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JOURNALS

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OF THE SENATE

OF THE

REPUBLIC OF TEXAS.

ADJOURNED SESSION—SECOND CONGRESS.

[BY ORDER OF THE SECRETARY OF STATE.]

HOUSTON:

.....

1838.

TELEGRAPH POWER PRESS.

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JOURNAL

OF THE

SENATE,

Pursuant to adjournment, the senators present, convened in the Senate Chamber, at 12 o'clock, M., April 19th, 1838.

The Vice-President, hon. M. B. Lamar, in the chair.

Present.—Honorable Stephen H. Everitt, president pro tem., Robert Wilson, ——— Lester, John Dunn, and G. W. Barnett.

On motion of Mr. Everitt, Wm. F. Gray was appointed secretary, pro tem.

The hon. Wm. J. Russel, presented his certificate of election from the county of Brazoria, in the place of Wm. H. Wharton late senator, resigned, and took his seat.

There not being a quorum.

On motion of Mr. Everitt, the senate adjourned until tomorrow morning, 10 o'clock.

TUESDAY, APRIL 10, 1838.

The senate met pursuant to adjournment.

On calling the roll, the following members answered:

Messrs. Wilson, Robertson, Lester, Everitt, Rains, Dunn, Barnett, Somervell and Russell.

Mr. John A. Greer, the senator, elect, from San Augustine, (in place of senator Augustine, resigned,) appeared and took his seat.

On motion of Mr. Everitt, the certificates of Messrs. Russell and Greer were referred to the committee on privileges and election.

The President delivered an address to the senate and retired from the chair.

The president pro tem. took the chair.

Mr. Barnett, from the committee on privileges and elections, reported that from the certificates submitted to them, it appeared that John A. Greer was duly elected a senator of this Republic, from the county San Augustine, in the place of Senator Augustine, resigned; and that Wm. J. Russell was duly

lected from the county of Brazoria, in the place of senator Wharton, resigned.

Whereupon, the newly elected members were qualified by taking the oath of office.

Mr. Edward Hall, late agent of Texas, at New Orleans, was invited to take a seat within the bar of the senate.

On motion of Mr. Somervell, the senate then proceeded to the election of a secretary; Messrs. Somervell and Rains were appointed tellers.

On counting the ballots it appeared that ten votes had been given, and that Wm. Fairfax Gray was unanimously elected.

On motion of Mr. Somervell, the senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, APRIL 11, 1838.

The senate met pursuant to adjournment. The president in the chair.

On motion of Mr. Everitt, the Rev. Wm. Y. Allen was appointed chaplain, pro tem.

Mr. Allen was introduced, and offered prayer.

On motion of Mr. Somervell, the senate then proceeded to the election of clerks.

Mr. Barnett was appointed teller.

Mr. Edward H. Winfield received seven votes and was duly elected assistant secretary.

Mr. Brashear was unanimously elected engrossing clerk.

Mr. Menassah Seevy was unanimously elected enrolling clerk.

The oaths of office were administered to the clerks elect, by the secretary.

Mr. Everett submitted the following resolution.

Resolved, That a committee of three be appointed to enquire into the propriety of electing a reporter.

The rule, requiring the resolution to lie one day for consideration, was suspended and the resolution adopted.

Messrs. Everitt, Wilson, and Greer were appointed the committee.

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

THURSDAY, APRIL 12, 1838.

The senate met pursuant to adjournment. Eleven members present. The president in the chair. Prayer by the chaplain pro tem.

Mr. Everitt, from the select committee to whom was refer-

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red the enquiry into the expediency of electing a reporter to the senate, made the following report:

"The committee, to whom was referred the resolution having in view the propriety of electing a reporter for this house, have had the same under consideration and unanimously agree in recommending that the senate should elect a reporter.

"They, further, respectfully recommend to the senate, as a suitable person to fill the station of reporter, Mr. James D. Cocke, whose qualifications are undoubted, and who, in addition to the usual duties of reporter, will attend to and have the laws expeditiously prepared for the press."

The rule was suspended, the report considered and adopted.

On motion of Mr. Barnett, the senate proceeded to the election of a reporter.

Mr. Russell was appointed teller.

The ballot being taken, Mr. James D. Cocke was duly elected; forthwith sworn into office, by the secretary, and entered upon the duties of his office.

On motion of Mr. Everitt, a committee consisting of Messrs. Everitt, Barnett and Wilson, was appointed to provide suitable rooms for the officers of the senate.

On motion of Mr. Everitt, a committee consisting of Messrs. Everitt, Barnett and Wilson was appointed to wait on the President of the Republic, in conjunction with such committee as may be appointed by the house of representative, for that purpose, and inform him that the Congress is in session, and ready to receive any communication that he may have to make to them.

Ordered, That the secretary do inform the house of representatives of the organization of the senate, and that it is ready to proceed to business: also, of the appointment of the above committee to wait upon the President of the Republic, and request the concurrence of the house.

A message was received from the house of representatives, by Mr. Sturges, their clerk, informing the senate that the house was duly organized, and ready to proceed to business.—That the following gentlemen were the officers of the house, viz:

The hon. Joseph Rowe, Speaker; Benj. Sterges, clerk, James D. Owen, assistant clerk, John H. Herndon, engrossing clerk; James G. Simmons, reporter; George S. Stratton, sergeant-at-arms; Marshall Mann, Door-keeper; and, that Messrs. Jones, of Brazoria, Branch and Patton were appointed a committee, on the part of the house, to act in conjunction

with the committee of the senate, to wait on the President of the Republic and inform him that the two houses of Congress are in session, and ready to receive any communication that he may have to make to them.

Mr. Everitt moved that the secretary have leave of absence, for a few days, to enable him to attend to important private business, which was refused.

On motion of Mr. Everitt, the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president in the chair.

Mr. Everitt, from the committee appointed to wait on the President and inform him that the congress is in session, reported, verbally, that the committee had performed that duty, and that the President had replied that he would make his communication to the two houses, in person, to-morrow morning, at 10 o'clock, A. M.

The president of the senate announced the appointment of the following standing committees:

ON FOREIGN RELATIONS—Messrs. Everitt, Somervell and Burton.

ON FINANCE—Messrs. Wilson, Russell and Rains.

ON MILITARY AFFAIRS—Messrs. Somervell, Dunn and Robertson.

ON NAVAL AFFAIRS—Messrs. Barnett, Wilson and Russell.

ON CONTINGENT EXPENSES—Messrs. Rains, Lester and Barnett.

ON ENROLLED BILLS—Messrs. Lester, Russell and Greer.

ON PRINTING—Messrs. Robertson, Burton and Everitt.

ON CLAIMS AND ACCOUNTS—Messrs. Dunn, Rains and Lester.

ON INDIAN AFFAIRS—Messrs. Burton, Everett and Robertson.

ON THE JUDICIARY—Messrs. Greer, Somervell and Burton.

ON COUNTY BOUNDARIES—Messrs. Everitt, Dunn and Robertson.

ON ROADS, FERRIES AND BRIDGES—Messrs. Russell, Rains and Wilson.

ON PRIVILEGES AND ELECTIONS—Messrs. Barnett, Rains and Greer.

Mr. Wilson moved to re-consider the vote of this morning

refusing leave of absence to the secretary; the senate refused to re-consider.

On motion of Mr. Dunn, the senate adjourned until tomorrow morning, 10 o'clock.

FRIDAY, APRIL 13TH, 1838

The senate met pursuant to adjournment. The president in the chair. Prayer by the Rev. Mr. Fowler.

A message was received from the house of representatives, by a committee, inviting the senate to unite with the house of representatives, in their Hall, to receive the communication of the President.

The president announced the appointment of the following gentlemen, as a committee on public lands, viz: Messrs. Everitt, Wilson and Greer.

Mr. Everitt, from the joint committee appointed to wait on the President, reported, verbally, that the committee had performed that duty, and that his excellency was laboring under severe indisposition, which would prevent his making the promised communication to-day; but that he would, if he were able, deliver his communication to the two houses of congress on tomorrow morning, at half past 11 o'clock. A. M.

Mr. Everitt submitted the following resolution:

Resolved, That the committee on finance be instructed to report the condition of the currency of the country as soon as possible.

On motion of Mr. Everitt, the rule was suspended; the resolution considered and adopted.

Mr. Barnett submitted the following resolution;

Resolved, That the committee on foreign relations be instructed to enquire into, and report to the house the situation of our foreign affairs; laid on the table by a rule of the house.

Mr. Everitt, by leave, introduced a bill declaring certain children therein named, legitimate.

The rule was suspended, and the bill read a second and third time, and passed.

On motion of Mr. Lester, the senate adjourned until tomorrow morning 10 o'clock.

SATURDAY, APRIL 14TH, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the Rev. Mr. Fowler.

On motion of Mr. Everitt it was *Ordered*, that the secretary cause to be printed, a sufficient number of the "rules of the senate," adopted at the last session, for the use of the mem-

bers; also, that he be authorized to procure a sufficient quantity of stationary, tables, chairs, &c., for the use of the senate.

Mr. Everett submitted the following resolution, which was laid on the table:

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of amending the laws laying direct taxation, and reporting such amendment as they may deem expedient; that they be instructed to enquire, particularly into that part of said law as refers to the issuing of licence to merchants, retailers of goods, &c.

On motion of Mr. Everitt, the senate took a recess for fifteen minutes.

The senate having been called to order, a message was received from the house of representatives, to hear the communication of the President of the republic.

The senate proceeded, in order, to the hall of representatives; the president of the senate took his seat on the right of the speaker, and 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 half past 11 o'clock, his excellency, the President of the republic, entered the hall, preceeded by the joint committee of the two houses, and attended by the heads of the several departments, and other officers of government, accompanied by the hon. Alcee La Branche, Charge D'Affairs, from the United States of North America.

His excellency was received by the members of the two houses, standing, uncovered, and was conducted to the seat between the speaker of the house of representatives and the president of the senate.

The heads of departments, and other attendants of his excellency, and the United States charge d'affairs, were accommodated with seats on the right and left of the chair.

His excellency, the President, then arose and delivered an oral address to the two houses upon the affairs of the republic; which having concluded, he retired from the hall, conducted and accompanied as on his entrance.

The business, on which the two houses united in joint session, being ended, the two houses separated, and the senate returned to their chamber.

On motion of Mr. Somervell, the senate adjourned until Monday morning, 10 o'clock.

MONDAY, APRIL 16TH, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the chaplain.

The chair presented the petition of Edward Hall, of New Orleans, late agent of the government, praying that congress will make provision for the proper location, &c., of the land for which scrip was sold by said agent; which was referred to a select committee, consisting of Messrs. Burton, Everitt and Barnett.

On motion of Mr. Russell, the following resolution was submitted:

Resolved That the sergant at arms be required to arrest the persons of Thomas W. Ward and Francis R. Lubbock, and bring them forthwith before the bar of this house for trial, for an act of contempt, committed on Saturday last.

The resolution was adopted and the warrant forthwith issued.

The resolution submitted by Mr. Barnett, on Friday, was taken up for consideration.

On motion of Mr. Burton, the following substitute was adopted:

Resolved, That the committees on foreign relations, on Indian military and naval affairs be authorized to call on the different heads of departments for any information contained in their archives or records, calculated to enlighten them on the subject committed to them.

The door-keeper of the senate being indisposed, on motion of Mr. Everitt. Mr. Hadnot was appointed door-keeper, pro tem.

Mr. Everitt submitted the following resolution, which being made, was laid on the table by a vote of the senate:

Resolved, By the senate and house of representatives of the Republic of Texas, in congress assembled; That, from and after the first day of May next, the operations of the Land Offices in Red River and Fannin counties, be, and are hereby suspended, until the difficulty now existing between this government and the United States be settled; when, the old settlers shall have the same privileges, they now have, of a priority of location for selecting their lands for the balance of the time of six months, that they may, by this resolution, be deprived of.

Mr. Francis R. Lubbock was brought to the bar of the Senate, by the sergant-at-arms, under the warrant of the presi-

dent, upon a charge of contempt of the senate, for firing a pistol at Thomas Wm. Ward, in the gallery of the Capitol, in view of the senate, and in the crowd, at the instant of the adjournment of the two houses of congress, on Saturday, last.

The president stated, to the accused, the charge on which he was arrested, and asked what he had to say in his defence.

Mr. Lubbock addressed the senate in explanation of the circumstance.

On motion of Mr. Russell it was *Ordered*, That F. R. Lubbock be honorably discharged from his arrest.

The sergeant-at-arms reported that Thomas Wm. Ward had locked himself up in his house, and refused to be arrested, or seen.

On motion of Mr. Lester, the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment. The president in the chair.

Thomas Wm. Ward was brought to the bar of the senate, by the sergeant-at-arms, upon a charge of contempt, for making an assault on Francis R. Lubbock, in the gallery of the Capitol, on Saturday last, at the time of adjournment of the two houses of congress.

The president, informed the accused of the charge, and asked him what he had to say in his defence.

Mr. Ward addressed the senate in explanation of the circumstances attending the occurrence.

On motion of Mr. Russell, amended by Mr. Everitt it was *Resolved*, That Thomas Wm. Ward be reprimanded by the President, for the contempt manifested, by him, to this house, in making a personal assault upon a citizen, in the gallery of the Capitol, and in view of the senate.

The president accordingly reprimanded the accused, and he was discharged.

The senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, APRIL 17TH, 1838.

The senate met pursuant to adjournment. The president in the chair. Prayer by the chaplain.

Mr. Greer, from the committee on the judiciary, made a report on the subject of direct taxation, recommending the reduction of the tax on personal and mixed property; the report being read, was laid on the table.

The president laid before the senate the following letter, from the first auditor of public accounts:

FIRST AUDITOR'S OFFICE.
Houston, April 13th, 1838.

The hon. the senate and
house of representatives:

GENTLEMEN—In conformity to law, I beg leave to report, that, since the 18th of November, ultimo, up to 12th instant, (both days inclusive, there has been audited and drawn for, by this department, on account of

Military claims - - - -	\$586,988 97
Amount of government debt on the 17th November, ultimo. -	1,030,041 57
	<hr/>
	\$1,617,030 54

All of which is respectfully submitted by

Your obedient servant,

J. W. MOODY, Auditor.

On motion of Mr. Everitt it was *Ordered*, That a select committee on the subject of printing the laws, journals, &c., be appointed.

Messrs. Everitt, Burton and Somervell were appointed the committee.

Mr. Wilson, from the committee on Finance, submitted a report on the state of the currency, accompanied by a bill "to establish the bank of the Republic of Texas;" the report and bill were read and laid on the table.

Mr. Everitt, from the committee on foreign relations, submitted a report, accompanied by a joint resolution, instructing the executive to cause the proposition, heretofore made by this government, to the government of the United States, "for the annexation of Texas to the United States," to be respectfully and unconditionally withdrawn; the report and resolution were read and laid on the table.

Mr. Greer submitted the following resolution:

Resolved, That the secretary of the senate cause to be printed, forthwith, in pamphlet form, one thousand copies of the report and bill from the committee on finance; and, also, the publication in the "Telegraph" of the report; laid on the table.

Mr. Everitt moved the adoption of the following resolution:

Resolved, That his excellency, the President, be respectfully requested to lay before the senate so much of the official intercourse, between this government and the government of the United States, as relate to the operations of our land offices in Red River and Fannin counties—and the boundary line question.

The resolution being read, on motion of Mr. Everitt the rule of the senate was suspended; the resolution considered and adopted.

Mr. Burton submitted the following resolution, which was adopted.

Resolved by the senate, That a special committee be appointed to examine the offices of the two auditors; and that such examination be especially directed to those claims as coming under the denomination of civil list.

Messrs. Burton, Barnett and Dunn were appointed the committee.

A message was received from the house of representatives communicating the report of the commissioners appointed to select a site for the location of the seat of government.

Mr. Russell, by leave of the senate, introduced a bill, entitled "an act to repeal a certain act therein named;" which was read the first time.

Mr. Burton, from the select committee to whom was referred the petition of Edward Hall, reported a bill entitled "an act providing for the location of land scrip, and for redeeming the same;" which was read the first time.

On motion of Mr. Somervell the senate adjourned until tomorrow 10 o'clock A. M.

WEDNESDAY, APRIL 18, 1838.

The senate met pursuant to adjournment, the President in the chair. Prayer by the Rev. Mr. Allen.

A message was received from the house of representatives, by their clerk, informing the senate they had passed an act entitled "an act supplementary to an act, entitled an act regulating elections," passed October 26th, 1837; in which they request the concurrence of the senate.

Mr. Wilson, from the committee on finance, made a report supplemental to the report from the same committee on the subject of the bank of the republic of Texas.

Mr. Everitt, from the committee on the subject of printing the laws, journals &c., brought in a report on the contracts heretofore made for the public printing, and recommending the appointment of a joint committee of the two houses of congress, to devise some systematic rule to guide the government in its printing contracts.

Mr. Everitt, from the select committee appointed to provide rooms for the officers of the senate, made the following report:

Your committee, to whom was referred the subject of selecting proper rooms for the use of the officers of the senate, respectfully report: They have obtained the following rooms, viz:

The room adjoining the senate for the exclusive use of the secretary of the senate.

The room over the one above named, for the exclusive use of the reporter until he is removed.

The room at the head of the stairs for the use of the engrossing and enrolling clerks, and the sergeant-at-arms: all which is respectfully submitted. S. H. EVERITT, Chairman.

On motion of Mr. Everitt, the rule of the senate was suspended, the report considered, and it was

Ordered That the above arrangement be sanctioned and carried into effect under the direction of the secretary.

Mr. Burton, from the committee on Indian affairs, reported verbally, that he found it impossible to obtain from the executive departments the information requisite to enable him to make a detailed report in obedience to the resolution of the senate; but that the secretary of state, it was expected, would, in a few days, make a report to congress on Indian affairs.

The senate then proceeded to the **ORDERS OF THE DAY.**

The report from the committee on the judiciary, on the subject of direct taxation was called up and laid on the table.

The report and bill from the committee on finance, on the subject of the currency and the bank of the republic was called up and laid on the table.

The resolution for printing one thousand copies of the report and bill from the committee on finance being amended, was considered, and adopted as follows:

Resolved, That the secretary of the senate cause to be printed forthwith, in pamphlet form, two hundred copies of the report, supplemental report and bill from the committee on finance.

The resolution respecting the operation of the land offices in Red River and Fannin counties was taken up and laid on the table.

The joint resolution, directing the withdrawal of the proposition for annexing Texas to the United States was taken up, read a second time and laid on the table.

The bill providing for the survey and location of land to satisfy holders of scrip sold by the government was taken up on its second reading: sundry amendments being proposed,

On motion of Mr. Everitt, the bill and proposed amendments were recommitted to the committee that reported it.

The bill to repeal a certain act therein named was taken up on its second reading, and being amended, the rule was suspended, the bill read a third time and passed.

Ordered, That it be engrossed and sent to the house of representatives for their concurrence.

Mr. Barnett, by leave, introduced a bill to encourage the improvement of the breed of horses: read first time.

The senate then adjourned until to-morrow 10 o'clock A. M.

THURSDAY, APRIL 19, 10 O'CLOCK A. M.

The senate met pursuant to adjournment, the president in the chair. Prayer by the chaplain.

Mr. Barnett, from the committee on naval affairs, stated verbally, that the committee was unable to report satisfactorily, without further information, which they have not yet been able to obtain.

The senate proceeded to the **ORDERS OF THE DAY**.

The report of the select committee on the contracts for public printing was taken up.

On motion of Mr. Somervell,

Ordered That the report be referred to the standing committee on printing, to act conjointly with such committee as may be appointed on the part of the house of representatives, with leave to report on the subject, by bill or otherwise,

The bill to encourage the improvement of the breed of horses was taken up on its second reading and amended.

Mr. Burton, from the select committee to whom was referred the petition of Edward Hall, and the bill authorizing the location of the land scrip sold by the government, reported a substitute for the original bill. It being on the second reading,

On motion of Mr. Everitt, the bill was amended by striking out "first day of August next," and inserting "first Thursday of August next."

On motion of Mr. Burton, the first blank was filled with "three dollars per English lineal mile actually run:" and

On motion of Mr. Everitt, the second blank was filled with "three dollars," as the fee for examining, recording &c.

On motion of Mr. Everitt, an additional section the 6th was added, providing for the location of bounty lands.

On motion of Mr. Somervell, the bill as amended was ordered to be engrossed and made the order of the day for to-morrow.

The following message from his excellency the President, of the Republic enclosing a letter from the secretary of state,

and the correspondence called for by the resolution of the senate of the 17th instant, was received by the hands of Mr. Hoyle his private secretary.

EXECUTIVE DEPARTMENT, TEXAS:

To the honorable the senate of Texas:

In compliance with a resolution of the senate of yesterday's date, authorizing a call for information concerning the boundary line between the United states and this Republic, I transmit the accompanying report from the secretary of state, which, I trust, may be perfectly satisfactory to the honorable senate.

SAM HOUSTON.

City of Houston, April 18th, 1838.

On motion of Mr. Burton, *Ordered*, That the message and accompanying documents be referred to the committee on foreign relations.

The report of the commissioners for selecting a site for the future seat of government, received from the house of representatives was read.

On motion of ———— *Ordered*, That the report and accompanying documents be referred to a committee of three, to act in conjunction with such committee as may be appointed on the part of the house of representatives, and that the said committee be authorized to receive such further proposals, donations &c. as may be made by individuals, and that they report by bill or otherwise.

The bill from the house of representatives "supplementary to an act entitled an act regulating elections &c." was taken up and read first time.

Mr. Burton, by leave, introduced a bill to repeal the 37th section of the act entitled "an act organizing the inferior courts &c.," which was read the first time.

Mr. Burton laid before the senate sundry documents to support the petition of Alexander Le Grand, presented at the last session of congress.

On motion of Mr. Burton, it was *Ordered*, That all the unfinished business of the last session be made the order of the day for to-morrow.

On motion of Mr. Dunn, the senate adjourned until to-morrow 10 o'clock A. M.

FRIDAY, APRIL 20, 1838.

The senate met pursuant to adjournment, the president in the chair. Prayer by the chaplain.

