

12965

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

REPUBLIC OF TEXAS

CALLED SESSION OF SEPTEMBER 25, 1837, AND
REGULAR SESSION, COMMENCING
NOVEMBER 6, 1837.

BY ORDER OF THE SECRETARY OF STATE.

HOUSTON:

NATIONAL BANNER OFFICE—NILES & CO., PRINTERS.

1838.

JOURNAL

Of the Second Congress of the Republic of Texas.

In pursuance of the Proclamation of the President, bearing date of the 10th day of August, ultimo, the members elect met in the Hall of the House of Representatives in the Capitol, at the City of Houston, on the twenty-fifth day of September, A. D. one thousand eight hundred and thirty-seven, and of the Republic the second.

At 12 o'clock, meridian, the members having been called to order by the clerk, only twenty were found to be present; twenty-two being the number required to make a constitutional quorum.

On motion of Mr. Rusk, the members adjourned until to-morrow at 10 o'clock, A. M.

TUESDAY, SEPT. 26, 1837.

The House met pursuant to adjournment.

The House was called to order by the clerk.

On motion of Mr. Rowe, Mr. Gazley was called to the chair.

The members being called by counties, it was ascertained that only twenty-one members were present. The Sergeant-at-Arms was sent in quest of some absent members, who were understood to have arrived in the city. No other members being found, on motion of Mr. Gant, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment: twenty-three members present.

On motion of Mr. Jones, of Brazoria, the proclamation of the President, calling the extra session of Congress, was read.

On motion of Mr. Brush, the credentials of the members elect, were handed to the Clerk; when it appeared that the following members were present, viz:

From the County
 Bexar, Wm. H. Paton.
 " Brazoria, Pat. C. Jack.
 " " Anson Jones.
 " Colorado, Wm. Menifee.
 " Harrisburg, Thos. J. Gazeley.
 " Jackson, Geo. Sutherland.
 " Jasper, Samuel S. Lewis.
 " Jefferson, Jos. Grigsby.
 " Liberty, Ed. T. Branch.
 " Mina, — Cunningham.
 " " Ed. Burleson.
 " Milam, — Walker.
 " Matagorda, Thos. Hardiman.
 " Nacogdoches, Thos. J. Rusk.
 " " — Douglass.
 " Refugio, Elkanah Brush.
 " Sabine, Wm. Clark.
 " San Augustine, Joseph Rowe.
 " " Charlton Thompson.
 " Shelby, John English.
 " " William Pierpont.
 " Washington, W. W. Gant.
 " " W. W. Hill.

On motion of Mr. Rusk, Mr. Jones, of Victoria, who was present; but whose certificate of election, as he stated, was sent by mail, and had not arrived, was allowed to take his seat as a member.

Mr. Jack moved that the House now proceed to the election of a Speaker. Mr. Gant submitted the following resolution, which was accepted by Mr. Jack; and being amended, on the suggestion of Mr. Rusk, was adopted, viz:

Resolved, That the House proceed to elect a Speaker for the present extra session of Congress.

Mr. Jones, of Brazoria, and Mr. Meniffee were appointed tellers.

Mr. Branch nominated Mr. Rusk, as Speaker. Mr. Rusk declined the nomination, and it was withdrawn by the mover.

Mr. Gant nominated Mr. Branch.

Mr. Rusk nominated Mr. Rowe.

Mr. Jack nominated Mr. Meniffee.

A ballot was then taken, and it appeared Mr. Rowe had 11 votes, Mr. Branch 8, and Mr. Meniffee 5: the nomination of Mr. Meniffee, was withdrawn by Mr. Jack.

A second ballot was then taken, and Mr. Rowe received 12, and Mr. Branch received 11 votes: Mr. Rowe was declared duly elected Speaker, and was conducted to the chair by Messrs. Jones, of Brazoria, and Meniffee; and the oath of office was administered to him by Isaac Butterson, one of the Justices of the Peace for the county of Harrisburg: the other members were then sworn by the Speaker.

On motion of Mr. Brush, the House then proceeded to the election of a Chief Clerk.

Mr. Brush nominated the late clerk, Wm. F. Gray.

Mr. Rusk nominated John M. Shreve.

Mr. Cunningham and Mr. Jones were appointed tellers. On counting the ballot, Mr. Shreve had 15 votes, Mr. Gray 8 votes, and there was one blank. Mr. Shreve being duly elected, was sworn into office.

On motion of Mr. Branch, the House then proceeded to the election of Assistant Clerk.

Mr. Jones, of Brazoria, nominated E. M. W. Rice, and Mr. Rusk nominated F. R. Lubbock. On counting the ballot, Mr. Lubbock had 15 votes, and Mr. Rice had 9 votes. Mr. Lubbock was declared duly elected, and sworn into office.

On motion of Mr. Branch, the House proceeded to the election of a Sergeant-at-Arms.

Mr. Branch nominated the late sergeant-at-arms, Mr. Stratton.

Mr. Rusk nominated Mr. Hunt.

On counting the ballot, Mr. Stratton had 15 votes, and Mr. Hunt had 9 votes: Mr. Stratton was declared duly elected, and sworn into office.

On motion of Mr. Branch, the House proceeded to the election of Door-keeper.

Mr. Branch nominated the late door-keeper, Mr. Johnson.

Mr. Rusk nominated Mr. White.

On counting the ballot, Mr. Johnson had 12 votes, and White had 12 votes. On the ballot being re-taken, the vote stood for Johnson 13, White 10, blank 1: Mr. Johnson was declared duly elected, and sworn into office.

On motion of Mr. Gant, Thomas Green was nominated Engrossing Clerk: elected without a division of the House, and sworn into office.

Mr. Gazley moved that the House appoint Mr. Matthews Chaplain of the House of Representatives. The Speaker decided the motion to be out of order.

Mr. Gant then moved that the House proceed to the election of Chaplain.

Mr. Jack opposed the motion; Mr. Brush followed Mr. Jack, in support of the motion; Mr. Rusk followed Mr. Brush, in support of the motion; when,

On motion of Mr. Jones, of Brazoria, the House adjourned till 10 o'clock to-morrow.

WEDNESDAY, SEPT. 27, 1837.

The House met pursuant to adjournment: the journal of the preceeding day being read,

Mr. Rusk presented Mr. Lumpkin, the member elect from Houston, and moved that he should be permitted to take his seat. The vote being taken, he was allowed to take his seat, and sworn into office.

A message was received from the Senate, informing the House that they were organized and ready to proceed to business, and had elected the following officers:

S. H. Everitt, President *pro tem*.

A. Robertson, Chief Secretary.

M. Sevy, Assistant Secretary.

Oscar Farish, Engrossing Clerk.

E. L. Stickney, Enrolling Clerk.

A. M. Tompkins, Reporter.

N. T. Byers, Sergeant-at-Arms.

J. G. Wilkinson, Door-keeper.

Mr. Gazley moved that a committee of two be ap-

pointed to wait upon the Senate, and inform them that this House is now organized and ready to proceed to business. Messrs. Gazley and Branch were appointed said committee.

A message was received from the senate, informing the House, that they had appointed a committee to act in conjunction with a committee of the House, to wait upon his Excellency the President, and inform him that the two Houses of Congress are organized and ready to receive any communications he may have to make them. Mr. Gant, Mr. Jones, of Brazoria, and Mr. Thompson were appointed said committee.

Mr. Branch moved that the committee appointed to wait on the President, have leave of absence to carry their duties into effect: adopted.

On motion of Mr. Rusk, the House adjourned till 3 o'clock P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Gant, from the committee to wait on the President, reported that the committee have discharged that duty, and being informed by the President, that he will make a communication to Congress, to-morrow morning at 10 o'clock

Mr. Gant asked leave to introduce the following resolution: granted:

Resolved, That committees of five members each, be appointed by the Speaker, on the following subjects, as the Standing Committees of the House, to wit:

On Privileges and Elections.

“ Ways and Means.

“ Public Lands.

“ Post Office and Post Roads.

“ Judiciary.

“ Indian Affairs.

“ Military Affairs.

“ Naval

“ Foreign Relations.

“ State of the Republic.

“ Claims and Accounts. Adopted.

Mr. Branch introduced a resolution, that a Standing Committee of five be appointed by the Speaker, on County Boundaries: adopted.

On motion of Mr. Branch, the House adjourned till 10 o'clock, to-morrow morning.

THURSDAY, SEPT. 28, 1937.

The House met pursuant to adjournment.

The Journal of the preceding day being read, the Speaker informed the House, that he had appointed the following Standing Committees:

COMMITTEES.

Privileges and Elections.

Jones, of Brazoria,	Menifee,
Pierpont,	English,
Thompson,	

Ways and Means.

Menifee,	Gazley,
Pierpont,	Lumpkin.
Douglass,	

Post Offices and Post Roads.

Gazley,	Baker,
Hill,	Clarke.
Burleson,	

Judiciary.

Jack,	Gant,
Branch,	Rusk.
Gazley,	

Public Lands.

Thompson,	Branch,
Hardiman,	Grigsby.
Walker,	

Claims and Accounts.

Douglass,	Sutherland,
English,	Jack.
Pierpont,	

Indian Affairs.

Burleson,	Lumpkin,
Rusk,	Walker.
Hill,	

Military Affairs.

Rusk,	Patton,
Burleson,	Jones, of Victoria.
Cunningham,	

Naval Affairs.

Jones, of Austin,	Sutherland,
Grigsby,	Hardiman.
Brush,	

Foreign Relations.

Branch,	Douglass,
Cunningham,	Gant.
Clarke,	

State of the Republic.

Hardiman,	Baker,
Jones, of Brazoria,	Patton.
Lewis,	

County Boundaries.

Baker,	Jones, of Victoria.
Brush,	Lewis.
Jones, of Austin,	

Mr. Rusk moved, that all papers concerning subsequent elections, be referred to the Committee on Privileges and Elections: adopted.

Mr. Rusk offered the following resolution, and the rule of the House being suspended, it was adopted:

Resolved, That the Secretary of the Treasury be required to communicate to this House, what quantity of Land Scrip has been issued and authorized to be sold: when, and by whom, issued: in what quantities: how much has been sold: by whom: at what price; and what payments have been made: what monies (if any) have been received; and what disposition has been made of them: what persons are now the agents for the sale of scrip, together with copies of the bonds, correspondence with, and instructions to agents, which may be on file in his office, on this subject.

Mr. Gant offered a resolution, amending the rules of last Congress, for conducting business in the House of Representatives, after an amendment offered by Mr. Rusk, so as to read thus:

Resolved, That the House adopt, as Standing Rules for conducting business in the House of Representatives, the rules of the last Congress, except the 3d, 40th and 58th rules; and that the 55th rule be so amended as to read thus: after commitment and report thereof to the House, or at any time before its passage, a bill may be amended: rule suspended and adopted.

Mr. Gant offered the following resolution :

Resolved, That a standing committee of two members be appointed, to act as a committee on enrolled bills, on the part of the House, and that a committee of three be appointed to contract for the printing of such documents as may be ordered by the House. Adopted.

Messrs. Jones, of Brazoria, and Branch composed the committee on enrolled bills; and Messrs. Gazley, Brush, and Thompson composed the last committee.

Mr. Thompson moved that the House go into an election of a Reporter at ten o'clock to-morrow. Mr. Branch opposed the motion. Messrs. Thompson, Rusk, and Gant followed in support of the motion. Adopted.

A communication was read from H. A. Allsbury, contesting the seat of Mr. Patton in the House. Mr. Rusk supported the validity of Mr. Patton's seat. Mr. Branch moved to refer it to the committee on Privileges and Elections. Adopted.

Resolution offered by Mr. Branch :

Resolved, That the Chief Clerk of the House of Representatives be, and he is hereby authorized to procure whatever stationery may be necessary for the use of the House, and also a suitable room in this House for the safe keeping of his papers, and the transaction of business. Adopted.

The President's message was received from the Senate with a request that it be returned so soon as read. On the message being read, Mr. Jones, of Brazoria, moved that the request of the Senate be complied with, which was adopted.

Resolution offered by Mr. Rusk :

Resolved, That a committee of three be appointed by the House, to join such committee, as may be appointed on the part of the Senate, to enquire into the propriety of selecting a site, upon which to locate permanently the seat of Government of this Republic. Adopted.

Messrs. Rusk, Burleson, and Menifee were appointed said committee.

Resolution by Mr. Jones :

Resolved, That so much of the President's message as relates to the boundary between Texas and the United States, be referred to the committee on Foreign

Relations; and so much as relates to the Land Office, be referred to the committee on Public Lands, ordered to lie on the table.

Resolution by Mr. Gant:

Resolved, That the committee on printing be authorized to procure the printing of three hundred copies of the communication just received from the President of the Republic, for the use of the House. Lost.

On motion of Mr. Hardiman, the House adjourned till 3 o'clock P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Gant asked leave to introduce a bill, which was granted, "entitled a bill, to repeal the act incorporating the Texas Rail Road, Navigation and Banking Company:" passed its first reading. Mr. Rusk moved to suspend the rule of the House, and that the bill be submitted to a select committee. Mr. Gant opposed the suspension of the rule, with a few remarks, and was followed by Mr. Rusk in support of the suspension. The rule was suspended. Mr. Jones, of Brazoria, moved, it be referred to a select committee of five members. Messrs Jones, of Brazoria, Jack, Gazley, Rusk and Thompson were nominated the committee.

Mr. Gazley moved a committee of three be appointed to procure rooms for the use of the committees. Messrs. Gazley, Cunningham and Thompson were appointed the committee.

On motion of Mr. Jones, of Brazoria, the House adjourned until 10 o'clock to-morrow morning.

FRIDAY MORNING, SEPT. 29, 1837.

The House met pursuant to adjournment. The journal of the preceding day being read, Mr. Hardiman asked leave to be excused from serving on the committee for printing, granted; and Mr. Brush was appointed on said committee.

Mr. Rusk presented a petition, claiming damages on goods lost at the mouth of the Brazos, on the schr. Santa Anna, from R. E. Handay & Wm. Lusk, which was read and referred to the committee on claims and accounts.

Mr. Rusk presented a petition from Mr. Billingsly

which was referred to the committee on Privileges and Elections, without being read.

Mr. Jones, chairman of the committee on Privileges and Elections, made the following report:

The Committee on privileges and elections, to whom was referred a communication from H. A. Allsbury, protesting on behalf of himself and the citizens of the county of Bexar against the election of Col. Wm. H. Patton, have had the same under consideration, and respectfully beg leave to report:

That no evidence has been adduced before us to substantiate the fact, that there was any illegality in the manner of holding the election for Representatives, or that it was influenced by fraud or force; but that on the contrary it was freely admitted, that so far as Mr. Patton was concerned, he used his best exertions at the polls to prevent either. As regards the question of six months' previous residence in the county as required by the Constitution; it appears that Mr. Patton removed to Bexar in 1835, that he purchased property there and commenced planting; thus becoming domiciliated in that county.

The advance of the enemy drove him from his home in the spring of 1836. Since which time he has been usefully, honorably and constantly employed in the public service, and returned to Bexar so soon as his public duties permitted, and has resided there up to the time of the election. Your committee are therefore of opinion that Col. Patton is duly and constitutionally elected a Representative of the people of Bexar in this general Congress.

The committee have also had under consideration the credentials of Mr. John J. Linn, and beg leave to report, that Mr. Linn has a regularly authenticated certificate of election, as Representative from the Hon. John M'Henry, Chief Justice of the county of Victoria; and that in accordance with the usage of the House, he is entitled to his seat until the contrary is made to appear; all of which is respectfully submitted.

Signed,

ANSON JONES,

*Chairman of the Committee on
Privileges and Elections.*

Mr. Gazley moved that the report be concurred in.
Adopted.

Mr. Linn, the Representative elect from Victoria, was sworn and took his seat.

Resolution offered by Mr. Jones.

Resolved, That the Clerk be authorized to procure for the use of the members of this House, five hundred copies of each number of the Telegraph, during the present session of Congress: adopted.

Resolution offered by Mr. Gant.

Resolved, That the House adopt the joint rules and orders for conducting business between the two Houses that were adopted by the first Congress: adopted.

Resolution offered by Mr. Rusk.

Resolved, That the committee on privileges and elections, be required to report at as early a day as practicable upon the credentials of the different members of this House, and that they present a statement of the number of votes received by the different candidates, so far as the same can be made to appear from the returns of the election; and also the names of the individuals contesting seats in the House: adopted.

Resolution offered by Mr. Burleson.

Resolved, That the reporter now to be elected, be elected for the extra session only, and that he be allowed the same pay, as is allowed the Chief Clerk of the House of Representatives: adopted.

Resolution offered by Mr. Jones, of Brazoria.

Resolved, That the committee on Naval Affairs be instructed to call on the Secretary of that department for information respecting the present situation of our Navy; and enquire into the expediency of an immediate increase of the same, with a view to the defence of our coast and commerce, and as a means of carrying on offensive operations against Mexico: adopted.

The speaker informed the House that he had before him a communication from the Secretary of State, relative to elections, and wished to know what disposition the House would make of it. On motion of Mr. Rusk, it was referred to the committee on privileges and elections.

