

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE

## REPUBLIC OF TEXAS:

SECOND CONGRESS—ADJOURNED SESSION.

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

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Houston, 9th April, 1838.

In compliance with a resolution passed during the last session, the house met.

Present, Messrs. Speaker, of San Augustine, Billingsly of Mina, Gazley of Harrisburg, Grigsby of Jefferson, Hardiman of Matagorda, Jones of Brazoria, Lumpkin of Houston, Menifee of Colorado, McKinny of Red River, Pierpont of Shelby, Ponton of Gonzales, Power of Refugio, Sutherland of Jackson, and Thornton of Goliad.

There not being a quorum present, on motion, the house adjourned until to-morrow at 10 o'clock, A. M.

TUESDAY, April 10th, 1838.

The house met pursuant to adjournment.

A prayer was offered by the Rev. Mr. Newell: after which the roll was called, and the following members answered to their names, viz:—Messrs. Speaker, Branch, Billingsly, Brennan, Gazley, Grigsby, Hardiman, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Pierpont, Ponton, Power, Sutherland, Thornton, and Walker.

The honorable Peyton S. Wyatt, a representative from Red River, was then sworn in and took his seat as a member.

There not being a quorum present,

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

WEDNESDAY, April 11th, 1838.

The house met pursuant to adjournment, and was opened by a prayer from the Rev'd. Mr. Newell.

The roll was then called: there not being a quorum present, a motion was made by Mr. Gazley that the house adjourn until to-morrow morning at 10 o'clock, which was lost.

A motion was then made that the house adjourn until three o'clock, P. M., which was carried.

The Speaker then adjourned the house until three o'clock this afternoon.

Wednesday Afternoon, 11th April, 1838.

The house met pursuant to adjournment.

There not being a quorum present:

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

THURSDAY, April 12th, 1838.

The house met pursuant to adjournment, and was opened by a prayer from the Rev'd Mr. Newell.

A quorum being present, the house proceeded to business.

Mr. Timothy Swift appeared and presented a certificate, shewing that he was duly elected a member of this house for the county of Jasper, to fill the vacancy occasioned by the death of the honorable Samuel S. Lewis; he was therefore qualified and took his seat.

Mr. Branch and Mr. Jones, of Austin, having been appointed tellers:

On motion, the house proceeded to elect an assistant clerk.

The following persons were put in nomination: John Fitzgerald, James D. Owen, M. B. Wolf, and — Henderson.

After balloting, the votes stood: for Fitzgerald 2; James D. Owen 20; Henderson 1; Wolf none.

Whereupon, James D. Owen was declared duly elected: was presented, took the oath required by law, and entered upon the duties of the office.

On motion of Mr. Branch, the house proceeded to elect an engrossing clerk.

The following persons were put in nomination: John H. Hurndon and C. H. Gillon.

After balloting, the vote stood: for Hurndon 23, for Gillon none.

Whereupon, John H. Hurndon was duly elected engrossing clerk: was presented, took the oath required by law, and entered on the discharge of the duties of his office.

On motion of Mr. Branch, the house proceeded to the election of a reporter.

Mr. Conway and James W. Simmons were put in nomination.

After balloting, the votes stood: for Mr. Conway 6; for Jas. W. Simmons 17.

Whereupon, James W. Simmons was declared duly elected, was qualified, and entered on the duties of his office.

On motion, the house proceeded to the election of a door-keeper.

The following persons were put in nomination:—Marshal Mann, Mr. Novell, John H. Singleton, Walker Wilson, Chas. Sage, Mr. Hamilton, and Mr. Carter.

After balloting, the vote stood: for Marshal Mann 13; for Novell 1; for Singleton 1; for Wilson 2; for Page 1; for Hamilton 3; for Carter 1.

Whereupon, Marshall Mann was declared duly elected,—was presented, qualified, and entered on the duties of his office.

A message was received from the Senate, informing the house that they had organized and elected the following officers—Mr. S. H. Everett, President *pro tem.*; William Fairfax Gray secretary; Edward H. Winfield, assistant secretary; William P. Brashear, engrossing clerk; Manassah Seevy, enrolling clerk; N. T. Byars, sargeant-at-arms; and W. G. Wilkinson, door-keeper. And also, that they had appointed a committee of three composed of Messrs. Everett, Barnett and Wilson, to wait upon his Excellency the President, and to inform him that the senate was organized and ready to receive any communication he may wish to make, and asked the concurrence of the house.

Mr. Jones, of Brazoria, then offered the following resolution, which was adopted.

*Resolved*, That a committee of three be appointed, to act with the committee appointed by the Senate, to wait on his Excellency the President, and inform him that the two houses of Congress are now organized, and ready to receive any communications he may have to make.

Whereupon, Messrs. Jones, of Brazoria, Branch and Patton were appointed by the chair to form said committee.

On motion of Mr. Jones, of Brazoria, a message was sent to the senate informing them that the house was organized, and that a committee of three were appointed to act in concert with the committee appointed by the senate for that purpose, to wait on his Excellency the President, and inform him that the two houses are organized, and ready to receive any communication he may have to make.

On motion of Mr. Jones of Brazoria, the house adjourned till 3 o'clock P. M.

THURSDAY EVENING, APRIL 12, 1838.

The house met pursuant to adjournment.

Mr. Jones of Brazoria, chairman of the committee appointed to wait on his Excellency the President, reported that the committee had performed that duty, and that the President would meet the two houses at 10 o'clock to-morrow morning.

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

FRIDAY MORNING, APRIL 13, 1838.

The house met pursuant to adjournment, and was opened by prayer from the Rev. Newell.

On motion of Mr. Gazley, a committee of three were appointed to wait upon the senate and inform them that the house was in session and ready to receive them.

The chair appointed Messrs. Gazley, Douglass and Linn to compose said committee.

Mr. Jones, from the committee appointed to wait upon his Excellency the President, reported that the President was too indisposed to meet the two houses at the time appointed, but that he would meet them on to-morrow at half past 11 o'clock A. M.

A motion was made to adjourn till 10 o'clock to-morrow morning, which was lost.

A motion was made for a recess of 15 minutes—lost.

Mr. Jones of Brazeria introduced the following resolution, which was adopted:

*Resolved*, That the chief clerk be instructed to have published the proceedings of the house of representatives during its annual session, not heretofore published.

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

FRIDAY AFTERNOON, APRIL 13, 1838.

The house met pursuant to adjournment.

Mr. Rusk offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed to procure the necessary rooms, &c. for the accommodation of the clerks of the house in the transaction of the business of their offices:

Whereupon Messrs. Gazley, Patton and Branch were appointed said committee.

Mr. Swift offered the following resolution, which was adopted:

*Resolved*, That as a testimony of the high respect this house entertains for the memory of the late Samuel S. Lewis, late one of its members, the members will wear trape on the left arm for the space of thirty days.

An act relating to the granting of injunctions was taken up on its second reading, and on motion of Mr. Rusk, was referred to the committee on the judiciary.

A bill to explain and amend the laws relating to courts of probate, was referred to the committee on the judiciary.

A resolution for the relief of A. T. Burnley and others, was referred to the committee on claims and accounts.

An act to incorporate the Neches-river navigation company was taken up on its second reading, and on motion of Mr. Billingsly was referred to a select committee of three: Whereupon, the chair appointed Messrs. Grigsby, Douglass and Swift to compose said committee.

An act appropriating money to pay for the schooner San Jacinto, was taken up, and on motion of Mr. Patton was referred to a special committee consisting of Messrs. Patton, Thornton, and Jones of Brazoria.

An act to establish the University of Texas was referred to a select committee, consisting of Messrs. Rusk, Sutherland and Jones, of Austin.

An act supplementary to an act to suppress gambling, was laid on the table.

An act relating to forfeited lands, was, on motion of Mr. Jones of Austin, referred to the judiciary committee.

An act relating to the office of the secretary of the treasury, was, on motion of Mr. Rusk, indefinitely postponed.

An act to unite in one the navy and war departments was taken up on its second reading, and, on motion of Mr. Rusk, was amended so as to read, "to take effect from and after the 2d day of December next;" and, on motion of Mr. Jones, of Brazoria, the bill was indefinitely postponed.

A joint resolution to appoint a board of commissioners to investigate land titles, was, on motion of Mr. Gazley, referred to the committee on the judiciary.

A bill relating to granting letters of administration, was read a first time.

Mr. Jones, of Brazoria, presented a memorial from Edward Hall; which was read and referred to a select committee.

Whereupon Messrs. Jones, of Brazoria, Wyatt and Gazley were appointed to compose said committee.

Mr. Thornton moved that the house adjourn till 10 o'clock, to-morrow morning, which motion was lost.

Mr. Jones, of Brazoria, introduced a bill regulating elections; which was read a first time.

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

SATURDAY MORNING, 14th April, 1838.

The house met pursuant to adjournment, and was opened by a prayer from the Rev. Mr. Newell.

Mr. Hardeman introduced a petition from Mildred Kirkpatrick; which was read, and referred to a committee on claims and accounts.

Mr. Jones, of Brazoria introduced a petition from Forbes, Brooks & Co.; which was referred to the committee on claims and accounts.

Mr. Gazley introduced a petition from Mosc. E. Morrel; which was referred to the committee on claims and accounts.

A report from Francis R. Lubbock, agent, &c., was read and referred to a special committee.

Whereupon Messrs. Jones, of Austin, Gazley and Billingsly were appointed by the speaker to compose said committee.

Mr. Hardeman presented sundry claims, which were referred to the committee on claims and accounts.

Mr. Gazley, from the committee appointed for the purpose of procuring rooms for the use of the clerks of this house, reported that the committee had performed their duty, and set apart certain rooms which the clerks could occupy; which report was adopted.

Mr. Gazley, with the leave of the house, introduced a bill to sustain the currency of the country, which was read a first time.

Mr. Douglass moved its indefinite postponement; which motion was withdrawn.

Mr. Jones of Brazoria, moved to refer the bill to the committee of ways and means; adopted.

On motion of Mr. Branch, the house took a recess of 15 minutes.

The house resumed its duties.

On motion of Mr. Rowlett, a committee of three were appointed to inform the senate that the house was ready to receive them.

Messrs. Rowlett, Billingsly, and Linn were appointed said committee.

Mr. Rowlett, from the committee appointed to wait on the senate, reported that the committee had performed their duty.

On motion of Mr. Jones, of Brazoria, leave was granted the committee appointed to wait on the president to retire.

The senate, conducted by their president, entered the house and were invited to seats.



His Excellency, the president, escorted by the joint committee of both houses, was introduced into the house by Messrs. Jones and Everett, of the said committee, and invited to a seat by the speaker. He afterwards arose and addressed the two houses, giving his views on the condition of the Republic, and recommending various subjects as claiming the consideration of congress. He then retired.

The purpose for which the two houses met, having transpired, the senate withdrew.

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

MONDAY MORNING, 16th April, 1838.

The house met pursuant to adjournment, and was opened by a prayer from the Rev. Mr. Newell.

Mr. Rusk presented a petition from sundry citizens of Montgomery county praying congress to devise means for opening the navigation of the Rio San Jacinto; which, on motion, was referred to a special committee consisting of Messrs. Rusk, Lumpkin and Hill.

Mr. Branch presented an account of Stephen Smith; which was referred to the committee on claims and accounts.

Mr. Rusk presented a petition from Thomas D. Allen; which, on motion, was referred to the committee on claims and accounts.

Mr. Rusk presented a petition from John Murphy and others; which, on motion, was referred to the committee on public lands.

Mr. Ponton presented a petition from sundry persons praying congress to grant relief to Charles S. Burbank; which was read, and, on motion, was referred to the committee on claims and accounts.

Mr. Jones, of Brazoria, presented an account of Dootor S. Booker; which was referred to the committee on claims and accounts.

Mr. Sutherland, from the board of commissioners appointed to select a suitable site for the permanent location of the seat of government, made a report, accompanied with sundry documents.

Mr. Brennan moved to refer the same to a select committee; which motion was withdrawn.

Mr. Sutherland moved to transmit the report to the senate; which was adopted.

Mr. Billingsly presented a memorial from the corporation

of Bastrop; which was read and referred to a committee of three.

Whereupon Messrs. Billingsly, Burleson and Sutherland were appointed said committee.

Mr. Jones, of Austin, from the committee appointed to take into consideration the report of Francis R. Lubbock, agent, reported a bill making it the duty of the district attorney for the 1st judicial district, to prosecute a suit for damages against the master and owners of the steam boat Columbia for refusing to carry freight for the government according to contract, &c. and recommended the passage thereof.

Mr. Linn offered a joint resolution vacating seats or offices of such officers of government as refuse promissory notes in payment for fees; which read a first time,

Mr. Branch moved to reject the resolution—lost.

Mr. Rusk introduced Mr. John Boyd, the member elect from Sabine county. The certificate of his election having been read, he was qualified by the Speaker, and took his seat as a member of this house.

Mr. Jones of Brazoria, introduced the following resolution, which was adopted:

*Resolved*, That the certificates of election for members elected since the adjourned session be referred to the committee on privileges and elections.

The following message from the president, together with the accompanying report of the secretary of State, on the subject of printing, was transmitted through his private secretary, Mr. Hoyle:

EXECUTIVE DEPARTMENT, TEXAS, }  
City of Houston, April 16th, 1838. }

GENTLEMEN:

The president has the pleasure of transmitting to this honorable congress, a special report from the Hon. secretary of state, on the subject of public printing, with a hope that it will claim the earliest attention and action of the honorable body. The subject appears most clearly presented. It is of vital importance that the promulgation and distribution of the laws and journals of congress should take place throughout the Republic.

SAM. HOUSTON.

DEPARTMENT OF STATE, }  
City of Houston, April 12th, 1838. }

To the president of the Republic of Texas:  
I have the honor to lay before your Excellency, the following report on the subject of printing:

Since my report at the annual session of congress, the second volume of the laws has been published, and is now being delivered, and will be distributed as expeditiously as possible by mail. The journals of the session of congress which convened on the 1st of May, 1837, are now in press, and will, I am assured, be ready for delivery in a short period from the present time.

To show the comparative scales of expense of the public printing which has been, and that now under contract, I most respectfully ask your attention to the following facts: In conformity with an act passed June, 1837, requiring the secretary of state to have the laws published, having no alternative, I contracted with Messrs. Cruger & Moore, furnishing them with fifteen bundles of paper, which was all I could procure at that time in New Orleans, on account of the government, for the publication of the laws of congress:

2,000 copies on the following terms:	
For one volume of 276 pages, - - -	\$5,520 00
For do. do. of 232 pages, - - -	2,640 00
For folding and stitching both volumes, - - -	480 00
Total expense, - - -	\$8,640 00

Dividing the two volumes of 276 and 132 pages respectively into an equal number of pages, each volume would make two hundred and four pages. Dividing, likewise, the aggregate expense of both volumes into two equal parts, would make, for each volume of two hundred and four pages, \$4,320.

About the close of the last session of congress, a contract was agreed upon and signed by two only of a joint committee of four from both houses, appointed to provide for the execution of all public printing at that time necessary to be done, on the one part, and by Messrs. Cruger & Moore, on the other part, upon the following conditions, as certified to me by Mr. Cruger:

For 2,000 copies of each volume of 250 pages, including folding and stitching, \$3,100.