Mr. Somervell stated verbally, that the committee on mili-

tary affairs had applied to the secretary of war for the information directed by the resolution of the senate, and that the secretary of war would, in a few days, communicate the desired information to congress.

Mr. Burton, from the select committee directed to examine into the auditors' offices, made a report in part, recommending that a committee of the house of representatives be requested of that body, to act in conjunction with the committee of the senate on that subject; and that they make a joint report.

The senate then proceeded to the **ORDERS OF THE DAY.**

The bill to provide for the location of land scrip, and for redeeming the same was taken up on its second reading.

On motion of Mr. Burton, the sixth section was amended, and the bill laid on the table.

A message was received from the house of representatives by their clerk, communicating a proposition from Henry Austin, concerning the location of the seat of government, which was read and referred to the joint committee on that subject.

The bill to encourage the rearing of horses &c. was read a third time and passed.

The ayes and noes being ordered, those who voted in the affirmative were Messrs. Barnett, Everitt, Greer, Rains, Robertson and Russell—6.

Those who voted in the negative were Messrs. Burton, Dunn, Lester and Somervell—4.

The bill supplementary to the act entitled "an act regulating elections," passed October 26th, 1837, was read a second time, and

On motion of Mr. Russell, referred to a select committee.

The chair appointed Messrs. Russell, Burton and Rains the committee.

The bill to repeal the 37th section of the act entitled "an act organizing inferior courts" was read a second time and ordered to be engrossed for a third reading.

Mr. Everitt, by leave, introduced a bill concerning licences to traders, &c.; which was read the first time.

Mr. Robertson, by leave, introduced a bill to prevent the burning of the prairies at certain seasons; which was read the first time.

On motion of Mr. Everitt, leave of absence was granted to the senator from Brazoria (Mr. Russell,) until Monday morning next.

On motion of Mr. Burton, all the unfinished business of last session was made the order of the day for Tuesday next.

On motion of Mr. Everitt, the senate adjourned until Monday morning 10 o'clock A. M.

MONDAY, APRIL 23, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the Rev. Mr. Allen.

Mr. Everitt presented the petition of E. Johns & Co., of New Orleans, proposing to publish a new edition of the Civil Code of Louisiana, and asking a subscription on the part of the government of Texas; which was read and referred to the committee on the judiciary.

Mr. Everitt presented the memorial of John Woodward, trustee of J. C. Beale, empresario &c.; which being read,

On motion of Mr. Everitt, was referred to the committee on public lands.

Mr. Dunn presented the petition of John F. Kemper, praying congress to cause his accounts to be audited.

On motion of Mr. Dunn, referred to the committee on claims and accounts.

Mr. Everitt submitted a resolution directing the laws to be distributed to the President and heads of departments and of bureaus; which was read a first time.

The senate then proceeded to the ORDERS OF THE DAY.

A bill to prevent burning the prairies at certain seasons of the year was taken up and read a second time.

A message was received from the house of representatives, by their clerk, communicating the following bills which they had passed, viz:

"An act to repeal part of an act incorporating the town of Gonzales:" read a first time.

"An act to incorporate Caney Navigation Company:"—read a first time.

"An act for foreclosing mortgages:" read a first time.

"An act securing the right of appeal," read a first time.

A bill entitled "an act to authorize the President to negotiate a loan on the bonds of the government not exceeding five millions of dollars;" read a first time; the rule was suspended, and the bill read a second time,

On motion, it was laid on the table, and ordered that five hundred copies be printed.

"An act repealing the 37th section of an act organizing the inferior courts" was read a first time.

Mr. Robertson, by leave introduced a memorial from sundry officers of the navy, praying the re-instatement of George

Wheelwright as a captain in the navy; which was read and referred to the committee on naval affairs.

Mr. Burton, from the select committee appointed to examine the auditor's offices, made the following report:

The committee, to whom was referred the duty of examining the auditor's offices, ask leave to report upon that part of the duty assigned them, that refers to the claims paid as civil list.

Your committee find that the liabilities of the government created by army agents since the 25th of April 1837, and paid by order of the President, amounts to \$36,118 86 cents, and that the acceptances since that date, amount to \$44,337 37 cents.

Your committee find no law authorizing the President to cause the secretary of the treasury to pay the liabilities created by any army agents for military purposes, out of the funds appropriated for the payment of the civil list or specialties created by act of congress.

Your committee recommend that a committee of the house of representatives be requested of that body, to act in conjunction with your committee on the subject, and make out a joint report.

J. W. BURTON, Chairman.

Mr. Everitt submitted a resolution concerning the conduct of clerks and officers of the senate; which was read a first time.

The bill concerning licences to traders, &c., was read a second time; and

On motion of Mr. Wilson, referred to the committee on the judiciary.

Mr. Barnett by leave, submitted a bill to regulate marriage contracts; which was read a first time.

Mr. Barnett presented a memorial from J. Wooster, praying congress to secure to him the right of making and vending a map of the republic of Texas; which was read a first time, and,

On motion of Mr. Wilson, referred to the judiciary committee.

On motion of Mr. Wilson, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK P. M.

The senate met pursuant to adjournment.

On motion of Mr. Everitt, the bill providing for the location of certain land serip was taken up.

On motion of Mr. Barnett, the 6th section was stricken out.

Ordered, that the bill be made the special order of the day for Thursday next.

On motion of Mr. Wilson, the senate adjourned until tomorrow morning 10 o'clock A. M.

TUESDAY, APRIL 24, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the chaplain.

A message was received from the house of representatives, by their clerk, communicating a bill for repairing the President's house," which had passed the house.

Mr. Everitt, to whom was referred the message of the President of the republic and the report of the secretary of state, respecting the difficulties between this government and the government of the United States, in regard to the boundary line between the two republics, and the jurisdiction over the territory near thereto—returned the same without report.

Mr. Everitt moved that five hundred copies of the message and documents be printed.

Mr. Burton called for the ayes and noes; and they being ordered, those who voted in the affirmative were Messrs. Barnett, Everitt, Robertson, Russell, Somervell and Wilson—6.—

Those who voted in the negative were Messrs. Burton, Dunn, Greer, Lester and Rains—5.

Mr. Russell, from the select committee to whom was referred a bill from the house of representatives, supplementary to an act entitled "an act regulating elections," reported the same with an amendment; which was read the first time.

The senate then proceeded to the **ORDERS OF THE DAY.**

"A joint resolution directing the laws of the republic and public documents printed by either house, to be distributed to the President heads of departments and chiefs of bureaus," was read a second time, and,

On motion of Mr. Burton, indefinitely postponed.

A single resolution concerning the duties of the clerks and officers of the senate was taken up for consideration, and laid on the table.

A bill to prevent burning the prairies at certain seasons was read a second time, and referred to a select committee consisting of Messrs. Barnett, Dunn and Robertson.

"A bill concerning marriage contracts" was read a second time.

Mr. Somervell offered a substitute in the bill.

On motion of Mr. Everitt, the bill and substitute were referred to a select committee, consisting of Messrs. Wilson, Lester, Russell and Barnett.

"A bill from the house of representatives to repeal the

37th section of the act entitled "an act organizing the inferior courts was read a second time, and

On motion of Mr. Dunn, referred to a select committee, consisting of Messrs. Dunn, Rains and Lester.

"A bill from the house of representatives to provide for the foreclosure of mortgages was read a second time.

"A bill securing the right of appeal was read a second time.

"A bill from the house of representatives, "incorporating Caney Navigation Company," was read a second time, and

On motion of Mr. Everitt, referred to the committee on the judiciary.

"A bill from the house of representatives "to repeal part of an act incorporating the town of Gonzales" was read the first time.

"On motion of Mr. Russell, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK P. M.

The senate met pursuant to adjournment: the president in the chair.

Mr. Everitt moved the senate adjourn until 10 o'clock to-morrow morning.

Mr. Burton called for the ayes and noes; which being ordered,

Those who voted in the affirmative, were Messrs. Barnett, Burton, Dunn, Everitt, Greer, Rains, Robertson, Russell, Somervell--9.

Negative--Mr. Lester--1.

So the senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, APRIL 25, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the Rev. Mr. Allen.

A message was received from the house of representatives, by B. B. Sturges, their clerk, communicating the passage of the following bills by the house, viz:

"An act entitled "an act to repeal an act to encourage steam boat navigation, passed 18th December, 1837:" read first time.

"A joint resolution, supplementary to a joint resolution for the relief of J. J. Linn, approved December 18th, 1837:" read first time.

Mr. Robertson submitted the memorial of George Wheelwright; which,

On motion of Mr. Burton, was referred to a select committee consisting of Messrs. Burton, Wilson and Somervell.

A message was received from his excellency, by his private secretary, Mr. Hoyle, and the senate went into secret session thereon.

After a short deliberation, the doors were opened.

Mr. Burton submitted the following resolution:

Resolved, That the President be requested to communicate to the special committee to whom was referred the memorial of captain Wheelwright: the reasons and grounds for the dismissal of that officer from service: read first time, and,

On motion of Mr. Burton, the rule was suspended, and the resolution was adopted.

Mr. Dunn, chairman of the committee on claims and accounts, reported by a joint resolution, read first time.

Mr. Greer, chairman of the judiciary committee, to whom was referred the bill concerning licences, and the petition of E. Johns & Co., to publish the Louisiana code, reported: read first time, and laid on the table.

On motion of Mr. Burton: *Ordered* That the sergeant-at-arms be sent for the enrolling clerk, to explain the cause of his absence.

The enrolling clerk appeared and tendered his excuse for being absent.

On motion of Mr. Burton, *Ordered*, that the senate will proceed, this afternoon, to the election of an engrossing clerk, pro tem., in the place of the present incumbent, who is sick and unable to discharge his duties.

Mr. Barnett, from the committee to whom was referred a bill to prevent the burning of the prairies, at certain seasons of the year, reported an amendment; the rule was suspended; the report further amended, and re-committed to a select committee, consisting of Messrs. Greer, Barnett and Burton.

Mr. Lester submitted a bill supplementary to two several acts, defining the south western boundary line of the counties of Fayette and Bastrop; read the first time.

A bill from the house of representatives, to repeal an act entitled "an act to encourage steamboat navigation;" passed December 18th, 1838; read the first time.

A joint resolution, from the house of representatives, for the relief of John J. Linn; read the first time.

On motion of Mr. Everitt, the senate adjourned untill 3 o'clock, this afternoon.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president, pro tem, in the chair.

On motion of Mr. Everitt, the senate proceeded to the election of an engrossing clerk, pro tem.; Mr. Barnett was appointed teller.

Mr. Richard R. Wilkins received six votes, and was duly elected engrossing clerk, pro tem., of the senate. The oath of office was then administered to the clerk, elect, by the president, and he entered upon the duties of his office.

On motion of Mr. Everitt, the bill authorizing the President to negotiate a loan of five millions of dollars, was taken up on its second reading, and read by sections.

Mr. Burton moved that the word "five," wherever it occurs, be stricken out, and the word "three," inserted.

The ayes and noes being called, for striking out; those who voted in the affirmative, were Messrs. Burton, Greer, and Wilson—3; those who voted in the negative were Messrs. Barnett, Dunn, Everitt, Lester, Rains, Robertson, Russell and Somervell—8; so the motion was lost.

Mr. Burton moved to strike out the words "in any language required," in the seventh line; lost.

On motion of Mr. Everitt, the first section was adopted.

Mr. Wilson moved to adjourn until to-morrow morning, 10 o'clock; lost.

On motion of Mr. Everitt the second section was adopted.

The ayes and noes being called for; those who voted in the affirmative were Messrs. Barnett, Dunn, Everitt Greer, Lester, Rains, Robertson, Russell and Somervell—9; those who voted in the negative were Messrs. Burton and Wilson—2.

On motion of Mr. Everitt, the third, fourth, fifth and sixth sections were adopted.

On motion of Mr. Everitt, the word "government" in the seventh section, was stricken out, and "municipal" inserted.

Mr. Burton moved to strike out all of the section after the word "pledged."

The ayes and noes being called for, those who voted in the affirmative were Messrs. Burton, Wilson, Greer—3; and those who voted in the negative were Messrs. Barnett, Dunn, Everitt, Lester, Rains, Somervell and Robertson—7; lost.

On motion of Mr. Everitt, the section was adopted.

On motion of Mr. Everitt, the 8th section was adopted.

On motion the "bill" was *Ordered* to be engrossed for a third reading.

The ayes and noes being called for on the motion, those who voted in the affirmative were Messrs. Barnett, Dunn, Everitt, Lester, Rains, Robertson, Russell, and Somervell—8; those who voted in the negative were Messrs. Burton, Greer and Wilson—3.

Mr. Burton introduced a bill authorizing certain corporations, therein named, to issue change notes; read the first time.

On motion of Mr. Wilson, the senate adjourned until tomorrow, 10 o'clock, A. M.

THURSDAY, APRIL 26, 1838.

The senate met pursuant to adjournment. The president pro tem., in the chair. Prayer by the Rev. Mr. Fowler.

Mr. Robertson submitted the petition of James Hughes, and others, praying for the privilege to establish iron works; read the first time, and,

On motion of Mr. Robertson, referred to to a select committee, consisting of Messrs Robertson, Rains, and Greer.

A message was received from the house of representatives by Mr. Owen, their assistant clerk, informing the senate, they had passed a "bill to amend 'an act granting lands to those who were in the battle of San Jacinto, and other battles;'" read a first time.

Mr. Burton submitted the following resolution:

Resolved by the senate and house of representatives, That the first auditor be, and he is hereby required to audit the discharges and the claims of the volunteer soldiers, who served a tour of duty under the commands of captains' Michael Costly, and ——— Jewell, from the 27th August, to the 27th November, 1838; read a first time.

Mr. Wilson 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 President be and he is authorized to appoint a notary public in and for the city of Houston; read a first time.

The senate then proceeded to the **ORDERS OF THE DAY.**

A bill providing for the location of land scrip, and for redeeming the same, was taken up, read, and,

On motion of Mr. Barnett, referred to a select committee consisting of Messrs. Barnett, Russell and Dunn.

The bill from the house of representatives, "to secure the right of appeal," being on its third reading,

Mr. Robertson moved that the bill be re-committed to the judiciary committee: lost, and the bill passed.

On motion of Mr. Wilson, (by leave of the senate,) it was

Ordered, That a copy of the memorial of captain George Wheelright, be sent to his excellency, the President.

ORDERS OF THE DAY.

A bill from the house of representatives, "for foreclosing mortgages," was taken up on its third reading, and,

On motion of Mr. Wilson, referred to the judiciary committee.

By leave, Mr. Burton introduced a bill defining the northern boundary line of the county of Houston; read a first time.

ORDERS OF THE DAY.

A bill, from the house of representatives, supplementary to "an act regulating elections," which had been reported by a select committee, with an amendment, was taken up, and,

On motion of Mr. Somervell, re-committed to the same committee who had had the same under consideration.

A message was received from the house of representatives informing the senate they had passed a "bill for the relief of P. S. Wyatt,"

ORDERS OF THE DAY.

A bill, from the house of representatives, entitled "an act to repeal an act to encourage steamboat navigation," passed 18th December, 1837; read a second time.

A joint resolution from the house of representatives, for repairing the President's house, read the first time.

The report of the judiciary committee on the bill concerning licences to traders; and on the petition of E. Johns & Co., was considered and adopted.

A joint resolution, supplementary to a joint resolution, for the relief of J. J. Linn, approved 18th December, 1837, was read a second time.

The bill entitled "an act to authorize the President to negotiate a loan on the bonds of the government, not exceeding five millions of dollars," was taken up on its third reading; and,

On motion of Mr. Greer, referred to a select committee.

The ayes and noes being ordered on the question of reference; those who voted in the affirmative were Messrs. Barnett, Burton, Greer, Lester, Rains, Wilson—6; in the negative were Messrs. Dunn, Everitt, Robertson, Russell and Somervell—5.

On motion of Mr. Wilson, the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president pro tem, in the chair.

The chair informed the senate that leave of absence had been granted to the secretary for the evening.

The secretary entered and resumed his duties.

The chair presented a communication, from the honorable secretary of War; which was read, and,

On motion of Mr. Burton, referred to the committee on military affairs.

The "bill supplementary to two several acts, defining the south-western boundary line of the counties of Fayette and Bastrop, was read a third time, and passed.

The bill from the house of representatives, to "repeal part of an act incorporating the town of Gonzales," was read a third time, and passed.

The report and joint resolution of the committee, to whom was referred the petition of John F. Kemper, was taken up and read a second time.

Mr. Robertson, by leave, submitted the petition of Phillip Wepler, praying to have his accounts audited; referred to the committee on claims and accounts.

The senate proceeded to the consideration of the unfinished business of the last session.

On motion of Mr. Burton, the joint resolution, from the house of representatives, for the relief of Alexander Legrand, was taken up on its second reading, and referred to the committee on claims and accounts.

On motion of Mr. Burton, *Ordered*, That all the unfinished business of last session be referred to a select committee; Messrs. Burton, Lester, and Russell, were appointed the committee.

A bill authorizing certain corporations, therein named, "to issue change notes," was read a second time, and,

On motion of Mr. Burton, referred to the committee on finance.

Mr Lester, by leave, introduced a bill regulating weights and measures of the republic; read a first time.

Mr. Lester, by leave, introduced a bill supplementary to an act to pay the officers and soldiers of the army and navy; read a first time.

On motion of Mr. Russell, the senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, APRIL 27, 1838.

The senate met pursuant to adjournment. The president pro tem., in the chair. Prayer by the chaplain.

A message was received from the house of representatives,

by Mr. Owen, their assistant clerk, informing the senate, that they had passed a bill supplementary to "an act creating the county of Fayette."

Mr. Burton presented a petition from John Murry, master of the schooner Watchman, praying remuneration for the injury done said schooner, while in possession of the Texian forces, and for freight; read a first time, and,

On motion of Mr. Burton, referred to the committee on claims and accounts.

Mr. Wilson presented the petition of Freeman Wilkinson, praying for a patent for a "brick machine;" read a first time, and,

On motion of Mr. Wilson, referred to a select committee, consisting of Messrs. Wilson, Burton and Barnett.

Mr. Greer presented the petition of Moreau Forrest, praying an investigation of the causes, which led to his dismissal from the navy of Texas; read, and,

On motion of Mr. Wilson, referred to a select committee, to whom was referred the memorial of capt. George Wheelwright.

Mr. Somervell, from the judiciary committee to whom was referred a bill from the house of representatives "to incorporate the Cany navigation company," reported an amendment.

A message was received from the house of representatives, covering "a bill for the relief of persons therein named."

Mr. Greer, from the judiciary committee to whom was referred the petition of J. Wooster, reported a bill authorizing him to make and vend maps of the republic, read a first time.

Mr. Wilson, from the committee to whom was referred a bill concerning marriage,s reported a substitute; read a first time.

Mr. Burton, from the committee on unfinished business, of last session; reported that only two documents, among the unfinished business, seemed to demand the action of the senate at the present session, viz: a resolution on the claims of W. A. Farris, and the account of J. C. Boyland.

Mr. Barnett, on behalf of the select committee to whom was referred the bill providing for the location of land scrip, and redeeming the same, asked and obtained leave for further time to report.

Mr. Dunn, from the select committee to whom was referred an act repealing the 37th section of the act organizing inferior courts, reported amendments.

A bill from, the house of representatives, supplementary to an act creating the county of Fayette, was taken up—read a first time; rule suspended; read a second and third time, and passed.

A bill from the house of representatives, for the relief of persons therein named, read a first time.

The senate then proceeded to the **ORDERS OF THE DAY.**

The bill for the relief of John F. Kemper, was taken up; read a third time, and passed.

A joint resolution from the house of representatives, supplementary to a joint resolution for the relief of J. J. Linn, was taken up on its third reading, and,

On motion of Mr. Everitt, referred to the committee on claims and accounts.

A bill from the house of representatives "to repeal an act to encourage steam-boat navigation," was taken up on its second reading, and,

On motion of Mr. Everitt, referred to a select committee, consisting of Messrs. Everitt, Russell and Somervell.

A bill, from the house of representatives, for the relief of P. S. Wyatt, was read a second time, and,

On motion of Mr. Everitt, referred to the committee on claims and accounts.

A bill, from the house of representatives, for repairing the President's house, was read a second time.

Mr. Everitt moved to suspend the rule; lost.

A bill supplementary to an act to pay the officers and soldiers of the army and navy was read a second time, and referred to the committee on claims and accounts.

On motion of Mr. Barnett, Mr. ————— was added to said committee.

A joint resolution authorizing the President to appoint a notary public in and for the city of Houston; read a second time.

On motion of Mr. Russell, amended.

On motion of Mr. Wilson; rule suspended, and the resolution adopted.

A joint resolution for the relief of the volunteers and soldiers in captain ——— Cortly and Jewell's company, was read a second time.

On motion of Mr. Burton, the rule suspended; read a third time and adopted.

A bill, from the house of representatives, to amend an act granting lands to those who were in the battle of San Jacinto and other battles was read a second time, and,

On motion of Mr. Dunn, referred to the committee on public lands.

A bill regulating the weights and measures of this republic, was,

On motion of Mr. Russell, referred to a select committee, consisting of Messrs. Barnett, Sumervell and Lester.

On motion, Mr. Russell was added to the committee.

A bill defining the northern boundary line of the county of Houston was read a second time.

On motion of Mr. Burton—rule suspended; read a third time, and passed.

On motion of Mr. Burton, the senate adjourned until 10 o'clock, to-morrow morning.

SATURDAY, APRIL, 28, 1838.

The senate met pursuant to adjournment. The president, pro tem., in the chair. Prayer by the Rev. Mr. Allen.

Mr. Everitt presented the memorial of John Woodward, of New York, respecting his private land claims, in Texas; which, being read, was,

On motion of Mr. Everitt, referred to the committee on public lands.

A message was received from the President of the republic, by his private secretary, Mr. Hoyle, which the chair announced to be on executive business.

The doors were accordingly closed, and the senate went into secret session.

The doors having been opened,

Mr. Robertson presented the petition of H. R. Cartwell, appealing from the decision of the land commissioners, in his case.

Mr. Everitt from the committee on public lands, presented a report on the memorial of John Woodward, trustee of J. C. Beale, emprensario, &c.; which was read.