The following joint resolution was received from the Senate:

Resolved, by the Senate and House of Representatives of the Republic of Texas, That the operation of a law,

entitled the Land Law, passed the last session of Congress, by which the Land Offices are to be opened on the 1st day of the ensuing October, be, and is hereby suspended until further action of Congress on the subject, which was amended by Mr. Branch, so as to read thus: *Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled.* That so much of an act, entitled "an act supplementary to an act, establishing a general Land Office for the Republic of Texas." Passed 22d of December, 1836, as provides for the opening of a Land Office on the 1st day of October, 1837; and for the appointment of officers under said law, be, and the same is hereby suspended until the further action of Congress. The rule of the House being suspended, the resolution passed to its third reading, and was adopted.

Mr. Gazley nominated Mr. Sample as reporter to the House, and there being no opposition, he was declared duly elected and sworn into office.

On motion of Mr. Gazley the House adjourned till 3 o'clock P. M.

FRIDAY, SEPTEMBER 29, 1837, 3 o'clock P. M.

The House met pursuant to adjournment.

Resolution offered by Mr. Douglass.

Resolved, That the Chief Clerk of the House be instructed to call on the Secretary of State; and obtain from him thirty-five copies of the acts of the last Congress of the Republic of Texas, for the use of the House: adopted.

Resolution offered by Mr. Gant.

Resolved, That the commissioner of the General Land Office be instructed to furnish the House of Representatives, as soon as practicable, information as to what efforts he has made to procure the survey books, papers, and other documents relating to the land titles of the Republic; and to what extent he has succeeded: adopted.

Resolution offered by Mr. Douglass.

Resolved, That a committee of five be appointed to draft and report a bill for the purpose of repealing the present Tariff Laws: adopted.

Messrs. Douglass, Sutherland, Thompson, Lumpkin, and Cunningham were appointed said committee.

The Joint Resolution for the suspension of the Land Laws, and the resolution appointing a committee to select a site for the seat of Government, were received from the Senate, as amended by the House, with their concurrence.

Resolution offered by Mr. Cunningham.

Resolved, That a committee of five be appointed to revise and amend an act, entitled "an act to raise a revenue by direct tax," passed by the Congress of the Republic of Texas, at its last session: adopted.

Messrs. Cunningham, Grigsby, Walker, Hill, and Lewis were appointed said committee.

Mr. Cunningham moved that the name of Mr. Linn be inserted in the place of Mr. Jones, of Victoria, on the standing committees: adopted.

Mr. Hardiman moved that Mr. Rusk be added to the committee on Naval Affairs: adopted.

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

The following is the President's message, received on the 28th of September, 1837.

EXECUTIVE DEPARTMENT, }
REPUBLIC OF TEXAS. }

To the Senate and House of Representatives:

GENTLEMEN: Circumstances involving important interest to the country, have induced the call of a special session of Congress, which subjects will require your attention and profound deliberation; the frequent call of extraordinary sessions is to be deprecated, and would have been avoided on the present occasion, especially, as the annual session of Congress will occur so soon; but the necessity of your present meeting could not be so well anticipated by any future action of your honorable body, as it can at the present moment.

At the last session of Congress, provision was made for the appointment of a commissioner to run the line between the Government of the United States and Texas; this measure was based so as to correspond with measures which have been adopted on the part of the Government of the States; it was nevertheless deemed satisfactory as to its correctness; and has subsequently been verified, as will be shown to your honor-

able body, by documents which will be referred for your consideration.

The land law which was passed by the last Congress of the Republic of Texas, and which was designed to take effect on the first day of October next, could not go into operation without conflicting with subjects too important to be disregarded, inasmuch as some of the land districts would necessarily fall within that section of country over which the United States have for some years exercised civil jurisdiction; but over which there is no doubt, that the Government of Texas, so soon as the limits of each country are defined, will be manifestly entitled, to the civil, as well as the political jurisdiction thereof. It is to be deplored that so soon as measures had been adopted by the Government of the United States, on this subject, that the Government of Texas was not apprised of the fact, or its agents near that Government, until the 17th of June last, when a communication was made to our agent, by the Honorable Secretary of State, for the first time, of the desires of that Government.

Although authority was given to the Executive of Texas, to appoint a commissioner for the purpose of running the line, in accordance with stipulations long since existing, yet no appointment has been made, for the reason that no satisfactory intelligence had reached this Government, in relation to the course which the Government of the United States might wish to pursue. No time had been lost in communicating to our Minister at Washington City, the course which had been adopted at the last session of Congress. As early as the 4th of August last, a special communication was made upon that subject, by our Minister. We are advised, that he had received no response to his communication; it is to be hoped as the Congress of the United States is now in session, that the subject of the boundary line will claim the prompt action of that Government, and that such measures will be adopted by its functionaries as will lead to a speedy termination of the subject, and obviate all such embarrassments, as might result from its further procrastination. Nothing, I feel confident, on the part of this Government, will be omitted, which can conduce to the amicable adjustments of a mat-

ter desirable and important to the two countries. As the land law which has been referred to, is necessarily connected with this subject, it will be for the honorable Congress to determine what modifications or revisions may be proper for adoption.

The period at which the annual session of Congress will take place being so near at hand, it is presumed that the present session will not adjourn previous to that time; therefore, I have abstained from submitting any other subjects for the present, other than those which induced the call of the present session. At the commencement of the next session, the Executive will have it in his power to present to Congress, the situation of the country generally, and to submit subjects connected immediately with the defence of the nation, and its financial resources, for their action.

Whilst we invoke the continuance of favors which have been conferred upon us by an Almighty Being, and render to him our grateful homage, let us remember, that the important trusts in which we are placed, demand of us unceasing exertions to defend and preserve our independence; by our united efforts, to promote the happiness of our constituents, and the prosperity and glory of our country.

(Signed,) SAM HOUSTON.

City of Houston, Sept. 25, 1837.

SATURDAY, SEPT. 30, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Rusk presented a communication from the Secretary of the Navy: ordered to lie on the table.

Mr. Jones, Chairman of the Committee on Privileges and Elections, made the following report:

To the Hon. the Speaker of the House of Representatives.

The Committee on Privileges and Elections, most respectfully beg leave to report, that there are a number of contested elections; and the principles of the elections depend entirely on the question, whether regularly enlisted soldiers are authorized to vote or not?

and whether soldiers furloughed for a time, or to the end of their term of service, are allowed or not? Therefore, this committee beg leave, that this question be decided by the House; we, therefore, offer the question to the House, as a resolution for the purpose of testing the question, and submit the following resolution:

Resolved, That regularly enlisted soldiers are not entitled to vote.

Mr. Rusk offered a substitute to the resolution, which was supported by Messrs. Gant and Lumpkin, and opposed by Messrs. Branch, Jack and Menifce: the question being taken, it was rejected. Mr. Branch, Jack and Menifce supported the original resolution, and was followed by Messrs. Rusk, Gant and Lumpkin, in opposition.

Mr. Jones moved that the report and resolution be concurred in.

On the Ayes and Noes being called, the vote stood as follows:

AYES—Messrs. Branch, Brush, Clark, Gazley, Grigsby, Hardiman, Hill, Jones, of Brazoria; Jack, Linn, Lewis Menifce, Pierpont and Thompson—14.

NOES—Messrs. Speaker, Burleson, Douglass, English, Gant, Lumpkin, Patton, Rusk, Sutherland, Walker—10.

The Speaker declared the report concurred in.

A message was received from the Senate, informing the House, that a joint resolution had passed the Senate, authorizing the Attorney-General to purchase certain books for the use of the Government, and requested the concurrence of the House.

On motion of Mr. Gant, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The committee appointed to procure committee rooms, report, that they have been unable to find but three rooms; one of which is occupied by the Chief Clerk of

the House; and that the committee occupy the rooms alternately, until other arrangements can be made.

T. J. GAZLEY, Chairman.

Concurred in.

Resolution offered by Mr. Jones.

Resolved, That the following persons shall be admitted to seats within the bar of this House, viz:

The President, Vice-President, the members of the Senate, the heads of Departments, with the Attorney-General and Chief Justice; the Commander-in-Chief of the Army, the Commander-in-Chief of the Navy, Foreign Diplomatic Agents, with their suits; and Ex-Presidents and Vice-Presidents of the United States, the Ex-President of the Republic of Texas, members and ex-members of the Congress of the United States, ex-members of the Cabinet, Ex-Governors of the States and Territories of the United States; and such distinguished strangers as the Honorable the Speaker, or a majority of the House, may at any time invite; also, all Editors of newspapers within the Republic of Texas: adopted.

Resolution offered by Mr. Sutherland.

Resolved, That a Special Committee of three be appointed, to inquire into the propriety of laying off a certain section of the country, and reserving the same for the locating of Soldiers' Claims; and that said committee have leave to report by bill or otherwise: adopted.

Messrs. Sutherland, Thompson and Patton were appointed said committee.

Resolution offered by Mr. Patton.

Resolved, That the Committee on Military Affairs be instructed to call on the Secretary of War, for information relative to the situation of our Army, the number of officers in service, the number under the pay of the Government, the number necessary for the troops in the field; and the number of effective forces in the service, and where stationed: adopted.

Resolution offered by Mr. Jack.

Resolved, That a Committee of five be appointed to ascertain from the different Heads of Departments, the number of officers, civil and military, now in the pay and employment of Government—with their pay and salaries; and to report the propriety of reducing the number of such officers: adopted.

Messrs. Jack, Gazley, Branch, Linn and Gant were appointed said committee.

Resolution offered by Mr. Jack.

Resolved, That the Door-keeper be authorized to procure suitable seats for the accommodation of the body: adopted.

Mr. Gazley asked leave to introduce a bill relating to Elections: granted. Read first time.

Resolution offered by Mr. Burleson.

Resolved, That the Committee on Public Lands, be instructed to call on the Secretary of the Treasury, and ascertain whether or not the fifty thousand dollars due the Republic of Texas, from M. B. Menard and his associates, have been paid to this Government; and if paid, whether or not the payments were made in accordance with an act, entitled, an act granting one league and labor of land on the east end of Galveston Island to M. B. Menard and his associates, passed by the last Congress: and to report by bill or otherwise.

On motion of Mr. Gant, the House adjourned till 10 o'clock, on Monday morning.

MONDAY, OCT. 2, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Menifee presented a petition from Mark T. Mitchell, praying the grant of a patent for a brick machine.

On motion of Mr. Menifee, it was referred to a committee of three. Messrs. Menifee, Hardiman and Sutherland were appointed said committee.

Mr. Rusk presented a petition from Mr. Lawrence, which, he stated, related to elections. Referred to the Committee on Privileges and Elections.

Mr. Rusk presented various papers concerning Elections, which were referred to the Committee on Privileges and Elections.

Mr. Lumpkin presented a memorial from a portion of the citizens of the County of Houston, praying a reduction of the tariff laws, Taxes, &c.: referred to the Committee on the State of the Republic.

Mr. Gazley, Chairman of the Committee on Printing.

reported, that the Government is indebted to the office of the Telegraph, for services and materials, to a large amount. The proprietors of the press have informed your committee, that they are unable to comply with the requisitions of Congress for the number of newspapers ordered, and job printing, on account of pecuniary embarrassments; and their inability to procure materials without aid from the Government, your committee, having made an estimate of the probable expense of printing for the present session, and considering the amount already due to the office, earnestly recommend an immediate appropriation of one thousand dollars to the proprietors of the Telegraph, in order that the proceedings of Congress may be disseminated among the inhabitants of the country, as early as possible.

THO J. GAZLEY, Chairman.

Concurred in.

Mr. Jones, of Brazoria, Chairman of the Committee on Privileges and Elections, reported, that they have examined the credentials of the different members of this House, and that the following have regular certificates of election in due form, and authenticated by the Chief, or acting Chief Justice of their respective counties, viz:

From the county of	Bexar,	Wm. H. Patton;
"	"	Brazoria, Anson Jones and P. C. Jack;
"	"	Colorado, Wm. Menifee;
"	"	Harrisburg, Tho. J. Gazley;
"	"	Jackson, George Sutherland;
"	"	Jasper, S. S. Lewis;
"	"	Jefferson, Joseph Grigsby;
"	"	Liberty, E. T. Branch;
"	"	Milan, Wm. Walker;
"	"	Houston, Major Lumpkin;
"	"	Matagorda, T. J. Hardiman;
"	"	Nacogdoches, T. J. Rusk and Kelsey H. Douglass;
"	"	Sabine, Wm. Clarke;
"	"	San Augustine, Joseph Rowe and Charlton Thompson;
"	"	Victoria, John J. Linn;

From the county of Mina, Edward Burleson and L. C. Cunningham;
 “ “ Shelby, John English and Wm. Pierpont;
 “ “ Washington, W. W. Gant and W. W. Hill.

The returns of elections of the different counties not having been made to accompany the certificates of election, your committee are unable to give a statement of the votes received in these counties for the different candidates.

The names of the different individuals contesting seats in this House, are: for the county of Mina, Jesse Billingsly, who claims to be elected in the place of L. C. Cunningham; and Wm. J. Russell, who has given notice, that he claims to be elected for the county of Brazoria, in the place of Mr. Jack. Your committee have also had under consideration, the returns from the county of Victoria, and report that Mr. J. J. Linn received eighteen votes, and Mr. Fielding Jones received six votes, as certified by the Hon. John M'Henry, Chief Justice of that county; and also, that Mr. Jones received, at an election held at Dimmitt's Point, in said county, fifty-four votes, given by soldiers, and six votes given by citizens, all of which were rejected by the Chief Justice of the county, as illegal; your committee are, therefore, of opinion, that Mr. J. J. Linn is duly and constitutionally elected the representative of the county of Victoria, in this Congress; your committee also report the following returns of elections for representatives of the depopulated counties, viz:

For the county of Gonzales, A. Ponton has received, at the city of Houston, five votes, at Lynchburg seven, total twelve votes; and J. D. Clements has received, at the city of Houston, two votes, at Liberty four votes, total six; for the county of San Patricio, John Turner received, at the city of Houston, one vote; and Wm. Brennan received, at Victoria, four votes; for the county of Refugio, E. Brush received, at the city of Houston, one vote, at Victoria five votes, total six votes; and Wm. E. Walker received at Victoria, eight votes; your committee also report, that they have received a document, purporting to be a return of an election, held in

the town of Goliad, for a representative of that county, which gives to F. W. Thornton, Esq., four votes; all of which is respectfully submitted: concurred in.

Resolution offered by Mr. Lumpkin.

Resolved, That the Secretary of the Treasury be required to furnish this House, so soon as practicable, with all the information in his possession, in regard to the number and class of vessels which have, at any time, entered the several ports of this Republic, since the adoption of the existing tariff law; their separate and aggregate amount of tonnage, together with the aggregate amount of goods; when and by whom introduced; the amount of money, date, and from whom received; the amount bonded, and when payable; together with other information in regard to the operation of said law, which he may be in possession of, and may deem necessary for the use of this House: adopted.

Resolution offered by Mr. Rusk.

Resolved, That Mr. W. E. Walker, from Refugio, be requested to come forward, take the oath prescribed by the Constitution, and take his seat as a member of this House: adopted.

Resolution offered by Mr. Douglass.

Resolved, That the Auditor of Accounts be required to lay before this House, the reason why he has refused to audit the discharges of the volunteers who served a tour of duty under the command of Captain Michael Costly and Captain George W. Jewell: adopted.

Mr. Jones, of Brazoria, introduced a joint resolution, relating to the signing of Promissory Notes of this Government. On motion of Mr. Rusk, made the special order of the day for Wednesday next.

Joint resolution from the Senate, authorizing the Attorney-General to purchase certain books for the use of the Government: read the first time.

Bill relating to elections: read the second time, and committed to a Committee of the whole House, Mr. Branch in the chair: the committee rose, reported progress, and asked leave to sit again: granted.

Mr. Cunningham asked leave to introduce a bill (granted) relating to the Land Law: read first time.

On motion of Mr. Gazley, the House adjourned till 3 o'clock. P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Thompson asked leave to introduce a bill, requiring the Auditor to audit claims of deceased persons: read first time.

Mr. Cunningham asked leave to introduce a bill, laying off a road from the town of Mina to Red River: read first time.

Mr. Gazley moved, that the House go into Committee of the Whole on the bill relating to Elections.

Mr. Branch in the chair.

The committee reported the bill as amended, and asked leave to be discharged: adopted.

On motion of Mr. Rusk, the report was concurred in.

Mr. Jack presented a communication from the Secretary of the Treasury, relating to an apartment for his office.

Resolution offered by Mr. Patton.

Resolved, That a committee of three be appointed, to act with such committee as may be appointed by the Senate to make a proper division of the rooms in the Capitol: adopted. Messrs. Patton, Burleson and Gazley were appointed said committee.

On motion of Mr. Thompson, the House adjourned till 10 o'clock to-morrow morning.

TUESDAY, OCT. 3, 1837.

The House met pursuant to adjournment.

The Journal of the preceding day being read,

Mr. Gazley presented a petition from John Buchanan, praying remuneration for services rendered the Government *ad interim*: referred to Committee on Claims and Accounts.

Mr. Menifce presented a petition from Elkanah Brush, protesting against the election of W. E. Walker, from the county of Refugio: referred to the Committee on Privileges and Elections.

The Senate requested leave of the House, to adjourn to the room of a sick member: granted.