On the 6th of December, I entered into an agreement with Mr. J. W. J. Niles, to print, with fair and legible type, and on good paper, and to bind, in pamphlet form, two volumes of 250 pages each at \$1,600 per volume. In consideration, therefore, of the disparity of prices of Messrs. Cruger & Moore, in their respective contracts, and the difference, still more favorable to the government, of the terms of Mr. Niles, I deemed it advisable to advertise all the printing, not under contract, to be let out on Monday next, to the lowest bidder who shall offer adequate se-

curity for its prompt and faithful execution. Happily for the proper economy of the government, there is now competition enough amongst publishers at the seat of government, to bring the public printing to a reasonable standard. Expecting to be able to report in the course of the next week, that I have made a more eligible contract for all the printing remaining to be done, than any heretofore entered into or executed. You will doubtless agree in the opinion that it is well the government cannot be held to comply with the contract partly entered into by the committee formed under an act of the last session, with Messrs. Cruger & Moore, as said act was of the unfinished business, and is of no authority. In regard to the contract with Mr. Niles, wishing to encourage competition amongst publishers at the seat of government, it embraced but a limited portion of the printing then ordered to be done, reserving the balance to be contracted for after a competition shall have been established. Immediately after the contract was entered upon, Mr. Niles proceeded to the United States to procure presses and materials, which, after some delay incident to sea navigation and the nature of the shipments, have arrived, and he expects to commence operations in a few days. In order to facilitate and expedite the work, I advanced him, out of the \$6,000 appropriated for printing at the last session of congress, \$2,000 in the promissory notes of the government, for the purchase of paper, which was shipped by him to the secretary of state, and is now in the department. Messrs. Cruger & Moore having finished the work, as indicated in my advertisement to the 1st volume, which was issued in November last, influenced by the consideration of the great necessity which exists for the publication and circulation of all that has been ordered to be published within the shortest practicable period, I furnished them with copies of the journals of the senate and house of representatives for the May session of 1837, without agreeing on the price to be charged, having determined, inasmuch as it embraces a large contract, not to recognize their agreement with the committee above referred to, unless it shall first be sanctioned by congress.

Whilst on the subject of public printing, I would beg leave most respectfully to remark, that, in other governments similar to our own, the secretary of the senate and the chief clerk of the house of representatives, are permanently appointed, whose duty it is to superintend the publication of the proceedings of the two houses respectively, and make the necessary disburse-

ments for the execution of the same;—the publication of the laws only devolving on the department of state. It is for the wisdom of congress to determine whether this system shall be adopted with respect to this government, or the present method pursued. Assuring your Excellency, at the same time, that the present incumbent of that department, has no predilection or choice, arising from personal considerations, between them.—I would also suggest the expediency of congress authorizing a correspondence to ascertain the fixed rates of public printing at Washington City, in order to procure data for the election of a permanent printer, at a future time; by the congress of this Republic.

I have the honor to be,  
With distinguished consideration and respect,  
Your obedient servant,

R. A. IRION,  
Sec'y. of State.

On motion of Mr. Rusk, the message, with the report, was for the present laid on the table.

A message was received from the senate, by Mr. Gray, informing the house that the senate had passed an act declaring certain children therein named, legitimate.

Mr. Jones, of Austin, having obtained leave of the house, introduced a resolution providing for the removal of seats of justice of counties; which was read a first time.

On motion of Mr. Rusk, the bill from the senate declaring certain children therein named legitimate, was taken up, read a first time, and referred to the committee on the judiciary.

Mr. Rusk presented the petition of Jane Coleston and children, and moved that it be referred to a special committee, with instructions to report a general law embracing all cases of a like character—adopted.

Messrs. Rusk, Wyatt and Baker were appointed said committee.

Mr. Rusk, with leave of the house, introduced a bill to impose a tax and regulate the issuing of printed, engraved, or lithographic change bills; which was read a first time.

The speaker presented a communication from the auditor, relative to the claims of Wm. and Amos Cooper; which was referred to a special committee, consisting of Messrs Jones, of Austin, Branch and Gant.

On motion of Mr. Jones of Brazoria, the bill making it the duty of the district attorney to bring suit against the master

and owners of the steam boat Columbus, was taken up, and read a first time.

Mr. Jones moved to amend the bill, so as to read Columbia, instead of Columbus—adopted.

Mr. Rusk moved that the standing committees be re-appointed; which motion was adopted.

The bill concerning the steam boat Columbia, was again under consideration.

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

On motion of Mr. Rusk, the house adjourned till 3 o'clock, p. m.

MONDAY evening, 3 o'clock.

The house met pursuant to adjournment.

Mr. Rusk introduced the following resolution, which was adopted:

*Resolved*, That the committee of three be appointed to join such committee as may be appointed on the part of the senate, to enquire in, and report upon, the printing heretofore done under contract with the secretary of state; and also to contract for the printing of the laws and journals of the present session of congress.

Whereupon Messrs. Baker, Boyd and Jones, of Austin were appointed said committee.

Mr. Jones, of Austin, from the committee to whom was referred the communication of the auditor relating to claims of William and Amos Cooper, reported a bill for their benefit.

Mr. Douglass introduced the following resolution, which was adopted:

*Be it resolved by the senate and house of representatives in congress assembled*, That a committee of eight be appointed to draw up and report a bill to protect the frontier.

Whereupon the speaker appointed Messrs Douglass, Lumpkin, Wyatt, Rowlett, Walker, Hill, Sutherland and Burleson to form the said committee.

The bill regulating elections was taken up on its second reading.

Mr. Jones, of Austin, offered a substitute, which was adopted, and the bill ordered to be engrossed.

A bill referring to letters of administration was taken up and read a second time and ordered to be engrossed.

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

TUESDAY MORNING, 17th April, 1838.

The house met pursuant to adjournment.

In obedience to a resolution passed on yesterday, the speaker re-appointed the standing committees as follows:

On Privileges and Elections—Messrs. Gazley, Billingsly, Brennan, English and McKinny.

On Finance—Messrs. Menifee, Boyd, Douglass, Lumkin and Thompson.

On Claims and Accounts—Messrs. Pierpont, Patton, Swift and Thornton.

On Public Lands—Messrs. Sutherland, Rowlett, Walker Branch and Hardeman.

Post Office—Messrs. Hill, Rowlett, Jack, Linn, and Grigsby.

Judiciary—Messrs. Branch, Rusk, Gazley, Jack and Gant.  
Military Affairs—Messrs. Rusk, Burleson, Douglass, Wyatt and Patton.

Naval Affairs—Messrs. Jones, of Austin, Power, Thornton, Hardeman and Linn.

Indian Affairs—Messrs. Burleson, Rusk, McKinny, Ponton and Sutherland.

State of the Republic—Messrs. Douglass, Hill, Billingsly, Pierpont and Thompson.

Foreign Relations—Messrs. Jones, of Brazoria, Baker, Jack, Wyatt and Menifee.

Enrolled Bills—Messrs. Baker and Boyd.

On motion, a standing committee was appointed on County Boundaries, consisting of Messrs. Gant, Billingsly, McKinny, Grigsby and Walker.

On motion of Mr. Jones, of Austin, Mr. Jones, of Brazoria was added to the committee on Finance.

On motion of Mr. Branch, Mr. Swift was added to the committee on the Judiciary.

Mr. Rowlett presented a petition of sundry citizens of Red River county, in behalf of Betsy Ann Forbes, which was referred to the committee on public lands.

Mr. Rusk presented a petition of J. B. Robertson and others, which was referred to the committee on public lands.

Mr. Gazley presented a petition from Allen Vince, which was referred to the committee on the Judiciary.

Mr. Swift presented a petition from sundry citizens of Jasper county, (Zavala Rangers,) which was referred to the committee on public lands.

Mr. Menifee presented a memorial from John H. Longley, and others, permanent volunteers; which was referred to the committee on military affairs.

Mr. Burleson presented a petition from sundry persons of Bastrop county, praying the organization of a new county; which was referred to the committee on county boundaries.

Mr. Gazley presented a memorial from Fredrick Benning-haven, praying congress to grant a patent right for a farming machine; reading suspended and laid on the table.

Mr. Baker introduced the the following resolution, which was adopted:

*Resolved*, That the Speaker be required to appoint in addition to the standing committees already appointed, a standing committee on internal improvements, to consist of five members: Messrs. Swift, Jones of Austin, Boyd, Menifee and Lumpkin, were appointed said committee.

Mr. Gazley presented a petition from D. W. Babcock, which was referred to the committee on claims and accounts.

Mr. Rusk presented a petition from Valentine Bennett; which was referred to the committee on public lands.

Mr. Grigsby from the select committee to whom was referred the bill to incorporate the Neches Navigation Company, reported that no obstructions exist in the Neches and its tributaries of sufficient magnitude to justify the passage of an act granting exclusive powers and privilege to any company or corporation for clearing out of the said river, &c; and that an act passed December 14th, 1837, for clearing out Attoyac Angeline and Neches rivers, makes ample provisions for the navigation of the same, and suggested the passage of an act supplementary to an act entitled "an act for clearing out said river," that the word "bordering," in the second section of the act be so construed as to extend to all lands lying within nine miles of the rivers.

Mr. Rusk moved to disagree to the report; which was adopted. On motion of Mr. Rusk, the bill was laid on the table.

Mr. Billingsly introduced the following resolution, which was adopted:

*Resolved*, that the committee of three to whom was referred the communications from Bastrop, be authorized to act with such committee as may be appointed on the part of the senate and to receive all propositions and communications relative to the permanent location of the seat of government for the republic.

Mr. Hardiman introduced a resolution authorizing improvements to be made to the house and lot purchased for the Exec-



utive, and for the purchase of furniture &c.; which was read a first time.

Mr. Rusk obtained leave, and introduced a bill for foreclosing mortgages on real and personal estate; which was read a first time and referred to the committee on the judiciary.

Mr. Patton introduced the following resolution, which was adopted:

*Resolved*, That the secretary of the treasury be required to make a full report of the state of his department as soon as practicable.

Mr. Billingsly introduced the following resolution, which was adopted:

*Resolved* That a committee of three be appointed to revise and amend the direct tax law, and report thereon as soon as practicable.

Messrs Billingsly, Hardiman and Jones of Austin were appointed said committee.

A communication was received from the commissioner general of the general land office; which was read and laid on the table.

Mr. Baker offered the following resolution:

*Resolved*, that the senate be invited to meet the house at three o'clock p. m. to go into elections to fill vacancies which have occurred in the different offices under the land law.

Mr. Jones of Brazoria offered in lieu thereof, and as a substitute, the following, which was adopted:

*Resolved*, That the commissioner general of the land office be requested to report to this house all facts which may be in his possession in relation to the land office of the county of Bexar and the reasons which influenced him in refusing the appointment of county surveyor to the person recommended by the board of land commissioners of the county.

A communication from the auditor relative to certain claims was received, and referred to the committee on military affairs.

A communication from the auditor accompanied by two accounts, was received and referred to the committee on claims and accounts.

Mr. Ponton introduced a bill to provide for the payment of government dues in audited paper which was read a first time.

The engrossed bill entitled "an act supplementary to an act regulating elections," passed October 26th, 1837, was taken up, read a third time, and passed.

A bill relating to letters of administration was taken up on a third reading,

Mr. Jones of Austin moved that it be placed back on its second reading, subject to amendment; adopted.

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

On motion of Mr. Gant, the communication from the commissioner general of the general land office was referred to the committee on public lands.

A joint resolution for the removal of the seat of justice of counties was read a second time.

On motion of Mr. Rowlett it was referred to the committee on county boundaries.

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

#### TUESDAY EVENING, 3 O'CLOCK.

The house met pursuant to adjournment.

A bill to impose a tax on and regulate the issuing of printed, engraved or lithographed change bills.

Mr. Rusk offered the following amendment to come in after the amendment to come in after the first section "and shall give bond and security in the sums of fifty thousand dollars for the redemption of all bills issued, which bonds shall be payable to the President of the republic and approved by the county court, and shall be subject to be sued on at the instance of any one aggrieved;" which was adopted.

Mr. Baker offered a substitute to the bill.

On motion of Mr. Rusk the bill and substitute was referred to a special committee, consisting of Messrs. Gazley, Rusk and Baker.

A joint resolution for vacating offices where the incumbents refuse promissory notes was under consideration.

Mr. Gant moved to lay the resolution on the table for the present; which was adopted.

A bill for the benefit of William and Amos Cooper was taken up.

Mr. Billingsly offered a substitute, which was withdrawn.

Mr. Sutherland moved its indefinite postponement; the question being put, "shall the bill be indefinitely postponed. The

eyes and noses being called for, Messrs. Billingsly, Douglass, Gant, Edmonkin, Mollisee, McKinny, Patton Power, Rusk, Rowlett, Sutherland, and Walker, (12) voted in the affirmative; and Messrs. Speaker, Branch, Brennan, Boyd, Gazley, Grigsby,

Jones of Austin, Lion, Pierpont, Ponton, Swift, Thornton, and Wyatt, (13) voted in the negative.

Mr. Jones of Austin moved to dispense with the rule, and that the bill be read a third time, which motion was lost.

The bill was then ordered to be engrossed.

On motion of Mr. Rusk the report of the secretary of state was referred to the committee of three appointed to join such committee as may be appointed on the part of the senate to enquire into, and report upon the printing heretofore done under contract with the secretary of state, and also the contract for the printing of the laws and journals of the present session of congress.

Mr. Rusk offered the following resolution; which was adopted.

*Resolved* That the committee on public lands be required to examine and report upon the general land office.

On motion of Mr. Rusk, the report of the commissioner general of the land office, was referred to the committee on public lands.

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

#### WEDNESDAY MORNING APRIL 18.

The house met pursuant to adjournment.

A petition from sundry citizens of Shelby county in behalf of the children of Joseph Manning deceased, was presented and referred to the committee on public lands.

A petition from Emanuel Carter and others in his behalf was presented, and

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

A remonstrance from sundry citizens of Red River county was, on motion of Mr. Rusk, laid on the table.

A communication from the auditor concerning an account of John Forbes, administrator of M. B. Clark was presented, and referred to committee on claims and accounts.

Mr. McKinny presented a petition from sundry citizens of Red River county, praying for the organizing of a new county, which was referred to the committee on county boundaries.

A petition from Isaac D. Boyce was presented and referred to the committee on public lands.

Mr. Sutherland from the committee on public lands, to whom was referred the petition of John Murphy and others, reported unfavorably to the prayer of the petitioner; which report was adopted.

Mr. Baker from the committee appointed to act with like committee on the part of the senate, to contract for the public printing &c. made a report accompanied with a memorial from Messrs. Cruger & Moore: which, on motion of Mr. Jones of Austin. was referred to a joint committee on printing.

Mr. Gazley, from the committee on elections, reported that the committee had examined the several documents referred to them, and that Timothy Swift, from the county of Jasper, John Boyd from the county of Sabine, and Payton S. Wyatt from the county of Red River are duly elected representatives in congress to supply the vacancies occasioned by the resignation of Messrs. William Clark and E. H. Tarrant, and the decease of the honorabl Samuel S. Lewis, which report was adopted.

A message was received from the President, accompanied with several documents, was transmitted by Mr. Hoyle, his private secretary.

On motion of Mr Gazley, the memorial of Fredertck Benninghaven, was referred to the committee on internal improvement.

Mr. Hill introduced the following resolution, which was adopted:

*Be it resolved*, That a committee of three be appointed to examine into the manner of transacting business between the auditorial and other departments, an to report such amendments to the laws on that subject now in force as they shall deem most expedient. Messrs. Douglass, Jones of Brazoria and Rowlett are appointed that committee.

Mr. Power introduced the following resolution, which was adopted:

*Resolved* That the President be requested to communicate to this house our relations and the nature and character of the treaties, &c. with the several nation and tribes of Indians within the limits of this Republic.