Mr. Wilson, from the committee on finance, to whom was referred the bill authorizing the incorporated towns to issue exchange notes; reported

* * * * *

Mr. Dunn, from the committee on claims and accounts, reported, verbally, unfavorably on the petition of Phillip Wep-ler.

On motion of Mr. Wilson leave of absence was granted him until 10 o'clock, on Monday next.

Mr. Greer from the committee on the judiciary, to whom was referred the bill from the house of representatives, providing

for the foreclosing of mortgages, reported the same without amendments.

Mr. Russell from the select committee to whom was re-committed the bill from the house of representatives, supplementary to an act entitled "an act regulating elections," passed Oct. 26th, 1837, reported the same with an amendment.

Mr. Barnett from the select committee to whom was referred the bill providing for the location of land scrip, &c., reported a substitute for the substitute to the original bill, on its second reading.

Mr. Burton, from the select committee to whom was referred the memorial of George Wheelwright and Moreau Forrest, submitted the following resolution:

Resolved by the senate, That the committee to whom was referred the petition of Capt. George Wheelwright, be instructed to make, of his excellency, similar enquiries relative to the case of Moreau Forest; the resolution being read.

On motion of Mr. Burton, was considered and adopted.

Mr. Greer from the select committee to whom was referred the bill "to prevent burning the pararies at certain seasons," reported the same "inexpedient."

A message was received from the house of representatives, by a committee, consisting of Messrs. Swift, Baker and Boyd, informing the senate that they had passed a resolution for going into the election of officers, to fill vacancies that have occurred under the land law, at half past three o'clock to-day; and inviting the senate to unite with the house, in said election.

On motion of Mr. Rains, it was *Ordered*, That the senate accept the invitation of the house of representatives, and that a committee be appointed to wait on the house and inform them thereof.

Messrs, Rains and Somervell were appointed the committee, who, having returned from the house, reported that they had performed the duty assigned them,

Mr. Burton submitted a joint resolution, respecting the right of removal, by the executive, of military and naval officers; which, being read a first time,

Mr. Burton moved to suspend the rules, and read the resolution a second time to-day; which was lost,

Mr. Lester, by leave, introduced a bill authorizing the county, surveyor, of the county of Fayett, to run the boundary lines of said county, which was read a first time; the rule was suspended, and the bill read a second and third time and passed.

Mr. Burton, by leave, introduced a bill to create and de-

fine the senatorial district of Austin, Colorado and Fort Bend; which was read a first time.

On motion of Mr. Lester, the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president pro tem in the chair.

The senate proceeded to the ORDERS OF THE DAY.

The bill "authorizing J. Wootser to make and vend a map of Texas," reported by the judiciary committee, was read a second time.

A message was received from the house of representatives by Mr. Sturges, their clerk, communicating the passage of the following bills and resolutions, and requesting the concurrence of the senate in the same:

"A joint resolution authorizing the President and commissioner of the general land office to issue titles to purchasers of lots on Galveston Island;" which was read a first time.

"A bill providing for the removal of county seats;" read a first time.

"A bill for the relief of the officers and crew of the national schooner 'Liberty;" read a first time.

"A bill to fix a standard of weights and measures;" read a first time.

"The resolution of the house of representatives, for proceeding, at half past three o'clock, this afternoon, in joint session of the two houses of congress, to fill vacancies that have occurred in the several counties of this republic, under the land law."

The senate resumed the consideration of the orders of the day.

The bill from the house of representatives "for the relief of persons therein named" was taken up on its second reading, and referred to the committee on claims and accounts.

A message was received from the house of representatives, by Mr. Owen, assistant clerk, communicating a resolution of the house, requesting the senate to meet the house of representatives in the hall of the house, on Monday next at 3 o'clock P. M., for the purpose of selecting by joint vote, a site for the seat of government.

Ordered, That the secretary inform the house of representatives that the senate is now ready to proceed to the proposed election to fill vacancies under the the land law.

A committee from the house of representatives, informed

the senate that the house was ready to proceed in the election. The senate then preceded to the house of representatives, and united with the house in joint session.

COUNTY OF SAN AUGUSTINE.—On motion of Mr. Greer, Chichester Chaplain was elected president of the board of land commissioners, and W. R. D. Ward, associate commissioner.

COUNTY OF BEXAR.—On the nomination of Mr. Baker, H. Hall was elected associate commissioner.

COUNTY OF SAN PATRICIO.—On the nomination of Mr. Brennan, Benjamin Odlam was elected president of the board of land commissioners.

COUNTY OF NACOGDOCHES.—On the nomination of Mr. Burton, ——— Starr, who had been appointed president of the board of land commissioners by the commissioner of the general land office, was confirmed. For associate commissioner to fill a vacancy, Mr. Burton nominated Haden Edwards sen., and Mr. Rusk nominated ——— Hubbard; and the votes being counted, stood: For Edwards, Senators, 7—Representatives, 10 17.

For Hubbard, Senators, 3—Representatives, 16 19.

So ——— Hubbard was declared duly elected.

COUNTY OF JEFFERSON.—On the nomination of Mr. Grigsby, O. A. Delano was elected surveyor of the county.

COUNTY OF WASHINGTON.—On the nomination of Mr. Gant, W. W. Arrington was appointed assistant commissioner.

COUNTY OF MATAGORDA.—On motion of Mr. Hardeman, the appointment of C. H. Howard as ——— - was confirmed.

COUNTY OF HOUSTON.—On the nomination of Mr. Burton, Kentz Sexoffer was elected president of the board of land commissioners.

COUNTY OF GONZALES.—On the nomination of Mr. Ponton, Adam Zumat was elected.

COUNTY OF JACKSON.—On motion of Mr. Sutherland, the appointment of ——— Stepp, as associate commissioner was confirmed.

COUNTY OF MILAM.—On the nomination of Mr. Robertson, P. H. Caraway and Jesse Webb sen. were elected associate commissioners.

COUNTY OF SABINE.—On the nomination of Mr. Boyd, Wm. Clark jr. was elected associate commissioner.

COUNTY OF JASPER.—On the nomination of Mr. Swift, James Armstrong was elected president of the board of land commissioner, and H. Suddoth associate commissioner.

COUNTY OF FANNIN.—On the nomination of Mr. Rowlett, Samuel McFarland was elected associate commissioner.

COUNTY FORT BEND.—On the nomination of Mr. Baker, Daniel Perry was elected president of the board of land commissioners; John F. Payne and Andrew J. Bonds associate commissioners.

The elections being made, the senate returned to their chamber.

On motion of Mr. Lester, the senate adjourned until Monday morning 10 o'clock.

MONDAY, APRIL 30, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the Rev. Mr. Allen.

Mr. Wilson presented the memorial of sundry inhabitants of the Island of Galveston and the adjacent main land in the counties of Brazoria and Liberty, praying that a new county, to be called the "county of Galveston," may be created: read and referred to a select committee consisting of Messrs. Wilson, Dunn and Russell.

Mr. Everitt presented the petition of sundry citizens of Jasper county, praying permission for B. X. Mudd to erect mill dam across Big Cow Creek: read and referred to the committee on roads, bridges and ferries.

Mr. Dunn, from the committee on claims and accounts, reported verbally, favorably on the joint resolution for the relief of J. J. Linn.

Mr. Dunn, from the same committee, to whom was referred the "bill to pay the officers and soldiers of the army and navy," reported the same without amendment.

Mr. Wilson, from the select committee to whom was referred the petition of J. Wilkinson, for a patent for a brick machine, reported by bill, which was read first time.

Mr. Greer, from the select committee to whom was referred the bill from the house of representatives "to authorize the President to negotiate a loan of five millions of dollars, &c.," reported the same with sundry amendments; which were read.

A message was received from the house of representatives, by their assistant clerk, informing the senate they had passed "a bill respecting the abatement of suits."

On motion of Mr. Everitt, the senate proceeded to the consideration of the amendments to the loan bill.

The president asked and obtained leave of absence on account of indisposition.

The first amendment proposed, being to strike out of the first section the words "redeemable in thirty years from the date," and insert "redeemable within thirty years from the day

of the date without the consent of the holders," was rejected.

The second amendment, to strike out from the second section, the word "same," and insert the word "said," was adopted.

The third amendment, to strike out from the third section the word "two," and insert the word "four;" and to strike out the word "who," and insert the words "a majority of whom, three or more being present," was rejected.

The amendment to the fourth section was rejected with the above.

The substitute for the fifth section was then considered and amended.

Mr. Everitt moved to strike out the fifth section from the bill: the ayes and noes being ordered,

Those who voted in the affirmative, were Messrs. Barnett, Burton, Dunn, Greer, Everitt, Lester, Rains, Robertson, Russell, Somervell and Wilson—11. Negative—none. So the fifth section was then stricken out.

The question was then taken on inserting the substitute, and it was carried unanimously.

The amendment to the seventh section, to strike out all after the word "pledged," was then considered. The ayes and noes being ordered,

Those who voted in the affirmative were Messrs. Barnett, Burton, Greer, Lester, Rains, Robertson, Russell, Somervell and Wilson—9.

Those who voted in the negative were Messrs. Dunn and Everitt—2. So the amendment was adopted.

The question was then put upon the bill as amended, and it was unanimously passed.

Mr. Everitt moved that the senate adjourn until to-morrow morning 10 o'clock. The ayes and noes being called for,

Those who voted in the affirmative were Messrs. Everitt, Rains and Somervell.—3.

In the negative, Messrs. Barnett, Burton, Dunn, Greer, Lester, Russell and Wilson—7. Motion lost.

On motion of Mr. Russell, the senate then adjourned until 3 o'clock P. M.

THREE OCLOCK P. M.

The senate met pursuant to adjournment.

On motion of Mr. Burton, it was

Ordered, That a committee of two be appointed to inform the house of representatives, that the senate is not prepared to go into a selection of a site for the future seat of government.—

Messrs. Burton and Russell were appointed the committee; who having retired, returned and reported that they had performed their duty.

The senate then proceeded to the ORDERS OF THE DAY.

The bill from the house of representatives "for foreclosing mortgages" was taken up on its third reading, and on the question "shall the bill pass?" the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Burton, Dunn, Everitt, Greer, Lester, Rains and Somervell—7.

Those who voted in the negative were Messrs. Barnett, Robertson, Russell and Wilson.—4.

The bill authorizing J. Wooster to make and vend a Map of the republic of Texas, was read a third time and passed.

Mr. Dunn, from the committee on claims and accounts, by leave, returned the petition of John Murray to the senate, without report.

The senate resumed the ORDERS OF THE DAY.

The bill to "create and define the senatorial district of Austin, Colorado, and Fort Bend," was read a second time, the rule suspended, read a third time and passed.

The bill from the house of representatives "authorizing the President and commissioner of the general land office to issue titles to lots on Galveston Island" was read a second time the rule suspended, read a third time and passed.

The bill from the house of representatives "providing for removal of county seats" was read a second time.

On motion of Mr. Barnett, the word "eight," in the first section was stricken out, and "five" inserted, where it occurs in two instances. The rule was then suspended, the bill, as amended, was read a third time and passed.

The report of the select committee on the "bill to prevent burning the prairies, &c." unfavorable to the bill was taken up, considered and rejected. The bill being on its second reading,

On motion of Mr. Russell, the "15th March," in the first section, was stricken out, and "15th February" inserted.

On motion of Mr. Burton, the bill was further amended, by adding the following *proviso*: "and further provided, that the operations of this law, shall not extend to that part of the republic east of Trinity river."

Mr. Wilson moved to add "nor south of Bray's Bayou."

On motion of Mr. Everitt, the senate adjourned until tomorrow morning 10 o'clock.

TUESDAY, MAY 1st, 1838.

The senate met pursuant to adjournment. The president pro tem. in the chair. Prayer by the Rev. Mr. Allen.

Mr. Barnett presented the petition of sundry inhabitants of Robertson county, praying protection against the Indians; read and referred to the committee on Indian affairs.

Mr. Robertson presented the petition of Philip Wepler, praying for a league of land in Robertson's colony: read and referred to the committee on public lands.

Mr. Greer presented the petition of W. J. B. Force, for aid in establishing a manufactory of china and earthen ware; referred to the committee on public lands.

Mr. Everitt, from the committee on public lands, to whom was referred the "bill to amend an act granting lands to those who were in the battle of San Jacinto, &c." reported unfavorably thereon.

Mr. Everitt, from the committee on foreign relations, to whom was referred the joint resolution "for withdrawing the proposition for the annexation of Texas to the United States," reported the same with slight amendments,—on its second reading.

The senate proceeded to the ORDERS OF THE DAY.

The unfinished business of yesterday was taken up being "The bill to prevent burning the prairies at certain seasons:"

Mr. Wilson's motion, pending when the senate adjourned yesterday, was withdrawn, and the bill ordered to be engrossed for a third reading.

The "joint resolution for the relief of John J. J. Linn, &c." was taken up on its third reading and passed.

The "bill supplementary to an act to pay the officers and soldiers of the army and navy" was taken up on its second reading, and referred to a select committee, consisting of Messrs Barnett, Greer and Russell.

The "bill supplementary to the act concerning marriages," reported, as a substitute for the original bill, was taken up on its second reading and ordered to be engrossed.

The "bill regulating elections, &c." was taken up on the report of the select committee, and ordered to lie on the table.

The bill to incorporate Caney Navigation Company was taken up on its second reading, with the amendment reported by the judiciary committee: the amendment was adopted.

Mr. Wilson moved that the senate adjourn to 3 o'clock P. M.

Mr. Everitt moved 10 o'clock to-morrow morning: lost. The question then recurred on 3 o'clock P. M.; which was also lost.

The bill for repairing the President's house was read a third time: On the question, "shall the bill pass?" the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Barnett, Burton, Everitt, Greer, Lester, Rains, Robertson, Russell, Somervell and Wilson—10. In the negative; Mr. Dunn—1. So the bill passed.

The "bill repealing the 37th section of the act organizing inferior courts," was taken up on the amendments reported by the select committee: adopted.

Ordered to be engrossed for a third reading.

The "bill for locating land scrip, &c." was taken up with the substitute reported by the select committee, and re-committed to the same committee.

The petition of Philip Wepler, praying remuneration for a horse, was taken up on the unfavorable report of the select committee, and laid on the table.

The petition of John Murray, master of the schooner Watchman was taken up and referred to a select committee, consisting of Messrs. Burton, Somervell and Robertson, to report by bill or otherwise.

The petition of H. R. Cartwell, respecting his head right, was considered and referred to the committee on public lands.

The joint resolution respecting the executive power of removal was taken up on its second reading, by sections: on the adoption of the the third section, the ayes and noes were ordered, and were as follows:

Ayes—Messrs. Barnett, Burton, Everitt, Greer, Lester, Robertson, and Wilson—7.

Noes,—Messrs. Dunn, Reins, Russell, and Somervell—4.
The joint resolution being amended,, was ordered to be engrossed for a third reading.

The bill from the house of representatives to fix the standard of weights and measures was read a second time and laid on the table.

The bill from the house of representatives for the relief of the officers and crew of the national schooner Liberty was read a second time and referred to the committee on naval affairs.

The report of the committee on public lands, on the memorial of John Woodward, trustee of J. C. Beale, referring him to the judiciary of the Republic, was adopted.

The bill granting a patent to J. Wilkinson, for a brick machine was read a second time, and ordered to be engrossed.

The "bill from the house of representatives respecting the abatement of suits" was read a first time.

Mr. Burtor, by leave, introduced a bill providing for taking a census of the people of Texas: read first time.

Mr. Burton, by leave, introduced a bill authorizing the county surveyors to make surveys in certain cases: read first time.

Mr. Burton, by leave, introduced a joint resolution, directing the President to disband the army and navy, and reorganize the same.

Mr. Russell, by leave, introduced a bill providing for the future seat of government; read first time.

On motion of Mr. Burton, the senate adjourned until tomorrow 10 o'clock.

WEDNESDAY, MAY 2, 1838.

The senate met pursuant to adjournment, the President in the chair. Prayer by the Rev. Mr. Allen.

Mr. Robertson presented the petition of L. C. D'Antignac, late a captain in the army of Texas, praying an investigation of the causes of his dismissal from the service, by the President: referred to the committee to whom was referred the memorial of George Wheelwright, &c.

Mr. Wilson, from the committee to whom was referred the petition of the citizens of Galveston Island and others, for the establishment of the county of Galveston, reported favorably and by bill.

Mr. Burton, from the committee to whom was referred the petition of John Murray, master of the schooner *Watchman*, reported a bill for the relief of the petitioner.

Mr. Everitt, from the select committee to whom was referred the bill from the house of representatives "repealing the act to encourage steam boat navigation, reported the bill on its second reading, with an amendment, which was read.

A message was received from the house of representatives, by Mr. Sturges, their clerk, informing the senate that they had concurred in the amendment of the senate in the act providing for the removal of county seats: also, in the resolution of the senate for appointing a joint committee of the two houses, to receive propositions from printers for printing the public documents, &c.: and that the house had passed the following bill, viz: a bill from the senate entitled "an act to repeal a certain act therein named," with amendments.

A bill (originating in the house of representatives,) for the protection of the frontier: and

A bill to authorize the President to raise a corps of cavalry.

A joint resolution, authorizing the President to appoint notaries public, originating in the senate, for which the house has adopted a substitute.

A joint resolution, fixing temporarily the dividing line between the counties of Bexar and San Patricio.

A joint resolution from the senate, instructing the auditor to audit the accounts of the volunteers who served under captains Costly and Jewell, for which the house has adopted a substitute.

A bill to define and limit the issue of promissory notes: In all of which the concurrence of the senate is requested.

Mr. Barnett, from the select committee to whom was referred the bill providing for the location of land scrip and for redeeming the same; and the two substitutes for the original bill.

The senate then proceeded to the **ORDERS OF THE DAY.**

The bill to prevent burning the prairies at certain seasons was read a third time and passed.

The bill from the house of representatives, repealing the 37th section of the act organizing justices' courts was read a third time and passed.

The bill from the house of representatives incorporating Caney Navigation Company was 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. Barnett, Burton, Dunn, Everitt, Greer, Lester, Robertson, Russell, Somervell and Wilson—10.

In the negative, Mr. Rains—1. So the bill passed.

The bill from the house of representatives to amend an act granting land to those who were in the battle of San Jacinto and other battles, was read a third time, and,

On motion of Mr. Somervell recommitted to the committee on public lands.

The bill providing for the location of the future seat of government, was taken up on its second reading.

Mr. Russell offered a substitute for the second section of the bill.

Mr. Wilson offered a substitute for the substitute.

On motion of Mr. Russell, the second section was stricken out, and the substitute offered by him, inserted.

On motion of Mr. Russell, an additional section, the 4th was added to the bill.

Mr. Everitt moved to lay the bill on the table: lost.

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Mr. Mveritt then moved to strike out all after the enacting clause, and inserting the following.

Resolved, That the seat of government for the republic of Texas, after the year 1840, be, and the same is permanently located on the league of land known as "Black's Place," east of the river Brazos: and it shall be the duty of the President to appoint commissioners to lay off a portion of said land into town lots, and cause the same to be reported with a plat of the same, to the next congress.

On this question the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Burton, Everitt and Wilson, —3.

In the negative, Messrs. Barnett, Dunn, Greer, Lester, Rains, Robertson and Russell, 7. The senate refused to strike out.

On motion of Mr. Burton, the words "Saturday the 5th instant," were stricken out of the third section, and, *Ordered*, That the bill lie on the table until called up.

On motion of Mr. Burton it was *Ordered*, That the committee, on the part of the senate, to whom was referred the various propositions respecting the future seat of government, have one hundred copies of their report printed, before submitting it to the senate.

The bill directing the President to disband the officers and soldiers of the army and navy was taken up on its second reading.

Mr. Robertson moved that it be indefinitely postponed.

On which the ayes and noes were ordered: those who voted in the affirmative were Messrs. Burton and Robertson—2; in the negative were Messrs. Barnett, Dunn, Everitt, Greer, Lester, Rains, Russell, Somervell and Wilson—9; motion lost.

On motion of Mr. Somervell, the senate went into secret session, and, after some time spent therein, the doors were opened.

A message was received from the President of the Republic, by his private secretary, Mr. Hoyle, and laid on the president's table.

On motion of Mr. Wilson, the senate adjourned until tomorrow morning 10 o'clock A. M.

THURSDAY, MAY 3, 1838.

The senate met pursuant to adjournment, the president in the chair. Prayer by the chaplain.

Mr. Lester from the committee on engrossed bills, reported the following bills as having been examined and found correctly engrossed, viz:

A joint resolution respecting the power of removal.

A bill authorizing J. Wooster to make and vend a map of the Republic.

A bill supplementary to an act concerning marriages.

A bill to create and define the senatorial district of Austin, Colorado and Fort Bend; and

A bill for granting a patent for a brick machine, to J. Wilkinson.

Mr. Everett, from the committee on public lands to whom was referred the petition of Phillip Wepler; reported by bill, for his relief, which was read a first time.

Mr. Everitt, from the committee on public lands, to whom was referred the petition of Henry R. Cartwell, reported, by bill, for his relief which was read a first time.

Mr. Everitt from the committee to whom was referred the "act to amend an act granting lands to those who were in the battle of San Jacinto, and other battles," reported a substitute.

On motion of Mr. Everitt, the substitute was amended and adopted; the bill read a third time and passed.

The president laid before the senate a message from his excellency, the President of the Republic, with accompanying documents, in compliance with a resolution of the senate, dated 25th ultimo, concerning the dismissal of captain George Wheelwright; which was read, and,

On motion of Mr. Burton, referred to the same committee to whom was referred the memorial of captain George Wheelwright.

A message was received from the house of representatives, by Mr. Sturges, their chief clerk, making the following communications, viz:

The house of representatives agreed to all the amendments of the senate, to "a bill entitled an act to authorize the President to negotiate a loan, on the bonds of the government, not exceeding five millions of dollars;" except the fifth section to which they disagree.

"A bill for the relief of Mr. Bracy, and others," had passed the house of representatives, also

"A joint resolution for the benefit of M. B. Menard.

"A resolution for the benefit of captains Ross and Lynch's companies: and,

"An act to define and limit the issue of promissory notes."