Mr. Jones, Chairman of the Committee on Privileges and Elections, reported:

That they have had under consideration, the protest of Mr. Jesse Billingsly, and the documents submitted therewith, in substantiation of his claim to the seat now occupied by Mr. Cunningham.

From the certificate of the Chief Justice of the county of Mina, it appears that Mr. Billingsly received sixty votes, given by citizens; Mr. Cunningham received fifty-four votes given by citizens, and thirteen votes given by rangers, stationed on the N. Western frontier of the country. After a laborious investigation of the matter, your committee are of opinion, that the question depends entirely upon the reception or non-reception of the rangers' votes. Ten of them have certified, under oath, that they have, neither of them, ever taken the oath which is required of a soldier who enlists; and that they do not consider themselves ever to have been enlisted soldiers, but volunteers only. On reference to the records in the War Department, however, the names of all the individuals appear upon the muster roll of Company C, under the command of Major Smith, with the dates of their enlistment; the person by whom, the place where, and the time for which they enlisted, and nearly all are for during the war, and the balance for one year; and their enlistments (at least five of them) duly subscribed and sworn to, are on file.

With this statement of the facts in the case, and referring the House to the memorial accompanying, the committee beg leave to submit the question to their determination, giving it as our opinion, that Mr. Billingsly is duly elected.

The committee beg leave to recommend, that this House set the seal of its unqualified disapprobation against irregularities at elections, and preserve pure the sacred right of suffrage, by protecting it from all corruption. They therefore recommend, that the District Attorney be instructed to institute an inquiry into the conduct of the individuals whose names are subscribed to the accompanying affidavit, who voted at the election in the county of Mina, and who have, contrary to the solemn statements of the affidavit which they have there subscribed and sworn to, regularly enlisted, and taken the oath of enlistment; all of which is respectfully submitted, ordered to lie on the table for the present.

Mr. Sutherland, Chairman of the Committee to inquire into the propriety of laying off certain lands for the locating of soldiers' claims, reported by bill: read first time.

Resolution offered by Mr. Douglass.

Resolved, That the Secretary of the Treasury be requested to communicate to this House, the total amount of public debts, as near as practicable, of military, naval and civil: adopted.

Resolution offered by Mr. Rusk.

Resolved, That L. C. Cunningham be allowed to be heard by counsel, at the bar of this House, upon the question of his right to a seat; and that he have a right to examine papers: adopted.

Resolution offered by Mr. Gant.

Resolved, That the Committee on Ways and means, be instructed to enquire into the expediency of making all properly authenticated drafts upon the Treasury of the Republic of Texas, receivable in the payment of dues, of whatever nature soever, to the Government, or any officers thereof: adopted.

Resolution offered by Mr. Jones.

Resolved, That a message be despatched to bring to the bar of this House, Oliver Jones and Joseph Baker, said to be elected members of it; and that they be required to show cause why, if elected, they should not take their seats.

The ayes and noes being called for, the vote stood thus:

AYES—Messrs. Speaker, Gazley, Hardiman, Hill, Jones, Jack, Menifee, Patton and Rusk—9.

NOES—Messrs. Branch, Burleson, Clark, Douglass, English, Grigsby, Gant, Linn, Lumpkin, Lewis, Pierpont, Sutherland, Thompson and Walker—13: Resolution lost.

Resolution offered by Mr. Hardiman, and amended by Mr. Jones.

Resolved, That in all contested elections before the House, the parties have leave to be heard by themselves or by counsel, or by both: adopted.

Mr. Thompson asked leave to introduce a bill (granted) relating to persons of color: read the first time.

Mr. Rusk moved to disagree to the report of the Com-

mittee on Privileges and Elections, so far as concerned the election of Mr. Cunningham.

Resolution offered by Mr. Thompson.

Resolved, That the Clerk of the House be despatched to the Secretary of the War Department, and request the said Secretary to furnish this House the enlistments of the following names, if in his possession, to wit: Wm. Casner, Smithwicke, Littin, Owen, Moore, Bane, Jas. Christian, N. W. Palmer, John Seekel, Richd. Egleston, Thos McKennon, S. R. Blish, John Angel, A. J. Benson: adopted.

On motion of Mr. Gazley, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Baker, the representative elect from Bexar, was sworn and took his seat.

On motion of Mr. Jones, of Brazoria, the House proceeded to the unfinished business of the day.

The contested election of Mr. Cunningham was taken up, and argued by Mr. Rusk and counsel, Mr. Baker, and opposed by Messrs. Jack and Thompson.

On motion of Mr. Rusk, the House adjourned till 10 o'clock, to-morrow.

WEDNESDAY, OCT. 27, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Oliver Jones, the representative elect from Austin, was sworn and took his seat.

On motion of Mr. Rusk, the House proceeded to the unfinished business of yesterday.

The contested election of Mr. Cunningham was taken up.

Mr. Rusk moved to review his motion, disagreeing to the report of the Committee on Privileges and Elections. Messrs. Rusk, Gant and Thompson supported the motion to disagree to the report: Messrs. Branch,

Jack, Jones and Menifee opposed the motion. The ayes and noes were called for, and the vote stood thus:

AYES—Messrs. Speaker, Burleson, Douglass, English, Gazley, Gant, Patton, Rusk, Sutherland, Thompson and Walker, of Milam,—11 votes.

NOES—Messrs. Baker, Branch, Clark, Grigsby, Hardiman, Hill, Jones, of Brazoria, Jack, Jones, of Austin, Linn, Lewis, Menifee and Pierpont—13: lost.

Resolution offered by Mr. Rusk.

Resolved, That the seat of a member, in this House, from the county of Mina, occupied by Mr. Billingsly, be declared vacant; and that the President be notified of the fact, and requested to issue writs of election forthwith, to fill said vacancy.

The Ayes and Noes were called for, and the vote stood thus:

AYES—Messrs. Speaker, Burleson, Douglass, English, Gazley, Gant, Patton, Rusk, Sutherland, Thompson and Walker, of Milam,—11.

NOES—Messrs. Baker, Branch, Clark, Grigsby, Hardiman, Hill, Jones, of Brazoria, Jack, Jones, of Austin, Linn, Lewis, Menifee and Walker, of Refugio—13.

On motion of Mr. Baker, Mr. Billingsly was sworn, and took his seat.

On motion of Mr. Branch, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Rusk moved that the name of Mr. Thompson be added to the Judiciary Committee, and Mr. English on the Committee of Public Lands: adopted.

Mr. Patton, Chairman of the committee to make a division of the rooms in the Capitol, reported, that the rooms that are finished are divided as follows:

Nos. 1, 3, 5, 6 and 13 for the use of the Senate. Nos. 7, 9, 12, 11, 14, House of Representatives; No. 2, Treasury; No. 4, Navy; No. 8, War; No. 10, State; No. 16, Comptroller; No. 18, General Land Commissioner; Nos. 15, 17, 19, 20, unfinished, but will be ready in a few days, which will be at the disposal of Congress.

Your committee, having nothing further before them, beg leave to be discharged: concurred in.

The resolution authorizing the issuing of Promissory Notes, was read a second time. On motion of Mr. Gant, referred to the Committee on Ways and Means.

Resolution relative to the President's Message: read a second time and adapted.

Joint resolution from the Senate, authorizing the Attorney-General to purchase certain books: read second time, and indefinitely postponed.

Mr. Gant asked leave to offer a bill (granted) for the building of a hospital: read a first time.

Bill relating to the land officers was taken up, and referred to the Committee on Public Lands.

Bill relating to slaves and persons of color was taken up, and referred to the Judiciary Committee.

Bill, requiring the Auditor to audit the claims of deceased persons was taken up; and, on motion of Mr. Rusk, referred to a Select Committee of five members. Messrs. Rusk, Thompson, Burleson, Patton and Jack were appointed said committee.

On motion of Mr. Jones, of Brazoria, Mr. Ponton, the member elect from Gonzales, was sworn, and took his seat.

Resolution offered by Mr. Douglass.

Resolved, That a committee of three be appointed, to enquire into the propriety of ascertaining the forfeited lands, and having them surveyed and sold for the purpose of paying a portion of the public debt, and increasing the navy; that said committee have leave to report by bill or otherwise.

Bill to set apart a certain district of country for the location of soldiers' bounty lands was taken up: referred to the Committee on Public Lands.

Bill relating to opening a Road from the Town of Mina to the county of Red River was taken up, and referred to a committee of three: Messrs. Billingsly, Hill and Walker, of Milam, were appointed said committee.

On motion of Mr. Gant, the House adjourned till 10 o'clock, to-morrow.

THURSDAY, OCT. 5, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Kinney, the member elect from Red River, was sworn and took his seat.

Mr. Jones, Chairman of the Committee on Privileges and Elections, reported: that they have had under consideration, the protest of Wm. Lawrence, Esq., against the illegality of the election in Harrisburg County; and your committee are of opinion, that the election in Harrisburg County has been held in accordance with the law and the usages of that county; and is, in nowise, invalidated by the testimony adduced before us. Your committee further beg leave to report, that they have had under consideration, the protest of Wm. J. Russel; and from the testimony adduced, they are of opinion that Mr. Jack is duly elected, and by a large majority of the qualified voters of that county; all of which is respectfully submitted: concurred in.

Mr. Menifee, Chairman of the committee to whom was referred the petition of Mark Twitchell, praying a patent for a brick-making machine, reported: that in their opinion, it was inexpedient for this Republic to grant patents at this time; but that the arts would be much better encouraged by granting premiums to the inventor, in proportion to the utility and value of his invention, or improvement; all of which is submitted to the House for its concurrence: ordered to lie on the table.

Resolution offered by Mr. Walker, of Refugio.

Resolved, That the Committee on the Judiciary be directed, to enquire into the expediency of making a digest of convenient form, of the Colonization Laws, and such of the Ordinances of the General Council as are still of force and unrepealed, together with the acts of the first Congress, and all of the laws and resolutions which may be passed during the present session of Congress; and that they report upon the same by bill or otherwise: adopted.

Mr. Gant asked leave to introduce a bill, (granted,) to

be entitled "An Act to amend the proceedings before Justices of the Peace, and for other purposes:" read the first time.

Resolution offered by Mr. Rusk.

Resolved, That the rules of the House be so amended, as to strike out the fifty-third and fifty-fourth rules; and so amended as to allow a reference of a bill to a committee, on its first reading: read the first time.

Mr. Walker, of Refugio, asked leave to introduce a bill, (granted,) entitled, "An Act for the relief of John Keating.

Bill for building a public hospital was indefinitely postponed.

On motion of Mr. Patton, the House adjourned till 10 o'clock, to-morrow.

FRIDAY, OCTOBER 6, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

A message was received from the Senate, asking leave of this House, to adjourn to the room of a sick member: granted.

Mr. Gazley presented a petition from Henry Folley, praying a remuneration for goods, &c.: referred to the Committee on Claims and Accounts.

Mr. Branch presented the petition of Mr. J. S. Holman, in behalf of the Houston City Company, with certain proposals, to Congress: referred to a Select Committee of five. Messrs. Jones, of Brazoria, Lumpkin, Menifee, Pierpont and Branch composed said committee.

Mr. Rusk, Chairman of the committee to whom was referred, a bill relating to slaves and persons of color, reported by bill, entitled, "An Act for the punishment of crimes committed by slaves and free persons of color."

Mr. Walker, of Milam, asked leave to introduce a bill relating to the evidence of women: read the first time. Also, a bill relating to Clerks of the County Courts: read the first time.

Resolution offered by Mr. Rusk.

Resolved, That the Secretary of State be required to

furnish the clerk of this House, forthwith, a copy of all the laws and resolutions that have been heretofore passed by the Congress of this Republic, together with copies of the ordinances passed by the Convention that formed the Constitution: adopted.

Mr. Jack offered a joint Resolution, defining the business of this extra session: read the first time.

Bill relating to elections was taken up, and read the second time. After various amendments, a motion was made that the bill lie on the table: lost.

On motion of Mr. Menifee, the House, adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill relating to elections was taken up.

Mr. Menifee moved to strike out the 9th section of the bill. Ayes and Noes being called for, the vote stood thus: Ayes—Messrs. English, Gant, Lumpkin, Menifee, Patton, Rusk, Sutherland and Walker, of Milam.—8.

Noes—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Clark, Gazley, Grigsby, Hardiman, Hill, Jones, of Brazoria, Jones, of Austin, Jack, Lewis, Pierpont, Thompson, M'Kinney and Ponton—18.

On motion of Mr. Gazley, the bill was ordered to lie on the table.

Mr. Thompson offered a resolution for throwing up a walk from the flag-staff to the Capitol: referred to the Committee on Public Roads.

Resolution offered by Mr. Gazley.

Resolved, That the Secretary of the Treasury be invited to take possession of one of three rooms, in the second story of the Capitol, (occupied for committee rooms,) and appropriate the same to the use of the Treasury Department: adopted.

Mr. Jones moved to re-consider the memorial of J. S. Holman, and to appoint a joint committee of five, to act with such committee as might be appointed by the Senate: adopted. And the same committee were appointed.

Mr. Gazley offered a joint resolution, authorizing the Secretary of the Treasury, to draw on the Collector of the port of Galveston, for one thousand dollars, in favor

of Cruger & Moore: rule suspended—resolution adopted.

On motion of Mr. Thompson, the House adjourned till 10 o'clock, to-morrow morning.

SATURDAY, OCT. 7, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Douglass, Chairman of the Committee on Claims and Accounts, reported, that there was not sufficient evidence to substantiate the claims of sundry petitions, except the claim of Mr. Wilson for ten dollars, which they recommend, should be paid.

On motion of Mr. Rusk, the report was re-committed to the Committee on Claims and Accounts.

Mr. Jones, Chairman of the Committee on Privileges and Elections, reported, that from the evidence adduced, Mr. Walker has a majority of the legal votes of the county of Refugio, but that he has not the requisite qualifications of citizenship and residence in the county, and consequently was ineligible to a seat in this House; and therefore recommend, that the election be again referred back to the people: ordered to lie on the table.

Resolution offered by Mr. Rusk.

Resolved, That the sum of ten dollars be allowed to Mr. Wilson, for services rendered this House: and that the sum be paid out of any monies in the Treasury, not otherwise appropriated: adopted.

Resolution offered by Mr. Douglass.

Resolved, That the Military Committee be instructed, to enquire into and report upon the propriety of allowing pay to the company of volunteers who went against the Indians, from the counties of Nacogdoches and Houston, during the last summer: adopted.

Bill relating to proceedings before Justices of the Peace was taken up, and referred to the Judiciary Committee.

Bill relating to the evidence of women was taken up, and referred to the Judiciary Committee.

Bill relating to clerks of the County Courts was likewise taken up, and referred to the Judiciary Committee.

The report relative to the petition of Mark Twitchell was taken up, and indefinitely postponed.

On motion of Mr. Walker, of Refugio, the report of the Committee on Privileges and Elections was taken up.

Mr. Billingsly moved to disagree to the report. Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Grigsby, Jones, of Austin, Sutherland, Walker, of Milam, and Ponton—10.

NOES—Messrs. Black, Douglass, English, Gant, Hardiman, Hill, Jones, of Brazoria, Jack, Linn, Lumpkin, Menifee, Patton, Pierpont, Rusk, Thompson, and McKinney—16: report concurred in.

Mr. Patton asked leave to introduce a bill, relating to the President's appointing officers: read the first time.

The resolution for amending certain rules of the House was taken up, and after the following amendment by Mr. Branch, adopted: If no opposition shall be made, or the question to reject be negatived, it shall then be in order to commit the bill, either to a Standing or Select Committee.

A message was received from the Senate informing the House, that they had passed a resolution instructing the Committee on Public Lands, to draft a land bill for their consideration; and to ask co-operation on the part of the House of Representatives.

Bill relating to slaves and free persons of color was read a second time.

On motion of Mr. Rusk, the House adjourned till 10 o'clock, Monday morning.

MONDAY, OCT. 9, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

A message was received from the Senate, informing the House of Representatives, that a resolution which originated in this House, authorizing the Treasurer to draw on the Collector of the port of Galveston, in favor of Messrs. Cruger & Moore, for the sum of one thousand dollars, had passed the Senate.

The Committee on Public Lands reported by bill, through their Chairman, Mr. Thompson, entitled, "An Act supplementary to an Act, entitled an Act, supplementary to an Act, to establish a General Land Office for the Republic of Texas, passed 22d December, 1836;" read the first time; and, on motion of Mr. Billingsly, two hundred copies were ordered to be printed for the use of the members of this House.

A communication was read, from the General Land Commissioner; and, on motion of Mr. Gant, referred to the committee on Public Lands.

A communication was read, from the Auditor, and referred to the Committee on Claims and Accounts. A communication was also read, from the Secretary of State.

The bill relating to slaves and free persons of color was taken up, and re-committed to the Judiciary Committee.

The bill relating to the President and Heads of Departments appointing officers: read a second time. On motion of Mr. Branch, was ordered to be engrossed for a third reading, and made the order of the day for to-morrow.

On motion of Mr. Thompson, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill entitled, "An Act for the relief of John Keating" was taken up, and referred to the Committee on Claims and Accounts.

The joint resolution, defining the business of the extra session of Congress was taken up, and indefinitely postponed.

The bill relating to elections was taken up, and ordered to be engrossed for a third reading, to-morrow.

