in which they request the concurrence of the house.

On motion of Mr. Rowe the house adjourned until 8 o'clock, P. M.

8 O'CLOCK, P. M.

The house met pursuant to adjournment.

On calling the roll only nineteen members answered and the sergeant-at-arms was sent in quest of the absentees.

A quorum being formed, a joint resolution in regard to the payment of district Judges, received from the senate, was taken up and read a first time.

A joint resolution from the senate in relation to the future meetings of congress, was taken up and read a first time.

On motion of Mr. Gant, the bill to prescribe the proof necessary to admit deeds, conveyances, &c., to record, was taken up on its second reading, and on motion of Mr. Gant it was referred to the committee on the judiciary.

On motion of Mr. Hill the joint resolution authorizing and requiring the president to take command of the army in person, was taken up on its second reading and indefinitely postponed.

Ordered, That Mr. Burnham be added to the committee on claims and accounts.

Mr. Wharton moved to take up the bill to incorporate the Red River and Aransas Bay, Rail Road, Navigation and Banking Company, which motion was lost.

On motion of Mr. Boyd, the bill for the relief of captain Benjamin Bryan and his soldiers was taken up, and on motion of Mr. Arnold it was postponed indefinitely.

On motion of Mr. Wharton the report of the committee on the judiciary, in relation to forfeited lands, was referred to the joint committee of the two houses, on the land law and bill supplementary thereto, &c.

Mr. Allen of Nacogdoches presented the petition of Harden Edwards which was read.

Mr. Allen of Nacogdoches moved its reference to the committee on public lands,—which was rejected.

Mr. Hill moved to postpone it indefinitely, which was also rejected, and

On motion of Mr. Allen of Nacogdoches, it was referred to the committee on the judiciary.

On motion of Mr. Rowe the bill for the benefit of soldiers and others, was taken up on its second reading, and on motion of Mr. Rowe, it was postponed indefinitely.

Mr. Branch presented the memorial of the honorable Benjamin C. Franklin, asking remuneration for services rendered: which was, on motion of Mr. Branch, referred to the committee on claims and accounts.

On motion of Mr. Rowe the house then adjourned until tomorrow at 3 o'clock, p. m.

W. F. GRAY, *C/k.*

FRIDAY, MAY 19, 1837.

The house met pursuant to adjournment.

Twenty-two members being present.

A message was received from the president of the republic communicating the report of the secretaries of the several departments of the government. Laid on the table.

Mr. Branch from the committee of claims and accounts, made the following

REPORT :

The committee, on claims and accounts, to whom was re-

ferred the memorial of Benjamin C. Franklin, have examined the same, and confidently believe the memorialist is justly entitled to the relief asked for, and would therefore recommend the passage of the following resolution:

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That Benjamin C. Franklin, as judge of the district of Brazoria from the 8th of May, 1836 to the 20th December, 1836, be authorized to draw on the treasury of the republic for remuneration in equal proportion to that granted to the district judge now presiding.

On motion of Mr. Allen of Nacogdoches, the report was received and the resolution read a first time.

Mr. White from the committee on enrolled bills, to whom had been referred for enquiry the joint resolution "for the relief and benefit of certain officers," and also the resolution acknowledging the authority of colonels R. Eden Handy, James Morgan, A. Houston, &c. reported,

That they had examined the secretary of states office, and can find no such resolution. They are of opinion that the said resolutions are on their second reading, as their endorsements present.

Ordered, That the said resolutions be placed on their second reading.

Mr. Geraghty submitted the following resolution.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, "That the president be, and he is hereby required and authorized, to adopt such measures as he may think proper to put the citizens of western Texas in peaceable possession of their just and lawful homes as soon as practicable, which was read and laid on the table.

On motion of Mr. Holman the house adjourned until 8 o'clock, p. m.

8 o'clock.

The house met pursuant to adjournment,

Twenty-two members being present.

Mr. Wharton presented the petition of A. T. Burnley and others, praying remuneration for advance made in aid of Texas, referred to the committee on claims and accounts.

Also the petition of A. S. Roberts and others praying to be admitted to the benefit of the colonization laws, which on motion of Mr. Rowe, was referred to the committee on lands.

Also, the petition of Edmond Andrews and others for an act of incorporation for the Brazoria Insurance company, ac-

accompanied by a bill. The bill was received, read a first time, and laid on the table.

Mr. Allen of Nacogdoches presented the petition of Henry A. Read, attorney of Benjamin S. Read, praying that his accounts may be audited; referred to the committee on claims and accounts.

A message was received from the senate, by Mr. Robertson their secretary, that the senate had passed a bill authorizing Greenway Logan and his wife Caroline, free persons of color, to remain permanently in this republic.

Mr. Gant from the committee on the judiciary, made the following

R E P O R T :

The committee on the judiciary, to whom was referred the petition of William D. Stewart and James Richardson, and also a joint resolution for the relief of Alexander Buxton, have had the same under consideration, and have instructed me to report a joint resolution for the relief of all free Africans and descendants of Africans, who were residents within the limits of the republic at the adoption of the constitution, which they recommend to be passed into a law.

JOINT RESOLUTION,

For the relief of all free Africans or descendants of Africans, who were residing within the republic at the adoption of the constitution.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all free Africans, or descendants of Africans, who were residing within the republic of Texas at the time of adoption of the constitution, are hereby granted and allowed the privilege of remaining in any part of the republic, as long as they choose, on the condition of performing all the duties required of them by law.

Mr. Wharton from the committee on the judiciary made the following report:

The committee on the judiciary, to whom was referred the petition of John S. Herring and others, praying that John Stiles be appointed Guardian for Eliza Smith, have had the same under consideration, and instructed me to make the following

R E P O R T :

That in the opinion of this committee, congress does not possess the power to grant the prayer of the petition: and that it belongs exclusively to the judge of probate.

Wherefore the committee ask to be discharged from the further consideration of the petition.

The report was adopted, and the committee discharged from the further consideration of the petition.

Mr. Wharton from the committee on the judiciary, to whom was referred the bill to legalize marriage contracts, which had passed the committee of the whole as a substitute for a bill from the senate on the same subject,—reported the same with amendments,—which being read, the bill and amendments were laid on the table.

On motion of Mr. Wharton the house then took up the message from the president, with the accompanying documents received this morning.

EXECUTIVE DEPARTMENT,

CITY OF HOUSTON, MAY 19, 1837.

Gentlemen of the senate and house of representatives:—

I have the honor to lay before you the following reports of the several departments of the government to which they relate.

Report of the secretary of the treasury to which is appended,—

- The report of the treasurer,
- “ report of the secretary of war,
- “ report of the secretary of the navy,
- “ report of the post master general.

All of which are respectfully submitted.

To the department of the last named functionary, owing to the pressure of affairs, I omitted making the allusion, in my general message, which I had intended to have made,—a circumstance I the more regret, as I have so much reason to approve the conduct of the officer referred to, who has shown the utmost zeal and ability in the execution of his functions.

SAM. HOUSTON.

The report of the secretary of war was then read and referred to the committee on military affairs.

The report of the secretary of the navy was then read and referred to the committee on naval affairs.

On motion of Mr. Wharton it was

Ordered, That the report of the secretary of the treasury be referred to the committee on ways and means, without reading,

And that the report of the post master general be referred to the committee on the post office, without reading.

On motion of Mr. Allen of Nacogdoches, he having voted in the affirmative, the order dispensing with the reading of the report from the secretary of the treasury was re-considered, and the report read.

On motion of Mr. Holman the house adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Clk.

SATURDAY, 20th May, 1837.

The house met pursuant to adjournment,
Twenty-five members being present.

A message was received from the president by Mr. Richardson, his private secretary, transmitting the memorial of captain Ross, of the steam boat Yellow Stone, in behalf of himself and crew. The message and documents being read were, on motion of Mr. Branch, referred to the committee on claims and accounts.

Mr. Roman presented the petition of Alexander Walsh, praying that his accounts may be audited.

On motion of Mr. Roman, it was referred to the committee of claims and accounts.

Mr. Rowe from the committee on public lands, to whom was referred the petition of David Laughlin, made the following

R E P O R T :

The committee on public lands to whom was referred the petition of David Laughlin, praying that some lands may be granted to Mary Morilla Foot, an orphan, seven years of age, who emigrated to the country, (as he states) with him, in the year 1835, and has no blood relations, or never has had in Texas, the committee are of opinion that some invariable rules should govern all legislative bodies, in the disposition of every question which they may be called upon to dispose of. And in the disposition of this, and all similar cases, which may arise, the question should be, has the subject any peculiar merit for having done some noble act, or for having rendered some great and essential services to the country, upon which to base their claims? Or have they suffered some great misfortune, which our sympathies are called upon to relieve?

In this case we see neither: hundreds are no doubt similarly situated; and if we began with one, we should go through the whole list.

The committee ask to be discharged from the further consideration of the subject.

JOSEPH ROWE, Chairman.

On motion of Mr. Wharton, the report was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Branch from the committee of claims and accounts, to

whom the petition of Robert Stephenson, executor of R. J. Mosely, had been referred, made the following

R E P O R T :

MR. SPEAKER:—

The committee on claims and accounts, to whom was referred the petition of Robert Stephenson, executor of Robert J. Mosely, together with the accompanying documents, have diligently examined the same, and find from the accompanying certificates that a considerable number of cattle and hogs,—as also a quantity of corn and bacon, was used by a division of the Texian army, under the command of captain William Patton. What number of cattle and hogs, and what quantity of corn and bacon was used, your committee are unable to ascertain, as no account appears to have been kept by any of the officers of the army. This alone would, in the opinion of your committee, render it wholly impracticable for congress to authorize the auditor to audit the claims of the petitioner. But apart from this,—your committee are of opinion that another much more important reason exists, why the accounts, under consideration, should not be allowed at the present time. The property of hundreds of citizens of Texas was in the same situation, abandoned by the owners, and used by the Texian as well as Mexican army. To grant relief to one individual, while the rest are *unremunerated*, would, in the opinion of your committee, be partial legislation, and therefore unconstitutional. Your committee, therefore, beg leave to return the papers to the house, and ask to be discharged from their further consideration.

EDWARD T. BRANCH,

Chairman.

On motion of Mr. West the report was concurred in and the committee discharged from the further consideration of the petition.

Mr. Branch from the same committee, to whom was referred the petition of Henry Griffeth, made the following

R E P O R T :

The committee on claims and accounts, to whom was referred the petition of Henry Griffeth, praying remuneration for property pressed into the service of Texas,—have examined the same, and finding no vouchers for the charge made in said petition, and believing also that the laws amply provide for the case under consideration, beg leave to return the petition, and ask to be discharged from its further consideration.

EDWARD T. BRANCH,

Chairman.

The committee was accordingly discharged.

Mr. White from the committee on enrolled bills made the following

REPORT :

The following resolutions have been submitted, approved, and signed by the president.

1st. A joint resolution authorizing the president to appoint an agent to the court of Great Britain.

2nd. A joint resolution authorising the president to appoint a commissioner to run the boundary line between this republic and the United States.

3d. An act for the relief of ministers of the Gospel.

S. A. WHITE,
Chairman.

On motion of Mr. Branch, it was

Ordered, That in all cases where petitions have been presented to the house, and rejected, or not acted on, the petitioners shall have leave to withdraw their petitions and papers.

Mr. Billingsly from the joint committee on indian affairs, made the following

REPORT :

The joint committee, to whom was referred the subject of our Indian relations, with instructions to report a bill for the protection of the frontier, having considered the suggestion of the president and those of the secretary of war, are satisfied of the expediency, and feel no hesitation in recommending active operations against the hostile Indians of our borders.

That several of the tribes near the extreme settlements have been and still are hostile, is too notorious to require a detailed statement of facts to prove it. Among those tribes are embraced the Caddos, Wacos, Tiwachanes, Keeckies, Ionics and Pawnees, whose murders and depredations are of almost daily occurrence. The Caddos who exercise a controlling influence over those tribes, and with whom they are in some degree incorporated, recently received on Red River, from the agent of the United States government, ammunition and rifles, and immediately thereafter set off for Texas, to join their confederates on the Trinity and Brazos, which has doubtless inspired the latter with increased confidence. Within the last few days we have received, from various sources, satisfactory information, that those Indians have penetrated even below the San Antonio road, having murdered several citizens on the Brazos, Trinity, and Neches rivers. Those incursions of late are becoming more alarming, and we are decidedly of the opinion that, unless the

means of repelling their aggressions be not speedily increased and put in requisition, their attacks, robberies, and murders, will spread extensively, and probably in the end, if not checked by judicious measures, will shortly involve the whole country in a disastrous Indian war. To avert this state of things, your committee advise than an expedition, composed of a suitable force,—sufficiently numerous to scour their country thoroughly, be as soon as practicable sent against them.

The accompanying bill proposes that a company of Shawnees, Cherokees, Delawares, or of some other friendly tribes, provided they can be induced to it, shall be attached to each division. From the known dislike of the latter to the Prairie Indians, we believe that such an acquisition can be effected, and that it will greatly add to the efficiency and success of the campaign. The present force employed on the frontier for its protection, we deem inadequate to the attainment of that object; and believe that nothing favorable can be reasonably anticipated from prospective treaties with them.

The particular orders under which the corps will have to act is a subject of peculiar delicacy, and much will have to be left to the discretion of the commanding officers.

It will become the duty of the secretary of war, in issuing general orders to those officers, to enjoyn great caution and prudence. With those views we respectfully ask leave to submit the accompanying bill.

R. A. IRION,

Chairman on the part of the senate.

JESSE BILLINGSLY,

Chairman on the part of the house.

The report and bill having been read, on motion of Mr. Billingsly, the report was concurred in, and the bill ordered to a second reading.

Mr. Roman submitted the following resolution;

Resolved, That the contractor, major Ward, be required to discontinue such labor on this house as disturbs the deliberations of congress during the hours of its session; which was rejected.

Mr. Wharton submitted the following joint resolution.

A joint resolution for the benefit of the men that major William P. Miller brought to Texas in the month of March, 1836.

On motion of Mr. Billingsly the report was received, and the bill being read once, was ordered to a second reading.

On motion of Mr. Chenoweth, the "bill to incorporate the Red River and Aransaso Bay, Rail Road, Navigation and

Bank Company," was taken up on its second reading, and was considered by sections.

Mr. Chenoweth moved to amend the sixth section, by striking out the words "forty nine," as the term of the charter, for the purpose of inserting a shorter period, the motion was carried and the words stricken out.

Mr. Arnold moved to fill the blank with "thirty years;" which was rejected.

Mr. Brush moved to fill it with "twenty;" which was rejected.

Mr. ———— moved to fill it with "ten;" which was rejected.

Mr. Allen of Nacogdoches, moved to fill it with "nine," which was rejected.

Mr. Wharton moved to fill it with "one year." Before the question was taken,

Mr. Baker of Matagorda moved to reconsider the vote striking out "*forty-nine years*,"—which was carried.

So the house agreed to reconsider.

Mr. Arnold moved that the house adjourn until Monday morning at ten o'clock, which was rejected.

Mr. Brush renewed the motion, which was again rejected.

Motions to adjourn until 9 o'clock on Monday, and 8 o'clock on Monday, were successively made and rejected.

Mr. Allen of Milam moved, that the bill be indefinitely postponed,—on which question the ayes and noes be ordered;—

Those who voted in the affirmative, were Messrs. Speaker, Allen of Nacogdoches, Allen of Milam, Boyd, Hill, McKinney, Pennington, Wharton, Wright,—9.

Those who voted in the negative were Messrs. Arnold, Baker of Matagorda, Billingsly, Brush, Burnham, Chenoweth, Cartwright, Gant, Geraghty, Hooper, Holman, Lewis, Roman, Rowe, West, White,—16.

So the house refused to postpone indefinitely.

On motion of Mr. Billingsly, the house adjourned until Monday morning at 10 o'clock.

Mr. Pennington asked and obtained leave of absence ^{this} day for the remainder of the session, on the ground of ill health.

W. F. GRAY, Clk.

MONDAY, MAY 22, 1837.

The house met pursuant to adjournment.

Twenty-two members being present.

Mr. Roman presented the petition of George W. Poe, pray^r.

ing the appointment of a committee to examine his accounts, which was referred to the committee on claims and accounts.

Mr. Baker of Matagorda presented the petition of John Duncan and others praying an act of incorporation to improve the navigation of Caney.

On motion of Mr. Arnold, it was referred to a select committee, consisting of Messrs. Arnold, White, Billingsley, Baker of Matagorda, and Roman.

Mr. Rowe submitted the following joint resolution,

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That all debts which are now, or may hereafter become due to this republic, may be paid and discharged in properly audited drafts on the treasury of this republic,—unless otherwise specially provided for by law.

Mr. Holman submitted the following joint resolution.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the post master general of this republic be authorized to extend the mail routes by way of Balow's and Gaines' Ferries, so as to communicate with the United States' mail: and that he be authorized to pay for any services which may have been already rendered by any person to effect that object.

The house then proceeded to the orders of the day.

On motion of Mr. Rowe the bill to legalize marriage contracts was taken up on its second reading, with the amendments reported by the committee on the judiciary. Mr. White moved an additional section. On motion of Mr. Baker of Austin the bill was recommitted to the committee on the judiciary.

On motion of Mr. Billingsly the house took up the joint resolution authorizing certain officers to administer oaths to the officers and soldiers of the army. On motion of Mr. Billingsly it was laid on the table.

On motion of Mr. Gant, the bill to establish a rate of interest, as amended and returned from the senate, was taken up. Mr. Rowe moved that the amendments of the senate be rejected,—which was carried, and on motion of Mr. Rowe, the bill was laid on the table.

A message was received from the senate, by their secretary, that the senate had passed "a bill to incorporate the town of Nacogdoches"—in which they request the concurrence of the house.

On motion of Mr. Allen of Nacogdoches, the house took up the "bill to suppress gambling," which had been amended and ordered to be engrossed for a third reading on the 15th:

Some contrariety of opinion existing as to the stage of the bill, on motion of Mr. Baker of Austin, it was

Ordered, That the bill be put back on its second reading, as it stands amended and engrossed; and

On motion of Mr. White, the house resolved itself into a committee of the whole on the bill to suppress gambling.

Mr. White in the chair.

After some time spent therein, the committee arose and reported to the house with amendments. The committee was discharged, and the house proceeded to the consideration of the amendments. 1st. "Strike out the 5th section," which was carried. 3d. In last session, after the word effect, insert, "in the county of Harrisburg, five days from and after its passage, and in all other parts of the republic," which was also carried.

On motion of Mr. Gant, the sum of "one thousand dollars," the minimum fine in the second section, was stricken out.

Mr. Wharton moved to fill the blank with "twenty dollars."

Mr. Brush moved to fill the blank with "nine hundred dollars," which was put and rejected.

Mr. Allen of Nacogdoches moved to fill the blank with "five hundred dollars," which was rejected.

Mr. Allen of Nacogdoches moved to fill the blank with "two hundred and fifty dollars," which was rejected.

On motion of Mr. Baker of Austin, the blank was filled with "one hundred dollars."

On motion of Mr. Billingsly, it was

Ordered, That the bill as amended be engrossed for a third reading, and made the order of the day for tomorrow.

On motion of Mr. Hill, the bill to incorporate the Red River and Aransas Bay, Rail Road, Navigation and Banking Company, was taken up, and on motion of Mr. Baker of Austin, the consideration thereof was postponed and made the special order for 8 o'clock, P. M.

On motion of Mr. Wharton the house adjourned until 8 o'clock, P. M.

8 O'CLOCK, P. M.

The house met pursuant to adjournment.

Twenty-two members being present.

The bill to incorporate the Red River, and Aransas Bay, Rail Road, Navigation and Banking Company, specially set for consideration at 8 o'clock this evening, was taken up.

Mr. Wharton moved that the bill be indefinitely postponed.

A message was received from the senate, by their secretary, Mr. Robertson, announcing the passage, by the senate, of a bill fixing the salaries of revenue officers, and also the bill, from the house, for the better protection of the northern frontiers, with amendments, in which the concurrence of the house is requested.

On the motion to postpone the bill indefinitely, Mr. Gant made a point of order.

"The question on the indefinite postponement of this bill having already been decided, and no action on it having been subsequently had, is the motion in order?"

The Speaker decided the motion to be in order.

Mr. Baker of Matagorda called for the ayes and nays, on indefinite postponement; which were ordered,—and on taking the question,

Those who voted in the affirmative were, Messrs. Speaker, Allen of Nacogdoches, Allen of Milam, Baker of Austin, Billingsly, Boyd, Branch, Hill, McKinney, Rowe, Wharton, Wright,—12.

Those who voted in the negative, were, Messrs. Arnold, Baker of Matagorda, Brush, Burnham, Chenoweth, Cartright, Gant, Geraghty, Hooper, Holman, Lewis, Roman, West, White,—14.

So the house refused to postpone the bill indefinitely.

On motion of Mr. Baker of Austin, the house adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Clk.

TUESDAY, MAY 23, 1837.

The house met pursuant to adjournment,

Twenty-four members being present.

Mr. Arnold presented the petition of W. Lewis, praying for remuneration as Indian agent &c.

On motion of Mr. Arnold the petition was referred to the committee on claims and accounts.

Mr. Hill presented the petition of John P. Coles and others, for an act to incorporate a Seminary of Learning in Coles' Settlement.

Referred to a select committee, consisting of Messrs. Hill, Rowe and West.

A message was received from the senate, by Mr. Robertson, their secretary, announcing the passage of the act for the relief of those who lost property during the war, with amendments.

Mr. White moved the adoption of the following resolution.

Resolved, That the president be requested to state to this house upon what authority he has stationed soldiers upon the Sabine, to prevent citizens of this republic from taking their cattle out of the country.

Which, by the fortieth rule of the house, lies one day for consideration.

Mr. Branch moved a suspension of the fortieth rule of the house in order that the resolution may be acted on forthwith. The house refused to suspend the rule.

Mr. White moved the adoption of the following resolution.

Resolved, That this house receive no more business of a local or individual nature,—which was rejected.

On motion of Mr. Billingsly, the bill for the better protection of the northern frontiers, which had been returned from the senate, with amendments, was taken up, and the amendments concurred in.

On motion of Mr. Holman, the bill from the senate, fixing the salaries of revenue officers, was taken up.

The bill having been read, Mr. Chenoweth moved its rejection, which motion was lost, and the bill passed to a second reading.