The senate then went into secret session, and, after some time spent therein, the doors were opened.

On motion of Mr. Everitt, the senate took a recess of ten minutes.

The members being called to order.

On motion of Mr. Russell, the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president in the chair.

Mr. Dunn, by leave, introduced a bill for the punishment of crimes in the depopulated counties; which was read a first time.

Mr. Everitt, by leave, introduced a bill supplementary to an act to raise a public revenue, by impost duties, which was read a first time.

A resolution from the house of representatives, for appointing "a joint committee on printing;" was considered and adopted.

A bill "to repeal a certain act therein named," originating in the senate, and returned, from the house of representatives, with amendments; was taken up—the amendments agreed to, and the bill passed.

A message from the house of representatives, by their clerk, communicating "a resolution requesting the senate to meet the house at 3 o'clock, on Monday next, to fill, by joint vote, the vacancies that may have occurred in the land offices; which had passed the house, and the concurrence of the senate is requested.

The house has agreed to the amendments of the senate in the following bills, viz:

"An act to incorporate Cany Navigation Company;" and,

"An act repealing the 37th section of an act organizing inferior courts."

The bill, from the house of representatives, for the protection of the frontier, was read a first time; the rule being suspended, it was read a second time, and,

On motion of Mr. Everitt, *Ordered*, That the bill be referred to the committee on Indian affairs, and that they report, thereon, to-morrow.

The bill, from the house of representatives, "to authorize; the President to raise a corps of cavalry," was read a first time the rule suspended; read a second time, and,

On motion of Mr. Robertson, referred to the committee on military affairs.

A joint resolution, from the house of representatives, "authorizing the president to appoint a notary public, in the city of Houston," (originating in the senate,) returned, from the house of representatives, with a substitute, was taken up—the substitute read; considered and adopted; and the bill passed.

A joint resolution, from the house of representatives, fixing temporarily, the dividing line between the counties of Bexar and San Patricio;" read a first time.

A joint resolution, from the house of representatives, instructing the auditor to audit the accounts of the volunteers who served under captains Cortly and Jewell—returned from the house of representatives with a substitute.

On motion of Mr. Everitt, the substitute was adopted, and the bill passed.

A bill, from the house of representatives, to define and limit the issue of promissory notes, was read a first time.

A resolution from the house of representatives, appointing a joint committee to take into consideration, a modification of the revenue laws; was read and agreed to; Messrs. Everitt and Russell were appointed the committee, on the part of the senate.

A joint resolution, from the house of representatives, for the relief of the companies of captains Lynch and Ross; was read a first time.

A bill, from the house of representatives, for the relief of M. Bracy, and others;" was read a first time.

The bill "to authorize the President to negotiate a loan of five millions of dollars; returned from the house of representatives, concurring in all the amendments of the senate, except the "fifth section," to which it disagrees, was taken up and on the question being put, "will the senate recede from its amendment?" it was decided in the negative; so the senate insists on its amendment.

The senate proceeded to the **ORDERS OF THE DAY.**

The bill to establish the county of Galveston was read a first time.

On motion of Wilson, the rule was suspended, the bill read a second time; and,

On motion of Mr. Somervell, referred to the committee on county boundaries.

The bill to provide for taking a census of the people of Texas, was taken up on its second reading.

On the motion, to order it to be engrossed for a third reading, the ayes and noes were ordered; those who voted in the affirmative were Messrs. Barnett, Burton, Everitt, Greer, Rains, Russell and Somervell—7; in the negative Messrs. Dunn, Lester, Robertson and Wilson—4. *Ordered* to be engrossed for a third reading.

A message was received from his excellency, the President of the republic, by Mr. Hoyle, his private secretary, communicating a letter from Hiram Woods, which was read, and,

On motion of Mr. Russell, referred to the select committee to whom was referred the memorial of George Wheelwright.

A message was received from the house of representatives, communicating a bill to amend the act incorporating the town of Brazoria, which had passed the house; also, that the house adheres to its disagreement to the amendment of the senate, to the loan bill, and asks the appointment of a committee of conference on the the disagreement between the two houses.

On motion of Mr. Everitt, it was *Ordered*, That a committee of conference be appointed, on the part of the senate, Messrs Everitt, Russell and Rains were appointed the committee.

The bill, providing for the location of certain land scrip, was read a third time and passed.

The bill to repeal "an act to encourage steamboat navigation;" reported, by the committee, with amendments—the amendment was adopted; the bill read a third time and passed.

The joint resolution for disbanding the army and navy was read a third time and adopted.

The bill authorizing county surveyors to make surveys, in certain cases, was read a second time.

A bill, from the house of representatives, "to amend an act entitled an act to incorporate the town of Brazoria, was read a first time.

On motion of Mr. Everitt, *Ordered*, that a committee be appointed to ask the concurrence of the house in an adjournment until Monday next; Messrs. Everitt, and Wilson were appointed a committee for that purpose, who reported that they had performed the duty. A committee from the house of representatives, announced that the house would adjourn until Monday.

Mr. Burton moved that the senate adjourn until Monday, next, 10 o'clock, A. M.

On which the ayes and noes were ordered; those who vo-

ted in the affirmative were Messrs. Barnett, Burton, Everitt, Greer, Rains, Robertson, Somervell and Wilson—8; in the negative Messrs. Dunn, Lester and Russell—3.

So the senate adjourned until Monday, next, 10 o'clock, A. M.

MONDAY, MAY 7th, 1838.

The senate met pursuant to adjournment, the president in the chair. Prayer by the chaplain.

The hon. A. C. Horton appeared and took his seat.

Mr. Russell presented a memorial from the citizens of Brazoria, remonstrating against the passage of the bill, now before congress, for amending the charter of the town of Brazoria, which was read and laid on the table.

Mr. Russell, from the committee on roads ferries, and bridges, to whom was referred the petition of B. X. Mudd, for erecting a mill dam across Big Cow Creek, reported unfavorably to the prayer of the petitioner.

Mr. Barnett, from the committee on naval affairs, to whom was referred "a bill supplementary to an act to pay the officers and soldiers of the army and navy;" reported, verbally, in favor of the bill, without amendments.

Mr. Barnett, from the same committee, to whom was referred "a bill for the relief of the officers and crew of the national schooner Liberty;" reported verbally, in favor of the bill without amendments.

Mr. Russell, from the joint committee of the two houses, to whom was referred the propositions for locating the seat of government, made a detailed printed report, which was read and laid on the table for consideration to-morrow.

Mr. Burton, from the committee on Indian affairs, to whom was referred the "bill to provide for the protection of the frontier;" reported an additional section to the bill.

On motion of Mr. Burton, the rule was suspended, the additional section considered, and adopted.

On motion of Mr. Barnett, the sum of "twenty thousand," in — section was stricken out and "thirty thousand," inserted; and,

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

Mr. Burton, from the committee to whom was referred the memorial of the citizens of Robertson county, returned the same, without report, it being answered by the above named bill.

Mr. Everitt, by leave, introduced a joint resolution for the relief of empresarios, which was read a first time.

The senate then proceeded to the **ORDERS OF THE DAY.**

A bill to authorize the President to raise a corps of cavalry, was taken up on its second reading.

On motion of Mr. Dunn, the following section was adopted.

* * * * *

Mr. Burton moved to strike out the second section, upon which motion, the ayes and noes were ordered; those who voted in the affirmative were Messrs. Burton, Dunn, Lester, Robertson and Wilson—5; in the negative; Messrs. Barnett, Everitt, Greer, Horton, Rains, Russell and Somervell—7: so the motion was lost.

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

A joint resolution to authorize the county surveyors to make surveys in certain cases, was taken up on its third reading and adopted.

A bill respecting the abatement of suits, &c., was taken up and read a second time.

A bill to provide for taking the census of Texas, was taken up on its third reading, and,

On motion of Mr. Horton, it was ordered to lay on the table until to-morrow.

A bill for the relief of John Murry, was taken up on its second reading.

On the motion to have the bill engrossed for a third reading, Mr. Burton called for the ayes and noes: those who voted in the affirmative were Messrs. Burton, Dunn, Lester, Robertson and Wilson—5; in the negative, Messrs. Barnett, Everitt, Greer, Horton, Rains, Russell and Somervell,—7: so the petition was lost.

A bill for the punishment of crimes in the depopulated counties was taken up on its second reading; and,

On motion, it was *Ordered* to be engrossed for a third reading.

Mr. Robertson, by leave, introduced a memorial from Eli Seals, in behalf of himself and the company under his command, praying for relief.

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

The senate resumed the consideration of the **ORDERS OF THE DAY.**

A joint resolution temporarily fixing the dividing line be-

tween the counties of Bexar and San Patricio was taken up on its second reading.

On motion of Mr. Everitt, it was referred to a select committee, consisting of Messrs Everitt, Dunn, and Russell.

On motion of Mr. Burton the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president pro tem., in the chair.

A bill providing the for the future location of the seat of government, was taken up on its second reading.

Mr. Everitt moved to refer the bill to a select committee.

On this motion the ayes and noes were ordered; those who voted in the affirmative were Messrs. Everitt, Horton, Russell, Somervell and Wilson—5; in the negative, Messrs. Barnett, Burton, Dunn, Greer, Lester, Rains and Robertson—7: so the motion was lost.

Mr. Somervell then moved to strike out the third section of the bill; which was, also, lost.

A message was received from the house of representatives, by Mr. Sturges, their chief clerk, making the following communications, viz:

The house agrees to the amendments of the senate to a "bill for the protection of the frontiers."

The house of representatives disagrees to the substitute proposed by the senate to a "bill to amend an act granting lands to those who were in the battle of San Jacinto, and other battles."

The house also disagrees to the amendment of the senate to "an act to authorize the president to raise a corps of cavalry."

The house has passed "a bill for raising one company of volunteers from each battalion:" also,

"A bill to provide for the settlement of deceased soldiers estates;" in all of which the concurrence of the senate is requested.

On motion of Mr. Burton, a committee, consisting of Messrs Burton and Horton were appointed to inform the house that the senate would meet them in the hall, this evening, in compliance with their invitation, to fill, by joint vote, the vacancies in the land offices.

The committee reported that they had performed the duty assigned them.

A committee from the house, consisting of Messrs. Jack and Swift, informed the senate that the house was ready to receive them, for the purpose of going into an election.

The senate then proceeded to the hall of the house of representatives, and the two houses, by joint vote, made the following appointments, to fill vacancies that had occurred by resignation, &c.

BRAZORIA COUNTY—Wm. Eccle was elected associate land commissioner.

AUSTIN COUNTY—Isaac L. Hill, president of the board of land commissioners. James Allen, associate land commissioner.

HARRISBURGH COUNTY—James G. Hutchinson, president of the board of land commissioners. Tho's Wm. Ward and John Woodruff, associate commissioners.

COLORADO COUNTY—Williamson Daniels, president of the board of land commissioners. William P. Dervees and W. R. Hunt, associate commissioners.

MONTGOMERY COUNTY—Hugh M'Guffin associate land commissioner.

GOLIAD COUNTY—W. L. Hunter, president of the board of land commissioners.

BASTROP COUNTY—Washington Anderson, clerk of the board of land commissioners.

MEDICAL CENSORS.

SAN AUGUSTINE,	- - -	Richard S. Davis,
SHELBY & SABINE,	- - -	Joab S. Baker,
BASTROP,	- - -	Charles F. M. Daney,
JASPER & JEFFERSON,	- - -	Wm. W. Duck.

The senate then returned to their chamber, and,

On motion of Mr. ———, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, MAY 8TH, 1838.

The senate met pursuant to adjournment; the president pro tem., in the chair. Prayer by the chaplain of the house of representatives

Mr. Barnett presented the petition of sundry inhabitants of Montgomery county, in relation to the boundary line between the counties of Montgomery and Washington.

On motion of Mr. Wilson it was referred to a select committee, consisting of Messrs. Barnett, Wilson and Somervell.

A message was received from the house of representatives, by Mr. Sturges, their chief clerk, making the following communi-

cation; the house of representatives has passed the following bills, viz:

"A bill allowing pay to the volunteers who served under colonel Douglass."

"A bill to establish a rate of interest."

"A joint resolution authorizing claims to be audited without affidavit."

"A bill to provide for deceased soldiers estates;" and,

"A bill for raising one company of volunteers from each battalion."

Mr. Everitt, from the committee of conference, on the part of the senate, to whom was referred the bill authorizing the President to negotiate a loan, &c., made the following report:

"The committee of conference to whom was referred the disagreement between the two houses, upon the 5th section of the bill entitled 'an act to authorize the President to negotiate a loan, &c.,' have had the same under consideration, and recommend that all that part of the section after the word 'treasury,' in the 29th line; the word 'republic,' in the 33d line, be stricken out; and that the balance of the section be adopted.

On behalf of the committee.

ANSON JONES,

chair'n of the committee of the house representatives.

The recommendation of the committee was agreed to, and the bill as amended, passed.

Mr. Russell, from the joint committee appointed to receive proposals for the location of the seat of government, laid before the senate the proposal of James F. Perry: also the proposals of Andrew Briscoe and Edward Hall, which were ordered to be placed with the report of the committee.

On motion of Mr. Everitt, the "bill for the benefit of captains Ross and Lynch's companies was taken up on its second reading.

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

On motion of Mr. Everitt, the "bill to define and limit the issue of promissory notes" was taken up on its second reading, and

On motion of Mr. Everitt, referred to a select committee consisting of Messrs. Everitt, Horton and Greer, with instructions to call upon the secretary of the treasury for such information as they may require.

BILLS FROM THE HOUSE.

A bill to provide for the settlement of deceased soldiers' estates: read a first time.

A bill for raising one company of volunteers from each battalion was read a first time.

A bill to authorize the president to raise a corps of cavalry: amended by the senate, and the amendment disagreed to by the house.

On motion of Mr. Dunn, the senate receded from its amendments.

A bill originating in the house of representatives granting lands to those who were in the battle of San Jacinto and other battles: a substitute for which was passed by the senate, and the substitute disagreed to by the house.

On motion, of Mr. Everitt, *Resolved*, that the senate adhere to its substitute.

A bill from the house of representatives for organizing the militia was read first time.

A joint resolution authorizing claims to be audited without affidavit, was read first time, and,

On motion of Mr. Everitt, indefinitely postponed.

A bill to establish a rate of interest was read a first time.

A bill allowing pay to the soldiers who were under the command of colonel Douglas was read a first time.

A message was received from his excellency the President of the Republic, by his private secretary, Mr. Hoyle, communicating the resignation of the medical censor for the counties of Gonzales and Mina, which was read, and

On motion of Mr. Everitt, laid on the table.

The senate then proceeded to the **ORDERS OF THE DAY.**

A joint resolution for the annexation of Texas to the United States was taken up on its third reading, and

On motion of Mr. Everitt, it was laid on the table, and made the special order of the day for to-morrow.

On motion of Mr. Everitt, Messrs. Barnett and Russell were added to the committee to whom was referred the bill to define and limit the issue of promissory notes.

Mr. Wilson, by leave, introduced a bill to provide for the appointment of pilots, which was read first time.

Mr. Barnett, by leave, presented the petition of Aaron Colvin and accompanying vouchers; which,

On motion of Mr. Barnett, were referred to the committee on claims and accounts.

The senate resumed the **ORDERS OF THE DAY.**

The joint resolution respecting the power of removal was taken up on its third reading.

Mr. Wilson moved to postpone the resolution indefinitely.

On motion of Mr. Burton, the ayes and noes were ordered:

Those who voted in the affirmative were Messrs. Dunn, Horton, Rains, Russell, Somervell and Wilson—6.

In the negative, Messrs. Barnett, Burton, Everitt, Greer, Lester and Robertson—6. So the motion was lost.

Mr. Burton then moved that the resolution be referred to a select committee; which motion was lost.

Mr. Burton then moved that the resolution be laid on the table, and made the special order of the day for Thursday next: Upon which motion Mr. Wilson called for the ayes and noes.

Those who voted in the affirmative were Messrs. Barnett, Burton, Greer, Lester, Rains and Robertson—6.

In the negative, Messrs. Dunn, Everitt, Horton, Russell, Somervell and Wilson—6. So the motion was lost.

Mr. Robertson moved that the senate adjourn until 10 o'clock to-morrow. Upon which motion, Mr. Wilson called for the ayes and noes. Those who voted in the affirmative were Messrs. Dunn, Everitt, Horton, Lester, Rains and Robertson—6.

In the negative, Messrs. Barnett, Burton, Greer, Russell, Somervell and Wilson—6. So the motion was lost.

The question then recurred on the final passage of the resolution respecting the executive power of removal.

Mr. Burton called for the ayes and noes:

Those who voted in the affirmative were Messrs. Barnett, Burton, Everitt, Greer, Lester and Robertson—6.

In the negative, Messrs. Dunn, Horton, Rains, Russell, Somervell, and Wilson—6. So the resolution was rejected.

Mr. Burton gave notice that he should enter a protest to the vote of the senate on said resolution.

On motion of Mr. Wilson, the senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, MAY 9, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the chaplain.

Mr. Everitt, from the select committee to whom was referred the bill to define and limit the issue of promissory notes, reported a substitute.

Mr. Green, from the same committee, moved a substitute to the reports; both of which were read.

Mr. Everitt, then moved the adoption of the substitute; which motion was lost.

On motion of Mr. Everitt the senate then proceeded to the consideration of the original bill on its second reading.

Mr. Everitt moved to strike out the sum of "one million," and insert "six hundred and fifty thousand:" On which motion the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Everitt, Horton and Russell,—3.

In the negative, Messrs. Barnett, Burton, Dunn, Greer, Lester, Robertson, Somervell and Wilson—9. So the motion was lost.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house had concurred in the bill to create and define the senatorial district of Austin, Colorado and Fort Bend: also,

A joint resolution for the relief of John F. Kemper.

A bill to repeal an act to encourage steam boat navigation with a substitute to the amendment made by the senate. also,

A resolution requesting the senate to meet the house this evening at half past three o'clock, to go into an election for a site for the seat of government.

Mr. Dunn, chairman of the committee on claims and accounts, to whom was referred the bill from the house of representatives for the relief of P. S. Wyatt, reported unfavorably for want of vouchers.

Mr. Duan, from the same committee, to whom was referred the petition of M. A. Bingham, reported that it was not necessary for congress to act on said petition; if the petitioner complies with the rules and regulations of the auditor, he can have his accounts audited.

Mr. Dunn, from the same committee, to whom was referred the petition and vouchers of Aaron Colvin, reported by joint resolution for his relief; which was read a first time.

Mr. Everitt introduced a bill to provide for the payment of the interest which will be due on the funded debt in September next; which was read a first time.

On motion of Mr. Russell, the president appointed Messrs. Russell, Rains and Horton a committee to inform the house that the senate will meet them in the representative hall this evening at half past three o'clock, in compliance with their resolution for the purpose of selecting a suitable site for the permanent location of the seat of government.

A message was received from the President of the Republic, by his private secretary, Mr. Hoyle, assigning his reasons for not issuing land patents.

On motion of Mr. Burton, the message and the opinion of the attorney general, accompanying it, were referred to the committee on public lands and Indian affairs: and,

On motion of Mr. Burton, it was ordered that two hundred copies be printed.

Mr. Wilson, by leave, presented a petition from Mary Millaps, accompanied by a bill for her relief; which was read a first time.

A bill originating in the house of representatives, to repeal an act to encourage steam boat navigation; amended in the senate and returned from the house of representatives with a substitute for the amendments, was read, and

On motion of Mr. Everitt, laid on the table.

On motion of Mr. Robertson, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK P. M.

The senate met pursuant to adjournment

The president laid before the senate a letter from the first auditor, respecting the accounts of captain D. B. Friars; with sundry documents. The letter being read,

On motion of Mr. Everitt, the letter and documents were referred to a select committee consisting of Messrs. Everitt, Robertson and Horton.

Messrs. Branch, Boyd and Burleson, a committee from the house of representatives were announced; who informed the senate that the house was ready to go into the selection of a site for the future seat of government.

The senate then proceeded to the hall of the representatives, and went into joint session with the house, to select a site for the future seat of government.

Mr. Robertson nominated the town of Nashville, in Robertson's colony on the Brazos river.

Mr. Sutherland nominated Eblin's league, on the Colorado river.

Mr. Burleson nominated the town of Bastrop, on the Colorado river.

Mr. Wilson nominated Black's place, in Montgomery county.

Mr. Gazley nominated the city of Houston.

Mr. Jones of Austin nominated the town of San Felipe, on the Brazos river.

Mr. Boyd nominated the town of Nacogdoches.

Mr. Wilson nominated Groce's Retreat, in Montgomery county.

Mr. Everitt nominated the town of Comanche, on the Colorado river.

Mr. Jones of Austin nominated the Mound League, in Washington county.

Mr. Gazley then withdrew the nomination of the city of Houston.

The joint vote was then taken *viva voce*. The first trial stood thus:

	Sen.	Rep.	Total
For the town of Nashville,	1	2	3
Eblin's League,	5	14	19
Black's Place,	1	4	5
Bastrop,		4	4
San Felipe,	1	1	2
Nacogdoches,	3	2	5
Comanche,	1	1	2
Mound League.	1	1	2
Washington		1	1
			43

The whole number of votes given, forty-three—necessary to a choice, twenty-two. so the speaker declared there was no choice.

The two houses then proceeded to a second trial; when the vote stood thus:

	Sen.	Rep.	Total.
For Nashville,	1		1
Eblin's League,	7	20	27
Bastrop,		1	1
Black's	3	7	10
Mound League,	1	1	2
Washington,		1	1
San Antonio,		1	1
			43.

Necessary to a choice, twenty-two; and Eblin's League having twenty-seven, the speaker announced that Eblin's League was duly chosen as the site for the future location of the seat of government.

The then senate returned to its chamber.

On motion of Mr. Wilson, the senate adjourned until tomorrow morning 10 o'clock.

THURSDAY, MAY 10, 1838.

The senate met pursuant to adjournment. The president in the chair. Prayer by the chaplain of the house of representatives.

A letter was received from the treasurer of the republic, transmitting a condensed view of the books of the treasury up to April 27th, 1838; which being read it was *ordered*, that three hundred copies of the same be printed.