Resolution offered by Mr. Jones, of Brazoria.

Resolved, That the Judiciary Committee be instructed to enquire and report to the House, whether the absence of various officers of the Civil Government of this Republic, in the United States, whose official duties require a residence here, and who are receiving salaries for the performance of their duties, is in accordance with law,

and should be allowed, without the animadversion of this House thereon; and if they conclude in the affirmative, that they be instructed to report a bill for the prevention of such an evil in future: adopted.

Mr. Thompson asked leave to introduce a bill, incorporating the town of Shelbyville: read the first time.

The joint resolution, making an appropriation to pay the public printer, was ordered to be enrolled.

On motion of Mr. Jones, of Brazoria, the House adjourned till 10 o'clock, to-morrow morning.

TUESDAY, OCT. 10, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Lumpkin offered the following resolution:

Resolved, That the Secretary of War be required to inform this House, why he refuses to issue land warrants to soldiers entitled to bounty lands, for military services, as he is required to do by an act, entitled, "An Act supplementary to an Act, entitled, an Act to establish a General Land Office for the Republic of Texas, passed 22d December, 1836:" adopted.

The bill relating to the President and Heads of Departments appointing officers, was read the third time; and after an amendment by Mr. Branch, the question was taken on its final passage; and the Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Clark, Douglass, English, Grigsby, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Lumpkin, Lewis, Menifee, M'Kinney, Patton, Pierpont, Ponton, Sutherland, Thompson and Walker—23.

NOES—Mr. Gant—1.

Adopted; and the title adopted, for the bill was: "An Act precluding aliens from being appointed to office."

The bill relating to elections, was read the third time.

Mr. Patton offered an amendment, that all votes, after the passage of this act, shall be given *via voce*.

The Ayes and Noes being called, for the vote stood thus:

AYES—Messrs. Branch, Burleson, Douglass, English, Grigsby, Hill, Lewis, McKinney, Patton, Pierpont, and Sutherland—11.

NOES—Messrs. Speaker, Baker, Billingsly, Clark, Gant, Hardiman, Jones, of Brazoria; Jones, of Austin, Lumpkin, Ponton, Thompson and Walker—12: lost.

The vote was taken on the final passage of the bill. The Ayes and Noes were called for, and the vote stood thus:

AYES—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Clark, Douglass, English, Grigsby, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Lewis, McKinney, Pierpont, Ponton, Thompson and Walker—18.

NOES—Messrs. Gant, Lumpkin, Patton and Sutherland—4: adopted.

Mr. Branch moved that the title of the bill be, "An Act regulating Elections;" adopted.

The bill incorporating the Town of Shelbyville, in the county of Shelby, was read a second time; and after a substitute offered by Mr. Thompson, and adopted, was ordered to be engrossed.

Mr. Menifee, Chairman of the Committee on Ways and Means, reported and recommended, that the President's private Secretary be authorized to sign the President's name to the promissory notes of the Government: concurred in.

And Mr. Jones, of Brazoria, moved, that the title should be, "A Joint Resolution, authorizing the President's Private Secretary to sign the Promissory Notes of Government: adopted."

Mr. Jones, of Brazoria, Chairman of the Committee on Enrolled Bills, reported: that the committee had examined a joint resolution entitled "A Joint Resolution for paying the Public Printer," and found it to be correctly enrolled.

On motion of Mr. Branch, the House adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY, OCTOBER 11, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read: a message was received from the Senate, informing the House that they had adjourned, to meet at 10 o'clock at the room of Gen'l Green.

Resolution offered by Mr. Sutherland.

Resolved, That there should be a select committee of five appointed, to take into consideration, the propriety of paying for the property that may have been taken by the enemy, or destroyed by our own army; and have leave to report by bill or otherwise: adopted.

Mr. Rusk presented a petition from Antonia Menshaca, praying for a title to a certain house and lot in Bexar: referred to committee on claims and accounts; also a petition from James W. Parker, relating to his services against the Indians, &c.: referred to the committee on Indian Affairs.

Mr. Rusk presented a communication, from the Surgeon General to the Secretary of War, which was referred to the Committee on Military Affairs, without reading.

Mr. Linn asked leave to introduce a bill entitled "an act to prevent traffic with slaves:" granted; read a first time and referred to the committee on Judiciary.

Mr. Douglass introduced a bill entitled "an act for the benefit and relief of certain persons:" read a first time and referred to the committee on Military Affairs.

Mr. Rusk, Chairman of the Joint Committee, to select a site for permanently locating the seat of Government of this Republic: reported that such site should be selected forthwith, and five commissioners should be chosen by a vote of both Houses, whose duties it shall be to select said site, and that they should receive such propositions for the sale of land as may be made to them; and to make conditional contracts, subject to the ratification or rejection by this Congress, and that they report by the 15th of November; and that on making

selections they be confined to the section of country between the Trinity and Gaudaloupe rivers; and that they select no place over twenty miles north of the upper San Antonio road, nor south of a direct line, running from the Trinity to the Gaudaloupe river, crossing the Brazos at Fort Bend; read a first time.

The bill incorporating the town of Shelbyville, and granting further powers to the town of San Augustine, was read a third time, and after an amendment, inserting after San Augustine, Nacogdoches, passed; and the title is "an act incorporating the town of Shelbyville, and granting further powers to the corporations of San Augustine and Nacogdoches."

Mr. Douglass introduced a bill, granting an additional quantity of land to those who participated in the battles of San Antonio and San Jacinto: read a first time. On motion of Mr. Jones, of Brazoria, was referred to a select committee of three.

Messrs. Jones, of Brazoria, Douglass, and Gant were appointed said committee.

On motion of Mr. Thompson the House adjourned till 3 o'clock P. M.

THREE O'CLOCK P. M.

The House met pursuant to adjournment.

A communication was received, read from the Auditor, and referred to the committee on Claims and Accounts.

Resolution offered by Mr. Gant.

Resolved, That the committee on Military Affairs be instructed, to enquire into the expediency of authorizing the Secretary of War to discharge all the soldiers now on furlough that may desire it; and upon what conditions would be just and expedient; and that they report by bill or otherwise: adopted.

Mr. Thompson offered a resolution, appointing a committee of three, to call upon certain persons, and to obtain certain papers relative to monies received for the benefit of this Republic; Mr. Rusk offered an amendment, which was adopted; but upon the question being taken on its final passage, it was lost.

Mr. Jack, in behalf of the committee to whom was referred the bill relating to the donating of lands to certain persons, moved that Mr. Jones of Austin, and Mr. Ponton be added to said committee: adopted.

And on motion of Mr. Rusk, Mr. Jones, of Austin, was made chairman of the committee on Naval Affairs.

A communication was received and read from H. L. Thompson, relative to a proper vessel for the Navy of Texas: referred to the committee on Naval Affairs.

Resolution offered by Mr. Hill.

Resolved, That the standing rules of this House be so altered, that no bill shall be amended on its third reading; only by filling up blanks read a first time.

Mr. Gant introduced a bill to protect the Public Domain from illegal and fraudulent land claims; read a first time, and referred to the committee on Public Lands.

On motion of Mr. Hill, the House adjourned till 10 o'clock, to-morrow morning.

THURSDAY, OCT. 12, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read,

Mr. Lewis presented a petition from the citizens of Jasper, relative to their boundary lines: referred to the Committee on County Boundaries.

Mr. Rusk, Chairman of the Committee on Military Affairs, to whom was referred the propriety of authorizing the Secretary of War to discharge furloughed soldiers, reported by a bill, entitled, an act to authorize the Secretary of War to grant discharges, and requiring the President to issue his proclamation, calling into service all officers and soldiers on furlough: read the first time.

Mr. Jones, of Brazoria, Chairman of the committee to whom a bill, donating extra lands to particular individuals, was referred, reported by bill; read the first time.

Resolution offered by Mr. Sutherland.

Resolved, That the Committee on Military Affairs be requested to take into consideration the propriety of the Paymaster's attending at the different places where

troops may be stationed, there, and then, to pay them up for the time of their services, and quarterly thereafter.

On motion of Mr. Branch, the Land Bill was taken up in Committee of the Whole, Mr. Gant in the Chair.

A message was received from the Senate, informing the House, that a joint resolution relative to the Promissory Notes of Government had passed that House, with amendments.

A message was again received from the Senate, informing the House, that a joint resolution had passed that House, appointing a committee of three to revise the Constitution.

The committee rose, reported progress, and asked leave to sit again: granted.

The joint resolution, appointing Commissioners for selecting a site for the Seat of Government: read the second time; and, after an amendment offered by Mr. Jones, of Brazoria, the rule of the House being suspended, was read the third time and passed; and the title is:

"Joint Resolution for the appointment of Commissioners to select a Site for the permanent location of the Seat of Government of the Republic of Texas."

The joint resolution from the Senate, relating to the signing of the promissory notes of the Government, was taken up, and the amendments concurred in.

The joint resolution appointing a committee of three, was taken up, and concurred in.

Messrs. Rusk, Jones, of Brazoria, and Jones, of Austin, were appointed the committee on the part of the House.

Resolution offered by Mr. Jones.

Resolved, That the Clerk be authorized to procure thirty copies of the land laws, and all other laws published for the use of this House: adopted.

The resolution, relating to the Standing Rules of this House, was read a second time, and adopted.

On motion of Mr. Jack, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Branch, the land bill was taken up

in Committee of the Whole, Mr. Hill in the Chair; and, after various amendments,

On motion of Mr. Thompson, the committee rose, reported progress, and asked leave to sit again: granted.

On motion of Mr. Thompson, the House adjourned till 9 o'clock, to morrow.

FRIDAY, OCT. 13, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read,

Mr. Douglass, Chairman of the Committee on Claims and Accounts, reported favorably to the claim of John Buchanan: concurred in.

Mr. Patton offered the following resolution:

Resolved, That the President of this Republic be requested to inform this House, whether he has expended any of the public funds of the Government, for the making of public buildings, as he was authorized to do, by an act of the Congress of 1836, entitled, "An Act temporarily to locate the Seat of Government;" and if so, how much: adopted.

Mr. Lewis introduced a bill relating to slaves, &c.: referred to the Committee on the Judiciary, without being read.

Resolution offered by Mr. Douglass.

Resolved, That the President be requested to explain to this House, the reason why the militia has not been organized under the law.

Mr. Jones, Chairman of the Committee on Enrolled Bills, reported, that the joint Resolution for paying the public printer, was handed to the President on Thursday, 12th ultimo, for signature; and also reported, that on examination of the enrolled copy of the joint resolution, authorizing W. G. Cook to sign the promissory notes of the Government, the preamble had been omitted; and moved that the clerk be requested to correct the same: concurred in.

Mr. Burleson introduced a bill, appointing a deputy clerk for the County Court, in each county: referred to the Judiciary Committee.

A communication was received from the Secretary of War, in answer to a resolution, calling on him for certain information.

A message was received from the Senate, informing the House, that an act precluding aliens from holding office had passed that House, with amendments; also, a resolution requesting a conference of the Naval Committees of both Houses.

Mr. Lumpkin offered the following joint resolution:

Resolved, by the Senate and House of Representatives, That the Secretary of War be instructed, forthwith to perform the duties of his office, relative to the issuing of Land Warrants, &c.: read the first time. Rule being suspended, read second time; and on further suspension of the rule, it passed.

The bill authorizing the Secretary of War to discharge furloughed soldiers: read a second time and ordered to be engrossed.

The act precluding aliens from holding office was taken up, and the amendments concurred in.

Resolution requesting a conference of the Naval Committees was taken up, and concurred in.

The bill for the relief and benefit of certain persons: read a second time, and referred to the Committee on Military affairs.

On motion of Mr. Menifée, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Thompson, the Land Bill was taken up in Committee of the Whole, Mr. Menifée in the Chair; and after various amendments, the committee rose, reported progress, and asked leave to sit again: granted.

On motion of Mr. Thompson, the House adjourned till 10 o'clock, to-morrow.

SATURDAY, OCT. 14, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Rusk moved to reconsider the vote on a resolution,

instructing the Secretary of War to execute certain duties: adopted; and,

On motion of Mr. Rusk, the word "instructed" was stricken out, and the word "required" inserted.

Mr. Jones, of Brazoria, offered the following resolution:

Resolved, That the House elect a person to perform the duties of Enrolling and Recording Clerk: adopted.

Mr. Jones, of Brazoria, nominated Mr. R. D. Johnson; and, there being no opposition, Mr. Johnson was declared duly elected, and sworn into office.

Mr. Ponton offered the following resolution:

Resolved, That a Select Committee of five be appointed, to establish the boundary lines of the county of Gonzales, and report the same for the decision of the House: referred to the Committee on County Boundaries.

Resolution offered by Mr. McKinney.

Resolved, That the Secretary of State be requested to furnish this House, with any information which may be in his possession, relative to the boundary line between this and the United States' Government, and all the correspondence between the two Governments on that question: adopted.

Mr. Rusk offered a joint resolution, making appropriations of monies for the use of the Hospital: read the first time: rule suspended, and read a second time; and, the rule being further suspended, read the third time and passed.

On motion of Mr. Thompson, the House went into Committee of the Whole on the land bill, Mr. Gant in the Chair.

A message was received from the Senate, informing the House, that the Senate had adopted a resolution, allowing the proprietors of the City of Houston to withdraw their papers.

A message was received from the Senate informing the House, that they had concurred in a joint resolution making appropriations of monies for the use of the Hospital; and that they had, also, concurred in a joint resolution to select a site for the permanent location of the Seat of Government of the Republic of Texas.

On motion of Mr. Thompson, the committee rose,

reported progress, and asked leave to sit again: granted.

On motion of Mr. Thompson, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

There not being a quorum present, Mr. Thompson moved that the House adjourn, which was lost.

On motion of Mr. Branch, the names of the absentees were noted; and that they should furnish to the House, their excuses for being absent. Messrs. Gault, Baker, Grigsby, Hill, and Jones, of Austin, were the absent members.

On motion of Mr. Branch, the House adjourned till 10 o'clock, Monday morning.

MONDAY, OCT. 16, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jones, of Brazoria, moved that the 45th and 47th rules of this House be enforced: adopted.

The Speaker ordered the Sergeant-at-Arms to perform his duty.

Mr. Jones, of Austin, rendered his excuse for non attendance on Saturday, which was received.

On motion of Mr. Rusk, the other members absent on that day were excused.

A petition was read, from the citizens of the county of Gonzales: referred to the Judiciary Committee.

Mr. Jones, of Brazoria, from the Joint Select Committee, to whom was referred the petition of J. S. Holman, moved to concur with the Senate, and allow him to withdraw his papers: concurred in.

Mr. Lumpkin, chairman of the committee to whom was referred the subject of the tariff system, reported by bill: read the first time and ordered to lie on the table.

A message was received from the Senate, informing the House, that the Senate had made some amendments to, and concurred in, the bill relating to Elections.

Mr. Jack offered the following resolution:

Resolved, That Charles Chamberlain, be allowed fifteen dollars, for services performed in the construction of seats for the lobby; and that the order of the Clerk of this House be a sufficient voucher for the Auditor to audit and allow the same.

Mr. Rusk offered a joint resolution, paying Mr. Buchanan for services rendered the Executive as Secretary: read the first time.

Two communications were read from the Secretary of the Treasury; and Mr. Jones, of Brazoria, offered the following resolution:

Resolved, That the communications now received, from the Secretary of the Treasury, be referred to the Committee on Ways and Means; and that they request a conference with the Committee of Finance of the Senate, on the subject referred to; and that 200 copies of the communication be printed for the use of the House.

A communication was received from the Auditor, relative to the claim of John H. Baker: referred to the Committee on Claims and Accounts.

The bill relating to Elections was taken up, and ordered to lie on the table.

A joint resolution selecting a site for the Seat of Government was taken up: read the first time; and, the rule being suspended, read the second and third time, and passed. And the title is, _____

On motion of Mr. Thompson, the land bill was taken up in Committee of the Whole, Mr. Jack in the Chair: after many amendments was adopted.

On motion of Mr. Gant, the committee rose, reported progress and asked leave to sit again.

The bill regulating elections was again taken up, and two amendments disagreed and one agreed to.

The bill granting lands to persons who were in the battles of San Jacinto and San Antonio was taken up, and ordered to lie on the table for the present.

A message was received from the Senate informing the House, that they had passed a resolution, requesting a conference with the Finance Committee of this House, this afternoon at 3 o'clock, in the Senate Chamber: concurred in.

On motion of Mr. Rusk, Mr. Jones, of Brazoria, was

added to the Committee on Ways and Means: Mr. Rusk was also added to the same committee.

On motion of Mr. Patton, the House adjourned till 9 o'clock, to-morrow morning.

TUESDAY, OCT. 17, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Douglass, Chairman of the Committee on Claims and Accounts, reported unfavorably to the claims of Messrs. Handy & Lusk, and Mr. Foley; there not being, in their opinion, sufficient evidence to allow their claims. They also reported, that Antonio Manchaca should be permitted to remain in possession of the property now occupied by him, until the lawful owner presents himself: ordered to lie on the table.

On motion of Mr. Gant, Mr. J. H. Baker was permitted to withdraw his papers.

Mr. Jack asked leave to introduce a bill, to be entitled, "An Act to incorporate the Houston, Brazos, and Colorado Rail Road Company:" read the first time.