Mr. Hardiman with the leave of the house, introduced a bill to incorporate the Caney navigation company, which was read a first time.

Mr. Ponton introduced a bill to repeal a part of an act to incorporate the town of Gonzales, which was read a first time.

Mr. Rusk having obtained leave, introduced a bill to secure the right of appeal, which was read a first time.

Mr. Jones of Brazoria, from the committee to whom was referred the memorial of Edward Hall, reported favorably to

the prayer of the petitioner, and recommended that congress should act promptly on the subject, and adopt such measures as will redeem the promises made by the government to the holders of land scrip, as requested in the memorial which report was adopted.

The communications and accompanying documents from the President were read and referred to the committee on the judiciary.

The bill for the benefit of William and Amos Cooper was taken up and put upon its final passage:

The ayes and noes were called for, and the question being put, "shall the bill pass?" Messrs. Speaker, Baker, Branch Burleson, Boyd, Jones of Austin, Linn, Patton, Swift, Thornton and Wyatt II, voted in the affirmative; and Messrs. Billingsly, Brennan, Douglass, Gazley, Gant, Grigsby, Hardiman, Hill, Jones, of Brazoria, Lumpkin, Menifee, McKinny, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland and Walker, 19, voted in the negative: so the bill was lost.

The bill providing for the payment of government dues with audited paper was taken up, and on motion of Mr. Rusk, referred to the committee on Finance.

The joint resolution to provide for repairing the President's house, and for the purchase of furniture was taken up on its second reading.

Mr. Rusk moved to amend by inserting after the word "furniture," "not to cost exceeding —— dollars, which was adopted.

It was then moved to fill the blank with five thousand dollars; lost.

Mr. Jones of Austin moved to fill the blank with three thousand dollars, which motion was adopted.

Mr. Branch moved to strike out the provision saying "the furniture shall inure and belong to the government; lost. The bill was then ordered to be engrossed.

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

#### WEDNESDAY EVENING, 3 O'CLOCK P. M.

The house met pursuant to adjournment.

Mr. Billingsly introduced the following resolution, which was adopted:

*Resolved*, That the secretary of war be required to inform the house for what cause he discharged Capt. Lynch and his company from the ranging service, and the reasons why he re-

fuses to issue warrants for the extra bounty land to those who were in the battles of San Jacinto, &c.

A communication, accompanied with other documents, from the secretary of the treasury, was received, and on motion of Mr. Branch, referred to a special committee consisting of Messrs. Jones of Brazoria, and Branch.

Mr. Rusk presented accounts of M Bracey and James Foster, which were referred to the committee on claims and accounts.

Mr. Jones of Austin presented an account of Daniel Taylor, which was referred to the committee on claims and accounts.

A communication from the commissioner general of the land office was received, which, together with the accompanying documents, was referred to the committee on public lands, with authority to call on the commissioner general for papers and information.

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

THURSDAY MORNING, APRIL 19, 1838.

The house met pursuant to adjournment.

Mr. Jones of Brazoria presented a petition from J. H. Miller, which was referred to the committee on claims and accounts.

Mr. Gant presented a petition from Gideon Brightman, which was referred to the committee on public lands.

Mr. Billingsly presented a petition from Seth M. Blair, which was referred to the committee on military affairs.

Mr. Sutherland from the committee on public lands to whom was referred the petitions of Valentine Bennet, Zavalla Rangers, sundry citizens of Red River county, for the benefit of Betsey Ann Forbes and Allen Vince, made a report that none of the petitioners, except the last mentioned, should be granted, and introduced and recommended the passage of a resolution declaring John Vince the legitimate son of Allen Vince, &c.

Mr. Rusk moved to re-commit the report to the committee on public lands—lost.

Mr. Rusk moved to re-commit to the committee on the judiciary—lost.

Mr. Gant moved to lay the report on the table. The ayes and noes being called for, and the question put "shall the report be laid on the table?" Messrs. Speaker, Burleson, Douglass, Gazley, Gant, Jones, of Austin, Jones, of Brazoria, Linn, Pierpont, Ponton, Power, Rusk, Swift, Thornton, Walker, and Wyatt, 16, voted in the affirmative. Messrs. Branch, Billingsly,

Brennan, Boyd Grigsby, Hardemen, Hill, Menifee, McKinny, Patton, Rowlett and Sutherland, 12, voted in the negative; so the bill was laid on the table.

Mr. Pierpont, from the committee on claims and accounts, reported unfavorably to the petitions of Messrs E. Morrel and Charles S. Burbank; and that they had under consideration the accounts of Dr. S. Booker and Stephen Smith, and recommended the passage of the accompanying bill for their benefit; he further reported that the committee had examined the petition of Thomas D. Allen, in regard to an audited draft which the petitioner has lost, and recommended the passage of the accompanying law on that subject, which report was concurred in.

Mr. Branch, from the judiciary committee, to whom was referred an act entitled an act providing for the foreclosing of mortgages on real and personal estate, made a report, and recommended the passage of the bill with the following amendments: In section 3d, line 2d, after mortgages, insert "upon real estate;" in the 3d line, same section, strike out the word "mortgagor lives," and insert "land is situate;" in the sixth line, same section, after the word "mortgage," insert "upon personal property in the county where the mortgagor lives;" which report was adopted.

Mr. Douglass, from the committee to whom was referred the resolution for the protection of the frontier, introduced and recommended the passage of a bill; which was read a first time.

Mr. Sutherland presented a proposition from Henry Austin for the permanent location of the seat of government.

On motion, it was transmitted to the senate.

Mr. Rusk introduced a bill to repeal the thirty-seventh section of an act organizing the inferior courts, &c.; which was read a first time.

Mr. Jones, of Brazoria, presented a joint resolution in favor of John J. Linn; which was read a first time.

Mr. Jones, of Brazoria, moved that the rule be dispensed with, and the bill read a second time; which motion was lost.

Mr. Gant offered a joint resolution in regard to vacancies in offices connected with the general land office; which was read a first time.

Mr. Rusk introduced the following resolution; which was adopted:

*Resolved,* That the select committee to whom was referred the communications from the secretary of the treasury, with accompanying documents, be authorized to call on that officer

for the correspondence between him and the commissioners who were authorized to negotiate a loan on the bonds of the government.

The bill from the senate to repeal an act therein named, was read a first time.

Mr. Douglas moved its indefinite postponement. The ayes and noes being called for, and the question being put, "shall the bill be indefinitely postponed?" Messrs. Speaker, Douglas, and Swift, 3, voted in the affirmative; and Messrs. Baker, Branch, Burleson, Billingsly, Brennan, Boyd, Gazley, Grigsby, Gant, Hardeman, Hill, Jones, of Austin, Jones of Brazoria, Linn, Lumkin, Menifee, McKinny, Patton, Pierpont, Ponton, Power, Rusk, Sutherland, Thornton, Walker and Wyatt, 26, voted in the negative; so the bill was lost.

The bill was then laid on the table.

The joint resolution for repairing the president's house, &c. was taken up on its third reading.

On motion, the rule was suspended in order to amend.

On motion of Mr. Billingsly, it was laid on the table.

"An act securing the right of appeal," was read a second time, and ordered to be engrossed.

"An act repealing part of an act incorporating the town of Gonzales," was read a second time, and ordered to be engrossed.

"An act to incorporate the Canev Navigation Company," was read a second time and ordered to be engrossed.

A communication from the secretary of war was read.

Mr. Billingsly moved that it be referred to a special committee; adopted.

Messrs. Billingsly, Rusk and Swift were appointed the committee.

On motion of Mr. Gazley, the house adjourned till 3 o'clock, p. m.

THURSDAY EVENING, 3 o'clock.

The house met pursuant to adjournment.

On motion of Mr. Sutherland, Mr. Rusk was added to the committee on public land.

On motion of Mr. Branch, the house proceeded to the election of a chaplain.

Mr. Rowlett nominated the Rev. William Y. Allen;

Mr. Patton nominated Padre Valdes; and

Mr. Gazley nominated the Rev. Charles Newell.

After balloting, the vote stood—



For Allen,	13
For Valdes,	7
For Newell,	4
Blank,	1

Mr. Allen having received a majority of all the votes, was duly elected.

On motion of Mr. Jones, of Austin, leave was granted to withdraw the accounts and papers accompanying them, of Wm. and Amos Cooper.

Mr. Rusk presented a petition of J. Worster, relative to making a map of Texas.

Mr. Thornton moved to refer the petition to the committee on county boundaries; which was adopted.

Mr. Rusk presented a petition from M. A. Bingham, and introduced a resolution requiring the 1st auditor to audit his claim for one hundred and fifty dollars, &c.; which was read a first time.

Mr. Branch, from the select committee to whom was referred the report of the secretary of the treasury, together with the accompanying bill entitled "an act to authorize the president to negotiate a loan on the bonds of the government not exceeding five millions of dollars," made a report recommending the passage of the bill; adopted.

The bill entitled "an act to authorize the president to negotiate a loan on the bonds of the government not exceeding five millions of dollars," being under consideration,

Mr. Gant moved to lay the bill on the table; which motion was lost.

The bill was then read a second time, and ordered to be engrossed.

A bill "to provide for the re-auditing of lost drafts," was read a first time.

A bill "for the relief of Stephen Smith," was read a first time.

A bill "for the relief of Dr. S. Booker," was read a first time.

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

FRIDAY, April 20th, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Rev. William Y. Allen.

Mr. Jones, of Brazoria, presented a claim from Henry Ash-

by for Demurrage, &c.; which was referred to the committee on claims and accounts.

Mr. Branch, from the judiciary committee to whom was referred the petition of Emanuel J. Carter, reported unfavorably to the prayer of the petitioner; which report was adopted.

Mr. Menifce, from the committee on finance to whom was referred the bill entitled "an act supplementary to an act to sustain the currency of the country;" and also the bill "to provide for the payment of government dues in audited paper;" reported that the committee disagreed on the two bills, and asked leave to return them to the house; adopted.

Mr. Pierpont, from the committee on claims and accounts, reported that they had examined and considered the petition of D. W. Babcock, and are of opinion that the prayer of the petitioner should not be granted; that they have also considered the account of Geo. C. Childress, and are of opinion that it is just, and recommend the passage of accompanying bill for his relief; that they have examined the account of O. B. Hardeman, and recommend the passage of a bill for his benefit; also the account of William Long for services in the hospital, and recommend the passage of a bill for his benefit; also the petition of Forbes, Brooks & Co., and recommend the passage of a bill for their benefit; and also the petition of Mildred Kirkpatrick; and they ask leave to return the same to the house, as it was improperly referred. The committee have also had under consideration the account of Daniel Tylor, and recommend the payment of the same, and reported a bill for his benefit; which report was concurred in.

Mr. Gazley, from the committee to whom was referred the bill "to impose a tax on, and regulate the issuing of, printed, engraved and lithographic change bills," reported a substitute for the bill.

Mr. Rusk moved that the report be referred to the committee of the whole house; adopted.

On motion of Mr. Rusk, the house resolved itself into a committee of the whole—Mr. Jones, of Brazoria in the chair.

On motion of Mr. Jack, the committee rose.

Mr. Jones, of Brazoria, chairman of the committee of the whole, reported that the committee had had under consideration the bill "to impose a tax on, and regulate the issuing of, change bills;" and reported the original bill with sundry amendments, and asked the concurrence of the house; which report was concurred in.

Mr. Swift introduced the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed to wait on the senate and inform that body that the house will be ready at 3 o'clock, p. m. to-morrow to proceed to the election of officers to fill vacancies that have occurred under the land law, and to invite the senate to meet the house at that hour to go into the joint elections.

Mr. Branch introduced the following resolution, which was read a first time:

*Resolved by the senate and house of representatives of the republic of Texas in congress assembled*, That the secretary of the treasury be, and he is hereby authorized to appoint, whenever he may deem proper, a suitable person to sign his name, as proxy, on the promissory notes of the government.

Mr. Patton presented the following resolution, which was adopted:

*Resolved*, That the secretary of the treasury be requested to report to this house, the amount of sales of land scrip made by John K. Allen and other agents, since his last report, at what prices the same has been disposed of, and the amount of scrip remaining on hand.

Mr. Rusk presented the following resolution, which was adopted:

*Resolved*, That the committee on foreign relations be instructed to enquire into and report upon the subject of the boundary line between this government and that of the United States.

The bill entitled "an act to authorize the president to negotiate a loan on the bonds of the government not exceeding five millions of dollars," was taken up on its final reading.

On motion, the rule was suspended in order to amend.

Mr. Rusk moved to strike out the second section, and insert in lieu thereof the following: "That the said commissioners shall have power to negotiate and sell bonds for the notes of any bank or banks whose paper shall be at par with the best bank paper in the cities of New York and Philadelphia; and the said commissioners shall have power to stipulate that the notes of any such bank or banks purchasing bonds to the amount of one hundred thousand dollars, or more, shall be received in payment of all public dues, so long as said bank or banks, shall, in the judgment of the government of Texas, be of good character and worthy of confidence."

Mr. Gant offered a substitute for the substitute: "That the said commissioners shall have power to sell the bonds of the government for gold and silver only." The ayes and noes being called for, and the question put, "shall the substitute be adopted?" those who voted in the affirmative were Messrs. Boyd, Grigsby, Gant, Menifee, Power, Rowlett, Swift, and Wyatt—8. Those in the negative Messrs. Baker, Branch, Billingsly, Brennan, Douglass, Gazley, Hardeman, Hill, Jones, of Austin, Jones, of Brazoria, Linn, Lumpkin, McKinny, Patton, Pierpont, Ponton, Rusk, Sutherland, Thornton and Walker—21. So the substitute was lost.

The vote was then taken on the substitute offered by Mr. Rusk, when it was adopted.

Mr. Menifee moved to strike out from the 7th section so much as pledges the proceeds of the sales of the public domain. The ayes and noes being called for, those who voted in the affirmative were Messrs. Branch, Burleson, Brennan, Boyd, Douglass, Grigsby, Gant, Menifee, Pierpont, Power, Rowlett, Swift and Wyatt—13. Those in the negative, Messrs. Speaker, Billingsly, Gazley, Hardeman, Hill, Jones, of Austin, Jones, of Brazoria, Linn, Lumpkin, McKinny, Patton, Ponton, Rusk, Sutherland, Thornton and Walker—16. So the motion to strike out was not adopted.

Mr. Jones, of Austin, moved to amend by adding to the 7th section, the following: "Provided nothing herein contained shall be so construed as to preclude the government from the right of making reservations of public domain for government purposes." The motion was adopted.

Mr. Jones, of Brazoria, moved to amend the 1st section, 9th line, by inserting, after "Washington," the words "or London or Paris." The motion was adopted.

Mr. Menifee moved to strike out all of that part of the 2d section after the words "five years;" which motion was lost.

The bill being put upon its final passage and the ayes and noes called for, those who voted in the affirmative were Messrs. Speaker, Baker, Burleson, Billingsly, Brennan, Douglass, Gazley, Hardeman, Jones, of Austin, Jones, of Brazoria, Linn, Lumpkin, McKinny, Patton, Pierpont, Rusk, Sutherland, Thornton, Walker—19. Those in the negative, Messrs. Boyd, Grigsby, Gant, Menifee, Ponton, Power, Rowlett, Swift, and Wyatt—10: so the bill passed.

Mr. Jones, of Brazoria, introduced the following resolution, which was adopted:

*Resolved*, That the secretary of state be requested to communicate to this house any information in the possession of that department relative to the subject of the boundary line between this government and that of the United States.