Mr. Everitt, from the select committee to whom was referred the bill fixing temporarily the dividing line between the counties of Bexar and San Patricio, reported the same without amendment.

Mr. Everitt, from the committee on county boundaries, to whom was referred the bill to establish the county of Galveston reported the same without amendment.

Mr. Dunn, chairman of the committee on claims and accounts, to whom was referred the bill for the relief of persons therein named, reported that some of the said persons are not entitled to relief; and the committee asked leave to return said bill for the action of the senate.

Mr. Dunn, by leave, withdrew the bill for the relief of M. A. Bingham, reported yesterday, as it belongs to the bill above described.

On motion of Mr. Dunn, the bill was referred to a select committee consisting of Messrs. Russell, Greer and Somervell. Mr. Barnett, from the select committee to whom was referred the petition of the citizens of Montgomery county, and the accompanying documents, reported a bill for marching the boundary lines between the counties of Liberty and Montgomery and Harrisburg and Montgomery; which was read first time. The rule was suspended, and the bill read a second time.

Mr. Russell offered a substitute to the second section; which was adopted.

On motion of Mr. Barnett, the bill was re-committed to a select committee consisting of Messrs. Barnett, Rains, Dunn and Wilson.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating the following bills which had passed the house.

A bill for the relief of John R. Foster.

A bill for the relief of George Sutherland,

A joint resolution for the relief of Sydney Sherman.

Everitt, from the select committee to whom was refer-

red the petition of W. J. B. Ford, reported by bill, which was read first time.

A bill from the house of representatives for the relief of George Sutherland was read a first time.

A bill from the house of representatives for the relief of J. R. Foster was read a first time.

A joint resolution from the house of representatives for the relief of Sydney Sherman was read a first time.

Mr. Wilson moved to suspend the rule and place the bill on its second reading, which was rejected.

The senate then proceeded to the **ORDERS OF THE DAY.**

The bill providing for taking the census of the people of Texas: laid on the table.

An act supplementary to an act entitled "an act to raise a public revenue by impost duties" was taken up on its second reading, and

On motion of Mr. Everitt, referred to a select committee consisting of Messrs. Everitt, Russell, Barnett and Horton.

A joint resolution from the house of representatives for the relief of empresarios, was read a second time, and,

On motion of Mr. Barnett, indefinitely postponed.

A bill providing for the payment of the interest on the funded debt was read a second time.

A bill to define and limit the issue of promissory notes was taken up on its third reading, and passed.

A bill for granting a patent for a brick machine to Freeman Wilkinson was taken up on its third reading and laid on the table.

An act supplementary to "an act concerning marriages," was read a third time and passed.

An act respecting the abatement of suits was read a third time, and

On motion of Mr. Russell referred to the judiciary committee.

A bill supplementary to "an act supplementary to an act entitled an act to pay the officers of the army and navy, passed December 14, 1837, was read a third time and passed.

A bill for the relief of the officers and crew of the national schooner Liberty, was read a third time and rejected.

A bill to provide for the punishment of offences in the depopulated counties was read a third time and passed.

A bill for the relief of P. S. Wyatt, reported by the committee on claims and accounts unfavorably, was read and laid on the table.

A bill from the house of representatives for raising one company of volunteers from each battalion was read a second time, and

On motion of Mr. Barnett, referred to the military committee.

On motion of Mr. Barnett, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment; the president pro tem. in the chair.

A joint resolution for the annexation of Texas to the United States, was read a third time.

Mr. Wilson moved to indefinitely postpone the resolution; upon which question the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Barnett, Dunn, Greer, Horton, Lester, Rains, Robertson, Russell, and Wilson—9.

In the negative, Messrs. Everitt and Somervell—2. So the resolution was indefinitely postponed.

A message was received from the house of representatives by Mr. Sturges, their clerk, communicating a bill originating in the house, supplementary to "an act granting lands to those who were in the battle of San Jacinto &c." upon which a disagreement exists between the two houses; the house of representatives insists on its disagreement to the senate's substitute for the original bill, and ask a committee of conference thereon.

On motion of Mr. Russell, it was *Ordered*, That a committee of conference be appointed: Messrs. Russell, Lester and Robertson were appointed the committee: And also the following bills, originating in the house of representatives, and which had passed that house, viz:

A bill to create the county of Colon; which was read first time.

A bill to create the county of Center, was read a first time.

A bill defining the boundaries of the county of Austin; which was read a first time.

A joint resolution for the relief of J. W. Fannin, which was read a first time.

A bill for the relief F. Niblin, which was read a first time.

A joint resolution relative to the claims of the officers and soldiers of the army; which was read a first time.

On motion of Mr. Greer, the rule was suspended, the resolution read a second and third time and adopted.

A joint resolution appropriating \$500 for purchasing a sett

of Astronomical Instruments; which was read a first time.

A joint resolution for the relief of the officers and crews of the schooners of war Invincible and Brutus; which was read a first time.

A bill to provide for renewing audited drafts when lost; which was read a first time.

A bill annexing a part of Victoria to Jackson county; which was read first time.

The senate resumed the **ORDERS OF THE DAY.**

A bill from the house of representatives to amend an act entitled "an act to incorporate the town of Brazoria" was read a second time, and,

On motion of Mr. Dunn, indefinitely postponed.

A bill granting one league of land to Philip Wepler, was read a second time and rejected.

A bill for the relief of Henry R. Cartwell was read a second time and rejected.

A joint resolution for the relief of M. B. Menard was,

On motion of Mr. Everitt, referred to the committee on claims and accounts.

A bill from the house of representatives for the relief of M. Bracy and others, was read a second time, and,

On motion of Mr. Barnett, referred to the committee on claims and accounts.

A bill from the house of representatives to provide for the settlement of deceased soldiers' estates, was read a second time.

A bill to pay the volunteer soldiers who served under colonel Duglass, was read a second time.

A bill from the house of representatives to establish a rate of interest was read a second time.

Mr. Horton moved to strike out the word "eight," and insert the word "ten:" upon which question the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Dunn, Everitt, Horton, Robertson and Somervell—5.

In the negative, Messrs. Barnett, Greer, Lester, Rains, Russell and Wilson—6. So the motion was lost.

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

On motion of Mr. Wilson, the senate adjourned until 10 to-morrow morning.

FRIDAY, MAY 11, 1838.

The senate met pursuant to adjournment. The president pro tem in the chair. Prayer by the chaplain of the house of representatives.

Mr. Horton presented the petition of colonel P. S. Wyatt, respecting his claims, and,

On motion of Mr. Horton the bill for the relief of colonel P. S. Wyatt was called up, and,

On motion of Mr. Russell, the bill and documents were referred to a select committee, consisting of Messrs. Horton, Dunn and Russell.

Mr. Dunn, from the committee on claims and accounts, to whom was referred the petition of Eli Seals, reported, verbally, unfavorably.

Mr. Greer, from the committee to whom was referred "a bill respecting the abatement of suits," originating in the house of representatives, reported the following amendment to the 4th section, viz:

"Provided that nothing herein contained shall be so construed as to make the husband liable for any debts contracted by said femme sole before marriage;" which was adopted.

Mr. Robertson introduced a bill providing for the distribution of the militia laws; which was read a first time.

The president, pro tem., introduced a bill to license the issue of change notes, which was read a first time, and,

Upon the question shall this bill be read a second time it was rejected.

Mr. Robertson introduced a bill to prevent surveys being made, in the rear of the army, marching against the Indians, read a first time.

Mr. Burton submitted the following *Protest*, to the vote of the senate, on the 8th instant, rejecting the joint resolution on the executive power of removal from office.

"We enter our protest against the decision of the senate, in reference to those resolutions for the reasons following:

"1st. That the resolutions secured to the executive the exercise of unlimited *will* in striking officers from the roll of the army and navy, thereby amply providing for exigencies that might arise through *treason, misconduct or want of capacity*.

"2d. Because that they also provide for the protection of faithful servants of the state, who *might* fall under executive displeasure from causes not connected with the service.

"3d. Because that the *whole spirit and genius* of our institutions, loudly declare, that, equal protection of *life, property, and character*, is the legitimate aim of our system of government.

"4th. Because the acknowledgment of principles "*obtaining*," the reverse of the resolutions would completely destroy

honorable emulation in public servants, and the officers of our army and navy being dependant, not on their conduct exclusively for honor and fame, but on the breath or caprice of the executive must eventually be composed of *parasites, flatterers and tools* of that department instead of high-minded honorable men.

"5th. We enter this protest, because that we know that our constituents would not fail to consider a relaxation of our utmost efforts to carry those resolutions, as a base betrayal of those great principle of republicanism, that *they* have confided to our care, and because that before the tribunal of a nation of freemen we shall be arraigned for our conduct on this day; and that, according to the shewing that we make of our course, will we receive, at their hands, honorable acquital, or the stigma of infamy.

J. W. BURTON,
S. H. EVERITT,
S. C. ROBERTSON."

The senate then proceeded to the ORDERS OF THE DAY.

A bill establishing the county of Galveston, was taken up on its second reading.

Mr. Russell moved to amend the bill by striking out the words "Chocolate Bayou" and inserting the words "Hyland Bayou;" which amendment was adopted.

Mr. Burton then offered the following additional section, viz:

"*And be it further enacted, That this act shall not go into effect until the census of the Republic shall have been taken, and it shall appear that the same has the constitutional number of actual residents.*"

Upon which section the ayes and noes were ordered, Mr. Burton voted in the affirmative; and those who voted in the negative were Messrs. Barnett, Dunn, Everitt, Greer, Horton, Lester, Rains, Robertson, Russell, Somervell and Wilson—11: so the amendment was rejected.

On motion of Mr. Wilson, the rule was suspended—the bill read a third time and passed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating the following bills, viz:

"A bill originating in the senate, providing for the location of land scrip and redeeming the same;" returned from the house with amendments.

"A bill for the relief of P. Demit; which had passed the house.

On motion of Mr. Burton, the bill for taking the census of

the people of Texas, was called up on its third reading, and laid on the table.

The senate then resumed the **ORDERS OF THE DAY.**

A joint resolution, from the house of representatives, fixing, temporarily, the dividing line between the counties of Bexar, and San Patricio:" was read a second time.

A bill providing for the payment of the interest on the funded debt; was read a third time and passed.

A bill, from the house of representatives, providing for the settlement of deceased soldiers estates; was taken up on its second reading.

On motion of Mr Horton, the bill was amended by striking out the word "production," and inserting "publication."

On motion of Mr. Horton, the rule was suspended—the bill read a third time and passed.

A bill, from the house of representatives, allowing pay to the volunteers who served under colonel Douglas, was read a third time and passed.

A bill, from the house of representatives, to raise one company of volunteers from each battalion, was read a first time, and,

On motion of Mr. Horton, referred to a select committee, consisting of Messrs. Horton, Wilson and Burton.

A joint resolution, from the house of representative, for the relief of Sidney Sherman, was taken up on its second reading; when,

"On motion of Mr. Russell, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK P. M.

The senate met pursuant to adjournment. The president pro tem., in the chair.

A joint resolution for the relief of Sidney Sherman, was called up, (being the unfinished business of the morning session,) which was read a second time, and,

On motion of Mr. Russell, referred to a select committee, consisting of Messrs. Russell, Wilson and Somervell.

A joint resolution from the house of representatives, to organize the militia, was read a second time, and,

On motion of Mr. Russell, referred to the committee on military affairs.

A joint resolution, from the house of representatives, appropriating five hundred dollars to purchase a set of astronomical instruments, was read a second time.

On motion of Mr. Burton the rule was suspended—the bill read a third time and passed.

A message was received from the President of the republic, by Stephen Y. Hoyle, his private secretary, giving his reasons for the dismissal of Dr. Moreau Forrest, from the navy of Texas, which was read, and,

On motion of Mr. Burton, referred to the same committee to whom was referred the memorial of captain George Wheelwright.

The senate resumed the **ORDERS OF THE DAY.**

A bill appointing pilots was read a second time and ordered to be engrossed.

A bill to create the county of Colon was read a second time.

A joint resolution, from the house of representatives, for the relief Aaron Colvin, was taken up on its second reading, and,

On motion of Mr. Barnett, the rule was suspended—the resolution read a third time and passed.

BILLS FROM THE HOUSE OF REPRESENTATIVES.

A bill, originating in the senate, providing for the location of land scrip, and redeeming the same, returned from the house with amendments.

On motion of Mr. ———, the senate agreed to the amendment of the house.

A bill, from the house of representatives, for the relief P. Demitt, was read a first time.

ORDERS OF THE DAY.

A bill, from the house of representatives, providing for the renewing of audited drafts; lost.

On motion of Mr. Barnett, the words “two other newspapers in this republic” was stricken out, and,

On motion of Mr. Greer, the bill was referred to a select committee, consisting of Messrs. Greer, Rains and Wilson.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating the following bills, &c., viz:

“A bill supplementary to an act, supplementary to an act, entitled an act to pay the officers and soldiers of the army and navy, approved, December 14th, 1838;” returned from the house with amendments, which amendments the senate disagreed to.

“A joint resolution to establish a mail route from the seat of justice in Fannin county, to Coffee’s station.

The senate resumed the **ORDERS OF THE DAY.**

A joint resolution for the relief of the officers and crews of the *Invincible* and *Brutus*, was taken up and read second time.

On motion of Mr. Wilson, the rule was suspended—the resolution read a third time and passed.

A joint resolution, from the house of representatives, for the relief of George Sutherland was read a second time.

A joint resolution, from the house of representatives, for the relief J. W. Fannin, was read a second time.

A bill, from the house of representatives, defining the boundaries of the county of Austin, was read a second time.

A bill, from the house of representatives, for the relief of John R. Foster, was read a second time, and,

On motion of Mr. Barnett, referred to the committee on claims and accounts.

A bill granting lands to W. J. B. Ford, was read a second time, and rejected.

A bill, from the house of representatives, creating the county of Center, was read a second time, and,

On motion of Mr. Robertson, laid on the table.

Mr. Somervell, by leave, introduced a joint resolution for the relief of John Murry, which was read a first time.

On motion of Mr. Russell, the senate adjourned until 10 o'clock, to-morrow morning.

SATURDAY, MAY, 12, 1838.

The senate met pursuant to adjournment. The president, in the chair. Prayer by the chaplain of the house of representatives.

Mr. Everitt, from the select committee to whom was referred the letter from the first auditor, respecting the claims of D. B. Friar, reported a joint resolution for his relief, which was read a first time.

Mr. Everitt, from the select committee to whom was referred a bill supplementary to an act to raise a public revenue by impost duties, reported a substitute for the original bill which was read.

Mr. Russell, from the select committee to whom was referred the bill for the relief Mary Millsaps, reported a substitute; which was read a first time, and,

On motion of Mr. Everitt, the rule was suspended—the substitute read a second and third times, and passed.

Mr. Russell, from the select committee to whom was refer-

red a joint resolution from the house of representative, for the relief of Sidney Sherman, with the accompanying documents, reported the following amendments, viz:

"Strike out the words beginning 'pay and transportation,' and ending 'January, 1837;' and insert 'the sum of three thousand nine hundred and seventy-three dollars and seventeen cents,' for services rendered this government, and money expended for the same; the amount to be paid in the promissory notes of the government; strike out the word 'date' and insert the word 'amount,' at the end of the bill.

On motion of Mr. Russell, the amendments were adopted, and,

On motion of Mr. Horton, the rule was suspended—the resolution read a third time and passed.

Mr. Burton, by leave, presented the petition of John Blair, and Alonzo Blair, with accompanying documents; which,

On motion of Mr. Burton, were referred to the committee on claims and accounts.

Mr. Russell, from the select committee to whom was referred the bill from the house of representative, for the relief of persons therein named, reported the following amendments, by striking out of the first section, "the account of Stephen Smith for two hundred and fifty-eight dollars," believing that his vouchers are not sufficient to justify an act of Congress for his relief, which amendment was read.

Mr. Barnett, from the select committee to whom was referred the "bill for making the boundary line between the counties of Liberty and Montgomery, and Harrisburgh and Montgomery," reported, verbally, that the 40th section of the land law, makes the necessary provisions for lines: the committee therefore asks to be discharged from further action on the bill.

Mr. Greer, from the select committee to whom was referred the bill from the house of representatives, to provide for renewing audited drafts, when lost; reported amendments.

Mr. Somervell, from the committee on military affairs, to whom was referred the bill from the house of representatives, to organize the militia; reported the same with amendments.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating the following bills, viz:

"A bill supplementary to an act granting lands to those who were in the battle of San Jacinto, and other battles;" which was read a first time.

"A bill defining the boundaries of the counties of Bastrop and Gonzales."

Mr. Wilson, by leave, introduced a bill to change the time of holding the district court for the county of Harrisburgh, which was read a first time.

Mr. Horton, from the select committee to whom was referred the bill from the house of representative, for raising one company of volunteers from each battalion;" reported the same without amendment.

Mr. Barnett moved to amend the bill by striking out the words in the fifth section, "*or under orders;*" which was adopted.

On motion of Mr. Horton, the rule was suspended—the bill read a third time and passed.

Mr. Everitt, by leave, introduced a joint resolution for the adjournment of Congress, on the 17th day of May, 1838; which was read the first time.

Mr. Burton, from the select committee to whom was referred the memorial of captain George Wheelwright; reported a joint resolution for giving him a trial, by court martial; which was read the first time.

The senate then proceeded to the **ORDERL OF THE DAY.**

A joint resolution from the house of representatives, fixing temporarily, the dividing line between the counties of Bexar and San Patricio; was taken up on its third reading.

Mr. Dunn moved to lay the resolution on the table until the second Monday in November, next; which motion was lost.

On motion of Mr. Dunn, the resolution was laid on the table and made the special order of the day, for Monday next.

A bill from the house of representatives creating the county of Colon, was read a third time and passed.

A bill, from the house of representatives, respecting the abatement of suits; was read a third time and passed.

A bill, from the house of representatives, to annex a part of Victoria to Jacksono unty, was read a third time, and,

On motion of Horton, referred to a select committee, consisting of Messrs. Horton, Dunn and Robertson.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating the following bill, which had passed the house.

"A bill for the permanent location of the seat of government; which was read a first time.

On motion of Mr. Wilson the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president in the chair.

Mr. Burton, from the committee to whom was referred the petition of doctor Moreau Forrest, by leave, reported the following resolution:

Resolved by the senate, That Moreau Forrest, surgeon in the navy Texas, is entitled to an investigation, by court martial, of the cause of his dismissal, by his excellency, from the service;" which was read the first time.

Mr. Burton, from the committee to whom was referred the petition of L. C. D'Autignac, by leave, returned the same without report, for want of information.

Mr. Wilson, by leave, introduced a bill to establish a patent office; which was read the first time.

On motion of Mr. Burton, the joint resolution for the relief John Murry, was called up on its second reading—the rule was suspended—the resolution read a third time and adopted.

The senate resumed the **ORDERS OF THE DAY.**

A joint resolution from the house of representatives, to establish a mail route from the seat of justice of Fannin county to Coffee's Station, was read a second time.

A bill from the house of representatives, for the relief of George Sutherland, was read a third time and passed.

A bill from the house of representatives, for the relief of F. Niblin, was read a third time and passed.

A bill from the house of representatives, to define the boundary of the county of Austin, was read a third time and passed.

A bill, from the house of representatives, for the relief J. W. Fannin, was read a third time and passed.

A bill appointing pilots, was read a third time and passed.

A bill from the house of representatives, for the relief of P. Demitt, was read a second time, and,

On motion of Mr. Everitt, referred to the committee on claims and accounts.

A bill to prevent surveys being made in the rear of the army marching against the Indians, was read a second time, and,

On motion of Mr. Everitt, referred to the judiciary committee.

A bill to provide for the distribution of the militia laws, was read a second time, and,

The following amendment *adopted*:

The word '1000' stricken out, and '100' inserted; the words 'brigadier general' stricken out, and 'colonel commandant,' inserted where it occurs, and the bill, as amended, ordered to be engrossed for a third reading, on Monday, next.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house agrees to the amendment proposed by the Senate, to 'a bill to establish the county of Galveston.'

The house also agrees to the amendment proposed by the senate, to the 'joint resolution,' from the house of representatives for the 'relief of Sidney Sherman.'

Mr. Russell, by leave, introduced 'a bill to establish a mail route from the city of Galveston to Hatagorda, by the way of Velasco and Quintana, which was read a first time, and,

On motion of Mr. Russell, the rule was suspended—the bill read a second and third times and passed.

A bill from the house of representatives for the relief of Augustus Bizell was read a first time.

A bill from the house of representatives, supplementary to an act, entitled 'an act to pay the officers and soldiers of the army and navy,' approved December 14th, 1837; amended in the house—and the senate disagreed to the amendment—the house adheres to their amendment, and asks a committee of conference.

On motion of Mr. Somervell, *Ordered*, that a committee of conference be appointed Messrs. Somervell, Burton and Everitt were appointed said committee.

Mr. Russell, from the committee to whom was referred the documents relative to the seat of government, asked leave to return the documents relative to the contract of * * * * *

On motion of Mr. Robertson, the senate adjourned until Monday morning 10 o'clock.

MONDAY MORNING, MAY 14, 1838.

The senate met pursuant to adjournment: the president in the chair. Prayer by the chaplain.

Mr. Russell presented the petition of H. G. Catlet, praying for land; which was read.

Mr. Horton presented the memorial of Thomas Green, of Richmond, Virginia, upon the subject of the first Texian loan.

On motion of Mr. Horton, the memorial, with all the documents relative to the same, (laid on the table at the last session of congress,) was referred to the select committee, consisting of Messrs. Horton, Everitt and Burton.

Mr. Horton, from the select committee to whom was referred the bill from the house of representatives for the relief of P. S. Wyatt, reported that six hundred dollars of the above appropriation shall be reserved by the treasurer of this republic, until a similar demand shall be made by the government of the state of Alabama on P. S. Wyatt; this provision being made at the request of P. S. Wyatt: which was read and adopted.

The senate then proceeded to the **ORDERS OF THE DAY.**

A bill from the house of representatives fixing temporarily the dividing line between the counties of Bexar and San Patricio was taken up on its third reading.