Mr. Branch offered the following resolution:

Resolved, That the Auditor of Public Accounts be instructed to inform this House, whether the Private Secretary of the late President has not received pay for the full time of the administration of the late President.

The land bill was taken up in Committee of the Whole, Mr. Gazley in the Chair.

Mr. E. H. Tarrant, one of the members elect from the county of Red River, produced his credentials, was sworn, and took his seat.

A message was received from the Senate informing the House, they had passed an act authorizing the Commissioner of the General Land Office to send for papers, &c., and request the concurrence of the House of Representatives.

A message was again received from the Senate, informing the House, that they had concurred in the joint resolution requiring the Secretary of War to execute certain duties: that they had also concurred in the first

amendment to the bill regulating Elections, but adhered to the second; and that they had passed a joint resolution, in regard to granting letters of marque and reprisal; also, a joint resolution for taking the census of the Republic, and request the concurrence of this House, in the same.

The committee rose and reported the bill as amended, and asked leave to be discharged: granted.

The bill was then taken up before the House.

Mr. Gant moved to refer the bill to a Select Committee.

After considerable debate the motion was lost, and the bill put upon its second reading.

Mr. Branch moved to amend the first section, so as to elect the Commissioners by a joint ballot of both Houses of Congress, instead of their being elected by the people.

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Baker, Branch, Douglass, Gazley, Grigsby, Jones, of Brazoria; Jones, of Austin; Jack, Lewis, Memlee, McKinney, Patton, Pierpont, Sutherland and Thompson—15.

NOES—Messrs. Speaker, Burleson, Clark, English, Gant, Hardiman, Hill, Lion, Lumpkin, Ponton, Walker, and Tarrant—12: adopted.

On motion of Mr. Douglass, the House adjourned till 9 o'clock, to-morrow.

WEDNESDAY, OCT. 27, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Baker offered the following resolution:

Resolved, That the several members of this House, be required to furnish the Committee on County Boundaries with such information as they may possess, relative to the limits of their respective counties.

The bill regulating elections was then taken up; and Mr. Sutherland moved to appoint a Committee of Conference, to act with a committee from the Senate, on the bill adopted.

Messrs. Sutherland, Meniffee, Hardiman and Linn were appointed said committee.

The joint resolution in regard to granting letters of marque and reprisal was taken up, and read the first time.

The joint resolution for taking the census of the Republic was taken up, and read the first time.

The joint resolution, authorizing the Commissioner of the General Land Office to send for papers, &c., was taken up, and read the first time.

The joint Resolution for paying the claim of J. Buchanan was taken up: read a second time; and, on motion of Mr. Rusk, referred to a Select Committee of Three: Messrs. Gazley, Branch and Burleson were appointed said committee.

On motion of Mr. Branch, the bill incorporating the Houston, Brazos, and Colorado Rail-road Company was taken up in Committee of the Whole, Mr. Thompson in the Chair.

A message was received from the Senate, informing the House, that the act to incorporate the Town of Shelbyville, and granting further powers to the Corporations of San Augustine and Nacogdoches, had passed that House, with amendments; and that they had appointed a Committee of Conference to act with a committee of this, on the amendment to the bill regulating Elections.

Mr. Branch moved to adopt the bill as amended, by the committee of the whole.

On motion of Mr. Branch, the committee rose, reported the bill as adopted, and asked leave to be discharged from the further consideration of the same: granted.

Mr. Jones, Chairman of the Committee on Enrolled Bills, reported, that they had examined a joint resolution making an appropriation for the use of the hospital, a joint resolution locating, permanently, the Seat of Government, a joint resolution preventing aliens from being appointed to office, and a joint resolution authorizing Wm. G. Cooke to sign the promissory notes of the Government, and find the same correctly enrolled; and that the first joint resolution was presented to the President on the 14th instant, for his signature.

The bill incorporating the town of Shelbyville was taken up, and ordered to lie on the table.

Mr. Gazley asked leave to introduce a bill for the relief of Col. Neil: read the first time, and referred to the Committee on Claims and Accounts.

On motion of Mr. Jack, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill incorporating the Houston, Brazos, and Colorado Railroad Company was taken up; and, on motion of Mr. Jones, of Brazoria, was referred to the Committee on Post-office and Post-roads.

On motion of Mr. Rusk, the resolution calling on the Secretary of State for information, relative to the boundary lines between this and the United States' Government, was rescinded.

The land bill was taken up on its second reading.

Mr. Walker moved to refer it to a Select Committee of Three, to be chosen by ballot; and, after considerable debate, the Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Baker, Branch, Douglass, Gazley, Gant, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Linn, Meniffee, McKinney, Patton, Pierpont, Ponton, Rusk, Walker, and Tarrant—18.

NOES—Messrs. Spenker, Burleson, Clarke, English, Grigsby, Jack, Lumpkin, Lewis, Sutherland, and Thompson—10.

The House then proceeded to ballot for the committee: Messrs. Jones, of Brazoria, and Jack were appointed tellers. On the ballot being counted, it appeared that Mr. Rusk had 19, Mr. Jones, of Brazoria, 19, Mr. Meniffee 7, Mr. Gazley 7, and a number scattering, 15 being necessary to elect, Mr. Rusk and Mr. Jones, of Brazoria, were declared elected.

The House then proceeded to elect one of the Committee. Mr. Thompson received 6 votes, Mr. Jones, of Austin, 7, Mr. Meniffee 5, scattering 10.

No one receiving the number requisite to a choice, the ballots were prepared again, when it appeared, Mr.

Branch had 10 votes, Mr. Jones, of Austin, 9, Mr. Menifee 6, scattering 3.

No one receiving the number requisite, they proceeded to ballot the fourth time, when Mr. Branch received 15 votes, Mr. Jones, of Austin, 7, scattering 6: Mr. Branch was declared duly elected.

Resolution offered by Mr. Thompson.

Resolved, That the Senate be requested to appoint a committee to confer with the committee elected by this House, on the land bill: adopted.

Mr. Jones, of Brazoria, presented a memorial of members engaged in the storming of Bexar, and the battle of San Jacinto: ordered to lie on the table.

On motion of Mr. Thompson, the House adjourned till 10 o'clock, to-morrow.

THURSDAY, OCT. 19, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jack presented a petition of H. C. Hudson: referred to the Committee on Claims and Accounts.

Mr. Douglass, Chairman of the Committee on Claims and Accounts, to whom was referred a bill for the relief of Col. Neil, reported by a bill for the relief of persons wounded, &c., in the service of Texas: read the first time.

The joint resolution in regard to granting letters of marque and reprisal was taken up, and read the second time, and made the order of the day for to-morrow.

The joint resolution for taking the census of the Republic was taken up, and read a second time.

On motion of Mr. McKinney, the House took a recess of one hour: at 11 o'clock they again met. The roll being called,

Mr. Pierpont offered the following resolution:

Resolved, That the door-keeper be instructed to have the plastering over head, in the Hall, all taken off, believing it to be bad work, and unsafe to sit under: adopted.

On motion of Mr. Thompson, the House adjourned till 10 o'clock, to-morrow morning.

FRIDAY, OCTOBER 20, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jack presented a petition from John Selden, relative to his contract for carrying the mail: referred to the Committee on Post-office and Post-roads.

Mr. Gant presented a petition from S. S. Curtis, praying indemnification for horses furnished the Government: referred to the Committee on Military Affairs:

Mr. Gazley, Chairman of the Committee on Post-office and Post-roads, to whom was referred a bill incorporating the Houston, Brazos, and Colorado Rail-road Company, reported, that they have had the same under consideration, and think there are no amendments necessary, save the addition of a section requiring the said company to commence operations in eighteen months from the passage of this act; and to complete the road as far as the Brazos, in five years; and should they fail to do so, forfeit their charter: ordered to lie on the table.

Mr. Jones, Chairman of the Committee on Ways and Means, to whom was referred the communications of the Secretary of the Treasury, reported by two bills: read the first time. Ordered to lie on the table.

Mr. Sutherland, Chairman of the joint committee, to whom was referred the bill regulating elections, reported, that the House should adhere to the disagreement to the amendments of the Senate: concurred in.

Mr. Gant offered the following resolution:

Resolved, That the Auditor of Public Accounts be authorized to draw on the contingent fund of the House of Representatives, for the sum of one hundred and sixty-two dollars, in favor of W. S. Hendricks, for extra services as door-keeper to the House of Representatives of the first Congress: *provided*, it shall appear from the records of the Auditor's Office, that the same has not been paid: adopted.

Mr. Rusk presented a petition from Captain Henry, of the schooner San Jacinto: referred to the Committee on Claims and Accounts.

Mr. Branch asked leave to introduce a bill, entitled, "An Act to provide for auditing the Contingent Expenses of both Houses of Congress:" read the first time.

A communication was read from the Auditor, in answer to a resolution, calling on him for information relating to the late President's Private Secretary: referred to the Select Committee, to whom was referred the claim of John Buchanan.

The joint resolution authorizing the Commissioner of the General Land-Office to send for papers, &c., was taken up and read a second time, and made the order of the day for to-morrow.

The joint resolution for taking the census of the Republic was taken up: read the second time.

On motion of Mr. Hardiman, "two" citizens in each county was stricken out, and "one" inserted. It was then, on motion of Mr. Tompson, referred to a Select Committee of Three: Messrs. Thompson, Menifee and Lumpkin were appointed said committee.

The joint resolution in regard to granting letters of marque and reprisal was taken up, and read the third time, and passed.

The bill incorporating the town of Shelbyville was taken up, and the amendments made by the Senate disagreed to.

The bill relative to the compensation of the soldiers engaged in the battle of San Antonio and San Jacinto was taken up, and made the special order of the day for to-morrow.

A message was received from the Senate, informing the House, that they had disagreed to the joint resolution appointing a committee to confer with the committee elected by the House, on the land bill.

The bill granting pensions to persons wounded in the service of Texas was taken up: read a second time, and referred to the Committee on Military Affairs.

A communication was received from the Auditor; and, on motion of Mr. Jones, of Brazoria, was referred to a Committee on the same Department.

The report of the Committee on the Tariff Laws was taken up, and referred to the Committee on Ways and Means.

On motion of Mr. Burleson, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Jones, of Brazoria, moved to have one hundred copies of the report of the Committee on Ways and Means printed for the use of this House: adopted.

Mr. Gant asked leave to introduce a bill, prescribing the proof necessary to admit deeds, conveyances, liens, &c., to record: referred to the Committee on the Judiciary.

On motion of Mr. Gant, the resolution authorizing the Auditor to audit the account of W. S. Hendricks was reconsidered.

Mr. Jack offered as a substitute, a joint resolution: read the first time: the rule being suspended, it was read a second and third time; and the Ayes and Noes being called for, on its final passage, the vote stood thus:

AYES—Messrs. Speaker, Burleson, Billingsly, Clark, Douglass, English, Grigsby, Gant, Hardiman, Jones, of Brazoria; Jack, Jones, of Austin; Linn, Lumpkin, McKinney, Pierpont, Ponton, Rusk, Thompson and Tarrant—20.

NOES—Messrs. Menifée and Sutherland—2.

On motion of Mr. Rusk, the House adjourned till 10 o'clock, to-morrow.

SATURDAY, OCT. 21, 1937.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Rusk presented a petition from George Gillespie, praying for assistance: referred to the Committee on Military Affairs.

Mr. Thompson, Chairman of the Committee to whom was referred the joint resolution for taking the census of the Republic, reported by bill: read the first time.

Mr. Branch offered the following resolution:

Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the two Houses adjourn this evening at 3 o'clock, until the regular session: ordered to lie on the table.

Mr. Gazley asked leave to introduce a bill relative to the finance and forfeited lands: granted. Read the first time, and referred to the Committee on Public Lands.

Mr. Jones, of Brazoria, presented a memorial from John Turner: referred to the Committee on Privileges and Elections.

The bill authorizing the Commissioner of the General Land-office to send for papers, &c., was taken up: read the third time, and referred to a Select Committee of Three: Messrs. Rusk, Branch, and Jones, of Brazoria, were appointed said committee.

The report of the committee, to whom was referred the bill incorporating the Houston, Brazos, and Colorado Rail-road Company, was taken up.

A message was received from the Senate, informing the House, that they had receded from their amendment to the bill regulating Elections; and that they had appointed Messrs. Horton, Barnett and Burton as a committee on the Texas Rail-road, Navigation and Banking Company.

Mr. Gazley offered the following amendment to the 16th section of the bill, incorporating the Houston, Brazos and Colorado Rail-road Company, providing, that in case of an invasion of the country by the enemy should prevent the Company from proceeding with the work, that so much time as is lost by reason of such invasion, shall be added to the time specified in this section, for the commencement and completion of the road to the Brazos: adopted.

On motion of Mr. McNifee, "eighteen months" was stricken out, for the commencement of the work, and "twelve months" inserted.

On motion of Mr. Gazley, the House adjourned till 10 o'clock, Monday morning.

MONDAY, OCT. 23, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Gazley, Chairman of the Committee on Post-offices and Post-roads, to whom was referred the contract of John Selden for carrying the mail, reported, that there has been no evidence adduced to prove that he has discharged his duty; and recommend his discharge without remuneration, if he has failed in his contract; on the contrary, that should proof be adduced, of his having discharged his duty, then they recommend his being paid; also, recommend an appropriation to the Post-office Department, to a sufficient amount to enable the Postmaster-General to provide for the transportation of the mail to the several post-office establishments throughout the Republic.

A message was received from the Senate, informing the House, that they had passed a joint resolution requiring the Secretary of the Treasury to issue the promissory notes of the Government, and request their concurrence.

Mr. Daniel Rowlett, one of the members elect from the county of Red River, was sworn, and invited to take his seat.

On motion of Mr. Jack, the papers of Mr. Selden were withdrawn.

Mr. Jones, Chairman of the Committee on Privileges and Elections, reported, that they have had the memorial of John Turner under consideration; and that no evidence has been adduced before them, to substantiate the fact of the ineligibility of Mr. Brennan, (the person returned,) to a seat in the House.

Mr. Rusk offered the following resolution:

Resolved, That one of the unoccupied rooms in the wings of the Capitol, be appropriated to the use of the County Court of Harrisburg, during its present term: adopted.

Mr. Rusk presented a communication from the Sec-

retary of War, in answer to a resolution of this House, calling for information relative to the Army: referred to the Committee on Military Affairs.

Mr. Thompson offered the following resolution:

Resolved, That a committee of five be appointed to wait upon the Hon. Alcee Labranche, Minister from the United States, and request him to visit this House, and take a seat within the bar; and that the Speaker nominate some members to address the said Minister, and bid him welcome to our country: adopted.

Mr. Rusk was appointed to address the Minister, and Messrs. Gazley, Thompson, Branch, Jack, and Jones, of Brazoria, were appointed said committee.

Mr. Ponton offered the following resolution:

Resolved, That a committee of three be appointed, to ascertain on what terms Congress are to have the Capitol for the next session of Congress; and what they are charging at present for the use of said building: adopted. Messrs. Patton, Hardiman and Baker were appointed said committee.

Mr. Burleson introduced a bill, requiring the Commissioner-General to furnish certified copies of records, &c.: read the first time.

Mr. Billingsly asked leave to introduce a bill, establishing a rate of interest: read the first time and referred to a Select Committee of three: Messrs. Baker, Jack and Thompson were appointed said committee.

Mr. Patton offered the following resolution:

Resolved, That a committee of five be appointed to revise the Tariff, and report by bill or otherwise: adopted. Messrs. Patton, Pierpont, Douglass, Jones, of Austin, and Burleson were appointed said Committee.

The joint Resolution for auditing the Contingent Expenses of both Houses of Congress was taken up: read a second time,

Mr. Branch offered an amendment, so as to draw on the Contingent Fund of both Houses of Congress, for the amount.

Mr. Jones, of Brazoria, offered the following additional Section:

Be it further enacted, That two thousand dollars be, and the same is hereby appropriated, to defray the con-

tingent expenses of both Houses of Congress: ordered to be engrossed for a third reading.

A message was received from the Senate, requesting the House to appoint a committee, to act in conjunction with a committee on the part of the Senate, for receiving, in a proper manner, the Hon. A. Labranche, Charge d'Affaires from the United States of the North, near this Republic.

On motion of Mr. Rusk, the vote was reconsidered, on the resolution, appointing a committee to wait upon the Hon. A. Labranche.

On motion of Mr. Jack, the message from the Senate was concurred in; and a joint committee, composed of Messrs. Gazley, Thompson and Branch, were appointed.

The bill for taking the census of the Republic was read a second time.

Mr. Thompson moved to amend it, so as to make a separate column for Spaniards and descendants of Spaniards: adopted.

On motion of Mr. Jones, of Austin, the first section was amended, so as to require the Chief Justice to give not less than twenty nor more than forty days' notice; and "twenty days" was stricken out, in the 4th section, and "sixty days" inserted.

A message was received from the Senate, informing the House, that they had passed an act supplementary to an act entitled, "An Act to exclude Aliens from holding office.

On motion of Mr. Gazley, the House adjourned till 10 o'clock, to-morrow.

TUESDAY, OCT. 24, 1837.

The House met pursuant to adjournment.