Mr. Billingsly, from the select committee to whom was referred the communication from the secretary of War, obtained leave and introduced and recommended the passage of a bill to be entitled "an act to amend an act granting lands to those who were in the battle of San Jacinto and other battles." The bill was read a first time.

The bill "repealing the 37th section of an act organizing the inferior courts," was read a second time and ordered to be engrossed.

On motion of Mr. Rusk, the bill "for foreclosing mortgages" was taken up on its second reading.

Mr. Gant moved to amend the first section by striking out "one month," and inserting in lieu thereof, "ninety days;" which motion was adopted.

Mr. Gant moved to amend the last section by striking out the words "mortgagor lives;" which motion was lost.

The bill was then ordered to be engrossed.

On motion of Mr. Jones, of Austin, the resolution for repairing the president's house, &c. was taken up.

Mr. Jones, of Austin, offered a substitute; which was lost.

On motion of Mr. Rusk, the resolution was referred to a committee of three, consisting of Messrs. Rusk, Brennan and Thornton.

Mr. Rusk, with leave, presented a petition or claim from P. S. Wyatt, which was referred to a special committee, with instructions to report by bill or otherwise.

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

*Mr. Branch introduced the following resolution:*

*Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the secretary of the treasury be, and he is hereby authorized to deposit with the treasurer, from time to time, in promissory notes, an amount equal to that which may be received into the treasury, which shall be paid out as congress may direct: Provided, That the whole amount in circulation shall no time exceed six hundred and fifty thousand dollars; which was read a first time.*

On motion, the house adjourned until Monday morning at 9 o'clock.

MONDAY, April 23d, 1838.

The house met pursuant to adjournment, and was opened by prayer from the Rev. Mr. Allen.

Mr. Gazley presented a petition from Thomas A. Waitt; which was referred to the committee on naval affairs.

Mr. Jones, of Brazoria, presented a petition from the "Texas steam mill company;" which was referred to the committee on internal improvements.

Mr. Rusk presented a petition from Samuel Hawes, which was referred to the committee on public lands.

Mr. Linn presented a petition from sundry citizens of Gonzales county; which was referred to a special committee, consisting of Messrs. Linn, Ponton and Baker.

Mr. Gant, from the committee on county boundaries, to whom was referred the joint resolution for the removal of seats of justice of counties, reported unfavorable to the passage of the resolution, and recommended its indefinite postponement; the committee had also had under consideration the petition of J. Worster, and reported unfavorable to the prayer of the petitioner, and asked to be discharged from the further consideration of the same.

On motion of Mr. Jones, of Austin, the report &c. were referred to a special committee of five, consisting of Messrs. Jones, of Austin, Jack, Hardeman, Switt and Grigsby.

Mr. Sutherland, from the committee on public lands who were instructed by a resolution to examine and report upon the general land office; and also to enquire into and report upon the subject of the office of county surveyor, for the county of Bexar, reported, that the committee have not as yet had time for a thorough examination of the general land office; but so far as they have examined, great credit is due to the incumbent thereof; and the committee asks further time to complete the examination. On the subject of the alleged vacancy in the office of surveyor for the county of Bexar, the committee are of opinion that no vacancy has occurred, and recommend that Mr. Trimble, the surveyor, proceed to the discharge of the duties of said office; which report was concurred in.

Mr. Branch, from the judiciary committee to whom was referred the bill authorizing suit to be brought against the steam boat Columbia, and repealing an act to encourage steam navigation, reported that there was no testimony to justify an action against the steam boat Columbia, and they therefore recommend that the first section be stricken out; which report was concurred in.

Mr. Pierpont, from the committee on claims and accounts to whom was referred the petition of John H. Miller, reported a bill for his benefit.

Mr. Rusk, having obtained leave, introduced a bill entitled an act to dispose of the forfeited lands of the Republic, and to authorize the location of certain lands; which was read a first time.

Mr. Sutherland introduced a resolution requesting the president to inform the house why he has refused to sign patents that have been presented to him for his signature; which was adopted.

Mr. Thornton introduced a joint resolution reserving to the government all mines, minerals and salt lakes; which was read a first time and referred to the committee on public lands.

Mr. Rusk, with leave, introduced a memorial from sundry citizens of the Republic on the subject of a system of popular Education; which was referred to a special committee, consisting of Messrs. Rusk, Jones, of Brazoria, and Wyatt.

Mr. Gant, from the committee on county boundaries, to whom was referred the petition of sundry citizens of Washington county, for the removal of the seat of justice, and that from the citizens of Montgomery and Washington counties on the subject of their county line, reported unfavorable to the prayer of the first petition; and on the subject of the establishment of the county line prayed for in the last, they recommended the passage of the accompanying bill; which report was adopted.

Mr. Sutherland introduced the following resolution, which was adopted:

*Resolved*, That the committee on public lands be authorized to employ a clerk, provided the salary shall not exceed five dollars per day.

Mr. Baker introduced the following resolution, which was adopted:

*Resolved*, That a standing committee on engrossed bills, to consist of two members, be appointed in addition to the other standing committees.

Messrs. Gant and Rowlett were appointed said committee.

Mr. Brennan introduced the following joint resolution:

*Resolved by the senate and house of representatives of the Republic of Texas in congress assembled*, That all persons who were actually in the service of the Republic at the date of the declaration of Independence, are hereby entitled to the same privileges as though they were actual residents at that time; which was read a first time.

Mr. Sutherland, having obtained leave, introduced a bill providing for the removal of the seat of government; which was read a first time.

Mr. Jones of Brazoria introduced the following joint resolution:

Whereas, the citizens of the Republic of Texas, at their election for President and other offices in the year 1836, expressed an almost unanimous desire to become annexed to the United States of North America; in consequence of which expression a proposition for annexation was made through our minister resident at the city of Washington, which proposition, after having been duly considered, has been distinctly and unconditionally refused by that government, and for reasons which it is impossible for time or circumstances to invalidate or alter: and whereas, it is believed that Texas, having interests at variance with those of a large portion of the United States, and having also demonstrated her ability for self government, and for successfully resisting the efforts of her imbecile enemy to subjugate her, and now trusting, as a wise policy dictates, to her own strength and resources, no longer desires such annexation: and whereas, it is a fact, that pending this hopeless negotiation, the recognition of the independence of Texas by England and other Powers, so essential to our welfare, is delayed or prevented—  
Therefore:

*Be it resolved by the senate and house of representatives of the republic of Texas in congress assembled, That his Excellency the President be authorized and required, so soon as he may think proper, to instruct our minister resident at Washington respectfully to inform the government of the United States of North America, that the government of Texas withdraw the proposition for the annexation of Texas to the said United States.*

The resolution was read a first time.

Mr. Jones of Brazoria, introduced the following resolution, which was adopted:

*Resolved, That the judiciary committee be instructed to inquire into the law authorizing the commissioner of the general land office to fill vacancies in the different Boards of land commissioners of this Republic, and report what course it is necessary for congress to adopt in relation to said vacancies.*

Mr. Swift introduced a resolution to invite the senate to meet the house and go into joint elections to fill vacancies that have occurred under the land law; which, on motion, was laid on the table.



The bill entitled "an act for foreclosing mortgages on real and personal estate," was read a third time and passed.

The bill entitled "an act to incorporate the Cuncy Navigation Company" was taken up and read a third time. The ayes and noes being called for, on its final passage, and the question being put, "shall the bill pass?" those who voted in the affirmative, were Messrs. Speaker, Burleson, Billingsly, Brennan, Douglass, Hardeman, Hill, Jones of Brazoria, Linn, Lumpkin, Menifce, Patton, Ponton, Power, Sutherland, Thornton, and Walker, 17.—Those in the negative, Messrs. Branch, Boyd, Grigsby, Gant, Jones of Austin, Jack, McKinny, Pierpont, Rusk, Rowlett and Wyatt, 11. So the bill passed.

A bill entitled "an act securing the right of appeal," &c. was read a third time and passed.

A bill entitled "an act to repeal the 37th section of an act organizing inferior courts" was read a third time and passed.

A bill "to repeal part of the law incorporating the town of Gonzales," was read a third time and passed.

A bill entitled "an act to repeal an act therein named" was read.

On motion of Mr. Rusk, the bill was referred to a select committee of three, consisting of Messrs. Rusk, Swift and Jones, of Brazoria.

Mr. Jack presented a petition from the captain and sailors of the schooner Pelican, which was referred to the committee on naval affairs.

The joint resolution for vacating offices when incumbents refuse promissory notes for fees, &c. was, on motion of Mr. Rusk, referred to the committee on finance.

The bill providing for the payment of government dues in audited paper was, on motion of Mr. Rusk, referred to the committee on finance.

The bill "supplementary to an act entitled an act to sustain the currency of the country" was, on motion, referred to a special committee, consisting of Messrs. Rusk, Jones and Swift.

The several bills for the benefit of J. H. Miller, M. A. Bingham and others were, on motion, referred to the committee on claims and accounts, that they may be consolidated into one act.

A bill "to alter the boundary line between Washington and Montgomery counties" was read a first time.

On motion of Mr. Pierpont, Mr. Rusk was added to the committee on claims and accounts.

A bill "to provide for the renewal of audited drafts, when

lost" was read. Mr. Rusk moved to amend it by saying "applicant to pay fees for advertising;" adopted. The bill was read a second time, and ordered to be engrossed.

The bill in relation to vacancies in offices under the land law was, on motion of Mr. Gant, referred to the committee on the judiciary.

On motion of Mr. Brennan, the bill for the protection of the frontier was taken up. Mr. Baker moved to refer the bill to a special committee of three: which was adopted. Messrs. Baker, Rusk and Brennan were appointed the committee.

The joint resolution authorizing the secretary of the treasury to appoint a proxy to sign his name, &c. was taken up. Mr. Rusk moved its indefinite postponement, which was adopted.

A joint resolution supplementary to a joint resolution for the relief of J. J. Linn was read a second time and ordered to be engrossed.

The bill to amend an act granting lands to those who were in the battle of San Jacinto and other battles, was taken up on its second reading.

Mr. Menifee moved to amend by adding "and further provided that this act shall not be so construed, that lands which have been or may be forfeited to government are subject to be located on by said claims, which motion was lost. The bill was then read a second time, and ordered to be engrossed.

The joint resolution authorizing the secretary of the treasury to deposit with the treasurer promissory notes, &c." was on motion of Mr. Rusk, referred to the committee on finance.

An act "incorporating the Neches Navigation Company" was taken up, and on motion of Mr. Rusk, referred to the committee of the whole house.

On motion, the house resolved itself into committee of the whole, Mr. Branch in the chair.

After some time spent therein, the committee rose, and Mr. Branch, the chairman reported that they had had under consideration "an act to incorporate the Neches navigation company," and that the committee had instructed him to report progress, and asked to be discharged from the further consideration of the same.

On motion of Mr. Rusk, the bill was referred to a select committee of three.

The chair appointed Messrs. Rusk, Grigsby and Boyd said committee.

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

MONDAY, 3 o'clock P. M.

The house met pursuant to adjournment.

Mr. Rusk, from the special committee to whom was referred the resolution for repairing the President's house, &c., reported a substitute, which was adopted. The resolution was then read a third time and passed.

Mr. Jones of Austin presented the claim of Handy & Lusk, which was referred to the committee on claims and accounts.

Mr. Brennan presented a petition from sundry persons in the service at the port of Galveston, which was referred to a special committee consisting of Messrs. Brennan, Gant and Menifec.

Mr. Gant presented a claim from Wm. P. Smith, which was referred to the committee on claims and accounts.

The bill "to repeal an act for the encouragement of steam navigation," was read a second time, and ordered to be engrossed.

Mr. Hardeman presented a petition from the judge and advocates of the bar of Matagorda district court, praying a longer term, which was referred to the committee on the judiciary.

Mr. Rusk presented a petition from B. Barnwell, which was referred to the committee on military affairs.

Mr. Rusk, from the special committee to whom was referred the petition of P. S. Wyatt, reported favorably, and recommended the passage of the accompanying resolution: adopted; and the resolution was read a first time.

Mr. Hill presented the petition of sundry citizens of Washington county, praying for the organization of a new county; which was referred to the committee on county boundaries.

A communication from the secretary of the treasury, with accompanying documents, was received and referred to the committee on public lands.

Mr. Rusk, from the committee to whom was referred the bill to lay a tax on and regulate the issuing of change bills, reported a substitute, which was adopted, read a second time and ordered to be engrossed.

A message was received from the Senate by Mr. Gray, the secretary, informing the house that the Senate have passed a bill to encourage the rearing of horses; also, that they have had under consideration the report of the commissioners for the permanent location of the seat of government, which report, together with other propositions on the same subject, they had

referred to joint committee on the location of the permanent seat of government; also, a report from the joint committee appointed to examine the auditor's office, together with a memorial respecting Indian depredations:—was transmitted for the joint action of both houses.

The bill from the Senate "to encourage the rearing of horses," was taken up.

On motion, the rule was suspended in order to amend.

Mr. Menifee moved to amend by affixing letters so as to qualify the word "Jack;" which motion was adopted.

On motion of Mr. Rusk, the bill was indefinitely postponed.

The memorial from the Senate respecting Indian depredations, was referred to the special committee for the protection of the frontier.

The report of the Senate's committee, appointed to examine the auditor's office, was concurred in, and a committee of three was appointed to confer with the committee appointed by the Senate on that subject.

Messrs. Jones, of Brazoria, Rusk and Menifee, were appointed said committee.

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

Those who voted in the affirmative were Messrs. Baker, Branch, Billingsly, Brennan, Douglass, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Linn, Pierpont, Ponton, Swift, Thornton, and Wyatt—16.

Those who voted in the negative were Messrs. Speaker, Burleson, Boyd, Gazley, Hardeman, Lumpkin, Menifee, McKinny, Power, Rusk, Rowlett, and Sutherland—13.

So the house adjourned.

#### TUESDAY MORNING, 24th April, 1838.

The house met pursuant to adjournment, and was opened by prayer from the Rev'd Mr. Allen.

Mr. Sutherland presented a claim from Philip Dimett, which was referred to the committee on claims and accounts.

Mr. Sutherland presented a petition from James A. Sylvester, which was referred to the committee on claims and accounts.

Mr. Rusk presented a petition from H. R. W. Hill, by attorney, which was referred to the committee on public lands.

Mr. Sutherland, from the committee on public lands to whom were referred the petition of G. Brightman, that of William Godden and J. W. Cope, also the petition of J. H. Smith

and Josiah Pomeroy, and the petition of Isaac D. Boyce, reported that the same had been under consideration, and the committee were of opinion that it was inexpedient to pass an act for the special relief of the petitioners, and asked to be discharged from the further consideration of the same; which report was adopted.

Mr. Burleson, from the committee on Indian affairs, made a report, and recommended that, as all means of a conciliatory and friendly character had failed to produce the desired effects, and as the Indians still continue their savage depredations, the secretary of war be instructed to order out a sufficient portion of the militia to operate on the frontier in three divisions, etc.; and the committee further recommend that no Indian tribe be permitted to settle south of a due west line to commence on the boundary line between this government and the United States, one hundred miles above the upper settlements of Red River, etc. Which report was, for the present, laid on the table.

Mr. Branch, from the committee on the judiciary to whom was referred "an act declaring certain children, therein named, legitimate:" reported unfavorably to the passage of the bill, and recommended its indefinite postponement; which report was concurred in.

Mr. Pierpont, from the committee on claims and accounts, reported a bill for the benefit of the heirs and legal representatives of those who have died or been killed in the service of the Republic.

Mr. Rusk moved to disagree; which motion was lost.

The report was then concurred in.