The house then took up the bill from the senate to incorporate the town of Nacogdoches, which was read a first time.

The house then took up the bill, returned from the senate with amendments, for the relief of those who have lost property during the war. On motion of Mr. White the amendments, proposed by the senate, were concurred in:

Mr. Brush moved that the house do adjourn until 3 o'clock, p. m., which was rejected.

The house then proceeded to the orders of the day.

On motion of Mr. Gant the house took up the bill to incorporate the Washington College, on its second reading.

Mr. Wharton moved that the bill be indefinitely postponed;

On which question the ayes and noes were ordered,

Those who voted in the affirmative were Messrs. Allen of Nacogdoches, Billingsly, Boyd, Branch, Lewis, Wharton,—6.

Those who voted in the negative were, Messrs. Speaker, Allen of Milam, Arnold Baker of Austin, Baker of Matagorda, Brush, Burnham, Chenoweth, Cartwright, Gant, Geraghty, Hill, Hooper, Holman, McKinney, Roman, Rowe, West,—18.

So the house refused to postpone the bill indefinitely.

On motion of Mr. Geraghty the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Billingsly the engrossed bill to suppress

gambling was taken up, read a third time, and passed.

The title of the bill, "an act to suppress gambling."

On motion of Mr. Rowe, the vote, ordering the bill for the incorporation of Washington college to a third reading, was re-considered, and the bill again put on its second reading.

On motion of Mr. Billingsly the house resolved itself into a committee of the whole, on the said Bill;

Mr. Billingsly in the chair,

And after some time spent therein, the committee rose, and reported the bill to the house with the following amendments. "In section 1st. strike out the word "ordained," and strike out the 6th., and 7th., sections. The amendments were concurred in by the house, and the bill, as amended, ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Baker of Austin, the house then adjourned until 8 o'clock, P. M.

8 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Wharton presented the petition of George B. McKinstry and others, of Brazoria, praying an act of incorporation for a company to be styled "the internal improvement and banking company of Texas."—accompanied by a bill.

On motion of Mr. White, the petition and bill were referred to the committee on the state of the republic.

A message was received from the Senate, by their secretary, announcing the passage of "a bill to incorporate the Episcopal church in the town of Matagorda."

Mr. Wharton presented the petition of Warren D. C. Hall and others, praying an act of incorporation for a company to be styled "the mutual insurance company."

On motion of Mr. Branch, the petition was laid on the table.

Mr. Branch, by leave of the house, introduced a bill to incorporate the town of Liberty, which was read a first time by its title.

On motion of Mr. White, seconded by Mr. Allen of Nacogdoches, the house resumed the consideration of the unfinished business of the morning, being the "bill to incorporate the Red River and Aransas Bay Railroad, Navigation, and Banking Company, on its second reading."

On motion of Mr. White, it was ordered, that the bill be referred to a select committee.

On motion of Mr. Chenoweth, it was ordered, that the committee consist of five members, and that they be chosen by ballot.

On motion of Mr. Wharton, the order of reference to a select committee, was re-considered; and

On motion of Mr. Allen of Nacogdoches, the bill was referred to a committee of the whole. The house accordingly resolved itself into a committee of the whole, Mr. Wharton in the chair, on the said bill; and after some time spent therein, the committee rose, and reported the bill to the house, with sundry amendments, and asked to be discharged from the further consideration of the subject. The committee was accordingly discharged, and the amendments concurred in by the house.

Mr. Billingsly moved a suspension of the fifty-first rule of the house, in order that the bill, as amended, might be ordered to a third reading forthwith.

Mr. Geraghty moved that the house adjourn, which was rejected.

Mr. Baker of Matagorda moved that the house adjourn, until to-morrow morning, at 10 o'clock, which was rejected.

The question was then taken on the suspension of the fifty-first rule, and carried. The bill was read a third time, and put on its final passage, and on this question the ayes and noes were ordered.

Mr. Baker of Matagorda moved that the house adjourn until to-morrow morning, at 10 o'clock, which was rejected.

Mr. White moved to adjourn until to-morrow morning, at 10 o'clock, which was rejected.

Mr. Chenoweth moved to adjourn, which was also rejected.

And the question recurring on the final passage of the bill, Mr. Allen of Nacogdoches called for the previous question.—The call was sustained, and on this question, the ayes and noes were ordered.

The speaker then put the previous question, "Shall the main question be now put?"

Those who voted in the affirmative were Messrs. Speaker, Allen of Nacogdoches, Allen of Milam, Baker of Austin, Billingsly, Boyd, Branch, Hill, McKinney, Wharton, Wright—11.

Those who voted in the negative were Messrs. Arnold, Baker of Matagorda, Brush, Burnham, Chenoweth, Cartwright, Cant, Geraghty, Hooper, Holman, Lewis, Roman, West, White—14.

So the house refused to take the main question.

On motion of Mr. Baker of Austin, it was
Ordered, That the said bill be made the special order for
 11 o'clock to-morrow morning.

On motion of Mr. Branch, the engrossed joint resolution,
 for the relief of the Hon. B. C. Franklin, was taken up, read
 a third time and passed.

On motion of Mr. Geraghty, the house adjourned until to-
 morrow morning at ten o'clock.

W. FAIRFAX GRAY, Clk.

WEDNESDAY, MAY 24, 1837.

The house met pursuant to adjournment, twenty-six mem-
 bers being present.

Mr. Baker of Austin presented the petition of Wm. H.
 Patton and others, accompanied by a bill for the appointment
 of clerks in the military staff offices, which being read, the peti-
 tion was laid on the table, and the bill ordered to a second read-
 ing to-morrow.

The Speaker laid before the house the petition of Edmond
 Andrews, R. Mills and others, praying the incorporation of a
 Bank on the Brazos, accompanied by a bill.

On motion of Mr. Baker of Austin, the petition was re-
 ceived, and the bill laid on the table, without being read.

Mr. Allen of Nacogdoches, from the committee of ways
 and means, made the following

REPORT:

Mr. Speaker—Your committee to whom was referred the
 communication of the Hon. the Secretary of the Treasury, under
 date of the 12th inst., which communication was predicated
 on a resolution of this house, bearing date the 19th of Decem-
 ber last past, have had the same under consideration, and have
 instructed me to make the following report:

Your committee, duly impressed with the propriety and
 necessity of sustaining the public credit, and protecting the pub-
 lic creditors, have duly considered the practicability, and great
 utility of the plans suggested and recommended by the Hon.
 Secretary, and unanimously concur with him in opinion.

The plan proposed of funding the public debt, by the cre-
 ation of a commensurate stock fund, bearing an interest of 10
 per cent. per annum, with a pledge of the public faith for its
 final redemption, is, in the opinion of your committee, well cal-
 culated to inspire public confidence, and would tend to the im-
 mediate relief of the public creditors, by placing in their hands

an available and productive stock, which, in the opinion of your committee, would very soon rise to its par value. Another important and desirable object would be gained by the plan proposed. The consolidation of the public debt would not only call to a proper scrutiny the various floating liabilities of the government, and leave less opportunity for the commission of frauds and forgeries, but would place it in a form by which it could be managed and wielded, and the credit of the government kept up by paying a fair interest on the funded debt. The plan suggested by the Hon. Secretary, to raise a sufficient revenue to meet the annual or semi-annual interest of the funded debt, by impost duties and direct taxation, is, in the opinion of your committee, the only plan which can be fairly devised. And your committee believing that much public benefit will result from the practical results of the plan proposed, beg leave to introduce the following bills, viz: "An act to authorize the consolidation and funding of the public debt."

"An act to raise a public revenue by impost duties." And
"an act to raise a public revenue by direct taxation."

JOHN K. ALLEN,

Chairman of Committee on Ways and Means.

On motion of Mr. Baker of Austin, the three bills, accompanying the report, were severally read a first time.

Mr. Allen, of Nacogdoches, from the same committee made the following

REPORT:

The committee of Ways and Means, to whom was referred the report of the Hon. the Secretary of the Treasury, dated the 18th April, have had the same under consideration, and have instructed me to report the following resolution.

JOHN K. ALLEN,

Chairman of the Committee of Ways and Means.

Resolved, by the Senate and House of Representatives of the Republic of Texas in congress assembled, That the president be authorized to appoint an agent to proceed to the United States, with instructions to receive the unsold land scrip, and settle with the different agents heretofore appointed by the government. And that he be also directed to sell any scrip he may receive for cash, at not less than the minimum price, the proceeds to be deposited in bank, subject to the order of the Secretary of the Treasury.

The resolution was read a first time.

Mr. Baker of Austin, from the committee on the Judiciary to whom was referred the petition of Robert M. Williamson

and Haden Edwards, claiming certain quantities of land, as empresarios, made the following

REPORT:

The Judiciary committee to whom was referred the petition of Mr. Williamson and Haden Edwards, claiming certain quantities of land, as empresarios, have had the same under consideration and have instructed me to report:—

That sufficient evidence has not been furnished the committee to enable it to determine the nature of the contracts made with the petitioners, nor the extent of their compliance with their said contracts. Indeed the various testimony which would have to be introduced, to a proper understanding of the whole subject, would occupy more time, and claim more attention from congress, than a due regard to other important general subjects, would permit.

Your committee are also of opinion, that many complex, legal questions would arise, in the investigation of the claims of the empresarios, which should be, and can only be, properly understood and decided by a court of justice. In consideration of which they recommend the passage of the following bill.

MOSELY BAKER,

Chairman of Judiciary Committee,

On motion of Mr. Branch, the report was received, and the bill accompanying it was read the first time.

Mr. Baker, from the same committee, to whom was referred the bill to legalize marriage contracts, with the amendments, made the following

REPORT:

The committee on the Judiciary, to whom was referred the bill legalizing marriage contracts, have had the same under consideration, and have amended the same with the following substitute.

On motion of Mr. Allen of Nacogdoches, the substitute was received on its second reading.

Mr. Gant, from the same committee, reported the bill to prescribe the proof necessary to admit deeds, &c. upon record, without amendments.

On motion of Mr. Gant, the bill was laid on the table.

Mr. Arnold, from the select committee to whom had been referred the petition of John Duncan and others, for an act of incorporation, reported a bill to incorporate the Cuney company, which was read a first time, and laid on the table.

The house then proceeded to the consideration of the orders of the day.

The bill to incorporate the Red River and Aransas Bay Rail Road, Navigation and Banking company, was taken up, on its final passage.

Mr. Baker of Matagorda moved that the bill be indefinitely postponed, on which the ayes and noes were ordered.

Mr. Baker of Austin made a point of order, and the speaker decided that, at this stage of the bill, a motion to postpone indefinitely is out of order.

Mr. Chenoweth moved that the bill be re-committed to a select committee.

On motion of Mr. Gant, the bill was laid on the table.

On motion of Mr. Gant, the house took up the engrossed bill to incorporate the Washington college, which was read a third time, and passed. The title "an act to incorporate the trustees of the Washington college."

On motion of Mr. Arnold, the house took up the bill to incorporate the town of Nacogdoches.

The Speaker called Mr. Rowe to the chair. There not being a quorum present, a call of the house was called.

A quorum appearing, further proceedings on the call were dispensed with, and the Speaker resumed the chair.

On motion of Mr. Rowe, an additional section was added to the bill, incorporating the town of San Augustine, with the same powers and restrictions that are allowed to Nacogdoches.

On motion of Mr. White, the town of Texana was added to the bill.

On motion of Mr. Gant, the town of Washington was added to the bill.

On motion of Mr. Wharton, Brazoria, Velasco and Columbia, were added to the bill.

On motion of Mr. Baker of Austin, the city of Houston and town of Richmond, were added to the bill.

On motion of Mr. White, the town of Columbus in Colorado, and Independences in Washington county, were added.

On motion of Mr. Baker of Matagorda, the town of Matagorda was added.

On motion of Mr. Baker of Austin, the town of San Felipe was added.

On motion of Mr. Rowe, the several towns thus to be incorporated were included in one section.

On motion of Mr. Baker of Austin, the bill was further amended by striking out, in the 4th section, all between the words "he" in the third line, and "and" in the sixth line, and

inserting the words "shall be the owner of real estate in said town."

On motion of Mr. Baker of Austin, the word "trustees" was stricken out, wherever it occurs, and the word "Aldermen" inserted.

On motion of Mr. Rowe, it was

Ordered, That the bill as amended, be engrossed for a third reading.

The Speaker laid before the house a letter from the Secretary of State, in answer to the call of the House, of the 17th inst., communicating sundry documents in relation to the loans; which were, on motion of Mr. Allen of Nacogdoches, referred to the select committee on that subject.

On motion of Mr. Hooper, the house adjourned until tomorrow morning at 10 o'clock.

W. F. GRAY, Cl'k.

THURSDAY, MAY 25, 1837.

The house met pursuant to adjournment.

Twenty-three members present.

Mr. Wright presented the petition of B. Gooch and others, of Red River district, praying the removal of the land office of that district, and the establishment of the town of Travis, which being read, was, on motion of Mr. Wright, laid on the table.

Mr. Wharton presented the petition of F. T. Wells, a purser in the navy, respecting the pay of that office, which was, on motion of Mr. Wharton, referred to the committee on naval affairs.

Mr. Wright presented the petition of Geo. C. Dugan and others, in opposition to the removal of the Red River land office, which was, on motion of Mr. Wright, laid on the table.

Mr. Wharton presented the petition of M. M. Battle and others, praying the formation of a new county, out of the counties of Harrisburg, Austin and Brazoria, to be called "Fort Bend," which being read, was, on motion of Mr. Wharton, referred to the committee on county boundaries.

A message was received from the Senate, by Mr. Robertson, their Secretary, announcing the passage, by the senate, of "an act to authorize the associate justices of county courts to act as Judges of Probate, and Notaries Public, in certain cases;" and

"An act for the relief of John M. Allen."

Mr. Wharton presented the petition of certain soldiers of

the army, accompanied by a letter from Brigadier General Felix Huston, which being read, was, on motion of Mr. Baker of Austin, referred to a select committee of five. The Speaker appointed Messrs. Wharton, Roman, Branch, White and Rowe, said committee.

Mr. Hill, from the select committee to whom was referred the petition of J. P. Coles and others, for the incorporation of the trustees of Independence academy, reported a bill for that purpose, which was read a first time.

Mr. White, by leave of the house, submitted a bill for the redemption of the public debt, and to create a bank on the faith of the government, which was read a first time.

The house then proceeded to the orders of the day.

The bill from the Senate, for the relief of John M. Allen, was taken up and read a first time.

On motion of Mr. Baker of Austin, the fifty-first rule of the house was suspended, and the bill read a second time, and, on motion of Mr. Baker of Matagorda, it was referred to the committee on claims and accounts.

The bill from the Senate, to incorporate the Protestant Episcopal Church of Matagorda, was then taken up, which being read,

Mr. Branch moved that it be indefinitely postponed. Mr. Baker of Austin made a point of order, and the Speaker decided that the motion to postpone indefinitely was not in order, at that stage of the bill.

Mr. Branch moved to suspend the fifty-first rule of the house, in order to read the bill a second time. The house refused to suspend the rule.

Mr. Branch then moved that the bill be rejected. On this motion, Mr. Baker of Matagorda called for the ayes and noes which were ordered.

Those who voted in the affirmative were Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Arnold, Billingsly, Boyd, Branch, Cartwright, Gant, Geraghty, Hill, Hooper, Holman, Roman, Wharton, Wright—16.

Those who voted in the negative were Messrs. Baker of Austin, Baker of Matagorda, Brush, Burnham, Chenoweth, Lewis, Rowe, West, White—9.

So the bill was rejected.

The bill from the Senate, to authorize associate justices of county courts to act as Judges of Probate and Notaries Public, in certain cases, was taken up, and read a first time.

On motion of Mr. Wharton, the fifty-first rule of the house was suspended, and the bill was read a second time.

Mr. Gant moved to strike out the words "absence or."

Mr. Baker of Austin moved to insert after the word "absence," the words "from the county," which was rejected.

Mr. Branch moved to strike out the words "absence or," which was rejected.

On motion of Mr. Boyd, the fifty-first rule was further suspended, and the bill read a third time, and passed.

On motion of Mr. Baker of Austin, the bill to authorize empresarios to institute suits against government, was taken up on its second reading.

Mr. Gant moved the following amendment: In first section, strike out all after the enacting clause, and insert, "that all empresarios' contracts ceased on the day of our declaration of independence, and separation from the Mexican republic."

Before any question was taken thereon,

On motion of Mr. Wharton the house adjourned until 8 o'clock, P. M.

8 O'CLOCK.

The house met pursuant to adjournment,

Twenty-two members being present.

A message was received from the Senate, by Mr. Robertson, their Secretary, announcing the passage, by the Senate, of a Joint resolution for the adjournment of congress, on the first day of June next, which was laid on the table.

The house took up the unfinished business of the morning, being the bill to authorize empresarios to institute suits against the government.

On motion of Mr. Baker of Austin, the house resolved itself into committee of the whole, on the bill, Mr. Wharton in the chair.

And, after some time spent therein, the committee of the whole arose, reported progress, and asked to be discharged: in which the house concurred.

On motion of Mr. Baker of Austin, the house adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Cl'k.

FRIDAY, MAY 26, 1837.

The house met pursuant to adjournment.

Twenty-five members being present.

Mr. Wharton presented the petition of S. Rhoads Fisher, in relation to the re-capture of the schooner Hannah and Elizabeth, accompanied by sundry documents,—which being read, Mr. Wharton moved their reference to a select committee.

On motion of Mr. Baker of Austin, they were laid on the table.

Mr. Rowe from the committee on public lands, to whom had been referred the message of the president, of the 19th inst., made the following

R E P O R T :

The committee on public lands, to whom was referred the president's communication to congress, on the subject of the claims of John E. Ross and others, on the government, for services rendered with the steamer Yellow Stone, during the campaign of the spring of 1836, from an examination of the documents therewith connected, find that the commander-in-chief did not assume any authority, but pledged his own private property for the use of the public, whereby we were benefited, how much, we cannot say; but doubtless, it was a dark hour, and would have justified almost any sacrifice;—and we should feel ourselves in duty, honor and justice, bound to relieve the party, in this and all other similar cases.

JOSEPH ROWE, Ch'n.

Accompanying the report was the following joint resolution.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the master and crew of the steamer Yellow Stone be entitled to, and shall receive, compensation in lands of the public domain, for any service which they may have rendered this republic, agreeably to contract made by them with the commander-in-chief of the army of Texas; and that the commissioner of the general land office of this republic be authorized to issue an order of survey, for the same, which may be located agreeably to the existing laws on that subject.

Mr. Branch from the committee on claims and accounts, made the following report, on John M. Allen's claim, accompanied by a bill for the relief of John M. Allen,

Mr. Speaker:

The committee on claims and accounts, to whom was referred an "act for the relief of John M. Allen, have had the same under consideration, and have instructed me to make the following

R E P O R T :

On examination of the accounts of said John M. Allen, we find an acknowledgement of the receipt of four thousand dollars received by John M. Allen, for the purpose of raising recruits; out of which amount, your committee find vouchers for the expenditure of eight hundred and fifty-four dollars, of said amount. The balance claimed by said John M. Allen, amount of three thousand four hundred and ninety six-dollars, as per account claimed, is stated in the account of said John M. Allen, to have been expended in recruiting, clothing and boarding a company of French volunteers, raised by said John M. Allen, in New Orleans, which said company he stated deserted, on receiving information of the massacre of Goliad. What number of men were raised by the said John M. Allen,—your committee cannot ascertain. The only vouchers your committee have received, is the certificate of Mr. Samuel Ellis, the secretary of the agency, which your committee beg leave to present to the house; and with these remarks, to return the bill for the action of the house.

E. T. BRANCH, Ch'n.

Mr. Roman submitted the following joint resolution.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the invalidity, or validity, of the the claims of Empresaries, is not a proper subject for the decision of congress, but of the judiciary of this government.

Which was read a first time.

On motion of Mr. Wharton, the house took up the bill for "chartering the Internal Improvement and Banking company," which on motion of Mr. Wharton, was referred to a select committee, consisting of Messrs. Wharton, Baker of Matagorda, Burnham, and Branch.

A message was received from the senate, by their secretary, announcing the passage of a joint resolution for the appointment of a committee to enquire into the expediency of carrying on an offensive war.

The house then took up the joint resolution, from the sen-

ate, for the adjournment of congress, on the first June. Mr. Rowe moved that the house concur in the resolution. Mr. Branch moved to lay it on the table, which was rejected. On motion of Mr. White, "the 1st June," was stricken out, and on motion of Mr. Rowe, the resolution was laid on the table.

On motion of Mr. White the house took up the "bill to legalize certain marriages, and to provide for the solemnization of marriages, and for other purposes," on its second reading.

On motion of Mr. Branch, the 51st rule of the house was suspended, the bill read a third time, and passed.

On motion of Mr. Branch, the house took up the "bill to incorporate the town of Liberty, on its second reading. Mr. Branch moved to suspend the 51st rule, and to read the bill a third time; which was rejected.

On motion of Mr. Branch, it was ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. _____ the house then took up the bill for the appointment of clerks, for the different departments of the military establishment, which was read a second time.

On motion of Mr. Hooper, the joint resolution for the relief of John M. Clifton, was taken up, on its second reading.

On motion of Mr. Hooper, the 51st rule was suspended, the resolution read a third time, and passed.

On motion of Mr. Billingsly, the house took up the bill to authorize the consolidation and funding of the public debt.

Mr. Rowe moved to strike out, in the sixth section, the proviso, "that interest shall be allowed on no claims other than those which have been, or shall be funded."

On which the ayes and noes were ordered.

Those who voted in the affirmative were, Messrs. Arnold, Baker of Matagorda, Hill, Hooper, Holman, Lewis, McKinney, Roman, Rowe, West, Wright,—11.

Those who voted in the negative were, Messrs. Speaker, Allen of Milam, Baker of Austin, Billingsly, Boyd, Branch, Brash, Burnham, Chenoweth, Cartwright, Gant, Geraghty,—12.

So the house refused to strike out the proviso.

On motion of Mr. Billingsly, the last clause in the 6th section, from the words, "and on all claims showing cash advances &c," to the end of the section, was stricken out, and the bill, as amended, ordered to be engrossed, and read a third time to-morrow.

A message was received from the senate, announcing that the senate had concurred in the joint resolution from the house, for the relief of the honorable B. C. Franklin.

On motion of Mr. Branch, the resolution, enquiring of the president why he employed troops on the Sabine &c., was taken up.