Mr. Gazley moved to suspend the reading of the journal; and, as Chairman of the Joint Committee to wait upon the Hon. A. Labranche, made the following report:

To the Speaker and Gentlemen of the House of Representatives:

The Special Committee, appointed to make arrangements for the reception of the Hon. Alcee Labranche,

Charge d'Affaires of the United States of North America, respectfully report: that they have, in conjunction with the committee on the part of the Senate, chosen the Hon. Wm. H. Wharton to deliver an appropriate address. The Joint Committee have also waited upon the Hon. A. Labranche, and presented him a communication in substance as follows:

To the Hon. Mr. Labranche, Charge d' Affaires, &c.:

Sir: We are a committee, appointed by the Senate and House of Representatives, to welcome you as a diplomatic agent of the Government of the United States of North America, to the shores of our adopted country.

Your presence at this place, in your representative capacity, before time has completed the second anniversary of our national existence, is an event so novel, that while it excites emotions of pleasure, and awakens a lively sense of gratitude towards the government of our nativity, it also induces a retrospective inquiry in our history.

We emigrated to Texas at a time when Mexico was composed of confederated States, with a constitution and laws promising security to the colonists in the enjoyment of personal as well as national rights; with a tacit condition, that the same Republican Government should continue its operations unchanged. Lured by the hopeful prospect, we became engaged in avocations to which we had been accustomed, unconscious of approaching dangers, when suddenly, internal commotions began to agitate the Republic of Mexico; and finally revolutions succeeded, by which the Government was subverted, and a military despotism attempted to be substituted. Expostulations with the enemy were ineffectual, negotiations were rejected, and an appeal to arms in self-defence was made compulsory, by an actual invasion by the foe. In the deadly conflict that succeeded, while the dark cloud of adversity and desolation rose upon our western borders, the patriots of our native country advanced to our standard, success crowned our efforts, and Texas assumed the attitude of a sovereign and independent nation.

The United States of North America elevated our position, by an early recognition of our independence. The impressions made doubly interesting by the arrival of a

national representative from our parent country, and the high regard this nation entertains for the Government you represent, has induced Congress to appoint this committee to invite the attendance of your Honor, to the Capitol, to-morrow at 12 o'clock, M., when both Houses of Congress will be convened for your reception.

The committee having received the assent of the Hon. A. Labranche to the arrangements proposed, proceeded to invite his Excellency the President, and the several members of the Cabinet, to attend at the Capitol on the 24th day of October, at 12 o'clock, M., to greet the first diplomatic agent of another nation to the Republic of Texas: concurred in.

Mr. Gazley offered the following resolution:

Resolved, That a committee of three be appointed to wait upon the Senate, and invite their attendance at the Representative Hall, at 11 o'clock, A. M., to receive the Hon. Mr. Labranche, Charge d'Affaires from the United States of North America.

Mr. Rusk offered a joint resolution, inviting the Senate to convene in the Hall of the House of Representatives, for electing Commissioners to select a site for the permanent location of the Seat of Government: ordered to lie on the table.

Mr. Jones, of Brazoria, moved to proceed to the business of the day.

The journal being read,

Mr. Burleson offered the following resolution:

Resolved, That the printer be required to furnish fifty copies of the original land bill, passed 22nd December, 1836, at the earliest possible hour, for the use of this House: adopted.

Mr. Jones, of Brazoria, offered the following resolution:

Resolved, That the Door-keeper be directed to proceed and place a stove in the Representative Hall: adopted.

On motion of Mr. Billingsly, Messrs. M'Kinney and Rowlett were added to the committee, to whom was referred a bill for laying off a road from the town of Mina to the county of Red River.

The joint resolution for electing the Commissioners for locating the Seat of Government was taken up, and passed.

A message was received from the Senate, informing the House, that they had passed "A Joint Resolution to suspend an Act for direct taxation," and request the concurrence of the House; and that they had concurred in "A Joint Resolution making an allowance to W. S. Hendrick;" also, the report of the committee for receiving the Hon. A. Labranche.

A message was received from the Senate informing the House, that they had accepted the invitation, and would attend at 11 o'clock.

The bill for auditing the contingent expenses of both Houses of Congress was taken up, and ordered to lie on the table for the present.

A message was received from the Senate, informing the House, that they had concurred in the resolution inviting them to attend in the Representative Hall, to elect Commissioners.

On examining the resolution, it appeared that the Senate had amended the resolution, which was not reported by the Secretary.

It was then moved, that the Secretary be requested to correct his report, and that the House concur in the amendment.

The bill for auditing the contingent expenses of both Houses of Congress, and making an appropriation therefor, was taken up: read the third time and passed.

An act supplementary to an act, entitled, "An Act to exclude aliens from holding office," was read the first time, and indefinitely postponed.

The joint resolution requiring the Secretary of the Treasury to sign the promissory notes of the Government was read the first time, and ordered to lie on the table.

The bill for taking the census of the Republic was taken up: read a second time; and, after some amendments being made,

On motion of Mr. Hardiman, the House took a recess of fifteen minutes.

The House met pursuant to adjournment.

The roll being called,

A message was received from the Senate, informing the House, that they only waited an intimation of the hour to attend.

The committee appointed to discharge that duty, informed the Senate, that they were now prepared to receive them; and they appeared in the Hall.

Mr. Rusk moved, that the committee inform the Hon. Mr. Labranche, that the two Houses of Congress are now ready to receive him.

Mr. Rusk moved, that a committee of three be appointed, to prepare seats for the reception of the Hon. Charge d'Affaires: Messrs. Rusk, Billingsly and Burleson were appointed said committee.

The arrival of the Hon. Charge d'Affaires being announced, Mr. Wharton proceeded to welcome his arrival in this country; and was replied to by the Hon. Charge d'Affaires.

On motion of Mr. Rusk, a joint committee of two were appointed, to wait upon the Hon. Charge d'Affaires and the Hon. Senator, for copies of their address for publication: Messrs. Rusk and Jack were appointed said committee.

On motion of Mr. Jack, the House adjourned till 3 o'clock, to-morrow.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Branch moved, that a committee of three be appointed to inform the Senate, that the House is now ready to receive them for the purpose of electing Commissioners to select a site for the permanent location of the Seat of Government: Messrs. Branch, Thompson and Clark were appointed said committee.

Mr. Patton, chairman of the committee that was appointed to ascertain on what terms Congress occupied the Capitol, reported: that the agent of the Town Company left it discretionary with Congress; and request that a Joint Committee should be appointed, with power to fix the terms: concurred in; and Messrs. Patton, Rusk and Sutherland were appointed said committee.

The bill giving instructions to the Commissioner-General was taken up, and ordered to lie on the table.

The Senate convened in the House; and they proceeded to elect, by joint vote of both Houses, five Commissioners, to select a site for permanently locating the Seat of Government.

The ballot being taken, Mr. Greer had 25 votes, Mr. McGeehee 24, Hr. Burton 20, and a number scattering: 20 votes being necessary to a choice, the above named persons were declared elected. They proceeded to ballot for two others, and Mr. Scherlock being the only candidate who received the number of votes necessary to elect, was declared elected. The ballot was taken a third time. Mr. Chrissman received 23 votes, Lemoin 12, scattering 3: Mr. Chrissman was declared elected.

The election being over, the members of the Senate withdrew; and.

On motion of Mr. Thompson, the House adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY, OCT. 25, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Rowlett presented a petition from sundry citizens of Red River County, praying for a new county: referred to the Committee on County Boundaries.

Mr. Douglass asked leave to introduce a bill relating to finance, and for establishing a circulating medium: read the first time, and ordered to lie on the table.

Mr. Jack, Chairman of the Committee on the Judiciary, reported a bill, to be entitled, "An Act to amend an Act entitled, 'An Act regulating proceedings before Justices of the Peace, passed 22d December, 1836:'" read the first time.

Mr. Jones, of Brazoria, introduced a bill making audited drafts, &c., recoverable, for lots in the Town Site for the Seat of Government; and for forfeited lands: read the first time.

The joint resolution from the Senate, to suspend an act for direct taxation was taken up: read the first time, and ordered to lie on the table.

The joint resolution from the Senate, requiring the Secretary of the Treasury to issue the promissory notes of the Government was taken up: read the second time.

On motion of Mr. Branch, the words "Secretary of

the Treasury" was stricken out of the eighth line, and "Congress" inserted.

It was then moved that the proviso be stricken out; and, after considerable debate, the Ayes and Noes were called for, and the vote stood thus:

AYES—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Douglass, English, Gazley, Grigsby, Hardman, Hill, Jones, of Brazoria; Jones, of Austin; Jack, Linn, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Howlett, Sutherland, Thompson, Tarrant and Walker—26.

NOES—Messrs. Clark and Lumpkin—2.

Mr. Rusk then offered a proviso in place of the one stricken out; which, together with the joint resolution, was ordered to lie on the table.

Mr. Rusk, from the committee appointed to wait upon the Hon. A. Labranche and W. H. Wharton for their addresses, asked and obtained leave of absence to perform that duty.

The message annexed was received, and read, from the President, returning a joint resolution, requiring the Secretary of War to execute certain duties, with his veto.

EXECUTIVE DEPARTMENT, }
Houston, Oct. 24, 1837. }

To the Hon. Congress of the Republic of Texas.

GENTLEMEN:

I have had the pleasure of receiving a joint resolution, requesting the Secretary of War to execute certain duties. This resolution is submitted for the approbation of the Executive. I regret that a sense of duty is the least hesitancy on the part of the Executive, to yield his sanction to it.

It was supplemental to a General Land Bill, which, by its own provisions, was rendered inoperative, for a certain time, and subject to a suspension by the action of the Executive. It was not thought to be imperative as to its immediate execution. Had the Executive approved its immediate execution, or the Secretary of War performed it, nothing appeared more ruinous to the country. Our army was numerous; it was destitute of clothing; it was without ten days' provisions: it had not five hundred efficient arms; it was wofully defective in

ammunition—(and I regret to say, that the country is without any at this time :) we had to look abroad for our supplies; general discontent prevailed in the army;

Our only reliance for the remedy of those evils, was upon the scrip which had been sent to agents of this Government in the United States, to be disposed of: unless that scheme should prove successful, the army must remain destitute, which would soon have led to anarchy and its dissolution. Congress had adjourned; the Executive and his advisers had the country to sustain in the emergency; whatever would go to sustain the finance, or resources of the country, it was wisdom and patriotism to promote them.

Under the directions of the Government *ad interim*, the acting Paymaster-General had issued upwards of thirty thousand acres of Land Certificates for discharged soldiers. They immediately sailed for New-Orleans; and, on their arrival there, finding themselves destitute of means, they found persons there always ready to purchase at a great sacrifice. It was sold at twenty cents per acre, and under that price. Speculators soon availed themselves of these facts.

When the scrip of the Government was brought into market at 50 cents per acre, there were always persons who had purchased the soldiers' certificates, for a mere nominal amount, who were prepared to speculate upon it at a price from twenty-five to thirty cents per acre, alleging, that it emanated from the Government; and that it was equally as good as the scrip sent there by the Government. This at once, depreciated the scrip of the Government, and rendered it impossible to vend it for cash, or to purchase supplies for the army, without paying from one to two hundred per cent. advance for them.

Under these circumstances, had no other difficulties presented themselves, it would have been manifest impolicy to have issued the scrip to the soldiers. In auditing their accounts, they have an assurance of what land is due them. No injury can result to the soldier, in not having issued to him, the scrip.

Had the Government recalled all its scrip at the time, it would have obviated one manifest reason for not issuing scrip to soldiers. The danger of depreciating the

scrip of the Government would then have ceased, and the soldiers placed on a more respectable footing.

But there were other difficulties. There was a want of stationery in the country, on which to have printed blank forms. No form was prescribed by the Hon. Congress; and I would respectfully suggest, that much formality should be used in issuing the warrants, whenever it may be proper to do so.

That they should not only be signed by the Secretary of War, they should be countersigned, and great care taken in their completion. If it is not done, the consequence will be, that not only this country, but the United States, will be flooded with counterfeit warrants, purporting to be issued by this Government. This course would be calculated to destroy confidence with those who might be willing to adventure to our country; and instead of their imputing the act to individuals who should become the principals or advisors, or abettors, in this nefarious transaction, the odium would fall upon the citizens of the Republic, as a community, and prejudice our standing as a nation.

I have respectfully presented, cursorily, some of the reasons touching this subject, which appeared entitled to consideration. With great deference to the Hon. Congress, they have appeared sufficient to the Executive to withhold his approbation from the resolution.

(Signed)

SAM HOUSTON.

Mr. Rusk moved to pass the joint resolution vetoed by the President. The Ayes and Noes being taken, the vote stood thus:

Ayes—Messrs. Spcaker, Baker, Branch, Burleson, Billingsly, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Jack, Linn, Lumpkin, Menifée, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson, Tarrant and Walker—29.

Noes—None.

Mr. Patton offered the following resolution:

Resolved, That a committee of three be appointed, to act as a Joint Committee to inquire into the expediency of recalling our agent to the United States to sell land

scrip: adopted. Messrs. Patton, Rusk and Hill were appointed said committee.

Mr. Billingsly offered the following resolution:

Resolved, That the Auditor of Public Accounts be required to inform this House, by what authority he allowed a part of the corps of mounted gunmen one dollar and twenty-five cents per day: adopted. Messrs. Billingsly, Ponton and Walker were appointed a committee to carry this resolution into effect.

The bill for taking the census of the Republic was taken up; and, on its second reading, on motion of Mr. Jones, of Brazoria, the 4th section was so amended as to require the returns to be made to the Chief Justice of the County.

Mr. Rusk moved that the bill be indefinitely postponed.

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Baker, Branch, Billingsly, Douglass, Jack, Menifee, McKinney, Ponton, Patton, Rusk, Sutherland and Walker—12.

NOES—Messrs. Speaker, Burleson, Clark, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Linn, Lumpkin, Pierpont, Rowlett, Thompson and Tarrant—17: motion lost.

Mr. Jack offered the following resolution:

Resolved, That the Door-keeper be required to procure, for the use of the House, a sufficient quantity of chairs for the use of its members: adopted.

On motion of Mr. Thompson, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Jones, Chairman of the Committee on Enrolled Bills, reported: that they have examined the Bill regulating Elections, and find the same correctly enrolled.

The bill for taking the census of the Republic was taken up at the 6th section.

On motion of Mr. Patton, the words Spaniards and descendants of Spaniards was stricken out, in the 7th section. On motion of Mr. Branch, the last line of the same was stricken out.

The word Treasurer was stricken out, in the 9th sec-

tion, and Auditor inserted; and the two last lines of the section were stricken out.

On motion of Mr. Branch, the 7th section was so amended, as to require to be kept in separate columns, all free white persons, male and female, over fifty, between forty and fifty, between thirty and forty, between twenty-one and thirty, between seventeen and twenty-one, between ten and seventeen, and under ten years of age.

On motion of Mr. Baker, the following section was added to the bill:

Be it further enacted, That it shall be the duty of the assessors to take down, in separate columns, all persons belonging to the depopulated counties, and return them as inhabitants of the counties to which they respectively belong.

Ordered to be engrossed.

The bill giving instructions to the Commissioner-General: read the third time, and ordered to lie on the table for the present.

The bill to compensate the soldiers who participated in the battles of San Antonio and San Jacinto was taken up on its second reading.

Mr. Baker moved to indefinitely postpone the bill. The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Baker, English, Jones, of Austin; Lumpkin, McKinney, Thompson and Tarrant—7.

NOES—Messrs. Branch, Burleson, Billingsly, Clark, Douglass, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jack, Linn, Menifee, Patton, Ponton, Rusk, Rowlett and Sutherland—18: lost.

Mr. Thompson moved that the blank in section 1st, be filled with six leagues. The Ayes and Noes being called for, the vote stood thus:

AYES—Mr. Thompson—1.

NOES—Messrs. Baker, Branch, Burleson, Billingsly, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Jack, Linn, Lumpkin, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Tarrant—26: lost.

Mr. Billingsly moved that it be filled with one quarter

of a league. The Ayes and Noes being called for, the vote stood as follows:

AYES—Messrs. Branch, Billingsly, Douglass, English, Grigsby, Hill, Jack, Lumpkin, Patton and Tarrant—10.

NOES—Messrs. Baker, Burleson, Clark, Gazley, Gant, Hardiman, Jones, of Brazoria; Jones, of Austin; Linn, Menifee, M'Kinney, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Thompson—17.

Mr. Patton moved to fill the blank with 640 acres. The Ayes and Noes were called for, and the vote stood as follows:

AYES—Messrs. Branch, Burleson, Billingsly, Clark, Douglass, English, Grigsby, Gant, Hill, Linn, Lumpkin, Patton, Sutherland and Tarrant—14.

NOES—Messrs. Baker, Gazley, Hardiman, Jones, of Brazoria; Jones, of Austin; Jack, Menifee, M'Kinney, Pierpont, Ponton, Rusk, Rowlett and Thompson—13: carried.

Mr. Patton moved to adopt the section as it stood.

Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Branch, Burleson, Billingsly, Clark, English, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jack, Linn, Lumpkin, Menifee, Patton, Pierpont, Rusk, Sutherland and Tarrant—19.

NOES—Messrs. Baker, Gazley, Jones, of Austin; M'Kinney, Ponton, Rowlett and Thompson—7: adopted.