Mr. Pierpont, from the committee on claims and accounts, reported a bill for the relief of J. H. Miller, M. A. Bingham, and others; adopted.

Mr. Jones, of Brazoria, introduced a bill to prevent the issuing of patents, under the land law, until after the expiration of sixty days, etc.; which was read a first time.

Mr. Gazley introduced a joint resolution for perfecting titles to lots on Galveston Island; which was read a first time.

A communication from the secretary of war, with accompanying documents, was received, and,

On motion of Mr. Patton, was referred to the committee for the protection of the frontier.

Mr. Rusk presented the petition of Lewis Termillis, L. L. D., praying congress to incorporate the Salinilla Silk and Wine company; which, on motion, was referred to the committee on internal improvements.

Mr. Gazley moved to dispense with the rule and take up the bill to legitimize John Vince; which was lost.

The bill for the benefit of the heirs and legal representatives of those who have been killed or have died in the service of the Republic, was read a first time.

The bill for the benefit of J. H. Miller and others therein named, was read a first time.

Mr. Pierpont, from the committee on claims and accounts to whom the same was referred, reported the bill for the benefit of Forbes, Brooks & co., without amendment. The committee returned the claims of J. R. Foster and E. C. Pettus, and recommended that they be referred to the committee on military affairs; adopted.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills.

A bill entitled, "an act to repeal an act to encourage steam navigation," was read a third time and passed.

A bill "to amend an act granting lands to those who were in the battle of San Jacinto and other battles," was taken up on its third reading.

The ayes and noes being called for on its final passage, and the question put, "shall the bill pass?"

Those who voted in the affirmative were Messrs. Speaker, Branch, Burleson, Billingsly, Brennan, Grigsby, Hill, Patton, Rusk, Rowlett, Sutherland, Thornton, and Walker—13.

Those in the negative, Messrs. Baker, Boyd, Douglass, Gant, Hardeman, Jones of Austin, Jones of Brazoria, Jack, Linn Lumpkin, Menifee, McKinny, Pierpont, Ponton, Power, and Swift—16. So the bill was lost.

The following message, with accompanying documents, from his Excellency, the President, was transmitted through his private secretary Mr. Hoile.

*To the House of Representatives of the Republic of Texas:*

In compliance with a resolution of the House of Representatives of the 23d instant, respecting the boundary line between this Republic and that of the United States, I herewith transmit a report from the secretary of State, and accompanying documents.

SAM. HOUSTON.

City of Houston, April 24th, 1838.

Mr. Jack moved to adjourn until to-morrow morning at 10 o'clock. The ayes and noes being called for, Messrs. Hardeman and Jack voted in the affirmative.

Those in the negative were Messrs. Speaker, Baker, Branch,

Burleson, Billingsly, Brennan, Boyd, Douglass, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Power, Rusk, Rowlett, Sutherland, Swift, Thornton, Walker, and Wyatt--27. So the motion was lost.

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

TUESDAY, 3 O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Jones, of Brazoria, Speaker *pro tem.*, in the chair.

The joint resolution supplementary to a joint resolution for the relief of J. J. Linn, approved December 18th, 1837, was read a third time and passed.

The joint resolution "providing for the renewing of audited drafts, when lost, etc.," was read a third time:

The yeas and noes being called for on its final passage:

Those who voted in the affirmative were Messrs. Grigsby, Gant, Lumpkin, Menifee, Patton, Pierpont, Swift, Walker and Wyatt--9.

Those in the negative, Messrs. Branch, Boyd, Douglass, Gazley, Hardeman, Hill, Jones of Austin, Jones of Brazoria, Linn, McKinny, Rowlett, Sutherland and Thornton--13.

So the resolution was lost.

The following message, together with accompanying documents, from his Excellency the President, was transmitted thro' his private secretary Mr. Hoile.

#### EXECUTIVE DEPARTMENT, TEXAS.

*Gentlemen:* The President has the pleasure of presenting to the notice and consideration of the honorable Congress, the accompanying report of the honorable secretary of the Navy, and commending the same to the favorable deliberations of your body. It has to be remarked, that at the commencement of the last Congress not one cent was placed at the disposition of the Executive. It was understood that a blockade of our whole coast was certainly to take place;—a partial one for a while did exist. In this emergency, the action of the Department arose from a jealous regard to the public interest. I trust benefit to the country has resulted, as will be seen by the erection of a Navy Yard. It is important to the interest of Texas that she should possess the means and facilities of repairing her own vessels, and not be compelled to resort to foreign ports.

SAM HOUSTON:

City of Houston, 22d April, 1838.

A bill "to provide for issuing change bills," was taken up on its third reading.

On motion of Mr. Branch, the rule was suspended in order to amend.

Mr. Branch moved to strike out all after the enacting clause to the 5th section. The ayes and noes being called for:

Those who voted in the affirmative were Messrs. Branch, Burleson, Boyd, Douglass, Grigsby, Jones of Brazoria, McKinny, Patton, Swift, and Walker---10.

Those in the negative, Messrs. Baker, Billingsly, Gazley, Gant, Hardeman, Hill, Linn, Lumpkin, Meniffee, Pierpont, Ponton, Power, Rowlett, Sutherland, Thornton and Wyatt---16.

So the motion to amend was not adopted.

The bill was then put upon its final passage. The ayes and noes being called for:

Ayes---Messrs. Gazley, Gant, Hardeman, Linn, Lumpkin, Meniffee, Ponton, Power, Sutherland, and Wyatt---10.

Noes---Messrs. Baker, Branch, Burleson, Billingsly, Boyd, Douglass, Grigsby, Hill, Jones of Brazoria, McKinny, Patton, Pierpont, Rowlett, Swift, Thornton, and Walker---16.

So the bill was lost.

The resolution for the withdrawal of the proposition for the annexation of Texas to the United States, was,

On motion of Mr. Branch, referred to the committee on foreign relations.

Mr. Gant moved that the house adjourn until to-morrow morning at 10 o'clock; lost.

The bill "to provide for the removal of the seat of government," was, on motion, laid on the table.

The bill "to alter and establish the boundary line between the counties of Washington and Montgomery," was,

On motion of Mr. Hill, referred to a select committee consisting of Messrs. Hill, Jones of Austin, and Baker.

The bill relating to forfeited lands, was,

On motion of Mr. Boyd, referred to a special committee consisting of Messrs. Boyd, Rusk, and Sutherland.

The message and accompanying documents from the President, on the subject of the boundary line between this government and the United States, were referred to the committee on foreign relations.

The message and accompanying documents from the President, on the subject of the Navy Department, were referred to the committee on naval affairs.



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

WEDNESDAY, April 25th, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Allen.

Mr. Billingsly, who voted in the majority, moved to reconsider the vote given on yesterday on the bill to provide for the issuing of change bills; which motion was adopted.

On motion of Mr. Jack, the vote given on the final passage of the bill "to amend an act granting lands to those who were in the battle of San Jacinto and other battles," was re-considered.

Mr. Menifec presented a petition from the chief clerk of the general land office, which was referred to the committee on public lands.

Mr. Burleson presented a petition from sundry citizens of Bastrop for the protection of the frontier: which was referred to the committee for the protection of the frontier.

Mr. Rusk presented an affidavit for the benefit of John Garrett; which was directed to be filed with his petition.

Mr. Gazley presented a petition from Judge Briscoe, and other civil officers of Harrisburg county, praying that all fines, taxes on billiard tables, etc., collected in the county, be appropriated to the use of the same.

Mr. Billingsly moved to refer the petition to the committee on finance; which was lost.

Mr. Jack moved its indefinite postponement; which motion was adopted.

Mr. Rusk presented a petition from Nelson Cavanaugh; which was referred to the committee on the judiciary.

Mr. Rusk, from the committee on military affairs to whom were referred the accounts of John Barry, reported that the matter belonged entirely to the auditorial department, and asked to be discharged from the further consideration of the same; which report was adopted.

Mr. Rusk, from the committee on military affairs to whom was referred the petition of Barnett McNelly, reported, that this was not the proper department to grant discharges, and asked to be discharged from the further consideration of the petition; which was adopted.

Mr. Menifec, from the committee on finance to whom was referred the bill "to provide for the payment of government dues in audited paper:" reported, that the committee had exam-

ined the same, and recommend that the first section be stricken out, and the balance of the bill referred to the committee on public lands; and they recommend the indefinite postponement of the bill vacating seats of officers who refuse government paper for fees, etc.; which was adopted.

Mr. Jones, of Austin, from the committee on naval affairs to whom was referred the claim of the officers and crew of the schooner Liberty, reported a joint resolution for their benefit; which resolution was read a first time.

Mr. Jones, of Austin, from the committee to whom was referred the memorial and claim of Thomas A. Waitt, reported that the claim was without vouchers or date, and asked leave to return them to the house; which was adopted.

The memorial and claim were then referred to the committee on claims and accounts.

Mr. Swift, from the committee on internal improvements, to whom was referred the petition of the Texas steam mill company, reported unfavorably to the prayer of the petitioners;—adopted.

Mr. Douglass introduced a joint resolution to authorize an issue of promissory notes, sufficient to pay off the claims of original holders of military scrip, and to meet the exigencies of the civil list; which was read a first time.

Mr. Rusk introduced the following resolution, which was adopted.

*Resolved*, That the secretary of the Treasury be requested to lay before this house the report and other papers returned by John K. Allen, as receiver of public monies for the department of Nacogdoches, under the appointment of the Provisional government; and also the returns in his office from the committee of safety and vigilance of Nacogdoches.

Mr. Gant introduced the following resolution, which was adopted.

*Resolved*, That the committee on the state of the Republic be instructed to inquire into the expediency of increasing the number of senatorial districts, and report by bill or otherwise.

Mr. Jones, of Austin, from the committee to whom was referred the resolution for the removal of seats of justice, reported a bill, and recommended the passage of the same as a substitute; adopted.

Mr. Gant introduced a bill "to fix a standard of weights and measures;" which was read a first time.

Mr. Douglass introduced the following resolution, which was adopted.

*Resolved*, That the secretary of the Treasury be requested to inform this house of the amount of contingent expenses at the several ports of entry, stating each item in detail.

A communication from John K. Allen, covering vouchers, documents, etc. of Memican Hunt, was received, and referred to the committee on claim- and accounts.

The bill "to provide for issuing change bills," was taken up.

On motion, the rule was suspended in order to amend.

The bill was then referred to a select committee consisting of Messrs. Rusk, Jones of Brazoria, and Gazley.

The bill entitled, "an act to amend an act granting lands to those who were in the battle of San Jacinto and other battles," was taken up.

Mr. Rusk moved to suspend the rule in order to amend;—adopted.

Mr. Rusk offered an amendment to the second section, and a substitute for the third section; which were adopted.

The bill was then put upon its final passage, and the ayes and noes called for:

**Ayes**—Messrs. Speaker, Baker, Burleson, Billingsly, Brennan, Boyd, Grigsby, Hill, Rusk, Rowlett, Sutherland, Thornton, Walker and Wyatt—14.

**Noes**—Messrs. Douglass, Gazley, Gant, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, McKinny, Pierpont, Ponton, Power, and Swift—14.

So the bill was lost.

A bill regulating the issuing of patents for land to assignees, etc., was referred to the committee on public lands.

On motion of Mr. Jack, the vote on the bill entitled "an act to amend an act granting lands to those who were in the battle of San Jacinto and other battles" was re-considered. The bill was again put upon its final passage; the ayes and noes being called for,

**Ayes**—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Boyd, Grigsby, Hill, Jack, Patton, Rusk, Rowlett, Sutherland, Thornton, Walker and Wyatt—17.

**Noes**—Messrs. Douglass, Gazley, Gant, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Pierpont, Ponton, Power and Swift—13; so the bill.

The bill "for the removal of the seat of government" was taken up, and, on motion of Mr. Rusk, referred to the committee of the whole house.

The house resolved itself into committee of the whole,

Mr. Lumpkin in the chair; and after having spent sometime therein the committee rose.

Mr. Lumpkin, chairman of the committee of the whole house, reported, that the committee had had under consideration, the bill "for the removal of the seat of government," and instructed him to report the bill without amendment, and to ask to be discharged from the further consideration of the same, which was adopted.

On motion of Mr. Rusk, the bill was referred to a special committee of five, consisting of Messrs. Rusk, Burleson, Menifee, Rowlett and Hill.

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

WEDNESDAY, 3 O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. Swift, the house proceeded to the election of an enrolling clerk.

Mr. Swift nominated J. D. Hugenan; Mr. Gazley nominated Mr. Ainswort; and Mr. Jones of Brazoria, nominated John Green. Messrs. Swift and Thornton were appointed Tellers: J. D. Hugenan having received a majority of all the votes, was duly elected. He therefore took the oath required by law, and entered upon the duties of his office.

Mr. Rusk, with leave, introduced a bill respecting the abatement of suits, &c. which was read a first time.

Mr. Gant introduced the following resolution, which was adopted:

*Resolved,* That the secretary of the treasury be requested to inform this house of the amount of taxes assessed in the several counties of this republic, under the "direct tax law" for the year 1837, and what amount of the same has been collected.

The joint resolution declaring all who were in the service at the date of the declaration of independence entitled to the privileges and benefits of citizens, was laid on the table.

Mr. Gazley, with leave, introduced a bill to incorporate the city of Houston, which was read a first time.

The bill for the benefit of P. S. Wyatt was taken up.

Mr. ——— moved to strike out "promissory notes;" lost.

Mr. Patton moved to refer the bill to the committee on claims and accounts; lost. The bill was then read a second time, and ordered to be engrossed.

Mr. Baker introduced a joint resolution fixing a temporary boundary between the counties of Bexar and San Patricio, which was read a first time.

The bill for the relief of Forbes, Brooks & Co. was taken up.

Mr. Patton moved to insert the words "promissory notes;" adopted.

The bill was then read a second time and ordered to be engrossed.

Joint resolution "requiring titles to be made to purchasers of lots in Galveston," was laid on the table.

The bill "for the relief of J. H. Miller and other persons therein named," was read a second time, and ordered to be engrossed.

The "bill for the benefit of the heirs and legal representatives of those who have died or been killed in the service of the Republic" was referred to the committee on the judiciary.

On motion of Mr. Menfee, the committee to whom was originally referred the report of the secretary of the treasury, were requested to place the report in the hands of the finance committee.

On motion of Mr. Rusk, the house adjourned until to-morrow morning at 9 o'clock.

#### THURSDAY, APRIL 26, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Allen.

Mr. Jack presented a petition from Edward Crosby and others, of the Invincible, which was referred to the committee on naval affairs.

Mr. Gant presented a petition from sundry citizens of Montgomery county, praying for the organization of a new county.

A petition from C. G. Hoitt was presented and laid on the table.

Mr. Rusk asked leave of absence for Mr. Gazley, which was granted.

Mr. Linn presented the petition of John Greer and others, a corps of Riflemen, which was referred to the committee on military affairs.

Mr. Hill presented a petition from T. J. Golightly, attorney, &c., which was referred to the committee on public lands.

Mr. Rusk presented papers relative to the estate of Wm. G. Logan, which was referred to the committee on the judiciary.

Mr. Baker, from the joint committee on printing, made a report, which was adopted.

Mr. Rusk, from the committee on military affairs, to whom was referred the claim of John R. Foster, reported unfavora-

bly, and asked to be discharged from the further consideration of the same: adopted.

Mr. Rusk, from the committee on military affairs, to whom was referred the communication of the auditor relative to Captains Jewell's and Costley's companies, and also the companies raised by Captains Ross and Lynch, reported two resolutions authorizing the auditor and secretary of war to settle the claims of the members of those companies: which report was adopted.