Mr. Dunn moved to lay the bill on the table until Wednesday next: lost.

On motion of Mr. Barnett, the bill was laid on the table, and made the special order of the day for to-morrow.

A bill for distributing the militia laws being amended, was read a third time and passed.

A bill from the house of representatives to provide for renewing audited drafts and bounty certificates, when lost, was taken up, and the amendment reported by the select committee, considered and adopted, and the bill read a third time and passed.

A committee from the house of representatives, consisting of Messrs. Baker and Patton, informed the senate that the house respectfully asks its attendance in the hall of the house of representatives this evening at half past 3 o'clock, to elect, by joint ballot, a public printer, and to fill other vacancies.

The senate then resumed the **ORDERS OF THE DAY.**

A bill from the house of representatives to organize the militia was taken up, and the amendments, reported by the military committee, considered and adopted, the bill read a third time and passed.

A joint resolution from the house of representatives to establish a mail route from the seat of justice in Fannin county to Coffee's station, was read a third time and adopted.

A bill supplementary to an act to raise a public revenue by import duties was read a third time and passed.

A bill from the house of representatives for the relief of persons therein named was taken up, and the report of the se-

lect committee considered and adopted; the bill read a third time and passed.

A bill from the house of representatives, to provide for the permanent location of the seat of government was taken up on its second reading.

Mr. Everitt moved to refer the bill to a select committee, upon which motion the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Burton, Everitt, Robertson, Somervell and Wilson—5.

In the negative, Messrs. Barnett, Dunn, Greer, Horton, Lester, Rains and Russell—7. So the motion was lost.

Mr. Burton moved to lay the bill on the table until the next session of congress: upon which the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Burton, Everitt, Robertson, Somervell and Wilson—5.

In the negative, Messrs. Barnett, Dunn, Greer, Horton, Lester, Rains and Russell—7. So the motion was lost.

On motion of Mr. Everitt, the bill was read by sections; and the first, second, third fourth and fifth sections were adopted.

Mr. Burton moved to strike out "thirty thousand dollars" from the sixth section: upon which motion, the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Burton, Everitt, Robertson, Somervell and Wilson—5.

In the negative, Messrs. Barnett, Dunn, Greer, Horton, Lester, Rains and Russell—7. So the motion was lost.

The sixth, seventh and eighth sections were then read and adopted.

Mr. Burton then offered the following additional section, viz:

Be it further enacted, That this act shall not go into operation in any of its parts until after the same shall have been submitted to the people of Texas, at the next general election, for their ratification or approval;" Upon which section, the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Burton, Everitt, Robertson, Somervell, and Wilson—5.

Those who voted in the negative, were Messrs. Barnett, Dunn, Greer, Horton, Lester, Rains and Russell—7. So the additional section was rejected.

Mr. Burton then moved to have two hundred copies of the bill, and additional section printed: upon which motion the ayes and noes were ordered.

Those who voted in the affirmative were Messrs. Robertson, Everitt, Burton Somervell and Wilson,—5.

In the negative, Messrs. Barnett, Dunn, Greer, Horton, Lester, Rains and Russell—7. So the motion was lost:—
The bill was ordered to a third reading on to-morrow.

On motion of Mr. Robertson, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment: the president in the chair.

The senate resumed the ORDERS OF THE DAY.

A bill changing the terms of the district courts in the county of Harrisburg was,

On motion of Mr. Wilson, amended by striking out the words "first Monday in May and November," and inserting "second Monday in May and November."

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

On motion of Mr. Everitt, *Resolved*, That a committee consisting of Messrs. Everitt, Lester, and Barnett, be appointed to inform the house of representatives, that the senate will meet them in the hall of the house, to go into the election of public printer. The committee having retired a short time, reported that they had performed the duty assigned them.

A committee of Messrs. Swift and Brennan was announced, from the house of representatives, who informed the senate that the house was ready to receive them.

The senate then proceeded to the hall of the house of representatives, and the two houses went into joint ballot for the election of public printer.

Senator Robertson nominated Cocke & Simmons.

Mr. Burton called for the reading of the propositions of the different candidates; which were read by the clerk.

Mr. Everitt nominated Messrs. Niles & Co.

Mr. Gant nominated Messrs. Cruger and Moore.

On the first trial, the vote stood thus:

	Senators.	Rep.	Total.
For Messrs. Cruger & Moore,	3	7	10
" " Niles & Co.	5	12	17
" " Cocke & Simmons	4	6	10

Whole number of votes, 37

Necessary to a choice, 19. No candidate having a majority of the whole, the speaker proclaimed there was no election.

On the second trial, the vote stood thus:

	Senators.	Rep.	Total.
For Cruger & Moore,	2	6	8
“ Niles & Co.	5	13	18
Cocke & Simmons,	5	8	13

Whole number of votes given, 39: necessary to a choice, 20: no candidate having a majority of the whole, the speaker declared there was no election.

Messrs. Cruger & Moore having withdrawn from the competition.

On the third trial, the vote stood thus:

	Sen.	Rep.	Total.
For Niles & Co.	6	18	24
“ Cocke & Simmons	6	9	15
			39

Whole number of votes given, 39; necessary to a choice, twenty,; and Messrs. Niles & Co. having a majority of the whole number, were declared duly elected public printer.

Mr. Meniffee proposed that the two houses now go into an election to fill the vacancies in the several land offices, and chief justices of counties; which was by general consent, agreed to.

Mr. Meniffee nominated for the chief justice of Colorado, Williamson Daniel and William B. Dewees.

A vote being taken, stood thus:

	Sen.	Rep.	Total.
For Daniel	9	26	35
“ Dewees	3		3
			38

So Williamson Daniel having a majority of the whole number of votes given, was declared duly elected.

Mr. Meniffee, for clerk of the board of land commissioners for Colorado county, nominated Roger Burnes; and there being no opposition, he was declared duly elected.

Mr. Jones of Austin, nominated John H. Moncy, as chief justice of Austin county, in which office he is acting by virtue of an appointment by the President and senate; and there being no opposition to the nomination, he was declared duly elected.

Mr. Dunn, by leave, nominated Martin Lawler to fill the vacancy in the office of president of the board of land commissioners of the county of Refugio, and, there being no opposition, he was declared duly elected.

The senate then returned to their chamber, and
 On motion of Mr. Robertson, the senate adjourned until
 to-morrow morning 10 o'clock.

TUESDAY, MAY 15, 1838.

The senate met pursuant to adjournment; the president in
 the chair. Prayer by the chaplain.

Mr. Horton presented the petition of A. Huston.

On motion of Mr. Horton, the petition and accompanying
 documents were referred, without reading, to a select commit-
 tee consisting of Messrs. Horton, Burton and Sumervell.

Mr. Russell presented the petition of Robert Hodge, pray-
 ing for a title to one league of land, erroneously entered in the
 name of John Hodge; which was read, and,

On motion of Mr. Russell, referred to a select committee
 consisting of Messrs. Russell, Lester and Rains.

A message was received from the house of representatives,
 by Mr. Sturges their clerk, making the following communication,
 viz:

A message from the President of the republic containing
 his reasons for refusing his signature to the bill to define and
 limit the issue of promissory notes; and the bill which had been
 re-considered by the house of representatives, and passed by a
 constitutional majority.

The message was read and laid on the table. *Ordered,*

That 500 copies be printed: als, that the house has agreed
 to the amendment proposed by the senate, to the bill respect-
 ing the abatement of suits originating in the house, has also
 agreed to the amendment proposed by the senate to the bill for
 "raising one company of volunteers from each battallion.

Mr. Burton presented the memorial of the "Nacogdoches
 volunteers;" which was read, and,

On motion of Mr. Burton, referred to a select committee
 consisting of Messrs. Burton, Greer and Rains.

Mr. Everitt, from the committee on public lands, to whom
 was referred the message of the President and the accompany-
 documents, assigning his reasons for withholding "land patents,"
 returned the same without report, and asked that the commit-
 tee be discharged from the further consideration of the subject:
 The committee was accordingly discharged.

Mr. Horton, from the select committee to whom was refer-
 red the "bill from the house of representatives, to annex part of
 Victoria to Jackson county," reported the same without amend-
 ment.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house has passed the "bill to provide for the payment of the interest of the funded debt," with an amendment.

On motion of Mr. ——— the senate agreed to the amendment of the house of representatives.

A bill to repeal an act therein named," which was read a first time. The house agreed to the amendment of the senate to the "bill to raise one company of volunteers from each battalion." The house also agrees to the amendment of the senate to "a bill respecting the abatement of suits;" also, a "bill for the relief of Robert Hodge;" which had passed the house: the bill was read a first time, and,

On motion of Mr. Everitt, the rule was suspended, the bill read a second and third times and passed.

A bill supplementary to an act entitled "an act to reduce into one act, and amend the several acts relating to the establishment of a general land office," which was read a first time, and,

On motion Mr. Everitt, it was *Ordered*, that one hundred copies be printed.

The senate then proceeded to the **ORDERS OF THE DAY.**

A bill from the house of representatives, fixing temporarily the dividing line between the counties of Bexar and San Patricio," was taken up on its third reading, and,

On motion of Mr. Greer, laid on the table.

A bill for changing the term of the district court for the county of Harrisburg was read a third time and passed.

A bill from the house of representatives for the relief of P. S. Wyatt was read a third time and passed.

A bill from the house of representatives, locating permanently the seat of government was read a third time and passed.

A bill for the relief of Augustus Myatt was read a second time.

A joint resolution for the adjournment of congress was taken up on its second reading, and laid on the table.

A bill to establish a patent office was read a second time.

On motion of Mr. Barnett, the vote taken upon the final passage of "the bill for locating permanently the seat of government was reconsidered, and the bill placed on its third reading

Mr. Burton moved to lay the bill on the table; which was lost.

Mr. Horton, by leave, presented the credentials of John N. Seguin, certifying to his election as senator from the district of Bexar; which,

On motion of Mr. Everitt, were referred to the committee on privileges and elections.

On motion of Mr. Everitt, the senate then adjourned until 3 o'clock P. M.

THREE O'CLOCK P. M.

The senate met pursuant to adjournment; the president in the chair.

Mr. Barnett, from the committee on privileges and elections, to whom was referred the credentials of John N. Seguin, reported the same as being authenticated in due form.

On motion of Mr. Horton, the report was adopted; and

The senator elect being introduced, was qualified, and took his seat.

On motion of Mr. Barnett, the senate resumed the consideration of the bill for locating permanently the seat of government, on its third reading.

Upon the question, shall the bill pass, the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Barnett, Dunn, Greer, Horton, Lester, Rains, Russell and Seguin—8.

In the negative, Messrs. Burton, Everitt, Robertson, Somervell and Wilson—5. So the bill passed.

The senate resumed the Orders of the Day.

A bill from the house of representatives, supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles, was read a second time; and

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

A bill from the house of representatives, to define the boundary line between the counties of Gonzales and Bastrop, was read a second time.

A joint resolution for the relief of D. B. Friar, was read a second time, the rule suspended, read a third time and adopted.

A resolution in favor of granting a court martial to George Wheelwright, was read a second time.

Mr. Horton moved to postpone the resolution indefinitely; upon which motion, the ayes and noes were ordered.

Those who voted in the affirmative, were Messrs. Barnett, Dunn, Horton, Lester, Rains, Russell, Seguin and Somervell—8.

In the negative, Messrs. Burton, Everitt, Greer, Robertson and Wilson—5. Indefinitely postponed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

"A bill to provide for the issue of change notes."

"A bill giving to officers and soldiers of the navy, bounty lands."

"A bill for the relief of P. Demitt." And

"A bill creating the county of Travis;" all of which had passed the house.

A resolution for the benefit of M. Forrest, was read a second time; and

On motion of Mr. Horton, indefinitely postponed.

On motion of Mr. Barnett, the senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, MAY 16, 1838.

The senate met pursuant to adjournment; the president in the chair. Prayer by the chaplain.

Mr. Burton, from the committee to whom was referred the petition of Hiram Woods, returned the same without report, and asked leave to be discharged from the further consideration of the subject.

On motion of Mr. Everitt, the petition and documents were referred to the committee on claims and accounts.

Mr. Barnett, from the select committee, to whom was referred the bill regulating the weights and measures of this republic, reported the same with an amendment.

A message was received from the house of representatives, by Mr. Sturges, making the following communication, viz: the house agrees to the amendments proposed by the senate, to the following bills:

A bill to organize the militia.

A bill to provide for renewing audited drafts and bounty certificates, when lost.

A bill for the relief of persons therein named.

The house had also passed the following bill and joint resolutions, viz: a bill for the relief of John Talbot; which was read a first time.

On motion of Mr. Everitt, the rule was suspended, and the bill referred to the committee on claims and accounts.

A joint resolution declaring John Vince the legitimate son of Allen Vince and Matilda Milbourn; which was read a first time.

A bill to create the collectoral district of La Vaca; which was read a first time; and

On motion of Mr. Burton, the rule was suspended, and the bill referred to the select committee, consisting of Messrs. Horton, Burton and Dunn, on its first reading.

A bill for the relief of Peter Hymes, which was read a first time.

A joint resolution for the relief of Joseph A. Creary; which was read a first time. Also, the following bills, originating in the senate, and which had passed the house:

A bill providing for the punishment of offences in the depopulated counties.

A bill granting a pension to Mary Millsaps and family.

A joint resolution for the relief of Aaron Colvin.

Mr. Horton, by leave, presented the petition of Willis A. Faris; which was read.

The senate proceeded to read the communications received from the house yesterday, communicating the following bills, which had passed the house:

A bill creating the county of Travis; which was read the first time.

A bill for the relief of P. Demitt; which was read first time.

On motion of Mr. Horton, the rule was suspended and the bill referred to the committee on claims and accounts.

A bill giving to the officers and soldiers of the navy, bounty land; which was read the first time.

A bill to provide for issuing change notes; which was read a first time.

Mr. Dunn, from the committee on claims and accounts, to whom was referred the bill for the relief of M. B. Menard, reported unfavorably, for the want of the necessary vouchers.

On motion of Mr. Everitt, the rule was suspended, the report considered, and referred to a select committee, consisting of Messrs. Everitt, Russell and Greer.

Mr. Russell, by leave, introduced a bill to authorize the president to re-issue promissory notes; which was read a first time.

On motion of Mr. Barnett, the rule was suspended, and the bill read a second time and amended.

On motion of Mr. Everitt, the amendment was considered and adopted.

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

A message was received from the house of representatives, communicating the following bills, which had passed the house;

"A bill respecting chief justices;" which was read the first time.

"A bill for the relief of Henry Ashley;" which was read the first time.

On motion of Mr. Everitt, it was *Ordered*, that the senate proceed to the election of an interpreter for the honorable senator from Bexar.

Mr. Everitt nominated Mr. Edmund P. Crosby to fill that station; and

There being no other nomination, Mr. Crosby was declared duly elected.

Mr. Burton, by leave, introduced a bill creating a volunteer corps; which was read the first time.

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

On motion of Mr. Everitt, the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment; the president in the chair.

On motion of Mr. Everitt, Mr. Crosby, the interpreter elect, was qualified, and entered upon the discharge of his duties.

Mr. Everitt, from the committee to whom was referred the bill for the relief of M. B. Menard, by leave, reported a substitute, which was read.

On motion of Mr. Everitt, the rule was suspended, the substitute considered and adopted.

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

Mr. Everitt, by leave, introduced a bill for the relief of A. C. Horton, which was read the first time, and the rule was suspended, the bill read a second and third times, and passed.

A bill creating a volunteer corps, was taken up on its second reading; and

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

The senate resumed the **ORDERS OF THE DAY.**

A bill from the house of representatives, for the relief of Augustus Bizell, was read a third time, and passed.

A bill from the house of representatives, defining the boundary line between the counties of Bastrop and Gonzales, was read a third time, and passed.

A bill to establish a patent office, was read a third time: Mr. Burton moved to lay the bill on the table until next session of congress; upon which motion the ayes and noes were *Ordered*; those who voted in the affirmative, were Messrs. Barnett, Burton, Everitt, Lester and Rains—5. In the negative, Messrs. Dunn, Horton, Russell, Seguin, Somervell and Wilson—6. So the bill was then put upon its final passage, and upon the question, "Shall the bill pass? the ayes and noes were *Ordered*," those who voted in the affirmative, were Messrs. Dunn, Horton, Robertson, Russell, Somervell and Wilson—6. In the negative, Messrs. Barnett, Burton, Everitt, Lester, Rains and Seguin—6. So the bill was rejected.

A bill from the house of representatives, to annex part of Victoria to Jackson county, was taken up on its third reading and laid on the table, and made the special order of the day for to-morrow.

A bill from the house of representatives, to repeal part of an act therein named, was read the second time; and

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

Mr. Horton, by leave, introduced a bill supplementary to "an act to authorize clerks of the several courts to appoint deputies, &c.;" approved December 21st, 1837, which was read the first time; and

On motion of Mr. Horton, the rule was suspended, the bill read a second and third times, and passed.

Mr. Lester, by leave, presented the petition of W. Wells, praying for relief, which was read the first time; and

On motion of Mr. Lester, the rule was suspended, and the petition referred to the committee on claims and accounts.

Mr. Barnett, by leave, introduced a bill respecting the probate of wills, which was read the first time.

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

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

Mr. Russell, by leave, introduced a bill to require the President to sign land patents; which was read the first time.

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

On motion of Mr. Burton, the bill was referred to the committees on the judiciary and public lands.

On motion of Mr. Burton, the senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, MAY 17, 1838.

The senate met pursuant to adjournment; the President in the chair. Prayer by the chaplain.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz: "a substitute to an act granting lands to those who were in the battle of San Jacinto and other battles," reported by the committee of conference of both houses of congress, in place of the original bill from the house of representatives; and the substitute, proposed by the senate, which was read; and

On motion of Mr. Horton, the substitute was recommitted to the same committee of conference, who reported it: "a bill to provide for the return and disposal of lands held by fraudulent titles;" which was read a first time; and

On motion of Mr. Horton, *Ordered*, that one hundred copies be printed: also, "a bill creating a volunteer corps," originated in the senate, which passed the house.

A message was received from the President of the republic, by Mr. Hoyle, his private secretary.

Mr. Horton presented the petition of Samuel W. Wybrant and others; which,

On motion of Mr. Horton, was read, and referred to the committee on claims and accounts.

Mr. Burton, from the joint committee on public lands and the judiciary, to whom was referred the bill requiring the President to issue land patents, returned the same, and asked to be discharged from the further consideration of the bill; which was granted.

Mr. Dunn, from the committee on claims and accounts, to whom was referred the bill for the relief of A. Le Grand, reported unfavorably, for want of proper vouchers.

Mr. Horton introduced a bill to establish two justices' courts in the county of Bexar, which was read the first time.

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

On motion of Mr. Everitt, the bill was amended; the amendment was considered and adopted.

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

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz: "a bill to authorize the President to re-issue the promissory notes of the government, as they return into the treasury," returned from the house with amendments, which

was read and considered; and the amendment to the 2nd and 4th sections, and the first and second amendments in the 5th section were agreed to: and the senate disagrees to the third amendment proposed by the house, in the 5th section; the house also passed an additional section, which was read, considered, and adopted: "a bill for the relief of M. B. Menard;" the house agrees to the substitute proposed by the senate. The house has also passed the charter for the Galveston and Brazos rail road, which was read a first time: "a joint resolution for the relief of A. Henry," which was read a first time: also, the following bill, originating in the senate, and which had passed the house; "a bill to appoint pilots;" "a bill to raise a public revenue by import duties;" "a bill to establish a mail rout from Galveston to Matagorda," originating in the senate, and amended by the house; and the senate agreed to the amendments.

The senate went into secret session, and after some time spent therein, the doors were opened.

On motion of Mr. ———, the senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK P. M.

The senate met pursuant to adjournment; the president in the chair.

The senate proceeded to the ORDERS OF THE DAY.

A bill from the house of representatives, to annex part of Victoria to Jackson county, was read a third time; and upon the question "Shall the bill pass?" the ayes and noes were,

On motion of Mr. Horton, *Ordered*: those who voted in the affirmative, were Messrs. Barnett, Everitt, Greer, Horton, Lester, Robertson and Russell—7. In the negative, Messrs. Burton, Dunn, Rains, Seguin and Somervell—5. So the bill passed.

A bill from the house of representatives, to create the county of Travis, was read the third time; and

On motion of Mr. Barnett, laid on the table.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating the following bills, &c., which had passed the house: "A joint resolution for disbanding the army;" "a bill for the distribution of the land law," originating in the senate, and passed by the house; "a joint resolution for the relief of Eliom Trask and William Motley," which was read the first time; and

On motion of Mr. Barnett, the rule was suspended, the bill read a second time, and referred to a select committee, con-

sisting of Messrs. Russell, Barnett and Robertson; "a bill for the relief of Memucan Hunt," which was read the first time;" "a bill to authorize the President to re-issue the promissory notes of the government, as they return into the treasury," which was passed in the senate, amended in the house, and the senate disagreed to the amendment, and the house insists upon its amendment. Mr. Russell moved that the senate recede from its amendment; and upon the question "Will the senate recede?" the ayes and noes were *Ordered*: those who voted in the affirmative, were Messrs. Barnett, Burton, Greer, Rains, Russell, Somervell and Wilson—7. In the negative, Messrs. Dunn, Horton, Lester, Robertson and Seguin—5. So the senate receded from its amendment.

Mr. Seguin, by leave, introduced a bill for the relief of the widows and orphans of those who fell in captain J. N. Seguin's company, at the Alamo; which was read the first time.

On motion of Mr. Wilson, the rule was suspended, and the bill read a second time; and

On motion of Mr. Horton, the bill was amended, the amendment considered and adopted; and upon the question "Shall the bill pass?" the ayes and noes were *Ordered*: those who voted in the affirmative, were Messrs. Dunn, Everitt, Horton, Lester, Robertson, Seguin, Somervell and Wilson—8. In the negative, Messrs. Barnett, Burton, Greer and Russell—4. So the bill passed.

The senate resumed the **ORDERS OF THE DAY.**

A bill regulating the weights and measures of this republic, was read a third time and passed.