Mr. Patton moved to fill the blank in 2d section, with 640 acres: adopted.

Mr. Hardiman offered the following proviso to the section:

Provided, That no more than 640 acres of land be allowed to any one individual, under the provisions of this act.

The Ayes and Noes were called for, and the vote stood thus:

AYES—Messrs. Baker, Branch, Burleson, Clark, Douglass, Gazley, Grigsby, Hardiman, Jones, of Brazoria; Linn, M'Kinney, Rusk, Pierpont, Rowlett, Sutherland and Tarrant—16.

NOES—Messrs. Billingsly, English, Gant, Hill, Jones, of Austin; Jack, Lumpkin, Menifee, Patton, Ponton, and Thompson—11: adopted.

The Ayes and Noes being called for, on the adoption of the section as amended, the vote stood thus:

AYES—Messrs. Baker, Branch, Burleson, Billingsly, Clark, Douglass, English, Gazley, Grigsby, Hardiman, Hill, Jones, of Brazoria; Linn, Lumpkin, McKinney, Patton, Pierpont, Rusk, Rowlett, Sutherland and Tarrant—21.

NOES—Messrs. Gant, Jones, of Austin; Jack, Menifee, Ponton and Thompson—6: adopted.

On motion of Mr. Branch, the proviso in section 3d was stricken out; and the words "during the lifetime of the individual," was stricken out, and the words, "and liable only for such debt or debts," also stricken out.

The Ayes and Noes being called for, on the adoption of the section as amended, the vote stood thus:

AYES—Messrs. Branch, Burleson, Billingsly Clark, Douglass, English, Grigsby, Gant, Hardiman, Hill, Jones, of Austin; Jack, Lumpkin, Menifee, Patton, Pierpont, Rusk, Rowlett, Sutherland and Walker—20.

NOES—Messrs. Baker, Gazley, Jones, of Brazoria; Linn, McKinney, Ponton; Thompson and Tarrant—8: adopted.

The 4th 5th, 6th and 7th sections were adopted.

On motion of Mr. Gant, the House adjourned till 10 o'clock, to-morrow.

THURSDAY, OCT. 26, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read,

Mr. Jones, of Brazoria, introduced a bill, granting additional powers to the Corporation of Brazoria: read the first time.

Mr. Jack presented a petition from John Sellers and Thomas Robinson, praying for titles to lands which they claim, on Galveston Island: referred to the Committee on the Judiciary.

Mr. Rusk, Chairman of the committee to whom was referred the joint resolution from the Senate, authorizing the Commissioner of the General Land-office to send for papers, &c., reported a substitute to the bill.

Mr. Jack, Chairman of the Judiciary Committee, to

whom was referred a bill to prevent illegal trade with slaves, reported a substitute to the same, to be entitled, "An Act to prohibit trading with slaves, and other purposes:" read the first time.

Mr. Jones, of Brazoria, offered the following preamble and resolution:

Whereas, It appears from the public papers of the United States, that a portion of the citizens of that country are of opinion, that Texas seeks annexation to the United States of the North at the expense of their Union: therefore, be it

Resolved, That this House disclaims such a doctrine, and expressly declares, that no such intention, or wish, exists on the part of the people of this Government: ordered to lie on the table.

The joint resolution from the Senate, requiring the Secretary of the Treasury to sign the promissory notes of the Government was taken up, and ordered to lie on the table.

The joint resolution from the Senate, to suspend an act for direct taxation was taken up, and referred to the Committee on Ways and Means.

The bill, to be entitled, "An Act to amend an Act, entitled, 'An Act regulating proceedings before Justices of the Peace,' passed 22d December, 1836," was taken up, and read the second time.

Mr. Gant offered an amendment, that the Attorney's tax-fee now allowed by law, upon each case continued in a County, a District Court, be, and the same shall be hereafter discontinued. The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Gant, Hardiman, Patton and Walker.

NOES—Messrs. Speaker, Branch, Baker, Billingsly, Clark, English, Gazley, Grigsby, Hill, Jones, of Austin; Jack, Linn, Lumpkin, Menifee, M'Kinney, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Thompson—21: lost.

Mr. Brennan, the member elected from San Patricio, was sworn into office and took his seat.

The bill reported as a substitute by Mr. Rusk, as Chairman of the Select Committee, was taken up on its second reading; and, after an amendment offered by Mr. Gazley, to the 1st section, so as to require persons

to deliver the archives at the Seat of Government of the Republic of Texas, was re-committed to the same committee.

On motion of Mr. Rusk, the House adjourned till 10 o'clock to-morrow.

FRIDAY, OCT. 27, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read,

Mr. Rusk presented a petition from J. W. Burton and A. M. Tomkins, proposing to compile the laws of this Republic: referred to a committee of three. Messrs. Rusk, Rowlett and Brennan were appointed said committee.

Mr. Thompson presented a petition from J. S. Lane, praying a divorce: referred to a committee of three. Messrs. Thompson, Pierpont and Linn were appointed said committee.

Mr. Rowlett moved, that the petition praying for a new county, from the citizens of Red River, be withdrawn from the Committee on County Boundaries, and referred to a Select Committee of Three: Messrs. Rowlett, Tarrant and McKinney were appointed said committee.

Mr. Rusk, Chairman of the Committee to whom was re-committed the bill relating to land titles, records, &c., reported a substitute to the bill.

Mr. Rusk, Chairman of the Committee on the Land Bill, asked and obtained leave of absence for the purpose of attending to the business before that committee.

A message was received from the Senate, informing the House, that the act authorizing the Secretary of War to grant discharges, and require the President to issue his proclamation, calling into service, all the officers and soldiers on furlough, had passed that House, with amendments.

The bill relating to the Finance, &c., was taken up: read a second time, and ordered to lie on the table.

The act authorizing the Secretary of War to grant discharges, &c., was taken up, and the amendment of the Senate agreed to; and ordered to be enrolled.

Mr. Billingsly introduced a bill, incorporating the town of Mina: read the first time.

The bill relating to Finance was taken up in Committee of the Whole, Mr. Gazley in the Chair.

A message was received from the Senate, informing the House, that they had passed an act authorizing an appropriation for the Post-office Department; also, a resolution appointing an Overseer for taking care of the Capitol; that they had receded from their amendment to the bill incorporating the town of Shelbyville, and granting further powers to other Corporations; and that they had concurred in a resolution appointing a committee to fix the rent of the Capitol; and had appointed, as a committee on the part of the Senate, Messrs. Horton, Rains and Dunn.

A message was received from the Senate, informing the House, that the joint resolution requiring the Secretary of War to execute certain duties, which was vetoed by the President, had passed that House unanimously.

On motion of Mr. Jack, the committee rose, reported the bill as amended in Committee of the Whole, and asked leave to be discharged from further consideration of the same.

The bill relating to Finance was taken up on its second reading.

Mr. Jack moved that fifty copies be printed for the use of this House: adopted; and, on motion of Mr. Thompson, it was made the order of the day for Monday next.

Mr. Sutherland introduced a bill relating to persons who have illegally deprived individuals of their property.

Mr. Burlison introduced a bill relative to certain forfeited lands: referred to a committee of three: Messrs. Rusk, Branch, Jones, of Brazoria, were appointed said committee.

On motion of Mr. Thompson the House adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Patton offered the following resolution:

Resolved, That a committee of three be appointed to

inquire into the situation of the Surgeon General's Department: adopted; Messrs. Patton, Ponton, and Jones, of Austin, were appointed said committee.

The bill regulating proceedings before justices of the peace was taken up: read third time and passed; and the title is an act regulating proceedings before Justices of the Peace.

The bill requiring persons to deliver up the archives of the Land Offices, &c. substituted by the Select Committee, to whom was referred a similar bill, was taken up on its second reading.

Mr. Menifee moved to amend the 5th section so as not to require the Secretary of State, to transmit copies to the Chief Justices of the County Courts. The Ayes and Noes being called for, the vote stood thus;

Ayes—Messrs. Speaker, Baker, Douglass, Gant, Menifee, Thompson—6.

Noes—Messrs. Branch, Burlison, Billingsby, Brennan, English, Gazley, Hardiman, Hill, Jones, of Brazoria, Jones, of Austin, Jack, Linn, M'Kinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Tarrant, Walker—22: lost. Ordered to be engrossed for a third reading.

The bill for taking the Census of the Republic was taken up on its third reading, and read by its title. The ayes and noes being called for the vote stood thus;

Ayes—Messrs. Speaker, Burlison, Clark, Douglass, English, Hill, Jones, of Brazoria, Jones, of Austin, Rowlett, Thompson, Tarrant—11.

Noes—Messrs. Baker, Branch, Billingsby, Hardiman, Jack, Linn, Menifee, M'Kinney, Patton, Pierpont, Ponton, Rusk, Sutherland, Walker,—14: lost.

The bill for compensating the soldiers of San Jacinto and San Antonio, was taken up on its second reading: on motion of Mr. Rusk, the vote was reconsidered giving 640 aye.

Mr. Branch moved to fill the blank with 960. The ayes and noes being called for, the vote stood thus;

Ayes—Messrs. Branch, Burlison, Billingsby, Brennan, Douglass, Gant, Hill—7.

Noes—Messrs. Speaker, Baker, Clark, English, Gazley, Hardiman, Jones, of Brazoria, Jones of Austin, Linn, Menifee, M'Kinney, Patton, Pierpont, Ponton,

Rusk, Rowlett, Sutherland, Tarrant, Walker—19: lost.

Mr. Grant moved that the blank be filled with 640 acres. The ayes and noes being called for, the vote stood thus;

Ayes—Messrs. Spraker, Branch, Burlison, Billingsly, Douglass, English, Gunt, Hill, Walker—9.

Noes—Messrs. Baker, Clark, Gazley, Hardiman, Jones, of Brazoria, Jones of Austin, Linn, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Tarrant—16: lost.

Mr. Jones of Brazoria moved to fill the blank with 320 acres; adopted.

Mr. Jones, of Austin, presented some additional sections to the bill.

On motion of Mr. Gazley, the House adjourned to 10 o'clock to-morrow.

SATURDAY, OCT. 28, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Rusk, Chairman of the Select Committee, to whom was referred the Land Bill, reported a substitute.

Mr. Rowlett, Chairman of the Select Committee to whom was referred the petition of sundry citizens of the County of Red River, praying for a new county, reported by bill; read first time.

Mr. Thompson, Chairman of the Committee to whom was referred the petition of J. S. Lane, praying a divorce, reported by bill; read first time.

Mr. Billingsby offered the following resolution:

Resolved, That the Secretary of War be requested to deliver to this House, a copy of the report of the former Quarter Master General; adopted.

Mr. Branch offered the following: as the 14th rule of this house, no smoking shall be allowed in the hall of the House of Representatives, during the time the House is in session; adopted.

The substitute to the Land Bill was taken up; read a second time, and on motion of Mr. Baker, one hundred copies were ordered to be printed, and made the order of the day for Tuesday next.

On motion of Mr. Rusk, the House adjourned to 10 o'clock Monday morning.

TUESDAY, OCT. 30, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read, Mr. Douglass offered the following resolution;

Resolved, That a committee of three be appointed to investigate the official conduct of the Secretary of the Treasury, in relation to the subject of issuing the promissory notes of the Government; and the law authorizing the funding of the public debt; and the report thereon; adopted. Messrs. Douglass, Menifee, and Branch were appointed said committee.

On motion of Mr. Thompson, the House went into a committee of the whole. Mr. Rusk in the chair.

On the Bill relating to Finance, &c. a message was received from the Senate, informing the House, that they had concurred in an act, which originated in this House, to provide for auditing contingent expenses of both Houses of Congress, and making an appropriation therefor.

On motion of Mr. Gazley, the committee rose and reported the bill as amended, and asked leave to be discharged. Granted.

Mr. Patton moved that the bill be indefinitely postponed. The Ayes and Noes being called for the vote stood thus:

Ayes—Messrs. Baker, Branch, Gazley, Hill, Jones, of Brazoria, Jones of Austin, Patton—7.

Noes—Messrs. Speaker, Burlison, Brenan, Clark, Douglass, English, Grigsby, Gant, Hardiman, Linn, Lumpkin, Menifee, McKinney, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson, Walker: 20; lost.

A message was received from the Senate, informing the House, that a joint resolution for selecting a seat of justice for the county of Brazoria, had passed that House, and request their concurrence.

The Bill relating to Finance was, on motion of Mr. Rusk, ordered to lie on the table.

The bill incorporating the Houston, Brazos, and Co-

lorado Rail Road Company was taken up on its second reading. Mr. Jones of Austin, offered the following section, which being amended by Mr. Jack, was adopted.

And be it further enacted, that nothing herein contained shall be so construed as to prevent any county, or neighborhood road, crossing said road. *Provided* said crossing does not impede the progress of said rail road.

On motion of Mr. Rusk, the bill was ordered to be engrossed for a third reading. Mr. Rusk offered the following resolution:

Resolved, That a committee of three be appointed to confer with the proprietors of the House at present occupied by the President, and make arrangements for its completion; and if necessary to draw upon the Treasury for an amount equal to the object adopted. And Messrs. Rusk, Hardiman and Baker were appointed said committee.

On motion of Mr. Menifée, the House adjourned till 3 o'clock, P. M.

MONDAY, 3 THREE O'CLOCK P. M.

The House met pursuant to adjournment.

A communication was read from the auditor in answer to an inquiry of the House, why he allowed a portion of the Rangers \$1 25 a day; referred to a select committee of five. Messrs. Branch, Billingsly, Brenan, Ponton, and Walker, were appointed said committee.

A message was received from the Senate informing the House that they had passed a joint resolution appointing an agent to procure vessels for the navy.

A communication was read from the Auditor relative to the claim of Capt. Zambrano: referred to a committee on claims and accounts.

The bill authorizing an appropriation for the Post Office Department from the Senate, was taken up, read first time, and referred to a select committee of three. Messrs. Menifée, Branch, and Sutherland were appointed said committee.

Mr. Jack introduced a bill for convening the District Court of the County of Brazoria in January next, was taken up and read first time.

The joint resolution from the Senate for holding an election to fix the seat of justice for the county of Brazoria was taken up and read first time.

Mr. Jones moved to suspend the rule, and the resolution was read second time.

On motion of Mr. Rusk, the rule was further suspended, and the resolution read the third time, and passed.

The joint resolution from the Senate, appointing an agent to procure vessels for the Navy, was taken up: read the first time.

On motion of Mr. Jones, of Brazoria, the bill incorporating the town of Brazoria was taken up: read a second time and amended, so as to embrace only the town of Brazoria, and ordered to be engrossed.

The bill relative to the Archives, &c., was taken up on its third reading, and passed.

The bill to divorce J. S. Lane and his wife was taken up on its second reading.

Mr. Branch moved it be indefinitely postponed. The Ayes and Noes being called for, the vote stood thus:

Ayes—Messrs. Baker, Branch, Grigsby, Gant, Jones, of Brazoria; Jack, Menifee McKinney, and Sutherland.

Noes—Messrs. Speaker, Burleson, Brenan Clark, Douglass, English, Hardiman, Jones, of Austin; Linn, Lumpkin, Patton, Ponton, Rusk, Rowlett, Thompson and Walker—16: lost.

On motion of Mr. Jones, of Brazoria, the House adjourned till 10 o'clock, to-morrow morning.

TUESDAY, OCT. 31, 1837

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Menifee, Chairman of the Select Committee, to whom was referred an act making an appropriation to the Post-office Department, reported, that they were fully satisfied of the necessity of the appropriation, and

beg leave, most respectfully, to recommend the passage of the bill without amendment.

On motion of Mr. Gazley, the report was concurred in.

Mr. Baker, Chairman of the Select Committee, to whom was referred an act establishing a rate of interest, reported a substitute to the bill: concurred in.

The bill to divorce John S. Lane was taken up on its third reading. The Ayes and Noes being called for, on its final passage, the vote stood thus:

AYES—Messrs. Clark, Douglass, English, Gazley, Lumpkin, Patton, Rusk, Rowlett, Thompson and Walker—10.

NOES—Messrs. Baker, Branch, Burleson, Billingsly, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Jack, Linn, Menifce, Picrpont, Ponton and Sutherland—11: lost.

The joint resolution from the Senate, appointing an agent to procure vessels for the Navy, was read a second time; and, on motion of Mr. Jones, of Brazoria, referred to the Committee on Naval Affairs.

An act creating the county of Independence was taken up on its second reading.

Mr. Rowlett offered an additional section, which was adopted.

On motion of Mr. Jack, the word "Independence" was stricken out, and "Fannin" inserted.

On motion of Mr. Rusk, the bill was referred to the Committee on County Boundaries.

An act incorporating the town of Mina was taken up.

On motion of Mr. Billingsly, ordered to lie on the table.

An act to prohibit unlawful trafficking in slaves, and for other purposes, was taken up on its second reading.

On motion of Mr. Branch, one of the blanks in section 4th was filled with not less than twenty-five, nor more than one hundred dollars.

On motion of Mr. Rusk, the bill was re-committed to the Judiciary Committee.

An act to incorporate the town of Brazoria was taken up on its third reading.