The resolution authorizing the auditor to audit the discharges of Capts. Ross' and Lynch's companies was read a first time.

The resolution authorizing the auditor to audit the claims of the members of Capts. Jewell's and Costley's companies was read a first time.

Mr. Rusk, from the committee on military affairs introduced and recommended the passage of a bill to provide for the settlement of deceased soldiers' and officers' estates, which was read a first time.

Mr. Rowlett, from the committee on engrossed bills, reported bills for the benefit of P. S. Wyatt, and Forbes Brooks & Co.

Mr. Boyd introduced a joint resolution for the benefit of emigrants who have contributed to the support of the war; which was read a first time.

On motion of Mr. Burleson, the committee to whom was referred the bill for the protection of the frontier, were requested to return the same to the house.

Mr. Billingsly, with leave, introduced a bill to establish the county line of the county of Fayette, which was read a first time, and, on motion of Mr. Burleson, referred to a special committee consisting of Messrs. Burleson, Ponton, and Baker.

Mr. ——— introduced a joint resolution providing for the auditing of claims without affidavit, &c., which was read a first time.

Mr. Rusk, from the committee for the protection of the frontier, introduced a bill to provide for raising a cavalry corps, which was read a first time.

Mr. Jack introduced a resolution to repeal a part of the law incorporating the town of Brazoria, which was read a first time.

Mr. Jack introduced a bill to repeal a part of the law organizing inferior courts, which was read a first time.

Mr. Billingsly, with leave, introduced a bill to establish a rate of interest, which was read a first time.

The bill for the benefit of Messrs. Forbes Brooks & Co.,

was read a third time, and put upon its final passage. The eyes and noes being called for—

Ayes—Messrs. Branch, Gant, Jones of Brazoria, Linn, Pierpont, Ponton, Power, Rowlett, Thornton, and Walker,—10.

Noes—Messrs. Speaker, Baker, Burleson, Billingsly, Brennan, Boyd, Douglass, Grigsby, Hardeman, Hill, Menifee, McKinny, Patton, Rusk, Sutherland and Swift—16; so the bill was lost.

The bill for the protection of the frontier was taken up. Mr. Branch offered a resolution for a substitute, which was withdrawn. The bill, together with others on the same subject, was then referred to the committee of the whole house.

The house then resolved itself into committee of the whole on the several bills relating to the protection of the frontier; Mr. Branch in the chair. After some time spent therein, the committee rose and reported sundry amendments to the bill for the protection of the frontier, and also to the bill authorizing the President to raise a corps of cavalry. The bills were laid on the table.

A message was received from the senate, by Mr. Gray, their secretary, informing the house that the senate had concurred in the passage of the bill entitled "an act securing the right of appeal."

The bill for the benefit of P. S. Wyatt was read a third time. The eyes and noes being called for, on its final passage,

Ayes—Messrs. Speaker, Branch, Burleson, Billingsly, Brennan, Boyd, Douglass, Grigsby, Gant, Hardeman, Jones of Austin, Jones, of Brazoria, Linn, Menifee, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland, Swift, Thornton and Walker—22.

Noes—Messrs. Hill, and Patton,—2; so the bill passed.

The house adjourned until to-morrow morning at 9 o'clock.

FRIDAY, APRIL 27, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Allen.

Mr. Jones of Brazoria presented the following Protest, and requested that the same be spread upon the journal.

"In obedience to what I consider my duty, I claim the privilege guaranteed in the 24th section, of the 1st article of the constitution, of entering upon the journal of this house, my protest against the following bill, passed yesterday, viz:

"An act to amend an act granting lands to those who were in the battle of San Jacinto and other battles, approved Dec. 2, 1836."

"Sec. 1. *Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled,* That the lands intended to be granted under the provisions of the act above recited, be included in the first class of claims authorized to be located within the first six months after the opening of the land offices.

"Sec. 2. *Be it further enacted,* That the secretary of war be, and he is hereby required to issue warrants to applicants forthwith, which warrants shall be sufficient authority to any surveyor to locate said land.

"Sec. 3. *Be it further enacted,* That it shall and may be lawful for said lands to be located on any vacant lands of the Republic, or upon any lands claimed or owned by individuals; *provided,* the person locating the same shall first extinguish the title of the *bona fide* and legal claimants of said land, and procure from them a relinquishment to the government; and *further provided,* that nothing herein contained shall be so construed as to authorize any location thereof to be made on any forfeited or confiscated land."

To the several provisions of this bill, I am opposed, and voted in the negative, for the following reasons: I consider that the constitution of this Republic was intended to guarantee to all the original settlers of Texas who were here on the day of the Declaration of Independence, all the rights and privileges which were held out as inducements to emigration by the colonization laws of Mexico and of the state of Coahuila and Texas. This was a league and labor of land to heads of families, and a third of a league to single men. The constitution provides that a general land office shall be established by law to grant titles to this class of citizens, whenever the situation of the country would permit; but, as it does not make mention of any other claimants, it clearly and obviously guaranties a preference to the original colonist or settler, over those who may have come into the country since. Upon this view of the constitution, all congressional legislation heretofore on this subject has been passed; in consequence of which, it has been, and is now, *provided,* that the land offices shall open and go into operation (on a day named,) and their operations shall then be confined to the completing of land titles to all those who, by the existing and previous laws, have acquired a preference to the first location: Of this class, are all citizens who were here on the day of the Declaration of Independence, and those volunteer soldiers who have served a tour of duty in the army of



Texas previous to that time. For these classes of claimants, the land office shall be opened and remain six months in operation, granting and completing titles alone to that description of claimants; after which, other legal claimants shall be entitled to have their land titles completed, (Land Law, Sec. 39.) If any trifling doubt of the plain intention of the constitution existed, this solemn expression of congress, twice repeated, in two succeeding years, would be sufficient to satisfy any mind on the subject, and to demonstrate clearly that the original settler and colonist have vested rights, under the constitution and laws, which no legislation of ours can take away. This bill, however, which embraces over a million of acres, gives to those who were in the battle of San Jacinto and other battles, the right to locate their claims simultaneously with the original settler and colonist, and produces a conflict which is contrary to the intent and meaning of the constitution, and at variance with the plainest principles of common justice. Entertaining these views of the constitution, I trust it will be unnecessary to comment upon the importance of preserving it sacred and inviolable; for if the constitution is not respected, we may bid adieu to civil liberty.

"Another and scarcely less important reason which induced me to vote against this bill, is the fact of certain specific promises which have been made to the holders of land scrip issued by this government. Over a million of acres of this scrip have been sold, and the solemn promise of this government has uniformly been, as is expressed upon the face of such scrip, "that no preference shall be given, to any person or persons, who may have hitherto obtained land from the government of Texas, by purchase or bounty lands, or shall hereafter obtain them in that manner, nor the holders of this scrip, if such lands have not been already located." This bill gives to those who were in the battle of San Jacinto and other battles, a six months' preference in the location of their claims, and is a most palable and direct violation of the solemn pledge of this government upon which its scrip has been sold.

"A violation of public faith, I hold to be a public crime, to the commission of which I can never give my consent, as its result would be, national disgrace and infamy.

"I appreciate, as they deserve, the merits and the services of those who sustained the country in the darkest hour of her peril, and have too much respect for their well-earned fame, to wish to see it tarnished by the odium which this bill will bring

upon it. The laurels which they have so well earned, I would desire to see them wear, with added honor; but not turned into chains to fetter the national prosperity. The operation of this bill, however, will, I fear, produce both these consequences; and when the anniversary of the 21st April shall be celebrated, the light which illuminates the dwellings of our citizens will but serve to expose from within the deep morning robes of PUBLIC FAITH and CIVIL LIBERTY.

"There are other and important considerations connected with this bill, particularly the 3d and last sections, which influenced me to vote in the negative; one of which was, that it would encourage litigation. As these reasons, however, are obvious and of minor importance to those I have mentioned, I omit their detail.

"For these causes, I consider, it due to myself, to my particular constituents, and to the country in general, solemnly to protest against the passage of this bill; and I confidently appeal to God, my country, and posterity, for the correctness of my course.

#### ANSON JONES.

April 26th 1833."

Mr. Sutherland presented papers and a bill relative to the annexation of a part of Victoria to the county of Jackson; which was referred to the committee on county boundaries.

Mr. Linn presented papers referring to the same subject; which were referred to the same committee.

Mr. Sutherland presented a claim from Philip Dimmitt; which was referred to the committee on military affairs.

Mr. Sutherland, from the committee on public lands to whom were referred sundry petitions, &c. reported, and recommended the passage of a resolution for the benefit of Samuel Hews. The committee had examined the report and vouchers, &c. of Col. John K. Allen, agent, &c. and found the same correct. They had also examined the petition of sundry citizens of Shelby county, praying a donation of land in favor of the heirs of Joseph Manning, deceased, and are of opinion the prayer of the petitioners should not be granted. The committee had had under consideration the bill to provide for the payment of government dues in audited paper, and recommend its indefinite postponement. The memorial of A. J. F. Phelan had also been examined, and the committee are of opinion that the salary of his office should not be increased.

On motion, the report was laid on the table.

Mr. Branch, from the committee on the judiciary to whom was referred the bill for the benefit of the heirs of persons who have died or been killed in the service, reported unfavorably to the passage of the bill, and recommended its indefinite postponement. The committee had had under consideration the message of the president, accompanied with the report of the attorney general and other documents, and report unfavorably to the amendments proposed by the attorney general to the judiciary; which report was concurred in.

Mr. Pierpont, from the committee on claims and accounts, to whom were referred the several claims of P. Dimmitt, reported and recommended the passage of a bill for his benefit; which was read a first time.

Mr. Pierpont, from the committee on claims and accounts to whom were referred the claims of Dr. Wm. P. Smith, Maclin Bracey and James Foster, reported a bill for their benefit; which was read a first time.

Mr. Hardeman introduced a bill to provide for the assessment of taxes; which was read a first time.

Mr. Burleson, from the committee to whom was referred the bill supplementary to an act creating the county of Fayette, reported a substitute, which was adopted.

The bill entitled "an act supplementary to an act creating the county of Fayette," was read a second time; the rule was suspended, the bill read a third time and passed.

Mr. Thornton introduced a joint resolution authorizing the secretary of war to discharge soldiers and officers of the army forthwith; which was read a first time.

Mr. Brennan, from the committee to whom was referred the petition from the soldiers stationed at the Post of Galveston, asked to be discharged from the further consideration of the petition, as a general law would be passed; which was agreed to.

Mr. Douglass introduced a resolution for the appointment of a joint committee, to take into consideration the expediency of lessening the duties on merchandize, &c., which was adopted.

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

Mr. Patton introduced a joint resolution providing for the liquidation and auditing of claims against the government; which was read a first time.

Mr. Jones, of Austin, introduced a resolution requiring boards of land commissioners to issue certificates, &c. to the legal representatives of officers and soldiers who fell in the

spring of 1836, under the commands of Travis, Fannin, Johnson and Grant; which was read a first time.

Mr. Rusk, from the special committee to whom was referred the bill from the senate entitled "an act to repeal a certain act therein named," obtained leave and returned the same to the house.

Mr. Burleson obtained leave and introduced a bill to incorporate the Colorado City Bridge Company; which was read a first time.

Mr. Gant introduced a bill "to ascertain the public domain;" which was read a first time.

A bill "for the relief of persons therein named," was read a second time.

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

The bill declaring all who were in the service at the date of the declaration of Independence on a footing with citizens, was referred to the committee on the judiciary.

The joint resolution "for perfecting titles to lots on Galveston Island," was, on motion of Mr. Jones, of Brazoria, amended by inserting after the word "payment," the words "of the purchase money in full;" which was adopted.

The resolution was then read a second time, and ordered to be engrossed.

The bill for the protection of the frontier," was taken up.

Mr. Rusk moved to amend by inserting "the president shall order," &c.; which was adopted.

The bill was then referred to the committee on Indian affairs.

The bill to establish temporarily the boundary line between the counties of Bexar and San Patricio, was on motion of Mr. Jones, of Brazoria, referred to a special committee, consisting of Messrs. Jones of Brazoria, Baker and Brennan.

A message was received from the senate by Mr. Gray, informing the house that the senate had concurred in the passage of a bill entitled "an act to repeal a part of the law incorporating the town of Gonzales;" and also the bill "supplementary to an act creating the county of Fayette."

Mr. Branch introduced a bill "to provide for the payment of scrip in the hands of original holders;" which was read a first time.

Mr. Rusk introduced a bill "to alter the name of the county of Reliance;" which was read a first time.

Mr. Linn presented a resolution requiring the secretary of war to grant discharges to all officers and soldiers on furlough who may apply for the same; which was read a first time.

The joint resolution to provide for issuing an amount of promissory notes sufficient to satisfy appropriations heretofore made, and the contingent expenses of Government, was taken up.

Mr. Jones, of Brazoria, moved to insert "an amount not exceeding three millions of dollars.

The question on the amendment being taken, and the ayes and noes being called for:

AYES—Messrs. Jones, of Brazoria, and Patton.—2.

NOES—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Boyd, Douglass, Grigsby, Gant, Hardeman, Hill, Jones, of Austin, Linn, Lumpkin, Menifee, McKinny, Pierpont, Ponton, Power, Rusk, Sutherland, Swift, Thornton, Walker, and Wyatt—26. So the motion to amend was lost.

Mr. Gant moved to refer the resolution to a special committee. The ayes and noes being called for:

AYES—Messrs. Speaker, Burleson, Brennan, Douglass, Gant, Hardeman, Linn, Menifee, Patton, Pierpont, Ponton, Sutherland, Swift and Walker—14.

KOES—Messrs. Baker, Branch, Billingsly, Boyd, Grigsby, Hill, Jones, of Austin, Jones, of Brazoria, Lumpkin, McKinny, Power, Rusk, Rowlett, Thornton and Wyatt—15.

Mr. Rusk offered a substitute to the resolution, which was adopted.

Mr. Jones, of Brazoria, moved a reference to the committee on Finance—lost.

Mr. Branch moved to refer the resolution, together with others on the same subject, to the committee of the whole house."

The house then resolved itself into a committee of the whole—Mr. Rusk in the chair.

After some time spent therein, the committee rose and reported the original bill, with sundry amendments; which was adopted.

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

FRIDAY, 3 o'clock, P. M.

A communication from the auditor, with accompanying documents, was referred to the committee on military affairs.

The bill providing for the removal of county seats, was read a second time and ordered to be engrossed.

Mr. Burleson, from the committee on Indian affairs to whom was referred the bill for the protection of the frontier, reported the bill with amendments; adopted.

On motion of Mr. Gant, it was laid on the table, and one hundred copies ordered to be printed.

The bill relative to the abatement of suits, &c., was taken up.

Mr. Jones, of Brazoria, moved to refer to the committee on the judiciary; lost.

The bill was then read a second time, and ordered to be engrossed.

The bill to incorporate the city of Houston, was, on motion of Mr. Jack, postponed till Monday next.

The bill to fix a standard of weights and measures, was read a second time and ordered to be engrossed.

The resolution authorizing the secretary of the treasury to pay the officers and crew of the schooner Liberty, &c. was taken up.

Mr. Jones, of Brazoria, moved to strike out "secretary of the treasury," and insert "treasurer;" adopted.

Mr. Baker moved to strike out "authorized and required," in the first instance where it occurs; adopted.

Mr. Branch moved to strike out "or legal representatives;" lost.

The resolution was then read a second time and ordered to be engrossed.

An act repealing part of the law organizing inferior courts, was taken up.

Mr. Jack moved its reference to a select committee; lost.