Mr. Chenoweth moved an amendment, appointing a special committee to carry the resolution to the president, which was rejected.

Mr. Baker of Austin moved that the resolution be laid on the table,

On which the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Speaker, Allen of Milam, Arnold, Baker of Austin, Boyd, Brush, Gant, Geraghty, Hooper, Lewis, Roman,—11.

Those who voted in the negative were Messrs. Baker of Matagorda, Billingsly, Branch, Burnham, Chenoweth, Cartwright, Hill, Holman, McKinney, Rowe, West, Wright,—12.

So the house refused to lay the resolution on the table.

On motion of Mr. Branch, the question was then taken on the adoption of the resolution, and it was rejected.

Mr. Gant moved that the house take up the bill to prescribe the proof necessary to admit deeds &c., upon record,—and before the question was taken,

On motion of Mr. Boyd, the house adjourned until 3 o'clock, p. m.

AT 3 O'CLOCK, P. M.

The house met pursuant to adjournment.

Twenty-two members being present.

On motion of Mr. Cartwright, the vote of the morning, rejecting Mr. West's resolution calling for information of the executive, in relation to the troops on Sabine, was re-considered,

And Mr. Branch moved that the resolution be adopted:

On which the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Billingsly, Branch, Burnham, Cartwright, Gant, Hill, Hooper, Holman, McKinney, Rowe, West, Wharton, Wright,—13.

Those who voted in the negative were, Messrs. Speaker, Allen of Milam, Arnold, Baker of Austin, Baker of Matagorda, Boyd, Brush, Chenoweth, Geraghty and Lewis,—10.

So the resolution was adopted.

Mr. Branch from the select committee, to whom the president's message of the 16th inst, respecting the first loans to Texas, had been referred, reported a bill for the settlement of

the second, or 50,000 loan, entitled "a bill for the relief of James Erwin and others,"—which was read a first time.

Mr. Branch moved that the 51st rule be suspended, and the bill read a second time,—which was rejected.

On motion of Mr. Grant, the bill to prescribe the proof necessary to admit deeds, &c., to record, was taken up.

On motion of Mr. Baker of Austin it was laid on the table.

Mr. Wharton submitted a joint resolution, instructing the president to perform certain acts, for the benefit of Texian prisoners; which being read the first time, on motion of Mr. Branch, the 51st rule of the house was suspended, and the resolution read a second time.

On motion of Mr. Chenoweth, the same was amended, and on motion of Mr. Branch, the 51st rule was further suspended, and the resolution read a third time, and passed, in the following words, viz:

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the president be instructed to send the armed schooners, Brutus and Invincible, with a flag of truce, to the Brazos Santiago, to treat with the Mexican authorities, for the release of the crews and passengers of the Texian vessels, Independence and Julius Caesar, lately captured by the Mexican cruisers, and of any other Texians that may be prisoners; and on failure to procure their release, that the commandants of said vessels, be authorized to take such steps to effect their object, as in their opinion circumstances may justify.

Mr. Grant submitted the following resolution,

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the last sentence of the sixteenth section of an act, approved December 6, 1836, and entitled, "an act to provide for the national defence, by organizing the Militia," to wit: the words "for failing to perform a tour of duty, when called on, one hundred dollars," be, and the same is, hereby repealed.

Which was read a first time.

Mr. Branch, by leave of the house, introduced a bill, supplementary to an act establishing fees of office, which was read a first time.

On motion of Mr. Rowe, the engrossed bill, incorporating the town of Nacogdoches, was taken up, read a third time, and passed.

On motion of Mr. Rowe, the bill to incorporate the Inde-

pendence Academy, was taken up, and read a second time by its title.

On motion of Mr. Rowe, it was amended, by the addition of a third section, incorporating ~~Elisba Roberts~~ and others, under the name and style of the president and trustees of the University of San Augustine; with the same powers and privileges which are conferred by the act, on the trustees of Independence Academy.

And on motion of Mr. Rowe, the bill, as amended, was ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Gant, the house took up the joint resolution, fixing the first Monday in November, for the next meeting of congress,

Which was read a second time.

On motion of Mr. White, the 51st. rule was suspended, the resolution read a third, and passed.

On motion of Mr. Billingsly, the joint resolution, fixing the pay of district judges, was taken up and read a second time.

On motion of Mr. Rowe, the 51st. rule was suspended, the resolution read a third time, and passed.

The joint resolution for the relief of free persons of color was then taken up, and read a second time.

On motion of Mr. Chenoweth, the resolution was amended by striking out "time of the adoption of the constitution," and inserting, "date of the declaration of independence."

And on motion of Mr. Rowe, it was further amended, by inserting, after the word "independence," the words, "and their natural issue."

There not appearing a quorum in the house, a call of the house was ordered, and the clerk proceeded to call.

A quorum appearing, further proceedings thereon were suspended.

On motion of Mr. Branch, the joint resolution for the relief of free persons of color, as amended, was ordered to be engrossed, and read a third time to-morrow.

Mr. Branch called up a bill for the relief of Alexander Buxton, on its second reading.

Mr. Gant moved to postpone it indefinitely:

On which the yeas and noes were ordered.

Those who voted in the affirmative were, Messrs. Speaker, Arnold, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Brush, Burnham, Chenoweth, Cartright, Gant, Geraghty

Hill, Hooper, Holman, Lewis, McKinney, Rowe, West, Wharton, White, Wright,—22.

Those who voted in the negative, were, Messrs. Allen of Milam, and Branch,—3.

So the bill was indefinitely postponed.

Mr. Gant submitted the following resolution,

Resolved, That the secretary be requested to furnish to this house a copy of all information that may be in his department, relative to the appointment of T. Jefferson Chambers, and power given him to raise men and means, upon the credit of the government of Texas,

Which lies one day for consideration, by a rule of the house.

On motion of Rowe the house adjourned until to-morrow at 10 o'clock.

W. F. GRAY, Clk.

SATURDAY, 27th May, 1837.

The house met pursuant to adjournment.

Twenty-two members being present.

Mr. Rowe, from the joint committee on the land bill, made the following

R E P O R T :

The select committee appointed by this house, to meet, in joint committee, a like committee on the part of the senate, on the subject of the land bill, have twice met and could not agree, and each has thought proper to make a separate report. And the committee, on the part of the house, herewith submit a substitute for the supplement which was referred to them.

JOSEPH ROWE, Ch'n.

The bill was read the first time.

Mr. Baker of Austin moved that the original supplement, and the substitute, be laid on the table,—which was rejected.

On motion of Mr. Rowe, the substitute now offered, in lieu of the original supplement, was adopted, and placed on its second reading.

Mr. Rowe submitted the following resolution.

Resolved, That the house will not act upon any bill, which proposes to lay a tax of any description, until after we shall have finally settled the question to open the land offices, or have good reasons shown us why they should remain closed.

Mr. Branch moved that the resolution be rejected;

On which the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Speaker,

Allen of Milam, Baker of Austin, Baker of Matagorda, Billingsly, Brush, Burnham, Chenoweth, Gant, Geraghty, Roman, West, Wharton, White—14.

Those who voted in the negative were Messrs. Arnold, Boyd, Branch, Cartwright, Hill, Hooper, Holman, McKinney, Rowe, Wright,—10.

So the resolution was rejected.

A concurrent resolution from the senate, for enquiry into the expediency of an offensive warfare; was then read, and

On motion of Mr. Baker of Austin, the house concurred with the senate, and the Speaker appointed Messrs. Wharton, Baker of Austin, Baker of Matagorda, Roman and Rowe, the committee on the part of the house.

On motion of Mr. Baker of Austin, the house re-considered the vote of yesterday, ordering the bill for the relief of John M. Allen to a third reading, and placed the bill again on its second reading.

On motion of Mr. Baker of Austin, the whole of the bill, after the enacting clause, was stricken out, and the following inserted. That the auditor be instructed to settle the accounts of captain John M. Allen, on the principles of justice and equity.

On motion of Mr. Branch the 51st rule was suspended, and the bill read a third time, and passed.

ORDERS OF THE DAY.

A joint resolution for the benefit of free persons of color, was read a third time and passed.

The engrossed bill authorizing the consolidation and funding of the public debt, was taken up for a third reading.

Mr. Billingsly moved to re-consider the vote of yesterday ordering the bill to a third reading, for the purpose of putting it on the second reading, and offering some amendments:

The motion was rejected, and the bill read a third time, and passed.

The engrossed bill to incorporate the town of Liberty was then, on motion of Mr. Branch, taken up, read a third time, and passed.

A message was received from the senate, by their secretary, announcing the passage of the act to incorporate the Trustees of Washington College.

The engrossed bill to incorporate the Trustees of Independence Academy, was then taken up, read a third time, and passed.

The title of the bill "an act to incorporate the Trustees of Independence Academy and of the University of San Augustine."

On motion of Mr. Hill, the bill for the divorce of Robert Stephenson from his wife Narcissa, was taken up, and read a second time.

Mr. Holman moved to suspend the 51st rule, and read the bill a third time.

On taking the question there was not a quorum present.

A call of the house was ordered.

The call being made, twenty-two members answered, and further proceedings in the call were suspended.

The question was then taken on suspending the 51st rule and it was lost.

On motion of Mr. Allen of Milam, the house adjourned until Monday Morning, at 9 o'clock.

W. F. GRAY, Clk.

MONDAY, MAY 29, 1837.

The house met pursuant to adjournment,

Twenty-three members being present.

Mr. McKinney presented the petition of John W. Massie and others, in behalf of Mark Epperson, for half of a league of land in Sulphur Fork, which, on motion of Mr. Arnold, was referred to the committee on the state of the republic.

Mr. Roman presented a petition from William Jacobs and others, a committee on behalf of three companies of the army, in relation to bounty lands, &c., which, on motion of Mr. Roman, was referred to the select committee to whom was referred the petition from the army, and general F. Huston's letter.

A message was received from the senate, by their secretary, Mr. Robertson, announcing the passage, by the senate, of the joint resolution, from the house, authorizing the president to perform certain acts for the benefit of Texian prisoners.

Mr. Wharton from the select committee, to whom was referred the petition of George B. McKinstry and others, and a bill for an "Internal Improvement and Banking Company," made the following report.

Mr. Speaker, the committee to whom was referred a bill and petition from sundry citizens of Brazoria and Matagorda counties, having had the same under consideration, beg leave to

R E P O R T :

That having reflected on the present uncertain currency of the republic, principally paper of the banks of southern and western states of the United States, and having also observed, in the petition above referred to, many names of respectable merchants and planters, believe that a company, formed under the restrictions contained in the bill presented, entitled "the Internal Improvement and Banking company of Texas,"—(should the amendment be made which will presently be suggested,)—would meet the immediate necessity of those two counties, and also serve as an experiment for others.

Your committee are fully aware that, in the present excited state of the republic in relation to banks &c., too much circumspection, cannot be used. They therefore are of opinion, that the amount of the capital stock applied for, be reduced, and other amendments made, which they here present, viz:

That, in section 2d, the words, "five hundred thousand," be changed for the words, "one hundred thousand." That the words, "Galveston Bay and the river Colorado," be inserted, in place of "the river Trinity," and the "river San Antonio," and that in the proviso to said section the words, "three hundred thousand," be put in place of "one million of." That in section 3 as in section 2, the words, "five hundred thousand," be changed to "one hundred thousand," and, "five thousand shares of one hundred dollars each," to "two thousand shares of fifty dollars each,"—the shares being reduced from one hundred to fifty dollars. Your committee are of opinion that the words, "per cent.," be inserted, in place of the word, "dollars," where it first occurs in the 6th section. Inasmuch as your committee have thought it proper and expedient to reduce the capital stock, on the same grounds, they are of opinion that the words, "thirty thousand," will be preferable to "fifty thousand," in the proviso of the 7th section. Should other proposed amendments be adopted, your committee consider it due to the future stockholders to reduce the bonus, mentioned in section 8th, and 16th, proportionably. Your committee suggest the propriety of striking out, in section 11, the words, "one half mile," and inserting, "two hundred yards," in lieu thereof.

With the above amendments, this charter for internal improvement, (should the affairs of it be conducted with prudence,) may be of great utility to the agricultural and commercial interest of the republic,—not so much from the direct effects from

so small a capital, as from the indirect influence it may give to the enterprise, and united exertion of our citizens, to exert themselves for public improvements. Your committee, therefore, have had another bill drawn, containing the aforesaid amendments, and respectfully submit the same, with this report.

The bill reported as a substitute for the original bill, No. 58, was read, being on its second reading, and, on motion of Mr. Billingsly, it was laid on the table.

ORDERS OF THE DAY.

A bill to divorce Robert Stephenson from Narcissa, his wife, was taken up on its third reading, and passed.

Mr. Baker of Austin moved a re-consideration of the vote.

There not being a quorum, the house was called, and twenty-two members answered; whereupon further proceedings on the call were suspended.

The question was then taken on the motion to re-consider and lost.

The bill, (No. 49,) for the appointment of clerks, in the different offices of the war department, was then taken up on its third reading.

Mr. Rowe moved that the bill be laid on the table; which was rejected.

The question was then taken on the final passage of the bill:

On which the ayes and noes were ordered.

Those who voted in the affirmative were, Messrs. Speaker, Allen of Milam, Baker of Austin, Baker of Matagorda, Geraghty, Roman, West, Wharton,—8.

Those who voted in the negative were, Messrs. Arnold, Billingsly, Boyd, Branch, Burnham, Gant, Hill, Hooper, Holman, Lewis, McKinney, Rowe, White and Wright,—14.

So the bill was rejected.

A message was received from the senate, by Mr. Robertson, announcing the passage by the senate, of a joint resolution, allowing an extension of time to the executor of S. F. Austin, until the first day of September next.

Also, the bill from the house of representatives to legalize certain marriages, &c.

On motion of Mr. Wharton, the house took up the bill for the relief of James Erwin and others, on its second reading.

The house resolved itself into a committee of the whole, on the bill, Mr. Rowe in the chair; and after some time spent there-

in, the committee arose, reported the bill, with amendments and were discharged. The amendments were concurred in.

On motion of Mr. Branch the bill was further amended, by striking out of the proviso, at the end of the first section, the words

At the request of the speaker, Mr. Rowe took the chair.

On motion of Mr. Archer, the 51st rule was suspended, and the bill as amended, read the third time, and passed.

On motion of Mr. Arnold the house adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Speaker took the chair according to adjournment.

There being no quorum, after waiting 20 minutes, house the adjourned until 8 o'clock, P. M.

8 O'CLOCK, P. M.

The Speaker took the chair according to adjournment. On calling the house, there was not a quorum present. The sergeant-at-arms was sent in quest of the absentees, returned and reported an ineffectual search.

On motion of Mr. Wharton, it was

Ordered, That unless the absent members give a satisfactory excuse for their absence, they be fined.

The house adjourned until to-morrow morning, 9 o'clock, A. M.

W. F. GRAY, *Clk.*

TUESDAY, MAY 30, 1837.

The house met pursuant to adjournment.

Twenty-two members present.

The members who were absent last night when the house adjourned, being called upon, made their explanation, whereupon, on motion of Mr. Wharton, it was

Ordered, that the absentees be excused, and further proceedings on the subject dispensed with.

Mr. Wharton presented the petition of Handy & Lusk, praying remuneration for loss during the last war. Referred to the committee on claims and accounts.

On motion of Mr. Wharton, the following resolution was adopted immediately.

Resolved, by the House of Representatives of the Republic of Texas, That a committee of three be appointed to wait on

the Hon. R. J. Walker, and invite him to take a seat in this house: and that the Speaker express our gratitude, for his laudable exertions in the cause of Liberty, and an oppressed people, and hail, with pleasure, his presence among us.

The Speaker appointed Messrs. Wharton, Roman, and Billingsly, the committee for that purpose.

Mr. White, from the committee on county boundaries, reported a bill to establish and define county boundaries. The bill being read a first time,

Mr. Wharton moved that the fifty-first rule of the house be suspended, and the bill read a second time, which was rejected.

On motion of Mr. Brush, the bill was referred to a select committee, consisting of Messrs. Brush, White, Gant, and Baker of Matagorda.

Mr. Wharton, from the select committee on the petition from the army, reported a bill concerning soldiers' bounty land, head rights, &c. The bill being read,

Mr. Wharton moved that the fifty-first rule be suspended, and the bill put upon a second reading to-day, which was rejected.

The house then proceeded to the orders of the day.

On motion of Mr. Rowe, the house took up the substitute for the bill supplementary to the act to establish a general land office.

On motion of Mr. Branch, the house went into committee of the whole, on the bill, Mr. Branch in the chair; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again.

The leave was granted.

On motion of Mr. Gant, the house adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The house met pursuant to adjournment.

The committee appointed to invite the Hon. R. J. Walker, to a seat in this house, reported that they had performed that duty, and that the Hon. gentleman had accepted the invitation, and would attend at the present sitting.

The Hon. Senate, by invitation entered the hall, and united with the house. The president and the speaker presiding jointly. His excellency, the president of the republic, and the

heads of departments, also the chief justice and judges of the supreme court, attended by invitation, and were received in the hall. The Hon. guest was then introduced by the committee and cordially welcomed by the Speaker, to which he returned an animated and feeling reply. He was then introduced to the members individually, and seated in front of the chair.

On motion of Mr. Wharton, the house adjourned until tomorrow morning at 10 o'clock.

W. F. GRAY, Clk.

WEDNESDAY, May 31, 1837.

The house met pursuant to adjournment.

Twenty-three members present.

Mr. Boyd presented the petition of Wm. P. Miller, complaining of executive oppression, and praying for a court of enquiry.

Referred to the committee on military affairs.

Mr. Billingsley presented the petition of Robert M. Colman, complaining of illegal imprisonment &c., and praying for an investigation of his conduct, referred to the committee on military affairs.

The house proceeded to the orders of the day, and resolved itself into a committee of the whole.

Mr. Branch in the chair on the unfinished business of yesterday, being the substitute proposed by Mr. Baker of Austin to the bill supplementary to the land law, reported by the select committee of the house on the land laws.

A message was announced from the senate. The Speaker resumed the chair, and Mr. Robertson, the secretary of the senate, announced the passage, by that body, of the bill.

The house again went into committee of the whole, Mr. Branch in the chair,—and after some time spent therein, the committee arose and reported, to the house, a substitute for the bill reported by the select committee, and asked to be discharged from the further consideration of the subject. The committee was discharged, and the bill, as reported, adopted by the house.

Mr. Hooper moved that the house adjourn until 3 o'clock; which was rejected.

On motion of Mr. Rowe the house proceeded to consider the supplementary land bill, reported by committee of the whole on its second reading—

Mr. Rowe moved to strike out "October," and insert "September," as the day on which the land office shall open, which was rejected.

A message was received from the senate, by Mr. Robertson, the secretary, announcing the passage, by the senate, of the bill from the house for the relief of James Erwin and others, with amendments.

The land bill was further amended, on motion of Mr. Rowe, by the adoption of an additional section,—which is from and after the passage of this act, numbered "section twelve," requiring the secretary at war "to issue warrants immediately to those entitled to military bounty lands."

Mr. Branch moved the bill be further amended, by the adoption of the following, as the 13th section.

"Be it further enacted, That it shall be the duty of the surveyor general of each land district to appoint not less than 6 deputy surveyors, in his land district, and as many more as he may deem necessary, and he shall assign to each deputy a certain portion of territory in which no other person shall be allowed to survey."

On which motion the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Speaker, Allen of Milam, Baker of Austin, Baker of Matagorda, Billingsly, Branch, Brush, Cartwright, Gant, Lewis, McKinney, Roman, West, Wharton, White and Wright,—16.

Those who voted in the negative were Messrs. Arnold, Boyd, Chenoweth, Geraghty, Hill, Hooper, Holman, and Rowe,—8.

So the section was adopted.

On motion of Mr. Gant the bill was further amended by the adoption of the following:

Sec. 14. "Be it further enacted, That each deputy surveyor shall, before entering upon the duties of his office, give bonds payable to the president of the republic of Texas, in the penal sum of ten thousand dollars, with at least two securities to be approved by the surveyor general, conditioned for the faithful performance of the duties of his office."

On motion of Mr. Baker of Austin, the bill as amended, was ordered to be engrossed and read a third time to morrow.

The speaker laid before the house a letter from Mr. M. J. Falvel, the reporter, resigning his office, for reasons of a domestic nature, personal to himself.

The letter being read, on motion of Rr. Baker of Austin, it was

Resolved, That the resignation of the reporter be accepted and that the thanks of the house be tendered to him, for the able and impartial manner in which he has reported the proceedings of this house.

On motion of Mr. Wharton, the bill for the relief of James Erwin and others, returned from the senate with amendments, was taken up.

On motion of Mr. Baker of Austin the amendments of the senate were further amended, by the addition of the following words to the proviso to section 4,—viz., “nor any Island of this republic:” and the amendments of the senate, thus amended, were concurred in by the house.

On motion of Mr. Baker of Austin, the house then adjourned until 8 o'clock, P. M.

8 o'clock, P. M.

The house met pursuant to adjournment.

Twenty-two members being present.

On motion of Mr. Wharton, the house proceeded to the election of reporter, in the place of Mr. Falvel, resigned.

Mr. Wharton proposed Levi L. Laurens, seconded by the Speaker, and there being no opposition, Mr. Laurens was duly elected.

The joint resolution from the senate, for an extension of time to the executor of S. F. Austin, deceased, was taken up and being read, was on motion of Mr. Chenoweth, laid on the table.

The joint resolution relating to elections in depopulated districts, returned from the senate, with amendments, was taken up and read.

On motion of Mr. Wharton, the amendments of the senate were further amended, by striking out the words, “during the continuance of the war.”

And the amendment thus amended was concurred in.

A message was received from the senate, by Mr. Robertson, the secretary, announcing the passage of a joint resolution requiring the president to appoint a secretary of legation to England &c.

Also, that the senate had concurred in the amendment of the house, to the bill for the benefit of James Erwin and others.

The house then took up the bill for the incorporation of the town of Nacogdoches &c., returned from the senate with amendments.

On motion of Mr. Gant, the amendments of the senate were concurred in.

The joint resolution, requiring the attorney general to report, to the next session of congress, a system of organization, &c., for accounting officers, was then taken up and read a first time.

The joint resolution appointing a secretary of Legation to Great Britain, &c., was then taken up and read 1st time.