On motion of Mr. Rusk, the 58th rule of the House was suspended, and an additional section adopted, including the towns of Nacogdoches and San Felipe de Austin. The vote being taken on its final passage, the bill passed:

and the title is, "An Act to incorporate the Towns of Brazoria, Nacogdoches, and San Felipe de Austin."

Mr. Rusk offered the following resolution:

Resolved, That the rule of this House prohibiting the amendment of a bill on its third reading, be, and the same is hereby rescinded: read the first time.

The joint resolution for appointing an overseer or house-keeper, was taken up: read the first time.

The bill relating to the compensation of the soldiers engaged in the battles of San Jacinto and San Antonio was taken up; and,

On motion of Mr. Rusk, the House went into a Committee of the Whole, Mr. Jack in the Chair.

On motion of Mr. Rusk, the committee rose, reported the bill as amended in Committee of the Whole, and asked leave to be discharged from the further consideration of the same.

A message was received from the Senate, informing the House, that they had passed an act creating the County of Robertson, and request their concurrence; and that they had concurred in an act regulating proceedings before Justices of the Peace.

On motion of Mr. Douglass, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The following communication was received from the Secretary of War, and referred to the Committee on Military Affairs:

"In compliance with a resolution of the House of Representatives, I have the honor of furnishing the material facts, as extracted from the late Quarter-Master-General's report to this Department.

"The public property in every direction, and almost of every description, has been much wasted. Many of the public horses have been loaned to officers of the line; and soldiers have been entrusted with, and in most cases, have sold them.

There is nothing more common than to see citizens riding horses and mules with the public brand; and, on application being made to a Justice of the Peace by a proper officer, it has been decided that the public brand

was not, in itself, sufficient evidence of their being public property. Many of the oxen have been used as beef by citizens and soldiers, and many more branded with citizens' brands. In the town of Bexar, the chief of the inhabitants have subsisted on public beef during the last year: waggons and carts have been scattered in every direction, and some of them sold by the Quarter-Masters of the different posts. Large droves of cattle have been sent from the other side of the Nueces, by citizens not in the employ of the Government, for private use, thereby lessening the means of supplying the army.

Some contracts have been made by the Quarter-Masters of the Army, to drive cattle from the West on shares, for the use of the Army: to what extent, I am unable to say, for want of returns from the different Quarter-Masters, many of whom, have never made a return since I came into office. This, and the general recklessness of the officers of the Army, were among the principal inducements for relinquishing my appointment as Quarter-Master-General.

"As there are but two officers in the Quarter-Master's Department worthy of their station, I would recommend a thorough change.

"In my last order to the Quarter-Master at Bexar, he was authorized to press corn as bread-stuff, as the last alternative; I also made a contract for furnishing one hundred horses for the Cavalry at that post, at twenty dollars each; all of which is respectfully submitted.

(Signed) BARNARD E. BEE."

The bill for compensating the soldiers of San Jacinto and Bexar was taken up on its second reading.

On motion of Mr. Jack, the House adjourned till 10 o'clock, to-morrow.

WEDNESDAY, NOV. 1, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Burleson, Chairman of the Committee on Indian Affairs, reported, that in the Eastern part of the Republic

they find many tribes of Indians resident, some of whom have pretensions more or less to soil, as the Cherokees, Shawnees, and Delawares, but they do not know that any such right has accrued to said Indians.

They recommend towards those tribes, a conciliatory course of policy; and are of opinion, that this course should be carried out by means of Commissioners; and that said Commissioners be authorized to set apart a certain portion of country for the occupancy of said tribes.

They find that there is a flattering prospect of a peace being brought about between the Republic and the hostile tribes which have so long infested our frontiers. These tribes, viz: the Caddoes, Keechie, Tywaccagies, &c., your committee believe, should be inspired with confidence in our Government. They recommend, that Commissioners should be forthwith appointed, to treat with said Indians; and that nothing should be demanded of them, but a restoration of the prisoners, on account of past hostilities. They also recommend, that block and trading houses be established on the frontier, under the direction of the Government, for the purpose of supplying their wants, and opening a channel of commerce for their articles of trade.

They are of opinion, the Comanches on the North-West Frontier should be acted against offensively, always having in view, the seizure of the first opportunity to make with them a lasting peace. They recommend the raising of not less than two companies of volunteers, (mounted men) under the command of an experienced officer, for this purpose.

They are of opinion, that Coffee's trading house should be suppressed, or placed under the surveillance of this Government, believing this establishment to be the cause of so many misfortunes and tragedies enacted on our frontier.

They also recommend that immediate steps should be taken, to release the prisoners that have been taken by the Indians, and that are now in the vicinity of Coffee's trading house, on Red River: concurred in.

Mr. Jones, of Brazoria, introduced a joint resolution for paying officers under the Government *ad interim*: read the first time.

Mr. Rusk moved, that in consequence of the death of Commodore Thomson, the House adjourned till 10 o'clock, to-morrow.

THURSDAY, Nov. 2, 1837.

The House met pursuant to adjournment.

There not being a quorum present, the journal was not read.

On motion of Mr. Rusk, the House adjourned till 2 o'clock, P. M., to attend the funeral of Commodore Thompson.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jones, of Austin, Chairman of the Committee on Naval Affairs, to whom was referred a resolution relative to the appointing of an agent to purchase, or have built, certain vessels for the use of the Republic, reported a substitute: concurred in.

Mr. Menifee presented the returns of an election, held in the town and county of Victoria, for a representative to represent the county of Refugee.

Mr. Baker moved to refer the papers to the Committee on Privileges and Elections.

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Branch, Burleson, Billingsly, Douglass, Galt, Hill, Jones, of Brazoria; Jones, of Austin; Patton, Pierpont and Sutherland—11.

NOES—Messrs. Spenker, Baker, Brenan, Clark, English, Grigsby, Hardiman, Linn, Lumpkin, Menifee, McKinney, Ponton and Rusk—13.

A communication was read from the Auditor, stating that he was out of Stationary, and requesting Congress to adopt some measures to supply him with the same: referred to the Committee on Ways and Means.

The bill making an appropriation for the Post-office Department was taken up: read a second time.

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

Mr. Menifee moved to take up the Finance Bill.

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Speaker, Brennan, Clark, Douglass, English, Gant, Hill, Linn, Menifee and Sutherland—10.

NOES—Messrs. Baker, Branch, Burleson, Billingsly, Grigsby, Hardiman, Jones, of Brazoria: Jones, of Austin; Lumpkin, McKinney, Patton, Pierpont, Ponton, Rusk and Rowlett—15.

The bill for fitting out the Navy was taken up on its third reading. The blank in the third page was filled with 350 dollars.

Mr. Power, the member elect from the county of Refugio, was sworn and took his seat.

On motion of Mr. Brauch, the first section was so amended, as to authorize the President to appoint an agent when, in his discretion, he may think proper: ordered to be engrossed for a third reading.

On motion of Mr. Rusk, the House adjourned till 10 o'clock, to-morrow.

FRIDAY, NOV. 3, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jones, of Austin, presented a petition from sundry citizens of the counties of Harrisburg and Austin, praying for a new county: referred to the Committee on County Boundaries.

Mr. Gant introduced a bill to provide for an increase of the Navy: referred to the Committee on the Judiciary.

Mr. Jones, of Brazoria, introduced a bill, to allow the Secretary of the Treasury to issue promissory notes less than five dollars, as change notes, &c.: read the first time.

Mr. Jones, of Austin, introduced a joint resolution, dispensing with the oath required of soldiers before auditing their claims: read the first time.

The bill relating to the appointing of an agent to procure vessels for this Republic, was taken up: read the third time and passed.

The Land Bill was taken up on its second reading, at the end of the first section.

The words "from the date of his appointment" were added, in the 9th section.

Mr. Gant moved to strike out "joint vote of both Houses of Congress," and insert "the qualified voters."

The Ayes and Noes were called for, and the vote stood thus:

Ayes—Messrs. Speaker, Brennan, Clark, Douglass, English, Gant, Hardiman, Linn, Lumpkin, Menifce, Pierpont, Poyten and Power—12.

Noes—Messrs. Baker, Branch, Burleson, Gazley, Grigsby, Hill, Jones, of Brazoria; Jones, of Austin; Jack, McKinley, Patton, Rusk, Rowlett, Sutherland, Thompson and Walker—11; lost.

Mr. Hardiman moved to strike out "for each county a County Surveyor," and insert "in each surveyor's district a General Surveyor;" lost.

On motion of Mr. Jack, in the third line, after the words county surveyor, "whose duty it shall be to reside at the county seat" was added.

On motion of Mr. Menifce, the words "Chief Justice," in the 13th line, was stricken out, and "Board of Land Commissioners" inserted.

A message was received from the Senate, informing the House, that they had concurred in an act appointing an agent to procure certain vessels for the use of this Republic.

On motion of Mr. Thompson, the words "five per cent," in the 11th section, was stricken out, and "two per cent" inserted. The words "Chief Justice," in the same section, was stricken out, and "County Court" inserted, "or if there be no County Court, the Board of Land Commissioners."

A message was received from the Senate, informing the House, that they had passed a bill concerning the public archives, which originated in this House, with amendments.

In section 13th, the words "at the date of the passage of said law" were stricken out, and "during the time said law was in force" inserted.

In section 14th, "Chief Justice" was stricken out, and "Board of Land Commissioners" inserted.

In the 16th section, from the word "had," in the 10th line, to the word "conclusive" in the 12th, was stricken out.

On motion of Mr. Baker, the House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The Land Bill was taken up at the 18th section.

In section 19th, the word "opening," in the 14th line, was stricken out, and "closing" inserted.

On motion of Mr. Rusk, the following was inserted as the 20th section:

"*And be it further enacted*, That the Commissioner of the General Land Office is hereby authorized to grant to all persons holding an order of survey, legally obtained previous to the closing of the land office in 1835, and having a survey which was made agreeably to said order, and in conformity to law, in all respects, a patent for the same, upon the holder presenting the certificate of some Board of Land Commissioners, that he is entitled to the quantity of land surveyed, and making such proof to him as is required by law; and upon his paying the several fees as the laws require."

Messrs. Ellis and Wharton waited upon and informed the House, that they had been appointed a committee by the Senate to say, that the Senate would adjourn tomorrow at 12 o'clock, *sine die*, and request the concurrence of the House.

Mr. Branch moved that a committee be appointed to act with the Senate, relative to the adjournment of both Houses of Congress: Messrs. Branch and Hill were appointed said committee.

On motion of Mr. Rusk, the words, "and under no circumstances shall any one grant be made in more than two surveys" were added in the 6th line of the 21st section.

On motion of Mr. Thompson, the words "if not to run as circumstances will permit" were stricken out of the same section.

On motion of Mr. Rusk, "head right" was inserted in the 5th line of the 22d section. In the 29th section, the words "declared null and void" were stricken out, and

"repealed" inserted; "*ab initio*" was also stricken out in the same line.

Mr. Rusk moved to add the following amendment to the 29th section:

"And every emigrant who may have arrived in Texas since the 1st day of October last, and who may arrive in this Republic before the 1st day of June next, and who are free white men above the age of eighteen years, shall be entitled to a certificate for a grant of three hundred and twenty acres of land; and also every married man and every widow who has a family, and are like emigrants, shall be entitled to a certificate for a grant of six hundred and forty acres, upon the same conditions as are pointed out in the previous part of this section: *excepting*, that said lands shall not be located until the land-office shall have been open twelve months; and the several Boards of Land Commissioners of this Republic are hereby authorized to grant to the class of emigrants herein provided for, a certificate of their claims, upon their presenting themselves before them, and proving by two witnesses that they are entitled to the amount of land they claim."

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Jones, of Austin; Jack, Lumpkin, Menifee, McKinney, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland, Tarrant and Walker—25.

NOES—Messrs. Hill, Jones, of Brazoria; Linn, Patton and Thompson—5: adopted.

On motion of Mr. Walker, "June" was stricken out, and "October" inserted.

In the 14th line, 32d section, the words "per annum" were added.

In the 34th section, "County Court" was stricken out, and "Board of Land Commissioners" inserted.

On motion of Mr. Rowe, all of the 35th section, from the word "office" in the 9th line, to the word "same" in the 16th line, was stricken out, and the words "which warrant shall be sufficient evidence for any legally authorized surveyor to proceed to survey any vacant lands, in accordance with his instructions, and the laws existing

on that subject, who shall return the field notes to the county surveyor of the county in which the land lies" was inserted.

In the 36th section, 4th line, after the word "land," insert "a part of the land."

In the 37th section, 18th line, the word "tenth" was stricken out, and "fourth" inserted.

On motion of Mr. Jones, of Austin, the following proviso was added to the same section:

"*Provided*, That nothing herein contained shall apply to lands sold by the Government of Coahuila and Texas, in the years 1834 and 1835.

On motion of Mr. Rusk, the House adjourned till 10 o'clock, to-morrow.

SATURDAY, NOV. 4, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jones, of Brazoria, Chairman of the Committee on Enrolled Bills, reported, that they had examined the following bills and joint resolutions, and find them correctly enrolled:

"A joint resolution in regard to granting Letters of Marque and Reprisal."

"A bill entitled, 'An Act regulating Elections.'"

"A joint Resolution making an appropriation to Wm. S. Hendricks."

"A joint resolution authorizing the Secretary of War to grant discharges."

"An act to incorporate the town of Shelbyville."

"An act to provide for auditing the contingent expenses of both Houses of Congress, and making appropriation therefor."

"A joint resolution requiring the Chief Justice of Brazoria to hold an election for the Seat of Justice of that county."

"An act regulating proceedings before Justices of the Peace."

"An act authorizing an appropriation for the Post-office Department."

"An act augmenting the Navy, and making an appropriation therefor."

Mr. Baker, chairman of the committee to whom was referred a bill creating the county of Fannin, on Red River, reported a substitute: read the first time.

Mr. Patton, Chairman of the joint committee appointed to fix the rent of the Capitol, reported the answer of the owners, and begged leave to be discharged: concurred in.

Mr. Jones, of Brazoria, offered the following resolution:

Resolved, That all unfinished business being on the table of the House of Representatives at the close of the present session shall, on the meeting of Congress, again be taken up in the order and progress in which it is left: adopted.

A message was received from the Senate, informing the House, that they had concurred with them in appointing a committee to wait upon his excellency the President, and inform him that both Houses of Congress would adjourn at 12 o'clock, *sine die*.

The Land Bill was taken up at the 39th section.

On motion of Mr. Rowlett, the words "except in the county of Red River" was stricken out, and the following amendment inserted: "*Provided*, however, that the operations of the land office in the county of Red River, shall not extend to any portion of the territory near the supposed boundary line between this and the Government of the United States of the North; *and provided*, further, that if the Government of the United States of the North shall object to or remonstrate against the operations in the land-office of Red River county, that the operations of said land-office shall be suspended until the boundary line between the two Governments shall have been run; and in that event, the citizens of said county of Red River shall have the same time after opening the said office a second time, to locate their land claims, that is herein allowed to the citizens of other counties in this Republic, to the exclusion of all other persons."

On motion of Mr. Jones, of Brazoria, the following amendment was also added:

"*And provided*, also, that should any person obtain a certificate for land, from said board of Land Commis-

sioners for the county of Red River, who, at the date of the passage of this act, shall reside east of the boundary line hereafter to be run between Texas and the United States, said certificate shall be void."

Mr. Gant offered the following amendment to the 29th section, 24th and 25th lines: "So far as they conflict with this law."

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Gant, Patton and Power—3.

NOES—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Clark, Douglass, English, Gazley, Grigsby, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Linn, Lumpkin, Menifee, M'Kinney, Pierpont, Ponton, Rowlett, Sutherland, Thompson, Tarrant and Walker—25.

Mr. Gazley moved to strike out the 36th section.

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Speaker, Baker, Branch, Burleson, Clark, Gazley, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jack, Linn, Menifee, M'Kinney, Ponton, Power, Rowlett and Tarrant—19.

NOES—Messrs. Brennan, Douglass, English, Jones, of Austin; Lumpkin, Patton, Pierpont, Sutherland, Thompson and Walker—10: stricken out.

Mr. Hardiman offered the following additional section:

"*And be it further enacted*, That so much of the county as is intended to be entered by this act, shall be sectionized agreeable to the constitution; and all old surveys, laid down on a general plan, of each surveyor's district, so that citizens of the county can ascertain the vacant from the appropriated lands, previous to the opening of the land-offices.

The Ayes and Noes being called, the vote stood thus:

AYES—Messrs. Gant, Hardiman and Jones, of Austin—3.

NOES—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Clark, Douglass, English, Gazley, Grigsby, Hill, Jones, of Brazoria; Jack, Linn, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Ponton, Power, Rowlett, Sutherland, Thompson, Tarrant and Walker—26: lost.

A message was received from the Senate, informing the House, that they had passed an act supplementary to an act, entitled, "An Act to suppress gambling;" also, "An Act to authorize the Auditor to audit the claims of those officers and soldiers, &c., who fell at San Antonio, &c.," and request the concurrence of the House to the same; and that they had concurred in "An Act to incorporate the town of Brazoria."

Mr. Branch, chairman of the committee appointed to wait upon the President, informed the House that they had discharged that duty, and were informed, that he had no communication to make to the House.

Mr. Jones, of Brazoria, then moved that the House adjourn *sine die*.

JOSEPH ROWE,
Speaker of the House of Representatives.