Mr. Jack then moved to refer it to the judiciary committee; lost.

Mr. Rusk moved to strike out all after the enacting clause; adopted.

Mr. Jones, of Austin, from the committee on naval affairs, to whom was referred the petition of J. Crossby and others, introduced a joint resolution for the benefit of the officers and crews of the Invincible and Brutus; which was read first time.

Mr. Jones, of Austin, introduced a resolution to authorize the secretary of the navy to issue certificates of bounty land to officers and crews of vessels of war; which was read a first time.

On motion, the house adjourned until to-morrow morning, 9 o'clock.

SATURDAY, April 28th, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Allen.

On motion of Mr. Jones, of Austin, the papers relative to the claim of John R. Foster were withdrawn and referred to a special committee, consisting of Messrs. Jones, of Austin, Patton, and Gant.

A claim of W. G. Cooke, administrator of H. L. Thompson, deceased, was presented and referred to the committee on claims and accounts.

Mr. Jones, of Austin, presented a petition from sundry citizens of the northern frontier; which was laid on the table.

Mr. Patton presented an account of Geo. Sutherland; which was referred to the committee on claims and accounts.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the claim of Handy & Lusk, reported a bill for their benefit; which was read a first time.

Mr. Walker, with leave, introduced a joint resolution authorizing district attorneys to institute suits against eleven league claimants; which was read a first time.

Mr. Sutherland, from the committee on public lands, to whom was referred the petition of H. R. W. Hill, reported, and recommended the passage of a bill for his benefit; which was read a first time.

On motion of Mr. Rusk, leave was given to withdraw the papers of Handy & Lusk.

Mr. Pierpont, from the committee on claims and accounts, to whom were referred sundry accounts and petitions, reported that the committee had examined the accounts and papers of John K. Allen, and ask leave to return said papers to the house, and recommend their reference to the committee on Finance. They had also had under consideration the petition of James A. Sylvester, and recommed its reference to the committee on military affairs. The committee had also had under consideration the petition of Susanna Dickinson, and reported and recommended the passage of a general law. They had likewise examined the accounts of Thomas M. Hardeman and William P. Hardeman, and as the committee cannot agree, they ask leave to return the accounts to the house; which report was adopted.

The bill for the benefit of Susanna Dickinson and others, widows of deceased soldiers, was read a first time.

Mr. Sutherland, from the the committee on public lands, introduced a bill supplementary to an act entitled an act to re-

duce into one act and to amend the several acts relating to the establishment of a general land office; which was read a first time.

Mr. Rowlett, with leave, introduced a joint resolution requiring the acting postmaster general to establish a mail route from the seat of justice of Fannin county to Coffee's Station on Red River; which was read a first time.

Mr. Power presented a memorial from C. Page, which was referred to the committee on claims and accounts.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as having been engrossed.

Mr. Rusk presented a memorial from sundry citizens of Nacogdoches on the subject of Indian hostilities; which was laid on the table for the present.

Mr. Rusk, from the special committee to whom was referred the bill and other papers relative to the permanent location of the seat of government, reported the following resolution:

*Resolved*, That the senate be requested to meet the house of representatives in the hall of the house, on Monday next, at 3 o'clock, p. m. for the purpose of selecting, by joint vote, a site for the seat of government.

Mr. Baker moved to postpone the adoption of the resolution till Thursday; lost.

The question was then put on the adoption of the resolution, and the ayes and noes being called—

**AYES**—Messrs. Speaker, Baker, Brennan, Douglass, Grigsby, Hardeman, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Power, Rowlett, Sutherland, Swift, Thornton and Wyatt—18.

**NOES**—Messrs. Branch, Burleson, Billingsly, Boyd, Gant, Hill, Jones, of Austin, Jack, Pierpont, Rusk and Walker—10. So the resolution was adopted.

The committee also reported a resolution to provide for the location of the seat of government.

The resolution to provide for the location of the seat of government, was read, and on motion of Mr. Rusk, amended by adding as follows: "and that this resolution be communicated to the senate for the purpose of ascertaining their opinion;"

Mr. Menifee moved to postpone the further consideration of the resolution till Tuesday next. The ayes and noes being called on this question—

**AYES**—Messrs. Speaker, Baker, Burleson, Billingsly, Brennan, Grigsby, Gant, Hardeman, Jones, of Austin, Jack,



The senate, conducted by their president pro. tem., were received into the house, and the purpose for which the two houses had met having been explained, they proceeded to the joint election of officers to fill vacancies that have occurred under the land law.

For San Augustine county, William R. D. Ward was elected associate commissioner, and Chichester Chaplain president of the board of land commissioners.

For the county of Bexar, Hamilton Hall was elected associate commissioner.

For the county of San Patricio, Benjamin Odlem was elected president of the board of land commissioners.

For the county of Nacogdoches, James H. Tan was duly elected president of the board, and John R. Thobbert was elected associate commissioner.

For the county of Jefferson, O. H. Delano was elected surveyor.

For the county of Washington, W. W. Arrington was elected associate commissioner.

For the county of Matagorda, Charles Howard was elected president of the board.

For the county of Houston, Kurch Hoffer was elected president of the board.

For the county of Gonzales, Adam Zumalt was elected associate commissioner.

For the county of Jackson, Darrien M. Stapp was elected associate commissioner.

For the county of Milam, P. H. Caranay and Jesse Webb were elected associate commissioners.

For the county of Sabine, William Clark, jr., was elected president of the board.

For the county of Jasper, Jamos Armstrong was elected president of the board, and Henry W. Saddith associate commissioner.

For the county of Fannin, Samuel M. Farland was elected associate commissioner.

For the county of Fort Bend, Daniel Perry was elected president, and J. F. Payne and Andrew J. Bonds, associate commissioners.

The other counties were passed over for the present and the senate withdrew.

Mr. Rusk introduced the following resolution:

*Resolved by the senate and house of representatives of the*

Linn, Lumpkin, Menifee, McKinnny, Patton, Ponton, Power, Sutherland, Swift, Thornton and Wyatt—21.

NOES—Messrs. Branch, Boyd, Douglass, Hill, Pierpont, Rusk, Rowlett and Walker—8. So the resolution was postponed till Tuesday next.

A message was received from the senate by Mr. Gray, informing the house that the senate had passed a bill defining the northern boundary of the county of Houston; and a resolution authorizing the president to appoint a notary public for the city of Houston; and also a joint resolution for the relief of John F. Kemper; and a joint resolution instructing the auditor to audit the accounts of the volunteers who served under captains Costley and Jewell.

The bill, from the senate, defining the northern boundary of the county of Houston, was read a first time.

The joint resolution authorizing the president to appoint a notary public for the city of Houston, was read a first time.

The joint resolution for the relief of John F. Kemper was read a first time.

The joint resolution instructing the auditor to audit the accounts of the volunteers who served under captains Costly and Jewell, was read a first time.

The joint resolution authorizing the president, &c. to issue titles to lots on Galveston, was read a third time and passed.

Mr. Brennan moved to suspend the rule and take up the bill for the protection of the frontier.

On motion of Mr. Swift, the rule was suspend, and the resolution appointing a committee of three to wait on the senate and request that body to meet the house at half past three o'clock, p. m., in order to go into the joint election to fill vacancies that have occurred under the land law, was taken up, and adopted.

Messrs. Swift, Baker and Boyd were appointed said committee.

Mr. Rusk introduced a joint resolution for the benefit of M. B. Menard; which was read a first time.

Mr. Billingsly introduced a bill creating the county of Green, which was read a first time.

Mr. Douglass introduced a bill requiring the president to order out the militia.

The bill for the relief of the officers and crew of the schooner Liberty, was read a third time and passed.

The bill for the removal of county seats was read a third time and passed.

Mr. Jones, of Austin, presented a petition from Augustus Mizel; which was referred to the committee on claims and accounts.

The bill to fix a standard of weights and measures was read a third time and passed.

The bill entitled an act to repeal an act therein named, was taken up.

Mr. Rusk offered a substitute for the bill. The ayes and noes being called for—

AYES—Messrs. Speaker, Burleson, Douglass, Gant, Hill, Jones, of Austin, Pierpont, Power, Rusk, Rowlett, Sutherland, Swift and Walker—13.

NOES—Messrs. Baker, Branch, Billingsly, Brennan, Boyd, Grigsby, Hardeman, Jack, Linn, Menifee, McKinny, Patton, Ponton, Thornton and Wyatt—15. So the substitute was rejected.

Mr. Billingsly moved to strike out the words "1st of June;" lost.

Mr. Jack offered a substitute for the whole bill.

A message was received from the senate by a committee, informing the house that they would meet them at half past 3 o'clock, p. m., to go into joint elections to fill vacancies under the land law.

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

SATURDAY, 3 o'clock p. m.

The bill to repeal a certain act therein named, was again taken up, and the question being put on the adoption of the substitute offered by Mr. Jack, and the ayes and noes being called for—

AYES—Messrs. Speaker, Burleson, Gant, Jack, Ponton, Rusk, Rowlett and Sutherland—3.

NOES—Messrs. Baker, Branch, Billingsly, Brennan, Boyd, Douglass, Grigsby, Hardeman, Linn, Menifee, McKinny, Patton, Pierpont, Power, Swift, Thornton, Walker and Wyatt—18. So the substitute was rejected.

On motion of Mr. Rusk, the bill was postponed till Monday next.

Mr. Walker obtained leave of absence.

Messrs. Jack and Branch were appointed a committee to wait on the senate and inform that body that the house was ready to receive them.

*Republic of Texas*, That the two houses adjourn on Saturday the 5th day of May, *sine die*, which was read a first time.

Mr. Jack moved that the houses adjourn till 10 o'clock Monday morning. The ayes and noes being called for, Messrs. Speaker, Baker, Branch, Billingsly, Brennan, Grigsby, Hill, Jack, Patton, Pierpont, Power, Rowlett, and Thornton, 13, voted in the affirmative; and Messrs. Burleson, Boyd, Douglass, Gant, Hardeman, Linn, Menifce, McKinny, Ponton, Rusk, Sutherland and Wyatt, 12, voted in the negative: so the house adjourned till 10 o'clock Monday morning.

MONDAY, April 30th, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Allen.

Mr. Rusk presented a petition from Sidney Sherman which was referred to a special committee consistng of Messrs. Rusk, Branch and Jones of Austin.

Present, Messrs. Speaker, Branch, Hill, Jones of Austin, Jones of Brazoria, Jack, Lumpkin, Menifce, Pierpont, Ponton, Power, Rusk, Sutherland, Swift and Thornton.

Mr. Boyd presented the petition from the grand jurors and sundry citizens of Sabine county; which was referred to a special committee, viz: Messrs. Boyd, Branch, and Rusk.

Mr. Brennan presented a petition from Charles Shearn, which was referred to a select committee consisting of Messrs. Brennan, Billingsly and Thornton.

Mr. Jones of Brazoria presented a memorial from sundry citizens of Brazes, which was referred to a select committee consisting of Messrs. Jonas of Brazoria, Jones, of Austin, and Douglass.

Mr. Ponton presented a petition from sundry citizens of Gonzales, which was referred to the committee on the judiciary.

Mr. Jack presented the proposition relative to the permanent location of the seat of government, which was referred to the committee on the seat of government.

Mr. Sutherland, from the committee on public lands, to whom was referred the resolution reserving to the government all mines, salt lakes, &c., reported the resolution with an additional section, which was read a second time and ordered to be engrossed.

Mr. Jones of Brazoria, from the committee to whom was referred the joint resolution fixing temporarily the dividing line between the counties of Bexar and San Patricio, reported a sub-

stitute, which was read a second time and ordered to be engrossed.

Mr. Linn, from the committee to whom was referred the petition of sundry inhabitants of Gonzales county, reported a bill to define the boundary line between the counties of Gonzales and Victoria; the bill was read a first time, and on motion of Mr. Ponton, indefinitely postponed.

Mr. Gant, from the committee on county boundaries, to whom was referred the petition of sundry citizens of Washington and Milam counties, reported a bill creating the county of Center; which was read a first time.

Mr. Branch, from the judiciary committee to whom was referred a joint resolution in regard to vacancies in the land office: also the petition from the judge and advocates at the bar to prolong the term of the Matagorda courts, together with the petition of J. G. Claude, reported and asked leave to return the same to the house, inasmuch as there are bills before the house, which renders any further notice on the part of your committee unnecessary; which was adopted.

Mr. Branch, from the judiciary committee, to whom was referred the petition of Nelson Cavanaugh, reported unfavorably.

Mr. Gazley introduced a bill entitled "an act providing for recording titles to land in certain cases; which was read a first time.

An act respecting abatement in suits, &c., was read a third time and passed.

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

On motion of Mr. Rusk, the memorial from the county of Montgomery praying congress to devise means for clearing out Rio San Jacinto, was referred to the committee on internal improvement.

The joint resolution instructing the auditor to audit the accounts of the volunteers who served under Capt. Costly and Jewell was read a second time.

Mr. Ponton, with leave, introduced a bill to repeal a part of the 11th section of an act entitled an act to reduce into one act and to amend the several acts relating to the establishment of a general land office, passed Dec. 14th, 1837, which was read a first time.

On motion of Mr. Rusk, the rule was suspended, and the bill to authorize a further issue of promissory notes was taken

up, and referred to a special committee of three, consisting of Messrs. Rusk, Branch and Douglass, with instructions to report at 3 o'clock P. M.

An act to repeal a certain act therein named was taken up.

Mr. Power moved to amend the 3d section, by striking out "secretary of state," and inserting "secretary of the treasury;" adopted.

Mr. Jack moved to refer the bill to a special committee: lost.

Mr. Jones of Austin moved its indefinite postponement: the ayes and noes being called for, Messrs. Speaker, Brennan, Jones of Austin, Pierpont, Rower, Rusk, Rowlett, Swift and Walker—9 voted in the affirmative: Messrs. Baker, Branch, Burleson, Billingsly, Boyd, Gazley, Grigsby, Gant, Hardeman, Hill, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Thornton, Thompson, and Wyatt—22 voted in the negative, and the motion was lost.

Mr. Pierpont moved to amend the first section by striking out the words "June next," and inserting in lieu thereof, the words "January 1840."

Mr. Rowlett was excused from voting: the ayes and noes being called for, Messrs. Speaker, Douglass, Jones of Austin, Pierpont, Swift and Walker—6 voted in the affirmative; and Messrs. Baker, Branch, Burleson, Billingsly, Roman Boyd, Gazley, Grigsby, Gant, Hardeman, Hill, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Power, Rusk, Sutherland, Thompson, Thornton and Wyatt—25 voted in the negative.

Mr. ——— moved to strike out "the first of June," and insert "1st October." The ayes and noes being called for, Messrs. Speaker, Baker, Brennan, Douglass, Jones of Austin, Jack, Pierpont, Power, Rusk, Rowlett, Swift and Walker—11 voted in the affirmative; and Messrs. Branch, Billingsly, Boyd, Gazley, Grigsby, Gant, Hardeman, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Sutherland, Thompson, Thornton and Wyatt—18 voted in the negative.

Mr. Baker moved to strike out "1st June," and insert "the 1st of August;" lost.

The question was then taken on striking out "1st June," and inserting "1st July;" lost. Mr. Rusk moved to strike out "1st June," and insert "15th of May;" lost. The question was then taken on striking out "from first of June," and inserting "from and after its passage;" lost.

Mr. Gazley moved that the house adjourn till 3 o'clock p. m.  
—lost.

Mr. Rusk proposed an additional section to the bill, which was adopted.