On motion of Mr. Billingsly, the 51st rule was suspended, and the resolution ordered to a second reading.

Mr. Billingsly moved to strike out the words, "*any money in the treasury not otherwise appropriated,*"—which was rejected.

On motion of Mr. Rowe the words,—"*from any unforeseen cause,*" were stricken out.

Mr. Gant moved to strike out all after the first clause of the resolution: on which the ayes and noes were ordered.

Those who voted in the affirmative were, Messrs. Chenoweth, and Gant,—2.

Those who voted in the negative were, Messrs. Speaker, Allen of Milam, Arnold, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Branch, Cartwright, Geraghty, Hill, Hooper, Holman, Lewis, McKinney, Roman, Rowe, West, Wharton, White, Wright,—22.

So the house refused to strike out.

On motion of Mr. Rowe the 51st rule was further suspended, and the joint resolution read a third time.

On the question of its final passage, as amended, the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Speaker, Allen of Milam, Arnold, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Branch, Brush, Cartwright, Geraghty, Hill, Hooper, Holman, Lewis, McKinney, Roman, Rowe, West, Wharton, White, Wright,—22.

Those who voted in the negative were Messrs. Chenoweth and Gant,—2.

So the joint resolution was passed.

Messrs. Gant and Chenoweth, made the following protest, which they required to be entered upon the journal.

"We protest against the passage of the resolution, because

It is a gross usurpation of power,—a power not possessed by the congress, and can only be exercised by the people, in their sovereign capacity.”

W. W. GANT.
JOHN CHENOWETH.

The joint resolution requiring the attorney general to report to next congress, a system of organization &c., was again taken up.

On motion of Mr. Wharton the 51st. rule was suspended, and the resolution ordered to a second reading.

On motion of Mr. Branch, the words, “under the direction of the president.” were stricken out.

On motion of Mr. Rowe, the 51st rule was further suspended, the joint resolution read a third time, and passed.

On motion of Mr. Rowe the house took up the joint resolution for the extension of certain mail routes, which was read a second time.

On motion of Mr. Rowe the 51st rule was suspended, and the joint resolution read a third time, and passed.

On motion of Mr. Branch, the house took up the bill supplementary to the act establishing fees of office.

Mr. Gant moved to strike out “ten cents allowance to constables for travelling expenses,” which was rejected.

On motion of Mr. White the words, “high misdemeanor,” were stricken out, and the word, “felony” inserted.

On motion of Mr. White the 51st. rule was suspended, the bill read a third time, and passed.

Mr. Baker of Matagorda moved to take up the bill incorporating the Caney Company, which was rejected.

On motion of Mr. Gant, the house took up the joint resolution amending the militia law,—which was read a second time.

On motion of Mr. Gant the 51st rule was suspended, the joint resolution read a third time, and passed.

On motion of Mr Baker of Austin, the house took up the bill to raise a revenue by establishing Imposts, on its second reading.

On motion of Mr. Rowe the bill was amended, by striking out of the first section, the word, “four,” in the duty on coffee, and inserting, “one;” so as to make it read, “coffee, one cent per lb.”

On motion of Mr Branch it was further amended, by striking out, after apples or peaches, the word “free,” and inserting “twenty-five per cent, *ad valorem*.”

On motion of Mr. Branch it was further amended, by striking out, after salt, the word "ten," and inserting "three."

Mr. Billingsly moved that the house adjourn until to-morrow morning, at 10 o'clock, which was rejected.

The Bill was further amended, on the motions of Mr. Chepeweth and Mr. Branch, by striking out the words, "not herein enumerated," and the words, "may be considered as articles of luxury, and should pay a duty of."

On motion of Mr. Rowe, Mr. Baker, and Mr. Holman, successively made, it was further amended, by striking out, after the word "jewelry," the words, "real, twelve and a half per cent, *ad valorem*, and mock, twenty five;" and inserting the words, "thirty three and one third," so as to make it read, "jewelry, thirty three and one-third per cent, *ad valorem*."

Mr. Billingsly asked permission to retire on the ground of fatigue and indisposition, which was granted by the chair.

On motion of Mr. Rowe the house adjourned until to-morrow morning, at 10 o'clock.

W. F. GRAY, *Clk.*

THURSDAY, JUNE 1st, 1837.

The house met pursuant to adjournment.

Twenty-two members present.

The following Message was received from the president of the republic, by Mr. Richardson, his private secretary.

Executive Department, }

City of Houston, May 31st., 1837. }

TO THE SENATE AND

HOUSE OF REPRESENTATIVES,

Gentlemen:—Your resolution received on the 29th. instant instructing the president to send the armed schooners, Brutus and Invincible, to the *Brazos Sant Iago*, has been received with some surprise and regret. After giving it all the consideration due, both to the importance of the measure, and the dignity of the body from which it emanated, I regret that I am compelled to withhold my sanction,—and the more so, as it contemplates an object in which the deepest feelings of my heart are concerned. But having been entrusted by my country, with the exercise of the authority of the constitution in the executive department of this government, I feel myself constrained to adopt the views respectfully submitted, and in so doing, I will give you my reasons for my course.

As a naked question of ordinary prudence, it would be a most hazardous step, after the enemy have already in possession one of our armed vessels, to send the other two, without either knowing the force they have in the Gulf, or the course they will pursue in regard to our flag. If they are disposed to receive a flag, and exchange of prisoners, a flag sent by a neutral or unarmed vessel, would answer all the purposes of the armed vessel of war, and should the enemy be disposed to disregard the rules of civilized warfare, would we not hazard too much to place in their hands the remnant of a navy, already too weak to defend our coast in the Gulf, and only sufficient to protect our bays? From all the information I have been enabled to obtain, I have every reason to believe that Mexico has a navy that would greatly overpower our ships of war, should they be sent as proposed. The consequence would be to give them the entire command of the Gulf, and permit the most insignificant armed vessel, which they might send, not only to annoy our coast, but entirely to cut off our trade on the ocean,—the consequences of which must be manifestly ruinous.

But there is another objection to this part of the resolution, which I think must have escaped congress, in their laudable zeal to liberate their countrymen. The resolution directs that those vessels shall be sent &c., to treat for the release of the crews and passengers of the Texian schooners, Independence and Julius Cæsar. From all the information in possession of the executive, the Julius Cæsar is an American vessel, sailing under United States' colors, and for all we know, such is the rational and legal presumption, her crew, if not many of her passengers are citizens of the United States. Would it not then be justly considered a bold assumption of power, by Mexico, as well as by the civilized world, for us to undertake the recovery of property, or persons, improperly captured under the flag of the United States? It seems to me, with all deference to your honorable body, that this branch of the resolution could not have received the consideration due its importance.

Another serious objection, which I entertain to this resolution, and one which I trust congress will gravely consider, is what I regard a dangerous infringement of Executive rights. The framers of the constitution taking for their guide the constitution of the United States of the North, divided the government into three departments, executive, legislative, and judicial. To the legislative was entrusted the power of legislation,—and

neither of the others can legislate or pass any law, however necessary for the public good, or repeal one however obnoxious.

Does it not then follow equally clear, that the legislative has no power to direct, by resolution or otherwise, how a judge shall decide a legal question, or construe a law in force? If so the judiciary would be useless, and that branch of our government would soon be merged in the legislature. Is it not equally clear, that the powers, entrusted by the constitution to me, are equally secured? And among those powers, it will not be denied, that those of commander of the army and navy are expressly conferred.

Then would it not be a great assumption of power, for the legislative to take from the executive, who is charged with the duty of executing the laws, a portion of the power vested in him by the constitution, and vested in him for that purpose, as it would be for the president to direct the legislature what laws they should pass? An assumption of the latter kind, on the part of the executive, I am sure, would deserve but little countenance or favor from your honorable body.

Does it not clearly appear that the three branches of government are sovereign within their sphere, and that neither has a right to control any of the functions assigned to the other by the constitution? It is a proper knowledge and observance of these powers, that has made the United States, so great, free, prosperous, and happy. To the want of that knowledge and just regard of it, Mexico owes her depression, and has always been a prey to faction and internal commotion.

Let us be careful not to follow these abuses in the commencement of our political course, that impelled us to so hazardous, but necessary a step, of separating ourselves from the government of our adoption. Should we do so,—well might the world say, the gallant have bled in vain, and the victors of Goliad, Conception, San Antonio and San Jacinto, would only serve to show, that though we had the valor to conquer, we had not the wisdom and virtue to enjoy rational civil liberty.

The latter clause of the resolution takes from the executive the power which is given him by the constitution, to command the army and navy, inasmuch as he is instructed to vest the commandant of said vessels with discretionary powers,—or to take such steps to effect their object as, in their opinion, circumstances may justify, in the event of the refusal of the Mexican authorities to comply with their propositions; because it may be

that the executive, who is responsible, would not be willing to trust the commandants with discretionary powers.

That he would deem it proper as commander-in-chief of the navy to give special instructions to guide the commanding officers in their actions, in the event of a refusal from the Mexican authorities to treat for the release of prisoners taken on board the Independence and Julius Cæsar. On the ground of policy and the safety of our fellow citizens who are prisoners, I am opposed to sending a flag of truce in an armed vessel, or vessels, to the Brazos Sant Iago. I am satisfied that a flag from an armed vessel would not be received; and our force would not be such as to coerce any demand which might be made, in behalf of our prisoners. No man on earth feels more solicitude for their release and restoration than myself,—but I must confess, that if the course suggested is pursued, I apprehend the most disastrous consequences will result to them. I do seriously believe that the appearance of our armed vessels, in their ports, would so excite and inflame the populace, in Matamoros, that under the impulse of ignorance and phrensy, they would massacre our friends, and most probably, every North American in the city. If this were not the case, I have no doubt that our friends would be sent to the Interior of the country, immediately, or the rigor of their confinement greatly increased. If a neutral vessel were sent with a flag, the authorities would be compelled to respect it, and if they would receive a flag from Texas, it could be ascertained without jeopardizing the safety of the individuals who bore it, or jeopardizing the only resources for the defence of our coast, by placing our vessels in the power of a vastly superior naval force; for I have been assured that the Urea has been released at Pensacola, and to day I am advised that our naval commanders, at Galveston, believe that she is cruising off that port.

I have suggested these reflections and facts for the consideration of your honorable body, in a spirit of frankness, kindness and cordiality, in which I feel confident that I shall be met by both houses, and will conclude with the expression of my sincere desire, that the different departments of our infant republic may act, with that spirit of wisdom, patriotism, fortitude, charity, and forbearance, which will ensure the perpetuity of our infant country, and the happiness and prosperity of unborn millions.

SAM. HOUSTON.

The message having been read,
On motion of Mr. Baker of Austin, the message and the resolution accompanying it, were laid on the table.

Mr. Baker of Austin, presented the petition of capt. John H. Harry, praying for relief: referred to the committee on claims and accounts.

Mr. Allen of Milam, from the select committee to whom was referred a letter from the auditor of public accounts, reported a bill for the government of the auditor, which was read a first time.

Mr. White submitted the following joint resolution:

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That so much of an act, entitled an act, establishing fees of office, as relates to the perquisites of the attorney general, or district attorneys, shall be understood to inure to the use of the said attorneys, as perquisites of office, instead of to the use of the republic of Texas.

Which was read a first time.

On motion of Mr. Branch, the engrossed bill supplementary to an act, entitled an act establishing a general land office, &c., was taken up, on its third reading, and on the question,

"Shall the bill pass?"

The ayes and noes were ordered;

The who voted in the affirmative were, Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Arnold, Baker of Austin, Baker of Matagorda, Billingsly, Branch, Brush, Chenoweth, Cartwright, Hill, Hooper, Lewis, McKinney, West, White, Wright,—18.

Those who voted in the negative were, Messrs. Boyd, Gant, Geraghty, Holman, Rowe,—5.

So the bill passed.

The title of the bill,—“An act supplementary to an act, entitled an act establishing a general land office, for the republic of Texas.”

A message was received from the senate, by Mr. Robertson, secretary, announcing the passage, by that body, of a bill establishing a second auditor's office, and comptroller's office.

ORDERS OF THE DAY.

On motion of Mr. Baker of Austin, the house took up the unfinished business of yesterday, being the bill to raise a revenue by establishing imposts.

On motion of Mr. Branch the bill was amended, by striking out of the second section the words, “Cedar Lake Creek,” where they first occur, and inserting, “San Antonio River.” And by

striking out, at the end of the same sentence, the word "Matagorda," and inserting "Aransaso," and by adding, after the word Aransaso, the following,—commencing at the mouth of the San Antonio river and following the coast of the Gulf eastwardly, to the mouth of Cedar Lake, shall compose one collectoral district, to be called the district of Matagorda."

On motion of Mr. Rowe the words "Red River," were stricken out, from the latter part of the same section, and the words "district of San Augustin," inserted.

There being no quorum present, a call of the house was ordered; the clerk proceeded to call the house, and a quorum appearing, all further proceedings on the call were suspended.

The reading of the bill was resumed.

On motion of Mr. Branch, the word "Red" was stricken out, and "River" inserted, in the name of the "San Antonio River."

On motion of Mr. Billingsley, the word "good" was stricken out of the 4th section, and the word "use" inserted, so as to make it read "for the use of the republic."

On motion of Mr. Rowe, the words "Gold, Silver, or," in the latter part of the 9th section, were stricken out.

A message was received from the senate, by Mr. Robertson, secretary, announcing that the senate had passed the joint resolution, from the house, concerning mail routes,—also that the senate had concurred in the amendment made by the house, to the amendment, made by the senate, to the joint resolution concerning elections in the depopulated districts.

The house resumed the consideration of the revenue bill.

On motion of Mr. White the house reconsidered the vote striking out the words, "Gold, Silver, or;" and the words, "or properly audited drafts on the treasury of this republic," were inserted at the end of the same sentence.

On motion of Mr. Baker of Austin, the 51st. rule was suspended, the bill as amended, ordered to a third reading and passed.

On motion of Mr Brush the house adjourned until 3 o'clock,
P. M.

3 O'CLOCK.

The house met pursuant to adjournment.

Mr. Hooper moved to take up the resolution fixing the day on which the two houses will adjourn. The house refused to take it up.

Mr. West submitted the following joint resolution;

Be it resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the county of Jefferson shall have the following boundary,—to wit:

Beginning at a point on the Gulf, from which place a line running North will cross the road leading from Teviss' to Liberty, at Wolf point; thence North to Big Sandy creek; thence down said creek to Neches; thence across the Neches east to the mouth of Big Cypress creek, on the Sabine river; thence down said river to the Gulf; and thence west along said Gulf, to the place of beginning.

SEC. 2. And be it further resolved, &c., That the constitutional voters for members of congress be, and they are hereby required, at the general election in September next, to decide by ballot a place for the seat of justice for the county aforesaid.

On motion of Mr. Branch the joint resolution was laid on the table.

Mr. Branch moved that the vote of this morning on the final passage of the revenue bill, be reconsidered, but the house refused to reconsider the vote.

On motion of Mr. Gant, the bill prescribing the proof necessary to admit deeds &c. to record, was taken up on its second reading.

Mr. Gant moved the adoption of the following, as an additional section.

SEC. 1. Be it further enacted, That the words actual settler, in the first line of the 29th section of the act organizing the inferior courts and defining the powers and jurisdiction of the same," shall be so construed by the courts of law as to mean an actual occupant and none else.

On which the ayes and noes being ordered;

Those who voted in the affirmative were, Messrs. Baker of Austin, Billingsly, Brush, Chenoweth, Cartwright, Gant, Geraghty, Hill, Hooper, McKinney, Roman, West,—12.

Those who voted in the negative were Messrs. Speaker, Allen of Milam, Arnold, Baker of Matagorda, Boyd, Branch, Holman, Lewis, Rowe, White and Wright.—11.

So the amendment was adopted.

Mr. Gant moved the adoption of an additional section, providing for the authentication of deeds &c., by the dispersed citizens of the depopulated districts, while remaining so dispersed, which was rejected.

On motion of Mr. Branch all the fourth section after the enacting clause was stricken out, and the following inserted: "that

all acts and parts of acts, coming within the purview of this act be and the same are hereby repealed.

Mr. Boyd moved to strike out the enacting clause of the bill, which was rejected.

On motion of Mr. Gant the bill, as amended, was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Baker of Matagorda the house took up the bill for the incorporation of the Caney Company, on its second reading.

On motion of Mr. Branch the 51st rule was suspended and on a third reading, the bill was rejected.

The house then took up the bill from the senate establishing the second auditor and comptroller's office; which was read a first time.

There being no quorum, a call of the house was ordered; only twenty members answered, and the sergeant-at-arms was sent in quest of absentees. A quorum appearing, further proceedings on the call were suspended.

On motion of Mr. Rowe, the house took up the concurrent resolution from the senate, fixing a day for the adjournment of congress.

On motion of Mr. Baker of Matagorda, the blank in the resolution was filled with the word "tenth."

Mr. Rowe moved to strike out "two thirds," and insert "majority," which was rejected.

On motion of Mr. Hooper the house then adjourned until ten o'clock, to-morrow morning.

W. F. GRAY, *Clerk*.

FRIDAY, JUNE 2d, 1838.

The house met pursuant to adjournment.

Twenty three members present.

Mr. Gant presented the petition of sundry inhabitants of Washington county, in regard to a division of that county, referred to the committee on county boundaries.

Mr. White presented the petition of Samuel Mullock, praying for bounty lands &c., referred to the committee on claims and accounts.

Mr. Roman from the committee on military affairs, to whom was referred the petition of colonel Wm. P. Miller, made the following

REPORT:

There appears no official charge against colonel Miller; of which your committee has cognizance. He is held to bail, un-

der a penalty of one thousand dollars, to appear at the next term of the circuit court at Brazoria, to answer a charge of having taken fraudulently, from the auditors office, a bill which he had inadvertently placed with his accounts in the hands of the auditor. From the character of this bill no one could suppose that any disposition existed, on the part of colonel Miller, to defraud the government. The release from bail asked for by the petitioner is beyond the power of congress, and is a subject for the action of the judiciary alone.

The removal of colonel Miller from office by the executive, without a trial, is an act for which many precedents can be furnished, both in this republic and that of the United States, and no doubt exists as to the authority of the executive to have done so.

The services rendered by colonel Miller to this country are known to your committee to have been of an important character, and as there exists no evidence of his infidelity to our cause, we must place his friendship for the country beyond a doubt.

Your committee would recommend the passage of the following resolution.

RICHARD ROMAN, Chairman.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor be, and is hereby, required to audit the accounts of colonel Wm. P. Miller, according to the established laws.

Which was read a first time.

Mr. Gant from the committee on naval affairs made the following

R E P O R T :

The committee on naval affairs, to whom was referred the petition of F. T. Wells, praying that the pay of Pursers in the navy be made the same as that of lieutenants, have had the same under consideration, and also the accompanying bill to regulate the pay of pursers in the navy, and are of opinion that where the per centage is but little, the trouble of the purser is correspondingly diminished, and do not see any necessity for a change in the law in regard to the pay of pursers; wherefore, they ask to be discharged from the further consideration of the petition and bill.

W. W. GANT, Chairman.

On motion of Mr. Wharton the subject was re-committed to the committee on naval affairs, with instructions to report a bill allowing pursers the same pay as lieutenants.

On motion of Mr. Hooper, Mr. Wharton was added to the naval committee.

A message was received from the senate, by Mr. Roberison, the secretary, announcing the passage, by the senate, of the bill from the house for the benefit of free persons of color.

Mr. Brush from the committee on boundaries made the following

R E P O R T :

The select committee to whom was referred the report and bill, as presented by the committee on county boundaries, have had the same under consideration, and instructed me to make the following report. "Your committee conceive the subject of county boundaries one of sufficient importance to require all the consideration of a future congress. We believe that it would be hasty legislation to pass the bill as reported by the committee, in the present deranged and broken up state of the country, and beg leave to be discharged from the further consideration of the subject."

ELKANAH BRUSH.

On motion of Mr. Allen of Nacogdoches the report was laid on the table.

Mr. White from the minority of the committee on county boundaries submitted a counter report, recommending filling the blank in the bill with the names of Goliad, San Patricio, Gonzales and Bexar, and submitting a scheme of the boundaries of said counties.

On motion of Mr. Allen of Nacogdoches, this report was also laid on the table.

Mr. Wharton from the select committee, to whom was referred the resolution for an enquiry into the expediency of carrying on an offensive war, made the following

R E P O R T :

Mr. Speaker the undersigned, a portion of the joint committee to whom was referred the resolution instructing them to inquire into the condition of our resources, and the policy of offensive operations, have had the same under consideration, and beg leave to make the following report:

From all that your committee have been able to ascertain with regard to the resources of the country, they are satisfied that they are sufficiently ample to carry on an expedition against Mexico, and greater than they will be at any subsequent period during this war. Your committee are of opinion that it is evidently our best policy to carry on offensive operations.

1st. Because the Mexican nation will never acknowledge our independence or cease hostilities so long as she was confined to this side of the Rio Grande.

2d. Because we will have to support a large standing army so long as our enemy keeps a large force on our western borders, and threaten us with invasion. This will necessarily increase our national debt to an enormous amount, and should the war continue for years longer, which is not at all impossible, should we confine ourselves to defensive operations,—the great national debt which will thereby be created will, of itself, prove ruinous to our hopes.

3d. Our troops desire active service, our numbers will be much increased by commencing active operations, the war will be brought to a speedy end, and no evil would grow out of it that would not be likely to benefit us under other circumstances, and our chances of ultimate success much increased.

We are further of opinion that the country is more likely to suffer from the want of resources than of men. Every day sees our resources diminishing, and our debt accumulating, and less prospect of extricating ourselves: our expenses would not be increased by offensive operations, and for this reason alone we would recommend the measure. The troops that we have employed will not be content with an inactive camp life? Give them employment, and they will be satisfied. Commence offensive operations, and they will be of great service to the country: remain inactive, and they may prove ruinous to the cause they have espoused. If there is no prospect of active operations, so soon as the term of service of the present troops expires, they will leave the service and we will find it impossible to raise others.

We consider it certain that if we do not invade the enemy they will invade us; and that it is absolutely necessary to have a large force under arms during the war.

We are acquainted with the views of the executive on this measure, and are confident that, if congress does not take this matter in hand, the fate of Texas is irrevocably sealed. Elect officers, place in their hands the necessary amount of land scrip, and entrust the management of the whole expedition to their entire control.

WILARTON,
ROMAN,
BAKER of Matagorda.