Mr. Russell, by leave, introduced a bill for taking the sense of the votes on the question of the withdrawal of the proposition to annex Texas to the United States, which was read the first time.

On motion of Mr. Barnett, the rule was suspended, and the bill read the second and third times. Mr. Wilson moved to postpone the bill indefinitely; upon which motion, the ayes and noes were *Ordered*: those who voted in the affirmative, were Messrs. Burton, Greer, Lester, Rains and Wilson—5. In the negative, Messrs. Barnett, Dunn, Everitt, Robertson, Russell Seguin and Somervell—8. So the motion was lost.

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

A joint resolution fixing temporarily the divididg lines between the counties of Bexar and San Patricio was,

On motion of Mr. Seguin, called up on its third reading and passed.

Mr. Horton, from the select committee to whom was referred the memorial of Thomas Green, by leave, reported a bill for his relief, which was read the first time.

Mr. Burton moved to adjourn until to-morrow morning, 10 o'clock; upon which motion the ayes and noes were *Ordered*: those who voted in the affirmative, were Messrs. Burton, Dunn and Wilson—3. In the negative, Messrs. Barnett, Everitt, Greer, Horton, Lester, Rains, Russell and Seguin—8. So the motion was lost.

ORDERS OF THE DAY.

A joint resolution, from the house of representatives, respecting chief justices, was read a second time; and

On motion of Mr. Burton, laid on the table.

On motion of Mr. Burton, the senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, MAY 18TH, 1838.

The senate met pursuant to adjournment, the President in the chair—prayer by the chaplain.

Mr. Russell, from the special committee to whom was referred the bill for the relief of the heirs of Elwyn J. Trask and William Motley, referred on its seconding reading, reported a substitute, which was read.

Mr. Horton, from the select committee, to whom was referred the memorial of Thomas Green, and the bill for the relief of the contractors for the first Texian loan, reported the same without amendment, accompanied by the opinion of the attorney general thereon.

Mr. Russell presented a bill for the relief of William H. Wharton, which was read the first time. On motion of Mr. Everitt, the rule was suspended, and the bill read a second time.

EXECUTIVE DEPARTMENT,
TEXAS.

City of Houston, 16th May, 1838.

To the honorable congress:

GENTLEMEN—I regret, on the present occasion, that a sense of duty compels me to return a bill of the honorable house of representatives, without approval. I regret, the more, for the reason that I have entertained a high estimate of colonel Sherman, in many respects, as an officer.

I am satisfied that, in his case, the laws, already in existence, were sufficient to have rendered justice to him.

By a resolution of congress, approved 30th November, 1836, all persons holding contingent military commissions, then in the United States, were provided for, and individuals were

to take rank according to the number of men introduced into the country. Colonel Sherman claims to have introduced none but a part of a company under captain Sylvester, which landed at Matagorda, and claimed to belong to the command of Mr. Thomas Jefferson Chambers.

This part of a company left Cincinnati with a knowledge of, and after an order of this government had been published, that no troops would be received into service, unless they provided themselves with arms, ammunition, clothing and provisions for six months. Those, already alluded to, came at the expense of the government, and are charged for in the accounts of Mr. Thomas Jefferson Chambers. So that the orders of this government were violated, with a knowledge of their existence; therefore, no just complaint can be advanced against the executive, for the course which he pursued, in relation to not receiving those men into service. They never were disbanded in the streets of this city, because they never were received into service, and colonel A. S. Thruston, commissary general, in New Orleans, assured them that they would not be received, and that if they came at all it must be at the expense of Mr. T. Jefferson Chambers; as they had first set out so they persisted in direct violation of orders, incurring no trifling expense to this government, at a time, too, when there were more troops in the field, than the government were able either to clothe or provision.

These facts correctly stated, are sufficient to vindicate the executive from all imputation of injustice or oppression towards colonel Sherman or the troops. Colonel Sherman therefore introduced no troops into the country, under his contingent commission, he was never stricken from the roll of the army, he could not claim rank only according to law.

At the re-organization of the army, colonel Sherman was not retained, of course he could not have claims to pay, and perquisites, from the passage of the law re-organizing the army.

It will be seen from his instructions, accompanying his contingent commission, derived from the government *ad interim*, that he had only authority to recruit until the 1st of November, 1836, from which time I am not advised he received any instructions from the Department. Colonel Sherman has received a very considerable amount of scrip, as near as the executive can ascertain, about \$6000, which he has not yet accounted for, to his knowledge, nor any portion of it.—That colonel Sherman ought to be allowed a fair commission on the

purchase he made on account of government, would be right and proper, but to allow the pay of colonel of cavalry, for duties which could as well be performed by a lieutenant, seems to the executive to be a course that would prove destructive to our treasury.

If the door was once opened to those who held contingent commissions, and introduced no aid to the country, and many of whom have never since been in the country, and they were to be paid according to the shewing of their commissions, without reference to the resolution of the 30th November, a sum less than one hundred and fifty or two hundred thousand dollars, would not be adequate to meet their demands against the government.

The executive has, heretofore, in conformity with the regulations of the United States, directed that no demands upon the treasury should be paid to individuals whatever, who had government means placed in their care, until they had accounted for the same.

The executive, therefore, respectfully invokes the honorable congress to enact such laws, and regulations, as will insure a safe-guard to the treasury.

Thousands have already been paid out of the treasury by congressional enactments, in cases where the individuals, drawing the money, yet remain defaulters to the government to the amount of thousands.

GENTLEMEN—For these reasons I respectfully return this bill without approval.

SAM HOUSTON.

The president laid before the senate a message from the President of the republic, giving his reasons for withholding his signature to the 'joint resolutions for the relief of captain Costly and Jewell's companies.'

On motion of Mr. Everitt, *Ordered*, that the message be spread on the journals, and made the order of the day for tomorrow, viz:

EXECUTIVE DEPARTMENT, }
TEXAS. }

City of Houston, 17th May, 1838.

To the honorable congress,

GENTLEMEN—Constrained by a sense of duty, arising, I trust, from a due regard to the public interest, I take the liberty of returning the bill to the honorable senate, the body in which it originated.

The executive is never insensible to the application of mer-

itorious and worthy officers and soldiers; but, as he entertains most satisfactory intelligence on the subject of captains Costly and Jewell, he can never lend his countenance to the satisfaction of their demands.

The companies were detailed at a time, when the Indians of the praries were about to make an attack upon the inhabitants from Trinity to Nacogdoches, they were directed to appoint near the Trinity, designated as the town of Houston, to where a number of the families had returned after the Mexican invasion. They received instructions from the commander-in-chief, who was then in Nacogdoches, of a most particular character, and to keep up the strictest vigilance with constant activity on the frontier.

At the same time they were directed to construct block houses, surrounded by pickets, and to construct a boat, to facilitate their crossing the Trinity, should it be necessary, also, to pass over scouts, and be ready at all times to afford facilities as well as security to them.

They were furthermore directed to construct a block-house on the west side of the Trinity river, at the crossing, at which they were directed to keep a constant and sufficient guard. They were directed to make out muster rolls of their companies, and to send one to the secretary of war, and one to the commander-in-chief of the army, their instructions were of a most explicit and plenary character.

With the exception of one block-house, at the town of Houston, they disobeyed every order given to them. They were required to make reports to the war department, at Columbia, once every fortnight, which they also neglected.

A commissary had been appointed for the purpose of procuring subsistence, and no complaint was made of any want of supplies, yet they made spoil of the citizens stock, and other property, and, instead of rendering that protection which patriotism, and a love of true glory always inspires, they destroyed the subsistence of the community.

The complaints of the citizens, prompted by depredations committed on their property were the only reports which reached the government, with the exception of one verbal report, brought by one of the officers, to Columbia, who, on his return to the Trinity, disobeyed the very orders he had received—but reported that when those detailed were ordered to perform the duty for which they were stationed at that point—their reply was, that *by God they had come to fight, and they would be damned if they were going to work for any body, or obey any such orders.* The consequence of this determination,

on their part, was, that the country derived no benefit from them, but sustained an injury.

Owing to the disobedience of orders, two of our citizens were killed and one severely wounded, near the fort, in attempting to cross the river, for protection, to it, for the want of a ferry-boat to cross in, or a block-house to protect them. Captain Cortly's men did not long remain in service, but were dismissed to their homes. Jewell's company, something less than 30 in number, as they were emigrant volunteers, chose to remain, and not satisfied with their condition, concluded that it was necessary to create more rank, and proceeded to elect a major, one captain and the requisite complement of officers.

Now inasmuch as no muster roll was made, the executive thinks it would be impracticable ever to ascertain how many were actually in service at any one time. They were in the habit of going at large, and if discharges were now to be received, without any roll by which they might be checked, five hundred discharges might be made out, and land scrip and treasury notes drawn to an unlimited amount.

The executive has the pleasure of assuring the honorable congress that, had the orders of the government been obeyed, or the country derived any advantage, as was contemplated from the services of the companies referred to, their accounts would long since have been adjusted; but that he never will sanction any measure which he believes to be injurious to the public treasure, and subversive of all subordination and order. The laws are intended to benefit those who support them, and to punish those who neglected or violate them.

"The laborer is worthy of his hire, but he that laboreth not must expect the reward of the sluggard."

The President submits this bill with his reasons, assuring the honorable congress that he could not, under the circumstances of the case, pursue any other course than to offer to the bill his objection.

SAM HOUSTON.

Mr. Greer, by leave, introduced a bill supplementary to an act to raise a corps of volunteers, which was a read first time and,

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

A message was received from the house of representatives,

by Mr. Sturges, their clerk, communicating the following bills, viz:

“A bill for the relief of Wm. G. Cook, administrator of Henry L. Thompson,” which was read the first time and,

On motion of Mr. Horton, referred to the committee on claims and accounts; also,

A resolution for the relief of John Murrly; which was returned from the house with amendments.

Mr. Seguin, by leave, introduced a bill to confirm and perpetuate the contracts for personal services, made by persons in Bexar and Goliad; which was read the first time, and,

On motion of Mr. Burton, referred to a select committee consisting of Messrs. Burton, Everitt and Seguin.

The senate proceeded to the **ORDERS OF THE DAY.**

On motion of Mr. Wilson the joint resolution for the relief of Alexander Legrand, was called up.

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

On motion of Mr. Everitt, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president in the chair.

The unfinished business of the adjournment of the senate being the joint resolution for the relief of Alexander Legrand, was,

On motion of Mr. Burton called up and referred to a select committee, consisting of Messrs. Burton, Horton and Rains.

A bill from the house of representatives giving bounty land to the officers and sailors of the navy, was read the second time, and,

On motion of Mr. Horton referred to the judiciary committee.

A bill from the house of representatives to provide for issuing change notes, was read a second time; and, on motion of Mr. Horton, referred to a select committee, consisting of Messrs. Horton, Wilson and Russell.

A bill, from the house of representatives, for the relief of Peter Hymes, was read the second time; and, on motion of Mr. Russell, referred to the committee on claims and accounts.

A joint resolution, from the house of representatives, declaring John Vince the legitimate son of Allen Vince and Matilda Milbourne, was read the second time.

A bill from the house of representatives, for the relief of

Henry Ashley, was read the second time; and, on motion of Mr. Greer, referred to the committee on claims and accounts.

A bill from the house of representatives, for the benefit of Joseph A. Creary, was read a second time; and, on motion of Mr. Russell, was laid on the table.

A bill requiring the President to issue land patents, was read; and, on motion of Mr. Russell, laid on the table.

A bill for the relief of Wayman F. Wells, was read the second time; and, on motion of Mr. Barnett, referred to the committee on claims and accounts.

An act, supplementary to an act entitled an act to reduce into one act, and to amend the several acts relating to the establishment of a general land office, was taken up on its second reading; and, on motion of Mr. Everitt, was read by sections, and the first and second sections were adopted. On motion of Mr. Burton, the third section was stricken out. On motion of Mr. Barnett, the fourth and fifth sections were adopted. On motion of Mr. Burton, the sixth section was amended, and adopted. On motion of Mr. Barnett, the seventh and eighth sections were adopted. Mr. Horton moved to strike out the ninth section; upon which motion the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Burton, Dunn, Greer, Horton, Lester, Rains, Seguin and Somervell, 9; in the negative, Mess. Everitt, Robertson, Russell and Wilson, 4—so the section was stricken out. On motion of Mr. Greer, the 10th and 11th sections were adopted; on motion of Mr. Wilson, the ayes and noes were ordered on the adoption of the 12th section; those who voted in the affirmative were, Messrs. Burton, Dunn, Horton, Lester, Rains, Russell, Seguin, Somervell and Wilson, 9; in the negative, Messrs. Barnett, Everitt, Greer and Robertson, 4—so the section was adopted. On motion of Mr. Horton, the 13th section was stricken out, and the bill made the order of the day for to-morrow.

A message was received from the house of representatives, by Mr. Owen, assistant clerk, making the following communication, viz: A bill, originating in the senate, regulating the weights and measures of this Republic, returned from the house with amendments; also, a bill for the relief of William A. Hurd, which had passed the house.

Mr. Dunn, from the committee on claims and accounts, to whom was referred the bill for the relief of John Talbott, reported the same favorably. On motion of Mr. Everitt, the rule was suspended, the bill read a second and third time, and passed.

On motion of Mr. Wilson, the senate adjourned until tomorrow morning, 10 o'clock.

SATURDAY, May 19th, 1838.

The Senate met pursuant to adjournment. The President in the chair. Prayer by the chaplain of the house of representatives.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating a joint resolution relative to the duties of the collector of the port of Velasco, which had passed the house of representatives: read first time.

Mr. Wilson presented the petition of Andrew H. Long, praying payment for oxen, &c. which was read; and, on motion of Mr. Wilson, referred to the committee on claims and accounts.

Mr. Burton, from the committee to whom was referred the bill to establish the collectoral district of Lavacca, reported the same without amendment.

Mr. Burton, from the committee to whom was referred the bill for the relief of Alexander Le Grand, reported the same without amendment.

Mr. Horton, by leave, withdrew the petition and documents of A. Houston.

Mr. Dunn, from the committee on claims and accounts, to whom was referred the bill for the relief of John B. Foster, reported favorably, without amendment.

Mr. Wilson, from the committee to whom was referred the bill for the relief of William H. Wharton, reported the same without amendment.

A bill from the house of representatives, for the relief of William A. Hurd, received yesterday, was read the first time; and, on motion of Mr. Horton, referred to the committee on claims and accounts.

A joint resolution, for the relief of John Murry, originating in the senate, returned from the house of representatives yesterday with an amendment, was read, and the amendment agreed to by the senate.

A bill regulating the weights and measures of this Republic, originating in the Senate, returned from the house of representatives yesterday with an amendment, was read; and, on motion of Mr. Barnett, laid on the table.

Mr. Everitt from the committee to whom was referred the bill to confirm certain contracts for personal services, made by persons in Bexar and Goliad, reported a substitute for the same,

which was adopted; and, on motion of Mr. Everitt, the rule was suspended, the bill read a second and third time, and passed.

Mr. Seguin presented a resolution calling on the President for information relative to the Indian tribes, which was read the first time; and, on motion of Mr. Seguin, the rule was suspended, the resolution read a second and third time and adopted.

Mr. Seguin, by leave, introduced a bill concerning the clerk of Bexar, and other officers; which was read the first time.

On motion of Mr. Horton, the bill for the relief of Joseph A. Creary, was taken up on its second reading; and, on motion of Mr. Burton, referred to a select committee, consisting of Messrs. Everitt, Horton and Burton.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communications, viz:

A bill supplementary to an act to authorize the clerks of the several courts to appoint deputies, &c., approved Dec. 21st, 1837, originating in the senate, and which has passed the house of representatives:

A bill for the relief of A. C. Horton, originating in the senate, and has passed the house;

Also, a joint resolution fixing the day of adjournment of Congress, on the 23d of this month: which were read a first time.

The senate took up the special orders of the day.

The joint resolutions for the relief of Captains Costly and Jewell's companies, which originated in the senate, and vetoed by the President, was taken up for consideration; and on the question, shall the bill pass, notwithstanding the objections of the President? the ayes and noes were ordered: those who voted in the affirmative were Messrs. Barnett, Burton, Greer, Robertson, Wilson, 5; in the negative, Messrs. Dunn, Everitt, Horton, Rains, Russell and Seguin, 6—veto sustained.

A message was received from the house of representatives, by Mr. Sturges, their clerk, communicating the following bills, which had passed the house of representatives, viz:

An act supplementary to an act providing for the location of land scrip, issued under the act of Congress, dated 6th Dec. 1836, and for redeeming the same, which was read a first time.

A bill marking out a road from the Colorado river to Jonesborough, on Red River, which was read a first time.

On motion of Mr. Everitt, the senate took up the bill for the relief of Col. S. Sherman, which had passed both houses of

Congress, was vetoed by the President, and being reconsidered by the house of representatives, was passed by a constitutional majority. The bill and message were read, and on the question, shall the bill pass, notwithstanding the objections of the President? the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Burton, Dunn, Everitt, Greer, Horton, Rains, Robertson, Russell, Seguin, Somervell and Wilson, 12; in the negative, noes 22—the bill was passed.

On motion of Mr. Everitt, the bill for the relief of Alexander Le Grand was taken up, and 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. Barnett, Burton, Everitt, Greer, Robertson, Russell, Seguin, Somervell and Wilson, 9; in the negative, Messrs. Dunn, Horton and Rains, 3—so the bill was passed.

On motion of Mr. Everitt, the Senate adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The senate met pursuant to adjournment, the President in the chair.

A quorum not attending, on motion of Mr. Everitt the senate adjourned until Monday morning, 10 o'clock.

MONDAY, 21st May, 1838.

The Senate met pursuant to adjournment; the President in the chair; prayer by the chaplain.

Mr. Burton presented the petition of William Going, a man of color, praying for a head-right; which was read the first time.

A message was received from the President of the Republic, by Mr. Hoyle, his private secretary.

Mr. Everitt presented the petition of A. J. Yates, praying for relief, &c.; and, on motion of Mr. Everitt, it was referred to a select committee, consisting of Messrs. Everitt, Somervell and Burton.

A message was received from the house of representatives, by Mr. Owen, their assistant clerk, making the following communication, viz:

A bill for the relief of A. S. Burnly and others, which was read the first time. Mr. Russell moved to refer the bill to a select committee, which motion was lost.

Mr. Horton, from the select committee to whom was referred the bill to provide for the issuing of change notes, reported amendments, which were read.

Mr. Barnett, by leave, introduced a bill to define the boundaries of the county of Montgomery, which was read the first time. On motion of Mr. Barnett, the rule was suspended, the bill read a second and third time, and passed.

Mr. Horton, by leave, introduced a bill for the relief of the heirs of certain persons therein named, which was read the first time; and, on motion of Mr. Everitt, the rule was suspended, read a second and third time, and passed.

Mr. Somervell, by leave, introduced a bill supplementary to an act granting lands to those who were in the battle of San Jacinto, and other battles, which was read the first time; and, on motion of Mr. Somervell, the rule was suspended, the bill read a second time, and laid on the table.

On motion of Mr. Russell, a resolution relative to the duties of the collector of the port of Velasco, was taken up, read the third time, and passed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

A bill requiring the commissioner general to forward to the recorders of the counties, abstracts of titles to land situated in the same, which was read the first time.

Also, a joint resolution establishing certain mail routes therein named, which was read the first time.

Also, a bill to amend an act incorporating the city of San Antonio and other towns, which was read the first time.

Also, a substitute to the bill for disbanding the army and navy, which was read; and, on motion of Mr. Burton, the bill was considered by sections: the fourth section was amended, by striking out "July" and inserting "June;" the question then recurring on the adoption of the substitute, it was rejected.

On motion of Mr. Barnett, a resolution relative to the adjournment of Congress, was called up, and read the second time. Mr. Everitt moved to strike out "Wednesday the twenty-third," and insert "Saturday the twenty-sixth"—carried.

A joint resolution for the relief of John Talbott, originating in the house of representatives, amended in the senate, and returned from the house of representatives with amendments, was taken up, and the amendments agreed to.

Mr. Burton, by leave, introduced a bill for the protection of certain Indians in their lands, and other purposes, which was read the first time. On motion of Mr. Barnett, the rule was suspended, the bill read a second time; and, on motion of Mr. Horton, laid on the table.

The senate then went into secret session; and, on the doors being opened, on motion of Mr. Everitt, the senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The senate met pursuant to adjournment; the President in the chair.

The senate proceeded with the orders of the day.

A bill for the relief of John B. Foster, was read the third time and passed.

A bill for the relief the hon. Wm. H. Wharton, was read the second time. Mr. Russell offered a substitute, which was adopted. On motion of Mr. Everitt, the 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. Burton, Everitt, Robertson, Russell, Seguin and Somervell, 6; in the negative, Messrs. Barnett, Dunn, Greer, Horton, Rains and Wilson, 6: the President voted in the affirmative, and the bill passed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house of representatives has passed an act to amend an act, entitled "an act establishing the District Courts"—the house insists on its substitute to the "bill for disbanding the army and navy."

A verbal message was received from the house of representatives, by Mr. Owen, their assistant clerk, requesting to know what had become of a resolution for adjournment. He was informed that it had been amended.

A substitute for a bill for the relief of the heirs of Elwyn J. Trask and William Motley, was read the second time and adopted; and the rule was suspended, read a third time, and passed.

A resolution declaring John Vince a legitimate son of Allen Vince and Matilda Milbourne, was read the third time, and passed.

An act supplementary to an act, entitled an act to reduce into one act, and amend the several acts, establishing a general land office, was read the third time; and on the question, shall the bill pass? the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Burton, Everitt, Robertson, Russell, Somervell and Wilson, 7; in the negative, Messrs. Dunn, Greer, Horton, Rains and Seguin, 5—so the bill passed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

A bill supplementary to an act to raise a revenue by impost duties, which was read the first time.

A joint resolution for the relief of Hiram Woods, was read the first time; and, on motion of Mr. Everitt, the rule was suspended, and the resolution read a second time.

A bill to amend an act entitled an act establishing the district courts.

BILLS FROM THE HOUSE.

A bill for the relief of F. Thorne, was read the first time. On motion of Mr. Everitt, the rule was suspended, the bill read a second time, and, on motion of Mr. Horton, referred to a select committee, consisting of Messrs. Horton, Somervell and Burton.