The report and letter of generals Houston and Johnston, were laid on the table.

On motion of Mr. Baker of Austin, the house went into secret session, and the doors were closed.

The doors being opened,

A message was received from the senate by Mr. Robertson, the secretary, communicating a joint resolution passed by that house, authorizing the president to employ an additional secretary for an Indian department; which being read was found to be informal.

Ordered,—That it be returned to the senate for correction.

Also,—The bill for consolidating and funding the public debt with amendments,—which being read was found to be informal.

Ordered,—That it be returned to the senate for correction or explanation.

Also,—The bill to raise a revenue by impost duties, with amendments; which being read, the amendments of the senate were concurred in, and the bill ordered to be enrolled.

On motion of Mr. Hooper the vote of the house on yesterday, rejecting the bill incorporating the Caney Company, was reconsidered; and the bill again taken up on its third reading.

And upon the question

“Shall the bill pass?”

The ayes and noes were ordered;

Those who voted in the affirmative were, Messrs. Speaker, Allen of Milam, Baker of Austin, Brush, Chenoweth, Cartwright, Geraghty, Hill, Hooper, Holman, Lewis, McKinney, Roman, West, Wharton, White,—16.

Those who voted in the negative were, Messrs. Allen of Nacogdoches, Billingsly, Boyd, Branch, Gant, Wright,—6.

Mr. Baker of Matagorda, being one of the petitioners for the charter, and being directly interested in the matter was excused from voting.

So the bill passed.

Mr. White submitted the following joint resolution,

Be it resolved by the senate and house of representatives of the republic of Texas in congress assembled, That so much of the 16th section of an act organizing justices courts, authorizing justices of the peace to extend to defendants terms of stay of execution, be so extended as to require them to extend the stay on all executions to the first day of February next, *provided*, the said defendant shall give the security in the penalty required in the said section of said act.

Which being read a first time,

Mr. White moved that the 51st. rule be suspended, and the joint resolution read a second time to-day, which was rejected.

The joint resolution from the senate authorizing the presi-

dent to appoint a secretary of an Indian department, being returned from the senate corrected, was taken up and read a first time.

On motion of Mr. Baker of Austin, the 51st rule was suspended, and the resolution was read a second time, and

On motion of Mr. White, it was postponed indefinitely.

The informalities in the bill for funding the public debt, returned from the senate with an amendment, having been corrected, the bill was taken up, and the amendment of the senate was concurred in.

On motion of Mr. Allen of Nacogdoches the house adjourned until 4 o'clock.

4 O'CLOCK, P. M.

The house met pursuant to adjournment.

The Speaker informed the house that he had received a communication which required the consideration of the house in secret session:

The gallery was cleared, and the doors closed, and the house went into secret session.

The doors being again opened, on motion of Mr. Wharton, the house adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Ck.

SATURDAY, JUNE 3d, 1837.

The house met pursuant to adjournment.

Twenty-five members present.

The Speaker laid before the house a petition from Asa Mitchell and others, of Velasco, praying the incorporation of a Joint Stock Company for the erection of a Hotel and Bath House at Velasco, with Banking privileges, accompanied by a bill.

Also the petition of Leman Kelcy and B. F. Gage, praying the incorporation of a similar institution at the city of Houston, accompanied by a bill.

On motion of Mr. Wharton both petitions were referred to a select committee.

The Speaker appointed Messrs. Wharton, Allen of Milam, Baker of Austin and Gant, the committee.

Mr. Boyd from the committee on enrolled bills, reported that the following acts and joint resolutions had been approved by the president, viz:

1st. A joint resolution authorizing the president to appoint a commissioner to run the boundary line between the United States and this republic.

2d. A joint resolution for the relief of Ministers of the Gospel.

3d. An act for the better protection of the Northern Frontier.

4th. An act for the suppression of Gambling.

5th. A joint resolution requesting the president to appoint an Agent to the court of Great Britain.

6th. An act supplementary to the several acts, organizing the several counties of the republic.

7th. An act for the relief of John M. Allen.

The following were submitted for his approval on the 21st ultimo,—viz:

1st. An act to authorize justices of county courts to act as judges of probate in certain cases.

2d. Resolution in regard to the payment of district-judges.

3d. Joint resolution regulating the meeting of congress.

4th. Joint resolution for the relief of the honorable B. C. Franklin.

5th. Joint resolution instructing the president to send the vessels of war Brutus and invincible to Matamoros.

The following was submitted on the 30th ultimo, viz:

An act for the relief of those who lost property during the war.

The following was submitted on 1st June, viz:

1st. Joint resolution requiring the attorney general to report to the next session of congress.

2d. An act to incorporate the town of Nacogdoches and other towns herein named.

3d. Joint resolution relating to elections in the depopulated districts.

4th. Joint resolution requiring the president to appoint a secretary of legation to the embassy to England.

5th. An act for the relief of James Erwin and others.

R. A. IRION.

Chairman of joint committee on enrolled bills.

June 2d., 1837.

A message was received from the senate, by Mr. Robertson the secretary, announcing the passage by the senate of the following bills, originating in that house, viz:

A bill to ascertain the public domain and define the location.

A joint resolution requiring the auditor of public accounts to audit the accounts of J. Bryant and S. Francois.

Also, the following originating in the house, viz:

A joint resolution for the amendment of militia laws.

An act to incorporate the trustees of Independence Academy and the university of San Augustine.

An act for the incorporation of the town of Liberty.

A bill concerning fees of Sheriffs, Constables, and Solicitors, with an amendment.

An act supplementary to an act entitled an act establishing a general land office, for the republic of Texas, with amendments.

On motion of Mr. Allen of Nacogdoches, the house went into secret session, and the doors were closed.

The doors being again opened on motion of Mr. Roman, the house adjourned until 8 o'clock.

8 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Baker of Austin the house took up the bill supplementary to the act establishing a general land office, returned from the senate with amendments. The amendments of the senate having been read, Mr. Rowe stated that there was an amendment which he was informed had been made by the senate, in the 4th section of the bill, which went to strike out August and insert October, and which was not reported in the amendments of the senate,

Ordered.—That the bill be taken back by the senate, for enquiry and correction.

A message was received from the senate by their secretary, communicating a joint resolution authorizing the sheriffs of the different counties of this republic to rent or lease houses for prisons, employ guards &c.

Also, a joint resolution for all agents of government to give bonds and security for the faithful performance of duty.

Mr. Arnold presented a petition from sundry citizens of Mustang Prairie relating to Indian depredations. On motion of Mr. Baker of Austin,

Ordered.—That the petition be referred to a select committee, with instructions to wait on the President, and communi-

cate the same to him, and report the result of the interview, to the House on Monday next.

The chair appointed Messrs. Allen of Nacogdoches, Billingsly, Baker of Matagorda, and Chenoweth, a committee for that purpose.

The following message was received from the president, by his private secretary, Mr. Richardson.

GENTLEMEN OF THE SENATE AND

HOUSE OF REPRESENTATIVES.

An act for the relief of those who lost property during the war, has been presented to me for approval, and received my careful consideration.

However much I am inclined to applaud the motives which led to the passage of the bill, contemplating as it does the relief of persons who have been sufferers in our present arduous struggle, I am constrained under the view I take of the subject to decline giving it my signature.

Some of the losses and injuries it proposes to redress, namely those inflicted by the enemy and the Indians, are of a character which lie as I think, wholly beyond the reach of legislative relief. They seem rather to come under the denomination of those inevitable evils of human destiny, which, like the visitations of Providence, have to be borne with patience and resignation by those upon whom they are inflicted.

Many and various are the calamities that fall upon men in civil society, such as ravages by flood, fire, pestilence, and the like, which it would be vain to expect government to alleviate. No one would say that it was possible for any human agency, wisdom or ability, to make good to the innumerable victims of misfortune, which the world is daily presenting to us, the losses and bereavements to which in the course of human affairs they find themselves subjected.

They are left out of the care of government then, not because there is any want of sympathy or humanity for their sufferings, but because it is plain there is no public mode of administering to them the desired relief, without continually attacking the established foundations of property, and subjecting all that is in the hands of those that have any thing at all, to new divisions of those who have nothing,—and this would immediately lead to a dissolution of society.

That injuries inflicted by by an enemy in time of war are looked upon in the light of ordinary visitation of Providence.

which laws cannot undertake to redress is sufficiently clear from the fact that there is not an instance within my knowledge, in the history of the world, when the government has interposed on such occasions. In the oldest and wealthiest countries it is considered impossible to do it; how much more so is it in a country like ours, as yet in its infancy, and hardly able, (not having a dollar at command,) to bear up under the weight of personal necessities, to say nothing of our responsibilities with respect to the past or future?

Much more could be added on this subject, if time were allowed for a full discussion, this much I hope may be sufficient, at present, to induce you to reconsider the bill, and in doing so you will, perhaps, join me in the conclusion, that civil legislation cannot go hand in hand with sympathy and philanthropy. If however, it should be otherwise, a little delay can do no injury to the interest intended to be served, as no actual money is at present contemplated. In the mean while more reflection may be given to the subject, after which it will not be difficult to carry such a bill forward, if it should continue to be the wish of the people.

SAM. HOUSTON.

Executive Department, June 3, 1837.

The message being read, the bill for the relief of those who lost property during the war, disapproved in the above message was laid on the table, and the further consideration thereof postponed until Monday.

Mr. Chenoweth moved that the vote laying the vetoed bill on the table be reconsidered for the purpose of immediate action, which was carried, and on further consideration of the subject, Mr. Baker of Austin, renewed his motion to lay on the table, which was carried, and the bill laid on the table until Monday.

The bill supplementary to the act, entitled an act establishing a general land office, &c., having been returned from the senate, with the omission corrected, the amendments of the senate were separately considered, and all concurred in, and the bill ordered to be enrolled.

The bill concerning fees of sheriffs, constables, and solicitors, returned from the senate with an amendment, was taken up, the amendment of the senate concurred in, and the bill ordered to be enrolled.

The joint resolution from the senate, directing the auditor.

to audit the accounts of John Bryant and Sebastian Francis was taken up and read a first time. On motion of Mr. Rowe, the 51st rule was suspended and the joint resolution read a second time.

On motion of Mr. Rowe, the 51st rule was further suspended, and the joint resolution, read a third time and passed.

The bill from the senate to "ascertain the public domain and define the location thereof," was taken up and read the first time.

Mr. Baker of Austin, moved that the bill be rejected, which was not carried, and the bill was ordered to a second reading.

On motion of Mr. White, the joint resolution suspending executions was taken up and read a second time. Mr. Gant moved that it be referred to the committee on the judiciary, which was rejected.

Mr. Rowe asked leave of absence for the remainder of the session, and the question being put to the house, leave was refused.

On motion of Mr. Allen of Milam the house adjourned until Monday morning at 9 o'clock.

W. F. GRAY, *Clk.*

MONDAY, JUNE 5, 1837.

The house met pursuant to adjournment.

Twenty-three members present.

Mr. Branch presented the petition of B. R. Whitecomb, and A. Bishop, praying remuneration for supplies, advanced. On motion of Mr. Wharton they were referred to the committee on claims and accounts.

Mr. Roman from the military committee made the following

REPORT:

The committee on military affairs have had under consideration that part of the president's message which relates to the army, and also the report of the secretary of war. They have given that consideration to the subject which its importance merits, and respectfully submit the following as their views.

Since the reorganization of the army, made in December last, every appearance of harmony and subordination has existed until within a few weeks past. A state of discipline has been maintained, which could be surpassed by no troops of the same experience. From well authenticated accounts however, we

have no doubt that some dissatisfaction prevails at present with a portion of the army. When we take into consideration the peculiar circumstances under which the troops composing a portion of the army were engaged, and subsequent occurrences, the existence of dissatisfaction cannot be a matter of surpris. The prospect of active service was with the greater portion of the men, the principal inducement which operated in bringing them to the country. Whilst a probability of invasion from the enemy existed, perfect contentment and subordination prevailed.

The distracted condition of the political affairs of Mexico at present precludes the probability of a movement against Texas soon. This circumstance, together with the limited means of government, for furnishing sufficient supplies to our present comparatively large force, induces the belief that furloughing, for a limited time, the greater portion of the army who have been longest in the service, would be the best policy that could be adopted. By this means the government would be relieved for the present from the great burthen of furnishing provisions, which, at this time, are purchased at high prices, and owing to the depreciated state of our credit, can only be obtained at great sacrifices. The soldiers would find profitable employment in the country and would mutually contribute to supply the great demand for the various kinds, of labour which the flourishing condition of the country demands.

To prevent any evil that might possibly result to the country, by turning upon it such a number of men unprovided with the common necessaries of life, the furloughing ought to be gradual in its operations. The known hospitality of our citizens forbids the idea of an unfriendly reception of the soldiers, who have come to assist them in resisting their oppression. No important difference exists in the character or habits of those men who comprise the army, and the agricultural portion of the country. As the Mexican government have denied us our rights, and little prospects exist of the recognition of our independence by her until compulsory measures are used. Your committee are unanimous in their opinion that no time should be lost for preparing for that extremity. Possessing means of enforcing justice from our enemies, policy requires that we should no longer rely upon fortuitous circumstances to bring about so desirable an end. Only a short time will be necessary to obtain the requisite means for offensive operations.

The furlough should be for a limited time, and the troops

subject to be concentrated, prior to the expiration of their furlough, by the proclamation of the executive, a failure to obey which, should subject the delinquent to be treated as a deserter, and to a forfeiture of his claims on the government.

The present exposed condition of our northern frontier is a matter of serious importance. The repeated murders that have been committed by the Indians, on the citizens of that portion of the country, cannot, it is believed, be attributed to any omission of duty on the part of the government, but are consequent on our defective means of affording the necessary protection. It is believed, that the expedition provided for by the passage of the law of the present session of congress will, if carried into effect, tend greatly to the immediate relief of the frontier inhabitants. The increase of the corps of rangers also, as recommended by the secretary of war, should not be omitted. The total inefficiency of infantry, as a protection against the incursions of Indians, can be attested by all who are experienced in that mode of warfare. To station them at the frontier posts, as a protection to the inhabitants, would have the effect of lulling them into a false hope of security which might prove disastrous in the consequences. The increased difficulty also of supplying the troops thus situated, with bread stuffs and other necessaries, constitutes an important objection to the measure, and no possible benefit could reasonably be anticipated from it.

Your committee would suggest the propriety of establishing a National Armory at some suitable point as far as practicable beyond the influence of the salt atmosphere. As considerable loss has already occurred to the government for the want of such an establishment, it is recommended both as a measure of safety and economy.

It is also recommended that the system of rules and regulations for the government of the army, prepared at the last session of congress, be adopted.

They were revised from the United States system with great care by the military committee, with the assistance of able officers, experienced in our service.

Our laws at present require that the United States' army regulations shall be observed by ours, so far as applicable to our condition, thus, in contested points, leaving the military court alone to decide what part is applicable.

RICHARD ROMAN, *Chairman.*

On motion of Mr. Chenoweth, the report was laid on the table.

Mr. Branch from the committee on claims and accounts made the following report, on the petition of A. T. Burnley and B. S. Read.

The committee on claims and accounts to whom was referred the petition of A. T. Burnley and others, and Benjamin S. Read, have examined the same, and instructed me to make the following

R E P O R T :

As to the justice and merit of the above claims, your committee cannot for a moment entertain a doubt. Justice requires of us to allow them. A part of the amount claimed is for provisions furnished colonels Wiggington and Wilson, to enable them to bring their men to Texas. The provisions were furnished these gentlemen on their simple receipt, because there was no other more regular way in which it could be done, as there was, at that time, no agent of Texas, in Kentucky, authorized to borrow the necessary means upon the faith of the government. Under these circumstances your committee are of opinion that the debt, though not authenticated according to law, should unquestionably be recognized, and if possible save from loss the men, who generously furnished the means of transporting to this suffering and invaded country. Those claims should be entitled to the most favorable consideration of congress, in as much as they were furnished solely upon faith in the integrity of Texas. The other portions of those claims were furnished upon the authority of general Chambers, for which he has given his scrip, and should in the opinion of your committee, unquestionably be recognized. We therefore recommend the adoption of the following resolution.

The resolution having been amended, on motion of Mr. Wharton was reported as follows.

Resolved by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the Auditor of public accounts, be and he is hereby authorized and required to audit the accounts of A. T. Burnley, and Benjamin S. Read, and allow their claims upon principles of justice, although their vouchers may not be authenticated in strict legal form.

Mr. Branch from the same committee made the following

R E P O R T :

The committee of claims and accounts to whom was refer-

red the petition of Herman, & co, and John Murry have examined the same and considering it a matter belonging exclusively to the judiciary ask to be discharged from its further consideration.

E. T. BRANCH, Chairman.

Mr. Branch from the same committee, to whom was referred the petition of Alexander Walsh, reported the following joint resolution.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor be authorized to audit the claims of Alexander Walsh, allowing him at the rate of \$1,200, per annum, for the time he served as clerk in the war department.

Mr. Branch from the same committee, to whom was referred the petition of Samuel Mullock, made the following

R E P O R T :

~~The committee on claims and accounts, to whom was referred the petition of Samuel Mullock, a free man of color, praying for a head right, have had the same under consideration, and deeming it impossible to take any action on the petition ask to be discharged from its further consideration.~~

EDWARD T. BRANCH, Chairman.

Mr. Branch, from the same committee to whom was referred the petition of George W. Poe, made the following

R E P O R T :

The committee on claims and accounts, to whom was referred the petition of George W. Poe late paymaster, have examined the same, and recommend the passage of the following resolution.

Resolved, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the auditor be authorized to settle the accounts of G. W. Poe, according to existing laws:

Which was read a first time.

Mr. Branch from the same committee, to whom was referred the petition of Milton Irish, made the following

R E P O R T :

The committee on claims and accounts, to whom was referred the petition of Milton Irish, have examined the same, and are of opinion that the laws amply provide for the relief asked for, and that no action of this congress is necessary on the petition. They therefore ask to be discharged from its further consideration.

E. T. BRANCH, Chairman.

Mr. Branch from the same committee, to whom was referred the petition of White and Bradford, made the following

R E P O R T :

The committee on claims and accounts, to whom was referred the petition of White and Bradford, have examined the same and being fully satisfied of the correctness of the same, have instructed me to offer the following resolution.

E. T. BRANCH, Chairman.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor be authorized to audit the accounts of Messrs. White and Bradford.

The joint resolution was read a first time.

Mr. Branch from the same committee to whom was referred the petition of John H. Harry made the following

R E P O R T :

The committee on claims and accounts, to whom was referred the petition of John H. Harry, praying that interest may be allowed him on his treasury drafts, as it was for cash advanced, have had the same under consideration, and deem it inexpedient to grant the prayer of the petitioner unless the same hereafter was extended to all those similarly situated.

E. T. BRANCH, Chairman.

On motion of Mr. Baker of Austin the petition was referred back to the committee of claims and accounts, with instructions to report a bill granting the prayer of the petitioner.

Mr. White from the committee on enrolled bills made the following

R E P O R T :

The following acts and resolutions have been approved by the president.

1st. "An act to incorporate the trustees of Washington College."

2d. "Joint resolution requiring the Attorney General to report next session of congress."

3d. "Joint resolution relating to elections for depopulated districts."

4th. "An act to incorporate the town of Nacogdoches, and other towns therein named."

5th. "Joint resolution requiring the president to appoint a secretary of legation to the Embassy to England."

6th. "Joint resolution respecting mail routes."

7th. "An act for the relief of James Erwin and others."

8th. "An act to legalize certain marriages, to provide for the celebration of marriages, and for other purposes."

Mr. Branch from the select committee, to which was referred the president's message of the 16th ultimo, respecting the loans negotiated in New Orleans, in January 1836, by the Texian commissioners, made the following

R E P O R T :

The select committee to whom was referred the message of the president in regard to the loans negotiated in New Orleans, by our commissioner, beg leave to report,

That the committee have earnestly endeavored to make a satisfactory adjustment of the loan of \$20,000, but have failed.

The agent of the lenders claims, under the modified contract upwards of one hundred thousand acres of land, as a bonus for a relinquishment of their privileges under the original contract. The committee are of opinion that it was not the intention of the cabinet to allow them that amount as a bonus, and therefore cannot accede to the demand of the agent, in consequence of which they ask to be discharged.

E. T. BRANCH, Chairman.

The committee was accordingly discharged from the further consideration of the subject.

Mr. Branch moved the disposition of the following resolution.

Resolved, That this house will not adjourn until the officers contemplated in the land bill are appointed.

Which was rejected.

Resolved, by the Senate and House of Representatives of the Republic Texian Congress assembled, That the secretary of state be authorized to have published, at the expense of this government, five hundred copies of the journals of both houses of congress, and two thousand copies of the colonization laws of the general congress of Mexico, and of the state of Coahuila and Texas; of the acts and decrees and resolutions of the consultation of 1835, and of the ordinances and decrees of the provisional council of 1835 and 1836, of the convention of March 1836, and the acts and joint resolutions of this congress;—and that he furnish each member of this congress the several judges, justices, clerks and sheriffs of this republic with a copy of each.

ROWE.

Which being read a first time,

On motion of Mr. White, the 51st rule was suspended, and the resolution put on its second reading.

Mr. Gant moved to strike out all except the "facts, resolutions, and journals, of this congress."—which was rejected, and the 51st rule being further suspended, the resolution was read a third time and passed.

On motion of Mr. Allen of Milam the house proceeded to the election of an enrolling clerk.

The Speaker presented to the house the name of John McCreary, and there being no opposition, Mr. Creary was declared duly elected, and was sworn into office by the Speaker.

The Speaker laid before the house a letter from the auditor, which, on motion of Mr. Baker of Austin, was referred to the committee on the state of the republic.

On motion of Mr. Rowe the house took up the message of the president, received on the 4th inst assigning his reasons against the act for the relief of those who have lost property during the war.

On motion of Mr. Hooper it was

Ordered.—That the bill be now reconsidered and put on its final passage, and on this question the ayes and noes were ordered to be recalled.

Mr. Gant asked to be excused from voting, believing it to be out of order to take the vote now.

The Speaker said he could not be excused.

The house had ordered the vote to be taken, and there would not be a quorum without him.

He appealed to the house, and the decision of the chair was sustained.

Mr. Chenoweth also asked to be excused from voting, which was not granted.

The question was then put,—“Shall the bill pass notwithstanding the president's objections?”