A bill to provide for issuing head rights to those who fell under or with Fannin, Travis, Grant and Johnson, was read the first time; and, on motion of Mr. Barnett, the rule was suspended, the bill read a second and third time, and passed.

A bill to amend an act entitled an act establishing the district courts, was read the first time. On motion of Mr. Everitt, the rule was suspended, and the bill read a second time; and, on motion of Mr. Everitt, the second section was amended by striking out "sixty days," as the term of the county of Jasper, and inserting "two weeks," and altering the terms of the following courts, so as to make each one week later than in the bill; and, on motion of Mr. Wilson, it was referred to a select committee, consisting of Messrs. Wilson, Russell and Barnett.

The house has also passed the bill for the relief of the heirs of persons therein named.

On motion of Mr. Russell, it was ordered, that a committee be appointed to confer with such committee as may be appointed by the house of representatives, on the disagreement between the two houses on the bill for disbanding the army and navy.

BILL FROM THE HOUSE.

A bill better to define the duties of the sheriff, was read the first time. On motion of Mr. Burton, the rule was suspended and the bill read a second time.

On motion of Mr. Burton, the Senate adjourned until tomorrow morning, 10 o'clock.

TUESDAY, May 22d, 1838.

The senate met pursuant to adjournment, the president in the chair—prayer by the chaplain.

A message was received from the President of the Republic, by Mr. Hoyle, his private secretary.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house disagrees to the amendment proposed by the senate, to the joint resolution fixing the day of adjournment.

Mr. Everitt, from the select committee to whom was referred the petition of A. J. Yates, reported by joint resolution for his relief; which was read the first time.

Mr. Somervell, from the select committee to whom was referred the bill from the house of representatives, for the relief of F. Thorne and others, reported the same without amendment.

Mr. Russell, from the select committee to whom was referred the bill to amend an act entitled an act establishing the district courts, reported the same with an amendment to the third section, changing the order of holding the terms in the several counties, so as to begin with Brazoria and end with Harrisburg; which was considered and adopted. On motion of Greer, the second section was amended by allowing *three* weeks to the term of San Augustine, instead of *two*; and, on motion of Mr. Wilson, it was further amended by "two weeks" as the term of Liberty county; and the other counties were arranged so as to correspond with said amendments. On motion of Mr. Robertson, the fourth section was amended by giving "two weeks" to Robertson and Milam each, instead of "one," and arranging the other counties in the third judicial district, to correspond with this change.

Mr. Wilson, from the committee to whom was referred a bill from the house of representatives, for the relief of William A. Hurd, reported the same favorably, without amendment. Mr. Barnett moved to lay the bill on the table till next session of congress; upon which motion the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Burton, Dunn, Everitt, Greer, Horton, Lester and Rains, 8; in the negative, Messrs. Robertson, Russell, Somervell and Wilson, 4—so the bill was laid on the table; and, at the request of Mr. ———, it was ordered that the bill be sent to the house of representatives, where it originated.

Mr. Barnett called for the reading of the President's message, and the accompanying documents, which were read; and on motion of Mr. Everitt, it was ordered that five hundred copies of the same be printed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house has considered the amendments proposed by the senate to the bill supplementary to an act to reduce into one act, and amend the several acts relating to the establishment of a general land office, agreed to the 1st, and disagreed to the 2d, 3d, 4th and 5th amendment. The house has also amended the amendment proposed by the senate to the 6th section.

On motion of Mr. Horton, the bill for the protection of the Indians in their lands, and for other purposes, was called up.

A message was received from the house of representatives, by Mr. Owen, their clerk, making the following communication, viz:

The house has passed a bill originating in the senate, to define the boundary line of the county of Montgomery.

On motion of Mr. Robertson, the senate adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

The senate met pursuant to adjournment, the President in the chair.

The bill for the protection of the Indians in their lands, and other purposes, being the unfinished business when the senate adjourned, was taken up and read the second time; and, on motion of Mr. Burton, the rule was suspended, the bill read a third time and passed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house has amended the first, agrees to the second and disagrees to the third amendment, proposed by the senate, to a bill to amend an act establishing the District courts.

BILLS FROM THE HOUSE.

A resolution fixing the day of adjournment, amended in the senate, and the amendment disagreed to by the house, was taken up; and on the question, will the senate insist on its amendment? the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Everitt, Horton, Lester, Robertson, Russell and Seguin, 6; in the negative, Messrs. Barnett, Burton, Dunn, Greer and Rains, 5—the senate insists on its amendment.

A bill to amend an act entitled an act establishing the district courts, was taken up, and the amendments of the house agreed to.

A bill supplementary to an act to reduce into one act, and to amend the several acts relating to the general land office, was taken up. Mr. Everitt moved the indefinite postponement of the bill; on which motion the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Dunn, Everitt, Horton, Rains, Robertson and Seguin, 6; in the negative, Messrs. Barnett, Burton, Greer, Lester and Russell, 5—decided in the affirmative.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house insists upon its disagreement to the amendment of the senate to a resolution fixing the day of adjournment, and ask a committee of conference from the senate, to act in concert with a committee on the part of the house of representatives; and the President appointed Messrs. Russell, Barnett and Burton.

The senate then proceeded to the orders of the day.

A bill, creating a volunteer corps, was read a third time, and passed.

A bill better to define the duties of sheriffs, was read a third time, and passed.

The bill to charter the Galveston and Brazos rail road company, was taken up. Mr. Everitt moved to lay the bill on the table until November next; which motion was lost. On motion of Mr. Everitt, the bill was read by sections. Mr. Everitt moved to strike out "rail roads" in the second section; motion lost. On motion of Mr. Horton, the ninth section was amended, by striking out, "or other proofs of such loans." Mr. Everitt moved to strike out the "tenth section;" which motion was lost. On motion of Mr. Horton, the 13th section was marked out after the word "transportation."

Mr. Horton offered the following proviso, which was adopted:

A bill for the relief of Thomas Green, and others, was read a second time, and considered.

On motion of Mr. Everitt, the senate went into secret session, and after having spent some time therein, the doors were opened;

And, on motion, the senate adjourned until 9 o'clock tomorrow morning.

WEDNESDAY, May 23d, 1838.

The Senate met pursuant to adjournment. The President in the chair.

Mr. Russell, from the committee of conference to whom was referred the joint resolution fixing the day of adjournment, reported the same as it came from the house of representatives. On motion of Mr. Everett, the senate rejected the report; and a committee, consisting of Messrs. Burton, Barnett and Russell, were appointed to inform the house that the senate has rejected the report—who reported as having performed the duty assigned them.

The senate then proceeded to the orders of the day.

A bill to provide for the payment of the first Texian loan, was read the first time; and, on motion of Mr. Horton, the rule was suspended, the bill read a second and third time, and passed.

A joint resolution for the relief of Hiram Woods, was read the third time; and upon the question, shall the bill pass? the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Everitt, Horton, Robertson, Somervell and Wilson, 5; in the negative, Messrs. Barnett, Burton, Dunn, Lester, Rains and Russell, 6—so the bill was rejected.

A bill from the house of representatives, for the relief of R. M. Williamson, was read the second time.

A charter for the Galveston and Brazos rail road company, was read the third time, and passed.

On motion of Mr. Horton, the vote taken on the bill for the relief of William A. Hurd was reconsidered; and, on motion of Mr. Horton, the rule was suspended, the bill read a second and third time, and passed.

On motion of Mr. Everitt, the vote taken on the final passage of the bill for the relief of Hiram Woods, was reconsidered; on motion of Mr. Everitt, the bill was amended by adding the following words: "if, on examination of the vouchers, it is in conformity with law and equity." The bill, as amended, was read a third time, and passed.

A bill to authorize the issue of change notes, was read the second time; and, on motion, it was indefinitely postponed.

A bill from the house of representatives, to create the collectorial district of Lavacca, was read the second time.

A joint resolution, to authorize the auditor to audit the claims of Memucan Hunt, was read the second time.

A joint resolution, for the relief of Alexander Henry, was read the second time.

A joint resolution for the relief of William Kuykendall, was read the second time; on motion, the rule was suspended, the bill read a third time, and passed.

Mr. Horton, by leave, introduced a resolution for the benefit of Edmund P. Crosby, which was read the first time. On motion of Mr. Horton, the rule was suspended, the resolution read a second and third time, and passed.

Mr. Horton, by leave, introduced a joint resolution to authorize the Secretary of state to grant a patent to Elijah S. Curtis, which was read the first time; and, on motion of Mr. Horton, the rule was suspended, the resolution read a 2d time, and on motion of Mr. Wilson, laid on the table until next session of congress.

The senate resumed the orders of the day.

A bill to amend the direct tax law, was read the second time; and, the rule being suspended, read a third time, and passed.

A bill for the relief of William H. Taylor, was read the second time.

A bill to authorize the several newspapers of this Republic to print the laws, was taken up. On motion of Mr. Burton, the ——— section was amended by striking out the words "one half," and inserting "one-fourth." The rule was suspended, and the bill, as amended, read the third time; and upon the question, shall the bill pass? the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Burton, Everitt, Robertson, Russell, Somervell and Wilson, 6; in the negative, Messrs. Barnett, Dunn, Greer, Horton, Lester and Seguin, 6; the President voted in the affirmative, and the bill passed.

A bill supplementary to an act to provide for the location of land scrip, and redeeming the same, was read the second time; and, on motion, the rule was suspended, the bill read a third time, and passed.

A bill respecting the clerk of Bexar, and other officers, was read the second time. On motion of Mr. Seguin, the rule was suspended, the bill read a third time, and passed.

The petition of William Goings, a man of color, was, on motion of Mr. Burton, referred to a select committee, consisting of Messrs. Horton, Burton and Somervell.

A bill for the relief of the administrator of Samuel Dexter was read, and laid on the table.

A bill for the relief of A. S. Burnley, and others, was read the second time. On motion, the rule was suspended, the bill read a third time, and passed.

Mr. Everitt, by leave, introduced a joint resolution requiring the secretary of war to issue bounty certificates to officers now in service.

On motion of Mr. Dunn, the senate adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The senate met pursuant to adjournment. The president in the chair.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

The house agrees to the amendments proposed by the senate to the charter of the Galveston and Brazos rail road;

Also, a bill for the relief of Ellen O. Dunnovan, which was read the first time.

ORDERS OF THE DAY.

A joint resolution authorizing the secretary of war to issue certificates to officers now in the service, was read the first time.

Mr. Burton, from the select committee to whom was referred the petition of William Goings, by leave, reported a bill for his relief, which was read; and, on motion of Mr. Everitt, the bill was amended, by adding the name of Jeremiah Goings, of Jefferson county. On motion of Mr. Greer, the names of Jonn Byrd, Henry Byrd and Edward Smith, of San Augustine county, were added; which was read, as amended, the second time. On motion, the rule was suspended, the bill read a third time, and passed.

A bill to amend an act incorporating the city of San Antonio, and other towns, was read the second time, and laid on the table.

Mr. Horton, by leave, introduced a bill authorizing the audit and payment of naval accounts for contingent expenses, which was read the first time. On motion of Mr. Everitt, the rule was suspended, and the bill read a second time. Mr. Burton offered the following substitute, viz: a bill vesting the first auditor with equity powers for certain purposes, which was read. On motion of Mr. Everitt, the words "Secretary of the Navy" were stricken out, and "attorney general" inserted. Mr. Russell moved the indefinite postponement of the bill; upon which question the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Dunn, Lester, Russell and Seguin, 5; in the negative, Messrs. Burton, Everitt, Greer, Horton, Robertson and Somervell, 6—so the motion was taken on the question, shall the bill pass? the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Burton, Dunn, Everitt, Greer, Horton, Robertson, Se-

guin and Somervell, 9; in the negative, Messrs. Lester and Russell, 2—so the bill passed.

On motion of Mr. Everitt, the bill supplementary to an act granting lands to those who were in the battle of San Jacinto, was called up. Mr. Everitt offered a substitute, which was adopted. Mr. Barnett moved the indefinite postponement of the bill; on which motion the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Burton, Dunn, Greer, Horton, Lester and Seguin, 7; in the negative, Messrs. Robertson, Russell, Somervell and Wilson, 4—so the bill was indefinitely postponed.

A bill to amend an act incorporating the city of San Antonio, and other towns, was called up and amended, read a third time, and passed.

A bill from the house of representatives, to establish certain mail routes therein named, was read the second time. On motion, the rule was suspended, the bill read a third time, and passed.

A bill from the house of representatives, requiring the commissioner general of the land office to forward to the recorders of the counties, abstracts to lands situated within the same, was read a second time.

A bill supplementary to an act to raise a revenue by import duties, was read a second time. Mr. Russell moved an indefinite postponement of the bill; on which motion the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Dunn, Everitt, Lester, Russell and Seguin, 6; in the negative, Messrs. Burton, Greer, Horton, Robertson, Somervell and Wilson, 6; there being a tie, the President voted in the affirmative, and the bill was indefinitely postponed.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

A bill to protect certain Indians in their lands, and other purposes—the house of representatives has concurred in the passage of the bill, with amendments.

A bill incorporating the city of San Antonio, and other towns—the house agrees to the amendment proposed by the senate.

Mr. Dunn, by leave, introduced a resolution to exempt certain lands from taxation for the current year, which was read the first time. On motion, the rule was suspended, the resolution read a second and third time, and passed.

The senate resumed the orders of the day.

A bill for making a road from Colorado river to Jonesborough, on Red River, was read the second time. On motion, the rule was suspended, the bill read a third time and passed.

Mr. Everitt, by leave, introduced a bill to incorporate the Brazos and Galveston canal company, which was read the first time.

Mr. Horton moved to lay the bill on the table till the first Monday in November next; on which motion the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Barnett, Dunn, Horton, Lester, Robertson and Seguin, 6; in the negative, Messrs. Everitt, Russell, Somervell and Wilson, 4; so the bill was laid on the table.

The senate then resumed the orders of the day.

A bill from the house of representatives, for the relief of F. Thorne, and others, was read and laid on the table.

A message was received from the house of representatives, by Mr. Sturges, their clerk, making the following communication, viz:

A bill to provide for the payment of the first Texian loan—the house of representatives concurs in the passage of the bill.

On motion of Mr. Everitt, the senate went into secret session; and after some time spent therein, the doors were opened.

Mr. Burton, by leave, introduced a bill requiring the secretary, or his assistant, to record the journals of the senate, in a well bound book. Laid on the table.

The senate then resumed the orders of the day.

A bill for the relief of A. J. Yates, was read the second time. On motion of Mr. Everitt, the bill was indefinitely postponed.

A bill to authorize the district attorney to institute suit against eleven league claimants. On motion, the rule was suspended, and the bill read a third time.

Mr. Everitt moved to adjourn till 9 o'clock to-morrow morning; upon which motion the ayes and noes were ordered: those who voted in the affirmative were, Messrs. Dunn, Everitt, Somervell and Wilson, 4; in the negative, Messrs. Barnett, Burton, Greer, Horton, Lester, Russell and Seguin, 7; so the motion was lost.

On motion of Mr. Horton, the senate adjourned till this evening at 8 o'clock.

EIGHT O'CLOCK, P. M.

The senate met pursuant to adjournment; the president in the chair.

Mr. Greer, from the judiciary committee, to whom was referred the bill giving bounty land to the officers and sailors of the navy, reported the same without amendment. On motion of Mr. Greer, referred to a select committee, consisting of Messrs. Greer, Ruessell and Somervell.

A message was received from the house of representatives, by Mr. Owen, their assistant clerk, making the following communication, viz:

An act for the protection of the frontier, accompanied by the President's veto, which had passed the house of representatives by a constitutional majority.

On motion of Mr. Everitt, the bill for the protection of the frontier, accompanied by the veto of the President was taken up, and read.

Mr. Everitt moved to lay the bill and veto on the table till to-morrow morning; which motion was lost. The question then recurring on the passage of the bill, notwithstanding the objections of the President: those who voted in the affirmative were, Messrs. Burton, Barnett, Dunn, Greer, Lester, Robertson and Russell, 7; in the negative, Messrs. Everitt, Horton, Seguin, Somervell and Wilson, 5. There not being two-thirds of the members present in favor of the bill, the veto was sustained.

On motion of Mr. Everitt, the senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, May 24th, 1838.

The senate met pursuant to adjournment; the President in the chair. Prayer by the chaplain.

On motion of Mr. Wilson, the vote taken last evening's session, sustaining the President's veto to the bill for the protection of the frontier, was reconsidered. Mr. Horton was excused from voting. The ayes and noes being ordered: those who voted in the affirmative were, Messrs. Barnett, Burton, Dunn, Everitt, Greer, Lester, Rains, Robertson, Russell, Seguin and Wilson, 11; in the negative, Mr. Somervell, 1; so the bill passed by a constitutional majority.

Mr. Horton, by leave, introduced a bill vesting the first auditor with equity power, &c., which was read the first time. On motion, the rule was suspended, the bill read a second and third time, and rejected.

Mr. Barnett, by leave, introduced a resolution to fix the hour of adjournment to 12 o'clock this day; which was read the first time. On motion, the rule was suspended, the resolution read a second and third time, and adopted.

A committee, consisting of Messrs. Everitt, and Lester, was appointed to inform the house of representatives of the passage of the above resolution.

The senate then resumed the orders of the day.

A bill for the relief of R. M. Williamson, was read a third time.

A message was received from the house of representatives, by Mr. Owen, the assistant clerk, informing the senate that the house of representatives had appointed Messrs. Rusk, Hill and Swift, to inform the President of the Republic that the house would adjourn, *sine die*, this day at 12 o'clock, M.

On motion of Mr. Everitt, a committee, consisting of Messrs. Everitt, Somervell, Horton and Wilson, was appointed to act in conjunction with the committee from the house for that purpose. The committee reported that his excellency would meet both houses of congress at 12 o'clock, M.

On motion of Mr. Burton, the bill for the protection of Indians, in their lands, and other purposes, was taken up, and the senate agreed to the amendments of the house of representatives.

On motion of Mr. Greer, all the unfinished business of the senate was laid on the table till next session of congress.

Mr. Dunn, from the committee on claims and accounts, returned all the unreported business in their hands. On motion, it was laid on the table till next session of congress.

A committee from the house of representatives, consisting of Messrs. Rusk and Menifee, informed the senate that the house solicited a meeting of both houses, in the representative hall, for the purpose of electing a Judge for the 5th judicial district, and other officers. The President appointed Messrs. Russell and Wilson, to inform the house that the senate would attend. The committee reported as having done their duty.

The senate then proceeded to the house of representatives, and the two houses being formed in joint session, the speaker informed the session that the first object claiming their action was the election of a district Judge, for the fifth judicial district.

Mr. Rusk nominated the Hon. Edward T. Branch, of Liberty.

Mr. Everitt nominated — Hicks, Esq. of Shelby.

Mr. Wilson nominated J. B. Wood, Esq. of Liberty.

The roll of the house of representatives being called, the number that voted for Branch was 23; the number that voted for Hicks was 8.

The roll of the senate being called, those who voted for Mr. Branch were, Messrs. Greer, Horton, Lester and Seguin, 4; those who voted for Mr. Hicks were, Messrs. Barnett, Burton, Everitt, Rains and Russell, 5. The vote for Mr. Wood was, Mr. Wilson, 1.

The whole number of votes given being forty-one, and Mr. Branch having received twenty-seven, a majority of the whole, he was declared duly elected Judge of the fifth judicial district.

The joint session then proceeded to the election of a chief justice for the new county of Galveston.

Mr. Jones, of Austin, nominated Wm. Fairfax Gray, Esq. of Houston.

Mr. Rusk nominated Fenton Mercer Gibson, Esq. of Brazoria.

Mr. Baker nominated the Hon. Alexander Somervell, of Austin, a member of the senate.

The roll of the house of representatives being called, the vote stood, for Gibson, 10; Gray, 6; Somervell, 8.

The roll of the senate being called, those who voted for Gibson were, Messrs. Barnett, Lester, Rains, Russell, Seguin and Wilson, 6; for Gray, Messrs. Burton and Greer, 2; Somervell, Messrs. Everitt and Horton, 2. The joint vote, therefore, stood thus:

Gibson, 16; Somervell, 10; Gray, 8.

The whole number of votes given 34—necessary to a choice, 18.

Neither candidate having a majority of the whole, the joint session proceeded to a second trial.

The roll of the house of representatives being called, there were, for Gibson, 13 votes; for Somervell, 10 votes; for Gray, 1 vote.

The roll of the senate being called, those who voted for Gibson were, Messrs. Barnett, Burton, Lester, Russell, Seguin and Wilson, 6; for Somervell, Messrs. Everitt, Greer and Horton, 3; for Gray, Mr. Rains, 1.

Whole number of votes given were thirty-four, of which Mr. Gibson having received nineteen, a majority of the whole, he was declared duly elected chief justice of the county of Galveston.

The speaker informed the joint session that it was necessary to fill a vacancy, which had occurred in the office of President of the board of land commissioners for the county of Bexar.

Mr. Everitt nominated Captain John A. Zambrous for the office; and there being no other nomination, he was declared

duly elected president of the board of land commissioners for the county of Bexar.

A joint committee was then appointed to inform the President of the Republic that if he has no further business to communicate to them, they are ready to adjourn. The committee having retired for a short time, reported that they had performed the duty assigned them; and that the President had no further business to communicate to congress at its present session, but he would presently wait on the two houses, for the purpose of taking leave of them.

In a few minutes the President entered the hall, accompanied by the heads of departments, &c. and took a seat between the president of the senate and speaker of the house of representatives. The Hon. Alcee La Branche, Charge d'Affaires of the United States of America, and suite, by invitation of the two houses, was also introduced by the joint committee, and seated in front of the chair.

The President then made an extempore valedictory address to the two houses; after which they separated, and the senate returned to its chamber.

IN THE SENATE.

A committee from the house of representatives informed the senate that the house had closed its business, and, with the concurrence of the senate, was ready to adjourn.

Messrs. Everitt and Horton were appointed a committee to inform the house that the senate concurred in the proposed adjournment.

The committee reported that they had performed the duty assigned them; and the senate adjourned *sine die*.