Those who voted in the affirmative were, Messrs. Speaker, Baker of Austin, Baker of Matagorda Billingsly, Brush, Barleson, Cartwright, Hill, White,—9.

Those who voted in the negative were, Messrs. Allen of Milam, Allen of Nacogdoches, Boyd, Branch, Chenoweth, Gant, (Mr. Gant refusing to respond, his vote was entered in the negative, by order of the Speaker,) Hooper, Holman, Lewis, McKinney, Rowe, West, Wright,—13.

So the bill did not pass.

Mr. Gant filed the following by way of protest against being compelled to vote.

I do not vote for the passage of the bill, because I believe the proceedings to be unconstitutional, since the return of the veto.

W. W. GANT.

Mr. Chenoweth filed the following protest against being compelled to vote.

I object to recording my vote on the passage of this bill. First, because I believe the decision of the chair is wrong as to the stage of the bill. And secondly, that voting on the bill would be sanctioning what I conceive would be a direct violation of the following words of the 20th and 27th sections of the constitution, which are in the following words: that "all bills disapproved by the president, shall again be passed as prescribed in 20th section," which is as follows: "All bills shall be read on three several days, in each house, unless in cases of emergency, two thirds of the members of the house, where the bill originated, shall deem it expedient to suspend the rule."

The Speaker called Mr. Baker of Austin to the chair.

Mr. Archer moved that the house take up the bill incorporating the Internal Improvement and Banking Company, which was not agreed to.

On motion of Mr. Rowe the house took up the bill to raise a public revenue by direct taxation. The bill being on its second reading, on motion of Mr. Branch the house resolved itself into committee of the whole on the bill, Mr. Branch in the chair, and after some time spent therein, the committee of the whole arose, reported the bill with amendments, and were discharged from its further consideration.

On motion of Mr. Baker of Austin the house adjourned until 4 o'clock.

4 O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Allen of Milam in the chair, owing to the indisposition of the Speaker.

On motion of Mr. Rowe the house resumed the consideration of the bill to raise a public revenue by direct taxation.

Mr. Rowe moved the indefinite postponement of the bill:

On which question the ayes and noes were ordered;

Mr. McKinney asked to be excused from voting on the question,—which was refused by the house.

The question was then taken on the indefinite postponement of the bill.

Those who voted in the affirmative were, Messrs. Baker of Matagorda, Boyd, Hill, Hooper, Holman, Lewis, McKinney, Rowe, Wright.—9.

Those who voted in the negative were Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Arnold, Billingsly, Branch, Chenoweth, Cartwright, Gant, Geraghty, Roman, West.—13.

So the bill was indefinitely postponed.

On motion of Mr. Branch the section providing for the appropriation of collectors was stricken out.

On motion of Mr. Gant the words "valued inventory," was stricken out, so as to make the assessors, instead of the citizens, value the property.

Mr. Branch then moved that the bill be indefinitely postponed—but before the question was taken,

On motion of Mr. Chenoweth the house agreed to reconsider the vote just taken.

The question then recurring on striking out the word "valued" the yeas and nays were ordered.

Those who voted in the affirmative were, Messrs. Baker of Matagorda, Brush, Burnham, Gant, Geraghty, Hill, Holman, Lewis, Rowe, White, Wright.—11.

Those who voted in the negative were, Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Arnold, Billingsly, Boyd, Branch, Chenoweth, Cartwright, Hooper, McKinney, Roman, West.—13.

So the house determined not to strike out the word "valued."

On motion of Mr. Rowe the house struck out that part making the law applicable only to persons who had arrived in the country, on or previous to the 1st of March last.

On motion of Mr. Branch, "thirty dollars," the tax on Taverns, were stricken out, and

On motion of Mr. Geraghty "one hundred dollars," were inserted.

On motion of Mr. Branch a tax of one dollar per head, was laid on cattle and horses, in this country, belonging to foreigners.

A message was received from the senate, by the secretary, with a resolution passed in secret session.

Mr. Boyd moved an amendment to the revenue bill, laying a poll tax of one dollar per head on all free white male persons, over twenty-one years of age, and under fifty five years. Mr. Brush moved to confine the tax to unmarried men, which was rejected.

On motion of Mr. Gant a tax of one and one half per cent, on that amount of capital paid in, was laid on all corporations with banking privileges.

On motion of Mr. Rowe the the 51st rule was suspended, and the bill was read a third time, and

The question being "shall the bill pass?"

The ayes and noes were ordered;

Those who voted in the affirmative, were Messrs. Allen of Milam, Allen of Nacogdoches, Billingsly, Branch, Chenoweth, Cartwright, Geraghty, Roman, West,—10.

Those who voted in the negative, were Messrs. Arnold, Baker of Matagordo, Boyd, Burnham, Gant, Hill, Hooper, Holman, Lewis, McKinney, Rowe, White, Wright,—13.

So the bill was rejected.

A message was received from the senate, by the secretary, with a bill which had passed that body, authorizing the secretary of the treasury to appoint surveyors &c, and

A resolution authorizing the attorney general to purchase certain books for the use of the government.

On motion of Mr. Archer the house went into secret session on the private resolution received from the senate, and the doors were closed.

When the doors were again opened, a message was received from the senate, by the secretary, with a resolution authorizing the president to leave the seat of government for thirty days, to organize and set on foot the corps of mounted gunmen.

Mr. Hooper moved that the house adjourn until to-morrow morning at ten o'clock, which was rejected: and

On motion of Mr. Brush the house adjourned until 8 o'clock this evening.

8 o'clock, P. M.

A quorum not meeting, the members present adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Clerk.

TUESDAY, JUNE 6th. 1837.

The house met pursuant to adjournment.

Twenty-two members being present.

Mr. Branch from the committee on claims and accounts, to which had been referred the petition of John H. Harry, with instructions, reported the following joint resolution.

Resolved by the senate and house of representatives of the republic of Texas in Congress assembled, That the auditor be, and he is hereby authorized and required, to take up the drafts issued on the treasury, in favor of John H. Harry, and issue new ones drawing interest, at the rate of ten per centum, from the first of September last.

Which being read, on motion of Mr. Baker of Austin the 51st rule was suspended, and the resolution read a second time.

Mr. Boyd offered an amendment, extending the benefit of the resolution to all persons similarly situated; which was rejected.

On motion of Mr. Baker of Austin the 51st rule was further suspended, the joint resolution read a third time, and passed.

Mr. Wharton from the select committee to whom had been referred the petition of Leman Kelcy and B. F. Cage, and others, for the incorporation of Hotels, Baths, Banks, &c., reported a bill in conformity with the prayer of the petitioners.

The first reading was dispensed with, and the bill put on its second reading.

On motion of Mr. Billingsly the reading was stopped, and the bill postponed indefinitely.

Mr. Gant submitted a joint resolution defining the powers of commissioners of roads and revenue.

On motion of Mr. Billingsly the 51st rule was suspended, and the joint resolution read a second time.

Mr. Baker of Austin moved an amendment, requiring the chief justices, sheriffs, and clerks of district and county courts, to reside at the county seat; which was rejected.

On motion of Mr. Branch the 51st rule was further suspended, the joint resolution read a third time, and passed.

Mr. White from the committee on enrolled bills returned to the house the bill for funding the public debt, which had passed both houses, with two blanks unfilled, viz:

The salaries of the second auditor and the comptroller.
On motion of Mr. Branch the first blank was filled, by fixing the salary of the second auditor at \$1,500. And

On motion of Mr. White the second blank was filled, by fixing the salary of the comptroller at the same sum, and the bill was sent to the senate.

On motion of Mr. Branch the bill for the government of the auditor, was taken up upon its second reading, the 51st rule was suspended, and the bill read a third time, and passed.

Mr. Wharton, by leave, introduced a bill concerning aliens holding lands in Texas; which was read, and

On motion of Mr. Billingsly the 51st rule was suspended and the bill read a second time, when

On motion of Mr. White the bill was rejected.

On motion of Mr. Roman the bill concerning military bounties, head rights, &c., was taken up, on its second reading.

On motion of Mr. Gant it was referred to a select committee, with instructions to report to-morrow morning. The Speaker appointed Messrs. Gant, Branch and Burnham, the committee.

A message was received from the senate, by the secretary, announcing the passage by the senate of a bill concerning admiralty courts. Also,

A joint resolution requiring agents of government to give bond: and

A joint resolution authorizing sheriffs to rent houses for prisons, employ guards &c.

On motion of Mr. White the Joint resolution respecting fees of attorneys, was taken up, on its second reading.

On motion of Mr. White the 51st rule was suspended, the joint resolution read a third time, and passed.

The Speaker called Mr. Billingsly to the chair.

Mr. White moved that the house take up the bill to establish county boundaries, which was refused by the house.

The joint resolution from the senate, "requiring all agents of government to give bond and security for the faithful performance of their duties," was taken up and read. On motion of Mr. White the rule was further suspended, the joint resolution read a third time, and passed.

The joint resolution from the senate authorizing sheriffs to rent houses for prisons, employ guards, &c., was taken up and read.

On motion of Mr. Branch, the 51st rule was suspended and the joint resolution read a second time: the rule was further suspended, and the joint resolution read a third time, and passed.

The bill from the senate concerning admiralty courts, was taken up and read.

On motion of Mr. Branch the 51st rule was suspended, and the bill read a second time.

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

On motion of Mr. Arnold it was

Resolved, That the bill establishing the county of Houston, with the accompanying petition, referred to the committee on county boundaries, be withdrawn from that committee, and referred to a special committee of three, with instructions to report to-morrow morning.

The Speaker appointed Messrs. Arnold, Wharton and White, the committee, and on motion, Mr. Gant was added to it.

The petition for the establishment of the county of Fort Bend, the two petitions from Washington, respecting that county, and the bill defining county boundaries, were severally, on motion, referred to the same committee.

The house then took up the bill from the senate, authorizing the secretary of the treasury to appoint surveyors &c, respecting the island of Galveston.

The 51st rule was suspended and the bill put upon its second reading.

On motion of Mr. Gant it was laid on the table.

A message was received from the senate, by the secretary, announcing that the senate had stricken from the bill for the government of the auditor all but the enacting clause, and that the senate had concurred with the house in filling the blanks in the bill for funding the public debt.

The joint resolution from the senate, authorizing the attorney general to procure certain books for the use of the government, was taken up and read a first time.

On motion of Mr. White the 51st rule was suspended, the resolution read a second and third time, and adopted.

A message was received from the senate announcing the concurrence of that body in the joint resolution respecting fees of attorneys.

On motion of Mr. Baker of Austin the house adjourned until 4 o'clock this afternoon.

4 o'clock, P. M.

The house met pursuant to adjournment.

Twenty-two members present.

Mr. Geraghty submitted the following protest to the act supplementary to an act, entitled "an act establishing a general land office, in the republic of Texas," passed 22nd December, 1836, which he desired to have entered on the journal.

Mr. Speaker and gentlemen of the house of representatives—

I deem it my duty as well to myself, as to my sense of moral obligation resulting from my solemn oath, to enter what I deem a constitutional protest against certain enactments of the supplementary act to the land bill. On the solemn faith of two of its co-ordinate branches, our government constitutionally passed a land bill, during last session, with all the grave importance of a law, declaring not only that the land offices should go into full operation, the first day of June last, but we further pledged ourselves to our brethren of the United States, whose sympathies sustained us during the most perilous state of our existence as an independent republic, that from and after the first day of January, emigration should be encouraged by the donation of twelve hundred and eighty acres of land to married persons, and six hundred and forty acres to unmarried persons.

Scarcely had our deliberations and mature opinions, thus sustained by law, reached the United States, inducing numerous families to abandon their peaceful homes, in strict reliance on our pledged faith, to participate with us in the future struggles of our country, when on their landing, we meet them with our supplementary act, and generously inform them that the solemn declaration of our legislators was so trivial in our estimation, that we thought proper to change our opinions, and would now give them nothing. That we since found out what we were then ignorant of; namely, that we had not sufficient territory to justify our liberality, altho' we did not hesitate to declare that our public domain could not be settled in forty years, after the liquidation of all our government claims. And we now, in imitation of the apostate *Santa Anna*, who called forth the execrations of the world by daring to trample on a constitution which he himself had ratified, do the same, and even under circumstances less justifiable, inasmuch as we ungratefully deceive our kindest friends, and return them contumely and contempt for their sympathies and assistance; while we impose on ourselves the marks of censure, for our levity and bad faith.

This protest I claim, as a constitutional right, to be recorded.

ded on the journals of this house, that I, at least, may be exempted from the criminality of participating in what I unhesitatingly pronounce violated faith, and unpardonable levity; having no interest desirable from the motives that have suggested the supplementary act.

JOHN GERAGHTY.

On motion of Mr. Billingsly the joint resolution from the senate authorizing the president to leave the seat of government for thirty days, to organize and set on foot the corps of mounted gunmen, was taken up, and

On motion of Mr. Billingsly the 51st rule was suspended, and the joint resolution read a second time.

The rule was further suspended, the joint resolution read a third time, and passed.

The following message was received from the president, by Mr. Richardson, his private secretary.

Executive Department, }
City of Houston, June 6th, 1837. }

GENTLEMEN OF THE SENATE AND

HOUSE OF REPRESENTATIVES.

I cannot forbear calling to your attention the condition of the subsistence and quarter-master's department of this government. The inclosed document will exhibit the amount of liabilities that must be immediately met, or the credit of the government will be entirely destroyed.

I would have laid the subject before your honorable body, at an earlier day, had it been in my power to have acquired the information desirable. Without the interposition of congress the situation of the country must be truly deplorable.

The government was unable, upon its own credit, to obtain the supplies absolutely necessary to the emergencies of the army. The executive has been compelled to give his individual obligation for supplies for the army, endorsed by some of the honorable members of your body. This was done at a time when a part of the army was in an actual state of mutiny, from want of every kind of provisions. Galveston Island would have been deserted had not this course been pursued.

Since the commencement of the constitutional government, no public officer has received any salary. Their personal expenses are great, from the fact of their having to pay an exorbitant price for board. Their individual means are quite exhausted. They have tendered me resignations from time to time, induced by their actual necessities, intending to pursue some oth-

er course that they might obtain the means of subsistence. The Executive, since he has come into office, has received into the treasury, and disbursed, only five hundred dollars for provisions of the troops. Under these circumstances, your honorable body must be aware of the absolute necessity of some provisions being made to sustain the country; and the aid which it is in your power to give, is most sincerely and earnestly invoked.

SAM. HOUSTON.

On motion of Mr. Branch the message and reports from the quarter master general and commissary general of subsistence which accompanied it, were referred to the committee of ways and means.

On motion of Mr. Billingsly the bill authorizing the secretary of the treasury to cause the Island of Galveston to be surveyed and sold for certain purposes was taken up.

On motion of Mr. Branch the bill was so amended as to include all the Islands of the republic in the provisions for the sale of Galveston, at the discretion of the secretary of the treasury.

On motion of Mr. Billingsly the 51st rule was suspended, the bill as amended read a third time and passed.

The joint resolution, suspending executions, was taken up on its second reading. Mr. White submitted a substitute, which was adopted.

On motion of Mr. Allen of Nacogdoches, it was referred to the committee on the judiciary, with instructions to report tomorrow morning.

A message was received from the senate, by the secretary, announcing the concurrence of the senate in the bill for the survey and sale of Galveston Island, &c., &c.

The bill for the government of the auditor, returned from the senate with an amendment, was then taken up and considered. The amendment was to strike out all after the enacting clause. On motion of Mr. Branch the house disagreed to the amendment of the senate.

The engrossed bill prescribing the proof necessary to admit deeds &c., to record was taken up, read a third time, and passed.

A message was received from the senate, by the secretary, communicating a joint resolution fixing the boundaries of the county of Jefferson.

On motion of Mr. Branch, the joint resolution authorizing the president to send an agent to the United States, to settle with the agents for the sale of land scrip &c., was taken up.

On motion of Mr. Allen of Nacogdoches, the said resolution was laid on the table; and

On motion of the same the house went into secret session, on the state of the republic.

The doors being open, Mr. White moved a reconsideration of the vote rejecting the bill for the benefit of persons in the United States, owning lands in Texas before the adoption of the constitution. The motion was carried and the bill referred to the committee on the judiciary.

On motion of Mr. Geraghty, the vote rejecting the bill to raise a revenue by direct taxation was reconsidered, and the bill again put upon its third reading.

On motion of Mr. Baker of Matagorda the house adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Clk.

WEDNESDAY, JUNE 7th, 1837.

The house met pursuant to adjournment.

Twenty-two members present.

A message was received from the senate, by the secretary, announcing the passage of a bill authorizing Robert Wilson to possess the sand keys, forming Red Fish Bar in Galveston Bay.

Mr. Wharton presented a report from General Thomas Jefferson Chambers, accompanied by sundry documents.

On motion of Mr. Wharton the report and documents were referred to a select committee.

The speaker appointed Messrs Wharton, Roman and Billingsly, the committee.

Mr. Roman from the committee on military affairs, to whom was referred a letter of R. M. Coleman, made the following

R E P O R T :

The committee on military affairs to whom was referred the petition of R. M. Coleman have had the same under consideration, submit the following report and ask to be discharged from the further consideration of the subject.

Your committee are of opinion that congress is not the proper tribunal to decide upon the innocence or guilt of the petitioner.

His complaint against the executive, of being illegally confined by his orders, and denied a trial, appears to your committee to be true, and that no circumstances would have justified the detention of the petitioner in confinement, without a trial, if it was in the power of government to have rendered him jus-

tice in the manner prescribed by the laws. Any decision, however, by congress on this subject, except in case of impeachment of the president, would be an *ex parte* proceeding, and an assumption of power on the part of the legislative branch of this government.

Under article 188 of the United States' army rules and regulations, the petitioner can have redress for any supposed injury by a superior officer.

On motion of Mr. Baker of Austin, the report was laid on the table.

Mr. Allen of Nacogdoches, from the committee of ways and means, reported "a bill to authorize the issuing of promissory notes of the government."

On motion of Mr. Baker, the 51st rule was suspended and the resolution read a second time.

On motion of the same the bill was amended by adding, after the word "horses," the words "and munitions of war."

Mr. Gant offered a substitute for the sixth section, which was rejected.

Mr. Hooper moved that the minimum price of land be fixed at one dollar per acre; which was rejected.

Mr. Geraghty moved that it be seventy-five cents, which was also rejected.

On motion of Mr. Baker of Austin, the minimum price was fixed at fifty cents.

Mr. Geraghty moved an amendment, providing that the scrip should not be located within thirty miles of the sea coast, which was rejected.

On motion of Mr. Allen of Nacogdoches the 51st rule was further suspended, and on the question,

"Shall the bill pass?"

The ayes and noes were ordered.

Those who voted in the affirmative were, Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Arnold, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Brush, Chenoweth, Cartwright, Hill, Hooper, Lewis, McKiuney, Roman, West, Wharton, White,—19.

Those who voted in the negative were Messrs. Branch, Burnham, Gant, Geraghty, Holman, Wright,—6.

So the bill was passed.

Mr. Gant from the committee on naval affairs, to whom was re-committed the petition of F. T. Wells, reported a bill regulating the pay of pursers in the navy, which was read a first time.

On motion of Mr. Wharton the 51st rule was suspended, and the bill read a second time.

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

Mr. White from the committee on enrolled bills reported, that the following acts had received the approbation of the president and had become laws, viz:

"An act authorizing the consolidation and funding of the public debt."

"A joint resolution for the relief of free persons of colour."

"A secret resolution."

"A joint resolution requiring the auditor to audit the accounts of J. Bryant and S. Francois."

Mr. Allen of Milam from the committee on the state of the republic, to which had been referred the letter of the auditor of public accounts, reported a joint resolution for the relief of J. W. Moody, auditor, which being read, on motion of Mr. Allen of Milam the 51st rule was suspended, and the joint resolution read a second time.

On motion of Mr. Branch the rule was further suspended, the joint resolution read a third time and passed.

Mr. Arnold, from the select committee to which the subject had been referred, reported a bill establishing the county of Houston, which being read, on motion of Mr. Arnold the 51st rule was suspended and the bill read a second time.

Mr. Gant offered an amendment in relation to the county of Washington, which was rejected.

The rule was then further suspended, the bill read a third time and passed.

On motion of Mr. Baker of Austin the joint resolution from the senate, defining the boundaries of Jefferson county, was taken up and read a first time; and on motion of the same, the 51st rule was suspended, the joint resolution read a second and third time, and passed.

A message was received from the senate, by the secretary, communicating a joint resolution which had passed that house, directing the mode of authenticating deeds and other instruments of writing.

The following message was received from the president, by Mr. Richardson his private secretary.

Executive Department,
City of Houston, 7th June, 1837. }

GENTLEMEN OF THE SENATE AND
HOUSE OF REPRESENTATIVES:

In reply to your resolution of the 26th ultimo, making enquiry upon what authority I stationed soldiers upon the Sabine, &c., I have the honor to state, that the post of Galveston was in a state of mutiny, in consequence of the want of provisions, and that complaint was made to the executive that persons, who were disaffected towards the government, were driving all the cattle over the Sabine, out of the country, to prevent the government from getting beef cattle to supply the different posts: and upon these representations the executive thought it best that persons should be stationed on or near the Sabine, to prevent the citizens of the county from driving the cattle out of the country, and thereby depriving us of the means of furnishing our army with beef; and that as long as we apprehend an invasion, and expect to supply our army with the beef in the country, we must have a guard to keep the cattle in the country.

The quarter master general has contracted for five hundred beeves, in Shelby county, which will be sufficient to supply the present wants of the army: but we will be deprived of these, if there be no guard to prevent cattle from being driven out of the country.

The scarcity of supplies in Texas exists to an extent that cannot be anticipated. The executive has taken particular pains to ascertain, as near as possible, the number of beeves in the country, and he is compelled to believe that, out of the county of Liberty, there does not exist five hundred that could be procured. Six hundred troops are to be immediately armed and provisioned, independent of those that will be in the main army. Our vessels of war, have to be supplied from Galveston, with beef. Where there are no bread stuffs, there is much meat consumed. It requires three pounds and a half per day for a ration for one man.

I have thus respectfully submitted to your honorable body a few of the many reasons which could be adduced to show why I placed guards on the Sabine, to prevent those who might wish to deprive the country of means which were essential to its preservation, and I still consider it impertant that we should preserve all the resources in the country.

SAM. HOUSTON.

On motion of Mr. Baker of Austin the message was laid on the table.

A message was received from the senate, by the secretary, communicating a joint resolution which had passed that body for the release of Texian prisoners.

Also, a bill supplementary to the act establishing the county of Houston.

Mr. Gant from the select committee to whom had been referred the bill concerning military bounties, head rights, &c., made the following

R E P O R T :

On motion of Mr. Wharton the joint resolution from the senate for the benefit of Texian prisoners, at Matamoros, was taken up, the 51st rule was suspended, and the joint resolution read a second and third time, and adopted.

A message was received from the senate, by the secretary, communicating a joint resolution which had passed that body to prevent the grazing of cattle in this country, belonging to foreigners.

The bill from the senate authorizing Robert Wilson to possess the Sand Keys forming Red Fish Bar, in Galveston Bay, was taken up and read a first time: the 51st rule was suspended, and the bill put on its second reading.

On motion of Mr. Baker of Austin the bill was referred to the committee on the state of the republic.

Mr. Boyd submitted the following resolution,

Resolved, That the clerk be instructed to inform the senate that this house has disposed of nearly all the business now before it, and will be ready to adjourn this evening.

Mr. Branch submitted the following joint resolution.

Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the president of the republic be, and he is hereby, authorized to carry into effect the contract made on the first day of April 1836, between the government *ad interim* of Texas, and Robert Triplett and others, by issuing to the parties thereto the land scrip to which they are entitled under that contract according to its provisions, and that those of the subscribers to the first loan negotiated by the Texian commissioners in New Orleans, in January 1836, who have not yet become parties to the said contract, be allowed to do so according to its conditions and privileges, as if it had been originally executed by them.

The joint resolution was read a first time.

The joint resolution from the senate concerning a mode of authenticating deeds and other writings, was taken up and read a first time.

The joint resolution from the senate to prevent the grazing of cattle in this country, belonging to foreigners, was taken up and read a first time.

On motion of Mr. Boyd the 51st rule was suspended and the joint resolution put on its second reading.

Mr. Baker of Austin moved that it be indefinitely postponed, which was lost.

Mr. Holman moved that it be laid on the table, which was also lost.

Mr. White moved to strike out all but the enacting clause, which was carried.

On motion of Mr. Roman, the joint resolution authorizing the president to send an agent to the United States, to settle with the agents heretofore appointed to dispose of land scrips was taken up, on its third reading, and adopted.

On motion of Mr. Roman the joint resolution for the relief of Alexander Walsh was taken up on its second reading: the 51st rule was suspended and the joint resolution read a third time and adopted.

On motion of Mr. Baker of Matagorda the joint resolution for the stay of executions was taken up.

Mr. Baker of Austin moved to strike out all after the enacting clause:

On which motion the ayes and noes were ordered,

And the question being put,

Those who voted in the affirmative were, Messrs. Allen of Nacogdoches, Arnold, Baker of Austin, Boyd, Burnham, Hooker, Holman, McKinney, West, Wharton,—10.

Those who voted in the negative were, Messrs. Speaker Allen of Milam, Baker of Matagorda, Bilingsly, Branch, Bruns, Chenoweth, Cartwright, Gant, Gefaghty, Hill, Roman, White Wright,—14.

So the house refused to strike out.

Mr. Baker of Austin then offered the following proviso, *Provided, however,* this resolution shall not be so construed as to impair the obligation of any contract made previous to its passage.

On which the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Allen

Nacogdoches, Arnold, Baker of Austin, Boyd, Hooper, Holman, McKinney, Wharton,—9.

Those who voted in the negative, were Messrs. Speaker, Allen of Milam, Baker of Matagorda, Billingsly, Branch, Brush, Burnham, Chcnoweth, Cartwright, Gant, Geraghty, Hill, Roman, White,—14.

So the proviso was rejected.

Mr. Boyd offered the following amendment,

Be it further enacted, that from and after the first day of July next, no debt contracted by bill, bond, note, or otherwise shall be coerced by any process of law whatsoever,—which was rejected.

A message was received from the senate announcing the concurrence of the senate in the amendments to the bill establishing the county of Houston, and the adoption of the joint resolution for the benefit of J. W. Moody, auditor, with amendments.

The house then adjourned until 4 o'clock.

4 O'CLOCK, P. M.

On motion of Mr. Branch the 51st rule was suspended, and the resolutions put on their second reading.

On motion of Mr. Branch the word president was stricken out of the second resolution, and the words "auditorial department," inserted.

Mr. Baker of Austin moved that the resolution lie on the table until to-morrow, which was rejected.

On motion of Mr. Branch the 5st, was further suspended, the resolution read a second and third time, and adopted.

A message was received from the senate, by the secretary, communicating the bill authorizing the issuing of promissory notes by the government, which had passed the senate with amendments.

"A bill regulating the pay of pursers of the navy."

"A joint resolution on the treasurers report." And

"A joint resolution for the benefit of Texas prisoners,"

Mr. Wright presented a memorial from James W. Parker, asking permission to raise 2000 men to act against the Indians, and for remuneration for ransoms paid for prisoners, which was referred to the committee on Indian affairs.

A message was received from the senate, by the secretary, communicating the joint resolution for the relief of Alexander Walsh, which had passed the senate with amendments.

Mr. Wharton submitted a joint resolution for the appointment of a board of commissioners to investigate land titles.

The bill from the senate, supplementary to an act establishing the county of Houston, was taken up and read.

On motion of Mr. Allen of Nacogdoches the 51st rule was suspended, and the bill put upon its second reading.

On motion of Mr. Baker of Austin the word "fourth" was stricken out of the section, and the word "last" inserted, so as to make it read the "last Mondays in February and August."

On motion of Mr. Allen of Nacogdoches the 51st rule was further suspended, the bill as amended read a second and third time, and passed.

The joint resolution on the treasurer's annual report was taken up, and the senate's amendments concurred in.

The joint resolution for the relief of J. W. Moody, was taken up, and the senate's amendments concurred in.

The joint resolution for the relief of Alexander Walsh was taken up, and the amendments of the senate concurred in.

The joint resolution for the relief of Texian prisoners, at Matamoros, was then taken up, and the amendments of the senate concurred in.

A message was received from the senate, by the secretary, announcing the concurrence of the senate in the joint resolution for the relief of John H. Harry, and in the bill authorizing the issuing of promissory notes by the government.

On motion of Mr. Baker of Austin the house adjourned until to-morrow morning at 10 o'clock.

W. F. GRAY, Clk.

THURSDAY, JUNE 8th, 1837.

The house met pursuant to adjournment.

Twenty-three members present.

Mr. Wharton asked leave of absence from the house for the remainder of the session, being called away on public business of an important nature.

Mr. Branch presented a proposal from Niles F. Smith, for the purchase of the Sand Keys on Red Fish bar, in Galveston Bay:

Which was referred to the committee on the state of the republic, to whom was referred the bill from the senate authorizing Robert Wilson to possess the same property.

Mr. Billingsly from the committee on Indian affairs, to which was referred the memorial of J. W. Parker, made the following

R E P O R T :

From the evidence in possession of your committee with regard to the character of Mr. Parker, they think it inexpedient to grant Mr. Parker the authority asked for. Your committee are of opinion that much evil might result from empowering such men to carry on war against the Indians, without the possibility of good. With regard to the other petition from the citizens of Mustang Prairie, we are of opinion every relief has been afforded, in the power of this congress. We have been assured by the president, that every exertion would be used to render the frontier immediate aid, and that, in case the aid contemplated by the bill for the better protection of the northern frontier could not be afforded by the fifteenth of July, he would call out the militia.

Mr. Allen of Milam from the committee on the state of the republic, to which was referred the bill from the senate authorizing Robert Wilson to possess the Sand Keys, forming Red Fish bar, in Galveston bay, and the proposals of Niles F. Smith on the same subject, made the following,

R E P O R T :

The committee on the state of the republic, to whom was referred an act authorizing Robert Wilson to possess the Sand Keys forming Red Fish bar, in Galveston Bay, and the proposals of Niles F. Smith on the same subject, have had the same under consideration, and recommend the postponement of the further consideration of said bill, until congress shall be enabled to obtain more correct information as to the value of the property in question.

S. S. ALLEN, *Chairman.*

Mr. Arnold, from the select committee to whom the subject was referred, made the following

R E P O R T :

The select committee to whom was referred the petition of sundry citizens of the county of Nacogdoches, and of Fort Bend and Washington county, severally new counties, also the report of the committee on county boundaries, defining the boundaries of the several counties, have had the same under consideration and have instructed me to report, that the prayers of the several petitioners should be granted, and that the bill reported by the committee on county boundaries is such a one as the county requires, and should be adopted. In all of which your committee respectfully ask the concurrence of the house.

A. ARNOLD, *Chairman.*

Mr. Arnold from the same committee reported a bill establishing the county of Fort Bend, which was read the first time.

On motion of Mr. Baker of Austin the 51st rule was suspended, and the bill put upon its second reading. On motion of the same the first blank in the bill was filled with the first Mondays in February and August, as the terms of the district court, the rule was then, on motion of the same further suspended, the bill read a third time, and passed.

On motion of Mr. Baker of Austin it was

Resolved, That a select committee of three be appointed, to act with such committee as may be appointed by the senate, to enquire into all matters connected with our Indian relations, with full power to send for persons and papers, and to call upon the president for information, and that said committee report, by bill or otherwise, as may be deemed expedient.

Messrs. Baker of Austin, Billingsly and Allen of Milam, were appointed the committee, on the part of the house.

Mr. Billingsly, by leave, introduced a bill to define the rights of emigrants who arrived in the country, between the declaration of independence and the first of January 1837.

Which was read a first time.

On motion of Mr. Branch the house went into secret session.

The lobby was cleared and doors closed:

Upon the doors being opened,

On motion of Mr. Hooper the house adjourned until 4 o'clock.

4 O'CLOCK, P. M.

The house met pursuant to adjournment.

A message was received from the senate communicating the following resolution which had passed that body and in which the concurrence of the house was requested.

Resolved, That a committee of conference consisting of three members, be appointed on the part of the senate, to act with a like committee to be appointed on the part of the house of representatives, for the purpose of making an explanatory amendment to the bill entitled "an act to raise a revenue by impost duties."

Also, a secret resolution: and announcing the concurrence of the senate in the resolution from the house respecting Indian depredations.

On motion of Mr. Gant, the bill establishing a second auditor and comptroller, was taken up and read a second time.

On motion of Mr. Gant the bill was amended by striking out, from the oath prescribed for claimants, the words "nor has taken or embezzled, &c."

On motion of Mr. Gant the bill was further amended by inserting, after the words "second auditor," the words "or any person legally authorized to administer oaths."

Mr. Boyd moved to strike out the whole of the second section, which was rejected.

The 51st rule was then suspended and the bill read a third time, and upon the question,

"Shall the bill pass?"

The ayes and noes were ordered.

Those who voted in the affirmative were, Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Baker of Austin, Baker of Matagorda, Billingsly, Branch, Brush, Burnham, Chenoweth, Cartwright, Gant, Geraghty, Hill, Hooper, Holman, Lewis, McKinney, Roman, West, White,—21.

Those who voted in the negative were Messrs. Arnold, Boyd, Wright,—3.

So the bill was passed.

The following message was received from the president, by Mr. Richardson his private secretary.

Executive Department, }
City of Houston, June 8th, 1837. }

GENTLEMEN OF THE SENATE AND
HOUSE OF REPRESENTATIVES.

The act supplementary to an act entitled an act to establish a general land office, I have received, and considered as its importance deserves.

This is an act, it appears to me, upon the good or evil effects of which not only the present and future prosperity, but even the very salvation of the country would for a time be virtually suspended, should it go into operation.

After all the reflection I have been enabled to bestow upon it, it is with a regret, I know not how adequately to express, that I think I perceive in it defects and omissions of a character far too great to be overlooked, and on account of which I find myself under the necessity of withholding from it my signature. Aware as I am of the great difficulties there are in the way of making a law on the subject, at the present moment, which should at all approach the standard of our desires, I am dis-

posed to view with the greatest indulgence the errors which I think are to be found in the one now before me, and this I do the more readily in the hope that you will be disposed to regard, with similar indulgence, the objection I find myself conscientiously constrained to make to it.

In the midst of the many difficulties and cares that surround me, it will be impossible to take so careful and minute a view of the subject as its great importance deserves. One observation occurs to me however at the threshold, which I will take occasion to make, and that is this, that, according to my view of the matter, it were far better for the substantial interest of the country that no land law at all should be passed at present, than that one should go forth to the world containing imperfections calculated at once to alarm and distress our friends, and to inflict in the end irretrievable mischiefs and injuries to the community.

Such has been the haste with which the bill has been drawn up, and so various the circumstances of interest, impatience, and passion, on the part of some, to prevent its assuming a form better adapted to our condition, that I feel warranted in giving it as my belief that those who are now its best friends will, one day or other, should it indeed become a law, be found among the principal mourners of the calamities it may bring on us.

The first and principal objection, I have to make to it, is the provision for sectionizing the whole republic, by a base line and four meridian lines. The utility of running such lines as those alone, and no more, with respect to the object supposed to be contemplated by them, I own I am not able to perceive, and when I consider the bill expressly declares that no surveys, either past or future, shall in any way be affected by them, I cannot refrain from supposing that there is no intention of making any use of them whatever; in which case, the mere running them would but too plainly appear a vain and useless labour, incurred for no conceivable purpose. If it should be said that these lines are required to be run in a spirit of obedience to the requisition of the constitution on the subject, it may be replied that the constitution is not so easily satisfied. It says indeed that the whole territory of the republic shall be sectionized in a manner to be prescribed by law, but it goes on to say also, that it shall be done in such manner as to enable the officers of government, or any citizen, to ascertain with certainty the lands that are vacant and those that are covered with valid titles. Is the running a base line, and four meridian lines, such a section-

izing of the country as will enable any one to ascertain vacant or located lands? And can it be the mode meant by the constitution? If it is not, what are we about to do, but to disregard the constitution and in so doing violate our oaths? For my own part I am not willing to make so great a sacrifice, whatever others may think themselves justified in doing.

Here I might stop, without making any further objection; but there is still another defect of so glaring a character, that I cannot forbear bring into view. It is the want of any sufficiently guarded provisions to prevent the multiplication of spurious claims. As the bill says nothing on the subject, it follows that the 15th section of the law, passed December 22, last, is relied upon as sufficient for the object in view.

It will be seen by examining that section, that any person whatever, before any person whatever authorized to administer an oath, no matter where, in public or private, can, by taking a certain oath, obtain an order of survey, and go on to procure land. Under a mode of proof so loose, so easy, so private it may be too, and attended with so few circumstances calculated to impress the mind with a proper sense of consequences, it might be a safe conjecture that all the territory of Texas would not be sufficient to satisfy the claims that rapacity, speculation and perjury, altogether, would continue sooner or later to forge and bring into legal shape, with a view to participate in advantages intended only for honest men. I mean by this suggestion to make no undue reflection on the integrity of the people of Texas. Luckily they are not the persons who, in the nature of things, can be guilty of the species of fraud to which I allude. It must be strangers of course, and they I fear would be found coming, by hundreds and thousands, to procure their leagues and labors in this land of promise, knowing that they could do it at no other expese than the breath which would enable them to say amen to a false oath, administered, as it might be, within the walls of a grog shop or brothel.

In illustration of this suggestion, I have to state for your information that undoubted intelligence has reached me, of hundreds of persons, who have been already introduced into eastern Texas, for the purpose of practising the kind of fraud to which I have alluded. These men have come in from Louisiana, Arkansas, and elsewhere—declared their intention of becoming citizens, (a thing they could do in an hour after their arrival,) and have taken out certificates of such declaration, upon which, immediately considering themselves entitled to head rights, they

have sold the same to speculators who have gone on, in hundreds of instances, to make their surveys accordingly, and now have their plots in their pockets, ready to enter them the moment the land offices are opened. Those mock citizens of Texas have in the mean while gone back to the United States, with the intention no doubt, of returning again in the fall to procure more head rights, finding it a speculation so easy to be accomplished.

That some real citizens of Texas are in collision with those imposters, there can be no doubt, and it is hoped that the infamy which is their due, for such unblushing knavery, will some day overtake and brand them with all the odium which should attach to such public robbers.

The looseness of the direction made in the bill for the shape the surveys are to assume, presents to my mind another serious objection. What is meant by one half of the square, fronting on the water? I confess I am not able to understand precisely the idea intended to be conveyed by the expression, though it may be conjectured, it is surely but darkly intimated by the terms which have been employed.

There is besides an indefiniteness in the term "*water course*," in the place where it is used in the bill, that may lead to most unexpected operations. For example, surveys made on *water courses* are required to front so much on the water, and then out of course for quantity. A Bayou within a mile of the river is a water course equally with the river. From this it might result, that a survey might front one half of the square on the Bayou, and actually cross the river, so as to take both sides of it to include the quantity. This, though a mode of procedure that would be allowed by the loose terms of the law, is a consequence which was surely never contemplated by either of your honorable bodies. It is, nevertheless, a consequence to be expected in practice from the keen sightedness of self interest, carving for itself its last and only slice of the public domain.

If there be any force or propriety in these objections they will be sufficient for the present purpose, and save me the necessity of pointing out still others of a less serious character, which as I think may be taken to the bill, and if what I have here said shall have the effect of inducing a dispassionate consideration of the subject, I shall have the happiness of reflecting that I have, at least, done that much good for my country.

SAM. HOUSTON.

The message having been read, on motion of Mr. Baker of

Austin, the bill returned by the president was taken up and re-considered,—and on the question,

“Shall the bill pass, notwithstanding the objections of the president?”

Those who voted in the affirmative were, Messrs. Speaker, Arnold, Baker of Austin, Baker of Matagorda, Billingsly, Boyd, Branch, Burnham, Chenoweth, Cartwright, Gant, Hill, Hooper, Lewis, McKinney, West, White, Wright,—18.

Those who voted in the negative were Messrs. Allen of Milam, Allen of Nacogdoches, Brush, Geraghty, Holman, Roman,—6.

So the bill was passed by a constitutional majority.

On motion of Mr. Allen of Nacogdoches the joint resolution for the relief of Robert Triplett and others, was taken up, and read, and laid on the table.

The resolution from the senate to appoint a committee of conference on the bill to raise a revenue by impost duties, was taken up and concurred in, and Messrs. Baker of Austin, Gant and Boyd, were appointed the committee on the part of the house.

The house then went into secret,

And upon the doors being opened the house adjourned until 8 o'clock.

8 O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Baker of Austin, by leave of the house, introduced a bill supplementary to the act establishing a general land office, &c.

On motion of Mr. Branch the 51st rule was suspended, and the bill put on its second reading.

Mr. Gant offered a substitute for the whole bill.

Mr. Baker of Austin offered an amendment providing for sectionizing the country, by running four base and four meridian lines, which was adopted.

Mr. Branch offered the following amendment.

That it shall be the duty of the president to order out such portion of the militia as he may deem necessary for the protection of the surveyors, which was rejected.

Mr. White offered an amendment to Mr. Gant's substitute, providing for timbering the prairies, and coining, which was accepted by Mr. Gant.

On motion of Mr. Boyd the words "four base lines," were stricken out, and one base line inserted in the second section.

Mr. Billingsly moved to strike out the words "one base line," which was rejected.

Mr. Gant offered the following in lieu of the second section, "that the commissioner general be required to proceed forthwith after his appointment to sectionize the whole republic, or so much thereof as he may think proper, in townships of twelve miles square, which was rejected.

Mr. Baker of Matagorda moved to strike out the words "first of October," and insert "first of November," as the time for opening the land office, which was rejected.

Mr. Holman moved a suspension of the 51st rule, which was lost; and

On motion of Mr. Baker of Austin it was ordered,

That the bill be engrossed for a third reading and made the order of the day for to-morrow.

On motion of Mr. Baker of Austin, the house then adjourned until 10 o'clock to-morrow.

W. F. GRAY, CLK.

FRIDAY, JUNE 9th, 1837.

The house met pursuant to adjournment.

Twenty-three members present.

Mr. Gant, from the joint committee on the bill to raise a revenue by impost duties, made the following

R E P O R T :

The majority of the joint committee upon the bill to raise a revenue by impost duties have had the same under consideration, in conjunction with the committee on the part of the senate, and recommend the following amendments, to wit: that the words "or properly authenticated drafts on the treasury," in the 9th section of the bill, be stricken out, in which they ask the concurrence of the house.

The amendment was accordingly adopted.

Mr. Baker of Austin moved the following amendment,

"Provided: That the original holders of the treasury drafts shall have the privilege of paying their duties in said treasury drafts:"

Upon which the ayes and noes were ordered,

Those who voted in the affirmative were, Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Baker of Austin, Boy, Hooper, Holman, Lewis McKinney, White, Wright,—11.

Those who voted in the negative were, Messrs. Arnold, Baker of Matagorda, Billingsly, Branch, Brush, Burnham, Chenoweth, Cartwright, Gant, Geraghty, Hill, Roman, West, —12.

So the amendment was rejected.

Mr. Baker of Austin, by leave introduced a bill, authorizing the president to sell five hundred thousand acres of land scrip.

On motion of the same, the 51st rule was suspended and the bill read a second time.

On motion of the same, the following amendment was made to the bill, viz:

“That no soldier’s drafts be paid, unless he is at the time of presentation the original, actual, and *bona fide* owner of said draft,—and he shall take an oath to that effect before the said draft shall be paid.” And

On motion of Mr. Roman the 51st rule was further suspended, and the bill read a third time, and passed.

Mr. Roman submitted a joint resolution to prevent the auditor from charging illegal fees.

On motion of Mr. Billingsly, the 51st rule was suspended and the joint resolution read a second time.

On motion of Mr. Roman the rule was further suspended, and the joint resolution read a third time, and adopted.

A message was received from the senate, by their secretary, announcing the concurrence of the senate in the amendments, made by the house, to the bill establishing a second auditor and comptroller’s office, and also to the bill supplementary to the act establishing the city of Houston, and the adoption of a resolution to appoint a committee of conference on the land bill.

The resolution from the senate to appoint a committee of conference on the land bill was adopted. And Messrs. Baker of Austin, Allen of Nacogdoches, and Billingsly, were appointed a committee on the part of the house.

Mr. Boyd asked and obtained leave of absence from service in the house for the balance of the session.

On motion of Mr. Allen of Nacogdoches, the house adjourned until 4 o’clock.

4 O’CLOCK, P. M.

The house met pursuant to adjournment.

The bill from the senate defining the boundaries of Jefferson was taken up, read a third time, and laid on the table.

The bill for the stay of executions was taken up on its second reading, the 51st rule was suspended, and the bill read a third time and passed.

On motion of Mr. Gant the house resolved itself into a committee of the whole on the bill to raise a revenue by direct taxation.

⁴¹ Mr. Allen of Nacogdoches, in the chair;

And after some time spent therein, the committee rose, reported the bill with amendments, and were discharged from its further consideration.

The bill was then read a third time, and on the question, "Shall the bill pass?"

The ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Baker of Matagorda, Burnham, Billingsly, Branch, Brush, Chenoweth, Cartwright, Geraghty, Hill, McKinney, Roman, West,—15.

Those who voted in the negative, were Messrs. Arnold, Baker of Austin, Boyd, Gant, Hooper, Holman, White, Wright,—8.

So the bill passed.

Mr. Baker of Austin, from the committee of conference on the land bill, reported a bill supplementary to an act entitled "an act to establish a general land office for the republic of Texas.

Mr. Baker of Austin moved a suspension of the 51st rule; before the question was put,

A message was received from the senate, by their secretary, announcing the passage in that house of the joint resolution concerning general T. J. Chambers, with an amendment.

Mr. Gant moved that the supplementary land bill, reported by the committee of conference, be rejected, which was lost.

A message was received from the senate, by the secretary, with a joint resolution authorizing the president to raise an expedition against the Indians, by ordering out the present forces in the field, by draft or otherwise.

The 51st rule was then suspended, and the bill supplementary to the land law, was read a second time.

Mr. Roman moved to amend the bill by striking out "first of October," and inserting "fifteenth of November," as the time for opening the land office, which motion was lost.

Mr. Boyd moved to amend the bill by striking out all after the enacting clause, which motion was lost.

Mr. Baker of Austin moved a further suspension of the rule for the purpose of reading the bill a third time forthwith the house refused to suspend the rule.

Mr. Billingsly presented a petition from Thomas F. McKinney, praying to be allowed interest on the debt due from the government to McKinney & Williams.

On motion of Mr. Billingsly the petition was referred to a select committee of three, and the Speaker appointed Messrs. Billingsly, Branch and Roman, that committee.

On motion of Mr. Branch the bill from the senate, defining the boundaries of Jefferson county, was taken up on its second reading.

On motion of Mr. Branch the bill was amended, by striking out the two last sections, and inserting a new one: and

On motion of the same the 51st rule was suspended, the bill read a third time, and passed.

The joint resolution concerning general T. J. Chambers, was then taken up, and the amendment of the senate concurred in.

The bill from the senate authorizing the president to raise an expedition against the Indians was taken up and read:

The 51st rule was suspended and the bill read a second time.

On motion of Mr. Billingsly, it was laid on the table.

On motion of Mr. Baker of Matagorda the house adjourned until 10 o'clock to-morrow morning.

W. F. GRAY, CLK.

SATURDAY, JUNE 10th, 1837.

The house met pursuant to adjournment.

Twenty-two members present.

Mr. Billingsly from the select committee to whom was referred the petition of Thomas F. McKinney made the following

R E P O R T :

The select committee to whom was referred the petition of Thomas F. McKinney, praying relief from the embarrassed situation in which he is placed, on account of the large advances which he has made to the government of Texas, have carefully considered the same, and are fully satisfied with the justice of the petition, and unanimously recommend the adoption of the following resolution,

Resolved, That the auditor be and he is hereby authorized

to allow ten per centum interest on all treasury drafts issued to McKinney & Williams, and that said drafts shall be received for all government dues.

On motion of Mr. Billingsly the 51st rule was suspended, and the resolution read a second time.

Mr. Allen of Milam was called to the chair.

On motion of Mr. Baker of Austin, the words, "and said drafts shall be received for all government dues," were stricken from the resolution.

On motion of Mr. Billingsly the 51st rule was further suspended, and the resolution read a third time, and on the question,

"Shall the resolution be adopted?"

The ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Speaker, Allen of Milam, Allen of Nacogdoches, Baker of Austin, ~~Bugs~~ ~~ham~~, Billingsly, Branch, Hooper, Lewis, McKinney, Roman, West,—12.

Those who voted in the negative, were Messrs. Arnold, Baker of Matagorda, Boyd, Brush, Chenoweth, Cartwright, Gant, Hill, Holman, Wright, White,—11.

So the resolution was adopted.

Mr. White from the committee on enrolled bills reported the following acts and resolutions, as having been approved by the president.

"An act to regulate the pay of pursers in the navy."

"A joint resolution authorizing the president to send an agent to the United States, to settle with the agents for land scrip."

"A joint resolution for the relief of Alexander Walsh."

"An act authorizing the issuing of promissory notes of the government."

The bill supplementary to an act establishing a general land office, &c., was taken up on its third reading.

Mr. Branch moved that the house resolve itself into a committee of the whole on the bill, which motion was lost:

On the question,

"Shall the bill pass?"

The ayes and noes were ordered.

Those who voted in the affirmative were, Messrs. Speaker, Allen of Nacogdoches, Baker of Austin, Billingsly, Branch, Hill, Hooper, Lewis, McKinney, White, West,—11.

Those who voted in the negative were Messrs. Allen of

Milam, Arnold, Baker of Matagorda, Burnham, Boyd, Brush, Chenoweth, Cartwright, Gant, Geraghty, Holman, Roman, Wright,—13.

So the bill was lost.

Mr. Baker of Austin presented a letter from general Felix Huston, relating to the pledges made by general T. J. Chambers, general S. F. Austin, and other agents of Texas, to the soldiers raised in the United States, respecting settlements, or head rights of lands, which on motion of Mr. Baker of Austin, was referred to the committee on public lands.

The house adjourned until 4 o'clock.

4 O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Billingsly substituted a joint resolution authorizing the auditor to employ as many clerks as he may think necessary for one month, which being read, on motion of Mr. Branch the 51st rule was suspended, and the resolution read a second and third time, and adopted.

A message was received from the senate communicating a bill establishing a medical board,

And a bill to license the retailers of liquors and others, which had passed that body.

Mr. Branch, by leave introduced a bill supplementary to an act, to establish a general land office, &c., which was read.

On motion of Mr. Chenoweth the 51st rule was suspended, and the bill put on its second reading.

Mr. Billingsly moved that the bill be laid on the table, which was rejected.

Mr. Chenoweth moved that it be referred to a select committee, which was also rejected.

Mr. Billingsly was called to the chair.

Mr. Branch moved to amend the supplemental land bill, by allowing the emigrants who arrived in the country, between the declaration of independence and the first day of January 1837, to heads of families a league and labor of land, and to single men one third of a league of land: the motion was rejected.

On motion of Mr. Arnold the bill was then laid on the table.

The following message was received from the president, by Mr. Richardson his private secretary.

Executive Department, }
City of Houston, June 10th, 1837. }

GENTLEMEN OF THE SENATE AND
HOUSE OF REPRESENTATIVES.

I take pleasure in calling your particular attention to the subject of authorizing the district judges to call courts in criminal cases, and in their absence from the district, to authorize the chief justice of each county to call and hold courts in criminal cases.

This recommendation is made owing to the fact that we have no jails, nor means to employ guards: hence the most atrocious offenders escape justice, and our country is degraded abroad. This measure it is sincerely hoped may claim your attention, as I do sincerely believe that the welfare of the country, and the preservation of order depends upon it. If granted, it shall be executed.

SAM. HOUSTON.

On motion of Mr. Branch, the message was referred to the committee on the judiciary.

A message was received from the senate, by their secretary, announcing the concurrence of the senate in the joint resolution authorizing the auditor to employ as many clerks as he may think necessary, for one month:

Also, that the senate had concurred in the joint resolution for the relief of McKinney & Williams.

On motion of Mr. Branch the bill supplementary to an act establishing a general land office, &c., was taken up, and

On motion of the same it was referred to a select committee, with instructions to report on the same, this evening at 8 o'clock.

The Speaker appointed Messrs. Gant, Roman and Branch, the committee.

Mr. Gant introduced a joint resolution respecting the duties and compensation of the chief clerk of the house of representatives.

On motion of Mr. Holman the 51st rule was suspended, and the joint resolution read a second time.

Mr. Chenoweth moved to fill the blank with two thousand dollars, as the salary of the clerk, which was rejected.

Mr. Archer moved eighteen hundred dollars, which was also rejected.

On motion of Mr. Gant the blank was filled with fifteen hundred dollars.

On motion of Mr. Branch the 51st rule was further suspended, and the joint resolution read a third time, and passed.

The joint resolution, authorizing the president to order out forces against the Indians, was taken up on its second reading.

On motion of Mr. Arnold the clause allowing bounty lands to the militia was stricken out.

Mr. Billingsly moved that the joint resolution be rejected, which was lost.

Mr. Arnold moved a further suspension of the 51st rule, which was also refused by the house.

On motion of Mr. White the house then adjourned until 8 o'clock.

8 O'CLOCK, P. M.

The house met pursuant to adjournment.

A message was received from the senate, by their secretary announcing the passage by the senate of the bill to raise a revenue by direct taxation, with amendments.

Also the joint resolution respecting the adjournment of congress, with an amendment.

Mr. Branch submitted the following

R E P O R T :

The select committee to whom was referred a bill, entitled "an act supplementary to an act establishing a general land office for the republic of Texas," have copied the same with some inconsiderable amendments, and recommend the passage of the bill.

EDWARD T. BRANCH,
W. W. GANT,
RICHARD ROMAN.

The bill was read as reported, and being on its second reading, Mr. Baker of Austin moved an amendment providing for classification of land claims, which was rejected by the house. Mr. Baker of Matagorda moved the following amendment, viz: those who have been six years in the country, and have families, shall be entitled to one league and labor of land, providing they have served three months in the army."

The amendment was rejected.

Mr. Baker of Austin moved the following amendment: *Provided, however,* no man who refused to sell ammunition to the government on a credit, between the first February and 1st of June 1836, shall be entitled to land under this act;

Which was also rejected.

Mr. Arnold moved the following amendment: "*Provided, the Mexicans at Nacogdoches, that were embodied, shall not be allowed to sell head rights for the benefit of Tories:*"

Which was also rejected.

On motion of Mr. Chenoweth the 51st rule was suspended and the bill read a third time; and on the question,

"Shall the bill pass?"

The ayes and noes were ordered,

Those who voted in the affirmative were, Messrs. Speaker, Baker of Austin, Baker of Matagorda, Burnham, Bilingsly, Branch, Brush, Chenoweth, Cartwright, Gant, Geraghty, Hill, Hooper, Lewis, McKinney, Roman, White, West,—18.

Those who voted in the negative were, Messrs. Allen of Milam, Arnold, Boyd, Holman,—4.

So the bill passed.

The bill to raise a revenue by direct taxation, returned from the senate with amendments was taken up, the two first amendments, excepting real and mixed property from taxation, were disagreed to, the others were concurred in.

The joint resolution providing for the adjournment of congress on the 4th inst., was taken up, and on motion laid on the table.

The house then adjourned until 10 o'clock on Monday morning.

W. F. GRAY, Clk.

MONDAY, JUNE 12th, 1837.

The house met pursuant to adjournment.

Twenty-two members present.

Mr. White from the committee on enrolled bill, made the following

R E P O R T :

The following joint resolutions were submitted to the president on the 10th, inst., for his approval.

"1st. A joint resolution for the relief of John H. Harry."

"2d. A joint resolution concerning general T. J. Chambers."

"3d. A joint resolution for the relief of Texian prisoners taken by the Mexicans."

And on the 12th, inst., the following were submitted:

"1st. A joint resolution for employing extra clerks in the auditor's office."

"2d. A joint resolution for the relief of McKinney & Williams."

"3d. An act to raise a revenue by impost duties."

S. ADDISON WHITE,

Chairman of Committee on Enrolled Bills.

Mr. Baker of Austin submitted the following resolution.

Whereas some members have left their seats in this house, and returned home without permission, and whereas the business of this house has been seriously incommoded for the want of the attendance of such members, therefore

Be it resolved, that the clerk in the journals following this resolution enter the names of the members who have so left.

Mr. Brush submitted the following additional clause by way of amendment, viz:

"And that the members who have so left without leave be, and they are hereby, expelled from their seat in this house, and that the president be informed of the expulsion, and requested to issue writs of election to fill the vacancies so created."

And the resolution as amended, was adopted.

According to order it is here recorded, that the honorable Joseph Rowe of San Augustine, left his seat in the house on the 6th June, and had not returned; and the honorable George W. Wright, of Red River, left his seat after the 10th of June, and has not returned.

On motion of Mr. Brush the vote on the amendment to the foregoing resolution was reconsidered, and by permission of the house the amendment was withdrawn.

On motion, it was

Ordered, That the preamble and resolution above, together with the names of the absentees, be published in the Telegraph.

On motion of Mr. Baker of Austin the house adjourned until 4 o'clock.

4 O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Brush submitted the following resolution:

Whereas a bill providing for the sale of Galveston Island, which originated in the senate and passed both houses, has been lost or mislaid, so that it cannot be enrolled and submitted to the president:

Be it resolved, That a select committee be appointed to make search for said bill, and investigate the subject of its loss.

The resolution was adopted, and the Speaker appointed Messrs. Gant, Branch, Allen of Milam, and White the committee.

On motion of Mr. Branch, it was

Ordered, That the same sum of money be allowed the door keeper, at the present session, that was allowed that officer at the last session of congress for contingent expenses.

A message was received from the senate by senators Ellis and Horton, announcing the illness of senator Everitt, who was confined to his bed, by reason of which the senate could not form a quorum in its chamber, and asking the consent of the house for the senate to adjourn to the chamber of the sick member.

The consent of the house was unanimously granted, and On motion the house took a recess until 8 o'clock.

8 o'clock, P. M.

The Speaker resumed the chair, and called the house to order.

The bill from the senate to license retailers of liquors and others, was taken up and read the first time.

On motion of Mr. Brush, the 51st rule was suspended and the bill put on its second reading.

On motion of Mr. Baker of Austin, the second section was amended, by inserting before the words "nine or ten pin alleys," the words "any species of game commonly known as such."

On motion of the same, the clause, in the third section making imprisonment the penalty for non-payment of the fine, was stricken out.

Mr. Billingsly moved to strike out "three hundred dollars," as the tax on billiard tables, which was rejected.

On motion of Mr. Billingsly, "one hundred dollars," was adopted as the tax on showmen, to be assessed and collected in each county where they exhibit.

Mr. Branch moved to strike out "two hundred dollars," the tax on retailers of spiritous liquors, for the purpose of inserting "one hundred dollars," which was rejected.

On motion of Mr. Baker of Austin the 51st rule was suspended, and the bill as amended, read a third time and passed.

The bill from the senate establishing a medical board was taken up and read the first time.

Mr. Gant moved that the bill be laid on the table, which was rejected.

Mr. Brush moved a suspension of the 51st rule which was also lost.

On motion of Mr. Allen of Nacogdoches the house went into secret session.

Upon the doors being again opened,

A message was received from the senate, by Mr. Stickney, announcing that the senate had concurred in the resolution for publishing the laws, journals of congress, &c., and that they have receded from their amendment to the bill for raising a revenue by direct taxation, which had been disagreed to by the house.

Another message was received from the senate, by Mr. Tompkins, announcing that the bill supplementary to an act, entitled "an act establishing a general land office for the republic of Texas," passed on 22d December, 1836, which was vetoed by the president and afterwards passed on the 8th inst., by a constitutional majority of the house of representatives, had also been reconsidered and passed by a constitutional majority of the senate, and that the same is now the law of the land.

On motion of Mr. Gant, it was

Resolved, That it shall be the duty of the clerk of the house of representatives to take charge of the books, documents and papers of the house as well during the recess as the session of the house, and until a sufficient and convenient office shall be provided by congress, he shall be allowed to rent a suitable place for their arrangement and safe keeping. He shall not permit any papers or documents in his possession as clerk to be withdrawn, except under order of the house, or the written order of the Speaker, but he may furnish copies of any of the documents in his possession as clerk, which is not on the *secret file*, for any person desiring them. He shall be allowed as full payment for his services fifteen hundred dollars per annum, and during the session of congress he may employ as many additional clerks as may be necessary for the prompt and correct dispatch of business.

Mr. Branch, from the committee appointed to investigate alleged loss of the bill providing for the survey and sale of Galveston Island, reported that a diligent but unsuccessful enquiry and search had been made for said bill, and that a substitute was preparing for it in the senate.

Mr. White from the committee on enrolled bills, made the following

R E P O R T :

The following acts have been submitted to the president and approved by him, viz:

1st. "An act to raise a revenue by direct taxation."

2d. "A joint resolution for the relief of McKinney & Williams."

3d. "A joint resolution authorizing the auditor to employ an additional number of Clerks."

4th. "A joint resolution concerning major general T. J. Chambers."

5th. "A joint resolution for the relief of Texian prisoners taken by the Mexicans."

6th. "A joint resolution for the relief of John H. Harry."

S. ADDISON WHITE,

Chairman of Com. on Enrolled Bills.

On motion of Mr. Branch, it was

Ordered, That five hundred copies of the act, entitled "an act supplementary to an act establishing a general land office in the republic of Texas," be printed for the use of this house.

A message was received from the senate, by Mr. Stickney, with a bill providing for the survey and sale of Galveston Island, and all other Islands in the republic, which was passed in the senate in place of the bill for the same object which was lost.

Also, announcing the concurrence of the senate in the amendments made by the house to the bill for licensing retailers of liquors and others.

The bill for the survey and sale of Galveston Island, &c., was taken up and read.

On motion of Mr. Allen of Nacogdoches, the 51st rule, was suspended and the bill put on its second reading.

On motion of the same the latter clause of the third section, appropriating one fourth of the proceeds to the payment of the civil list, was stricken out and the following inserted: "and one fourth shall be paid into the treasury of the republic, to be paid out only for the redemption of the promissory notes of the government, contemplated to be issued by a law previously passed by this congress."

Mr. Gant moved that ten dollars be paid as the minimum price per acre of lands to be sold under this act, which was rejected.

A message was received from the senate, by senators Robertson and Somervell, announcing that the senate had dispatched the business before them, and were ready to adjourn without day.

A message was sent to the senate informing that body that the house will be ready to adjourn so soon as it shall have acted on the Galveston Island bill.

The senate returned for answer, "that so soon as the house shall be ready to adjourn, the senators will meet the representatives in their hall for a final adjournment of the two houses."

The 51st rule was then further suspended, and the bill providing for the survey and sale of Galveston Island, &c., was read a third time, and amended, and passed.

The house then adjourned until 10 o'clock on Tuesday morning, to give time for enrolling bills.

1 O'CLOCK, TUESDAY MORNING, }
June 13th, 1837. }

The house met pursuant to adjournment.

Mr. Allen of Nacogdoches, by leave, introduced a bill supplementary to the act entitled "an act supplementary to an act entitled an act establishing a general land office, &c."

The bill having been read the first time,

On motion of Mr. White the 51st, rule of the house was suspended, and the bill read a second time.

On motion of Mr. Allen of Nacogdoches the rule was further suspended, and the bill read a third time, and passed, and sent to the senate.

On motion of Mr. Arnold the bill from the senate, authorizing the president to order the forces into the field, or to call out the militia, to protect the frontiers, was taken up on its second reading.

Mr. Branch submitted the following substitute,

Be it enacted, That the president be, and he is hereby, authorized to order out forthwith such a portion of the militia as he may think proper, for the better protection of the frontier: which was adopted, and the bill read a third time, and passed.

On motion of Mr. Allen of Nacogdoches, it was

Resolved, That the thanks of this house be given to the Speaker, for the able and impartial manner in which he has conducted the business of the house.

Mr. Baker of Austin from the committee on the judiciary, to whom was referred the president's message of the 10th inst., recommending the authorizing the district judges to call courts in criminal cases, and in their absence from the district, to authorize the chief justice of each county to call and hold courts in criminal cases," reported verbally.

"That the committee deemed the proposed measure unconstitutional, and asked that the committee be discharged from its further consideration;" which was agreed to.

Mr. Baker of Austin from the same committee, to whom had been referred sundry petitions for divorces, reported verbally, that there was not sufficient evidence adduced in the several cases to warrant the action of the house, and recommended that the petitions and documents be returned to the several applicants, and asked that the committee be discharged from the further consideration: which was agreed to.

Mr. Allen of Milam, from the committee on the state of the republic, returned sundry documents which had been referred to that committee.

Mr. Branch from the committee of claims and accounts; to whom was referred the petitions of B. R. Whitecomb and A. Washington, and Handy and Lusk,

R E P O R T E D :

"That they have not been able to obtain the information necessary to enable them to judge of the merits of the petitions," and asked leave to return the petitions of the house.

On motion of Mr. White, it was unanimously

Resolved, That the thanks of the house be tendered to the reverend W. W. Hall, for the pious and devoted manner in which he has discharged the duties of chaplain to this house.

On motion of Mr. Branch, it was unanimously

Resolved, That the thanks of the house be tendered to the clerks and officers of the house, for the ability and promptness with which they have discharged the duties of their respective offices.

A message was received from the senate, by Mr. Farish, their engrossing clerk, announcing the passage by that body of the bill supplementary to the act entitled "an act supplementary to the act entitled an act establishing a general land office, &c."

On motion of Mr. Allen of Nacogdoches, it was

Ordered, That a committee of two be appointed to notify the president that, if he has no further business to communicate to it, the house is ready to adjourn.

The Speaker appointed Messrs. Allen of Nacogdoches, and Branch, the committee.

Mr. White, from the committee on enrolled bills, reported the following acts as having been approved and signed by the president, viz:

- 1st. "An act to raise a revenue by direct taxation."
- 2d. "An act to authorize the president to call out the militia."
- 3d. "An act supplementary to an act entitled "an act

supplementary to an act entitled an act establishing a general land office, &c."

Mr. Allen of Nacogdoches, from the committee appointed to wait on the president,

R E P O R T E D :

That they had performed that duty, and that the president had no further business to communicate to congress at its present session, but that he would wait on the two houses, in a few minutes, for the purpose of taking leave of them.

The senate was then invited into the hall, and the honorable members accommodated with seats in front of the chair.

At 4 o'clock, A. M., his excellency the President was received by the two houses, in joint session, to whom he delivered a valedictory address.

The two houses of congress then adjourned *sine die*.

June 13, 1827