Mr. Gant offered to amend the first section, by adding as follows: "and the present duties on wollen goods, ready made clothing, silks and spirits, shall be reduced one half after that time, and all other duties, one third the present rates." The ayes and noes being called for, Messrs. Speaker, Boyd, Douglass, Gant, Hill, Ponton, Rusk, Swift and Walker—9 voted in the affirmative; Messrs. Baker, Branch, Billingsly, Brennan, Gazley, Crigby, Hardeman, Jones of Brazoria, Jones of Austin, Jack, Linn, Lumpkin, Menifee, McKinny Patton, Pierpont, Power, Sutherland, Thornton- Thompson and Wyatt,—21 voted in the negative.

Mr. Gazley moved to amend by adding to the 2nd section the following, "and in case of neglect to pay the duties by the importer, within ten days, the collector shall proceed to sell the goods at auction, or a sufficient amount thereof to pay the duties, after giving ten days' notice of such sale, and shall sell accordingly, unless payment be made:" adopted.

Mr. Swift moved that the house adjourn till 3 o'clock p. m.  
—lost.

A message was received from the senate, by Mr. Gray, informing the house that the senate had passed a bill authorizing the surveyor of the county of Fayette to run the boundary line of said county.

Mr. Rusk moved to suspend the rule and take up the resolution fixing a day for the two houses to adjourn, lost.

On motion of Mr. Jones of Brazoria, the house adjourned till 3 o'clock p. m.

#### MONDAY EVENING, APRIL 30, 1838.

The house met pursuant to adjournment.

A message was received from the senate by the honorable Mr. Burton, informing the house that the senate was not prepared to meet the house for the purpose of fixing on a site for the seat of government.

Mr. Jones of Brazoria, from the committee on foreign relations, to whom was referred the joint resolution to withdraw the propositions for annexation &c., reported a substitute, which was adopted, and read a second time, and ordered to be engrossed.

Mr. Jones, of Austin, to whom was referred the papers of

John R. Foster, reported a bill for his benefit; which was read a first time.

Mr. Rusk, from the committee to whom was referred the bill providing for a further issue of promissory notes, reported a substitute; which was adopted.

The bill was then read a second time, and ordered to be engrossed.

On motion of Mr. Jones, of Brazoria, the rule was suspended in order to amend.

Mr. Jones, of Brazoria, moved to strike out "one million;" and insert "six hundred and fifty thousand;" lost.

Mr. ——— moved that the rule be suspended and the bill put upon its final passage; the ayes and noes being called for:

Messrs. Speaker, Branch, Burleson, Billingsly, Brennan, Boyd, Douglass, Grigsby, Hardeman, Hill, Jones of Austin, Lumpkin, Menifee, McKinny, Patton, Pierpont, Ponton, Power, Rowlett, Sutherland, Swift, Thornton, and Wyatt, 22—voted in the affirmative; and

Messrs. Baker, Gazley, Gant, Jones of Brazoria, Jack, and Linn, 6—voted in the negative.

The bill was then read a third time, and put upon its final passage. The ayes and noes being called for:

Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Boyd, Douglass, Grigsby, Hardeman, Hill, Jones of Austin, Lumpkin, Menifee, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Swift, Walker, and Wyatt—24, voted in the affirmative; and

Messrs. Gazley, Gant, Jones of Brazoria, Jack, Linn, Power and Thornton—7, voted in the negative.

So the bill passed, and was entitled "a bill to define and limit the issue of promissory notes."

The bill for the protection of the frontier, was taken up.

On motion of Mr. Menifee, "twelve months" was stricken out, and "six months" inserted in lieu thereof.

Mr. Gant offered a substitute to the bill;—lost.

Mr. Jones, of Austin, moved to strike out from the word President, the following: "to order the major-general of the militia of this Republic;"—adopted.

Mr. Gazley moved to amend the second section by inserting, "or to furnish an able bodied substitute;"—adopted.

Mr. Jack offered an amendment, which was lost.

Mr. Patton moved to strike out "for the protection of the frontier," and insert the words "for active operations against the Indians on the frontier;"—adopted.



Mr. Burleson moved to suspend the rule, and the bill be read a third time;—adopted.

The bill was read then a third time and passed.

The bill authorizing the President to raise a corps of cavalry, was taken up.

Mr. Baker moved to amend, by striking out of the second section "unless by special order of the President;"—adopted.

Mr. Jones, of Austin, moved to amend the second section by striking out the word "required;"—lost.

The bill was read a second time.

Mr. Brennan moved a suspension of the rule, and the bill put on its final passage;—lost.

The bill was then ordered to be engrossed.

A communication, with accompanying documents, was received from the secretary of the Treasury, on the subject of the contingent expenses of the different ports of entry; which was referred, on motion of Mr. Rusk, to the committee on finance.

Mr. Gant, with leave, introduced a bill amendatory to an act to raise a public revenue by direct taxation;—which was read a first time.

Mr. Jones, of Austin, moved to refer it to the committee on Indian affairs;—lost.

The joint resolution fixing a day for the two houses to adjourn, was, on motion of Mr. Jack, postponed till Monday.

The joint resolution authorizing the President to appoint a notary public for the city of Houston, was taken up.

Mr. Gazley offered a substitute, which was adopted.

The resolution was read a second time.

The bill to change the name of the county of Refugio, was laid on the table.

On motion, the house adjourned till to-morrow morning, 9 o'clock.

#### TUESDAY MORNING, 1st May, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Chaplain.

*Present*—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Boyd, Douglass, Gazley, Grigsby, Gant, Hardeman, Jones of Brazoria, Menifee, Patton, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland, Swift, Thornton, Walker, and Wyatt.

Mr. Jones, of Brazoria, presented a petition from J. A. Southmaid and William Boyd; which was referred to a select committee consisting of Messrs. Jones of Brazoria, Wyatt, and Brennan.

Mr. Gazley presented a petition from William K. Wilson; which was referred to the committee on public lands.

Mr. Rowlett presented two petitions from sundry citizens of Red River county, which was referred to the committee on county boundaries.

On motion of Mr. McKinny, the remonstrance of sundry citizens from Red River county, was referred to the committee on county boundaries.

Mr. Baker, from the committee on enrolled bills, reported a bill entitled, "an act securing the right of appeal," and a bill entitled, "an act to repeal part of an act incorporating the town of Gonzales;" also, a bill entitled "an act supplementary to an act creating the county of Fayette."

Mr. Branch, from the judiciary committee, to whom was referred the petition from the citizens of Gonzales, reported unfavorable to the prayer of the petitioners; adopted.

Mr. Jones, of Brazoria, from the committee to whom was referred the memorial of A. J. Yates and others, on the subject of education, made a report, and introduced and recommended the passage of a resolution providing means for the establishment of a general and uniform system of education, under the control and direction of Congress. Adopted.

Mr. Sutherland introduced the following resolution, which was adopted:

*Resolved*, That the President be requested to communicate to this house the reason, if any he has, why he does not sign the patents to lands, as required by law: and why he has not answered the resolution calling for that information some days since.

Mr. Jones, of Brazoria, introduced a resolution of thanks to the members of the New York association for the relief of Texas; which was laid on the table for the present.

A communication from the auditor, with an accompanying account of John H. Bower, was received, and referred to the committee on military affairs.

Mr. Wyatt, with leave, introduced a bill to be entitled "an act granting lands to emigrants;" which was read a first time, and referred to the committee on public lands.

Mr. Gant, with leave, introduced a resolution providing for the election of a printer for the house: which was referred to the committee on printing.

Mr. Rusk, from the committee on military affairs, to whom was referred the communication from the auditor relative to the

pay of the army, reported that the law was sufficiently explicit on that subject. The committee had also under consideration the memorial of A. J. Yates, and recommended its reference to the committee on claims and accounts; which report was adopted, and the memorial referred as recommended.

An act to repeal an act therein named, was taken up and read a third time, and put upon its final passage; the ayes and noes being called for:

Messrs. Branch, Burleson, Billingsly, Boyd, Gazley, Grigsby, Hardeman, Hill, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Power, Sutherland, Thompson, Thornton and Wyatt, 20, voted in the affirmative; and

Messrs. Speaker, Brennan, Douglass, Gant, Jack, Pierpont, Rusk, Rowlett, Swift, and Walker, 10, voted in the negative.

So the bill passed.

The joint resolution from the Senate, authorizing the auditor to audit the accounts of Costley and Jewell's companies, was taken up on its third reading.

Mr. Rusk moved a suspension of the rule in order to amend; adopted.

On motion of Mr. Rusk, the resolution that originated in the house for the same purpose, was adopted in lieu thereof.

The substitute was then read a third time and passed.

Mr. Burleson moved to suspend the rule, and take up the resolution for the benefit of captains Ross and Lynch's companies; adopted.

The resolution was then read a second time, and ordered to be engrossed.

Mr. Gazley introduced the following resolution, which was adopted.

*Resolved*, That the committee on printing be, and they are hereby required to receive propositions touching the price of printing; and that they give notice to the proprietors of printing offices, and report the terms proposed to the two houses of Congress as soon as practicable.

The bill authorizing the President to raise a cavalry corps, was read a third time, and the ayes and noes being called for:

Messrs. Speaker, Baker, Burleson, Brennan, Boyd, Douglass, Gazley, Grigsby, Gant, Hardeman, Jack, Lumpkin, Menifee, McKinny, Patton, Ponton, Power, Sutherland, Thompson, Thornton, and Wyatt, 21, voted in the affirmative; and

Messrs. Branch and Jones, of Austin, 2, voted in the negative. So the bill passed.

A bill relative to the general land office, requiring the commissioner general to withhold patents from assignees till the expiration of sixty days, was taken up.

A motion was made to indefinitely postpone, and the yeas and noes being called for, the vote was unanimous in the negative.

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

Mr. Jones, of Austin, from the committee on naval affairs, to whom was referred the report of the secretary of the Navy, having obtained leave, reported unfavorably to the establishment of a Navy Yard; and as the committee have doubts whether the two vessels purchased for the use of the Navy, will justify the expense of repairs; they recommend that a joint committee of both houses of Congress be appointed to examine those vessels, and report as soon as practicable. Adopted.

Mr. Douglass obtained leave and introduced a bill to provide for raising one volunteer company from each battalion;— which was read a first time.

A message was received from the senate by Mr. Gray, informing the house that the senate had concurred in the passage of the bill entitled, "an act providing for the foreclosing of mortgages on real and personal estate;" also, in the passage of a "joint resolution authorizing the President and commissioner general of the land office to make titles to purchasers of lots on Galveston Island." They have also concurred in the passage of "an act providing for the removal of the seats of justice of the counties," and have made some amendments thereto; in which the house concurred.

Mr. Rusk moved to suspend the rule, and take up the bill for the relief of Handy & Lusk; which motion was lost.

The bill defining the northern boundary of the county of Houston, was, on motion of Mr. Rusk, laid on the table.

On motion of Mr. Gant, the house adjourned till three o'clock, P. M.

TUESDAY EVENING, 1st May, 1838.

The house met pursuant to adjournment.

The joint resolution fixing temporarily the boundary line between Bexar and San Patricio counties, was read a third time, and passed.

Mr. Lane presented the petition of Peter Hines; which was referred to the committee on claims and accounts.

Mr. Menifee, from the committee on finance, to whom was

referred the papers and vouchers of Memucan Hunt, asked leave to return the same to the house, and recommended their reference to the committee on claims and accounts.—Concurred in.

Mr. Wyatt presented a correspondence between the citizens of Red River county and the governor of Arkansas; which was referred to the committee on foreign relations.

The bill authorizing the county surveyor of Fayette to run the boundary lines of said county, was read a second time.

Mr. Ponton, with leave, introduced a bill supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles; which was read a first time.

A joint resolution authorizing the President to withdraw the proposition for annexation of this Republic to the United States, was taken up on its final passage, and the question being put, "shall the resolution pass?"

Messrs. Baker, Brennan, Douglass, Gazley, Gant, Jones of Austin, Jones of Brazoria, Menifee, Patton, Ponton, Rusk, Rowlett, and Thornton, 13, voted in the affirmative; and

Messrs. Speaker, Branch, Burleson, Billingsly, Boyd, Grigsby, Hardeman, Linn, Lumpkin, McKinny, Pierpont, Power, Sutherland, and Swift, 14, voted in the negative.

So the resolution was lost.

Mr. Jones, of Austin, introduced a joint resolution authorizing the county surveyor of the county of Fort Bend, to survey the boundary line between the counties of Harrisburg and Fort Bend; which was read a first time.

Mr. Rusk, from the committee to whom was referred the petition of Sidney Sherman, reported a resolution for his benefit; which was read a first time.

Mr. Rusk, from the committee on military affairs, to whom was referred the petition of James A. Sylvester, reported that, inasmuch as the petition had been previously acted upon, it could not properly come again before the present congress.—Adopted.

A communication from the secretary of the Treasury was received.

A motion was made to refer it to the committee on finance. Lost.

Mr. Jones, of Austin, moved that the secretary be invited within the bar to explain; lost.

On motion of Mr. Billingsly, the bill, under cover of the communication, were ordered to be returned.

The bill entitled, an act supplementary to an act to reduce into one act, and to amend the several acts relating to the establishment of a general land office: was taken up.

Mr. Rusk moved to amend the first section by adding the words, "except in mending water courses;" adopted.

Mr. Gant moved to amend the second section by adding after the word date, the words "and member;" adopted.

Mr. Rusk moved to amend the third section by striking out all from the word "requires," to the word "but;" adopted.

Mr. Rusk moved to amend the fifth section by striking out the proviso; adopted.

The same section was amended by striking out the words "to the same."

Mr. Rusk moved to strike out the fourth section; adopted.

Mr. Billingsly moved to strike out the words, "upon the same lands," and insert "thereof;" adopted.

Mr. Gant moved to amend the sixth section by striking out the word "provided," and insert "and;" adopted.

Mr. Rusk moved to strike out, "or otherwise fraudulently obtained;" adopted.

Mr. Gant moved to strike out the word "two," and insert "more than one;" adopted.

On motion of Mr. Rusk, the whole of the sixth section was then stricken out.

On motion of Mr. Rusk, the 7th section was stricken out.

On motion of Mr. Jones, of Austin, the ninth section was stricken out.

Mr. Jones, of Brazoria, moved to amend by adding to the section tenth; adopted.

Mr. Rowlett moved to amend, by adding "the gold and silver received by receivers to be paid over;" lost.

Mr. Gant moved to strike out the latter part of the 11th section; lost.

Mr. Brennan moved to strike out the 11th section. The ayes and noes were called for, and

Messrs. Brennan, Gant, Linn, Pierpont, Power, Rusk and Rowlett, 7, voted in the affirmative; and

Messrs. Speaker, Burleson, Billingsly, Boyd, Gazley, Grigsby, Hardeman, Hill, Jones of Austin, Jones of Brazoria, Lumpkin, McInfee, McKinny, Patton, Ponton, Sutherland, Swift, Thornton, and Wyatt, 19, voted in the negative.

So the bill was ordered to be engrossed.

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

WEDNESDAY MORNING, 2d MAY, 1858.

The house met pursuant to adjournment, and was opened with prayer by the Chaplain.

*Present*—Messrs. Speaker, Branch, Burleson, Billingsly, Boyd, Douglass, Gazley, Gant, Hardeman, Hill, Jones of Austin, Jones of Brazoria, Jack, Lumpkin, menifec, Pierpont, Ponton, Power, Rusk, Sutherland, Swift, and Thornton.

Mr. Patton presented a petition from sundry citizens of Bexar: which was ordered to be transmitted to the senate.

Mr. Gazley presented a petition from the citizens of Harrisburg county, relative to a division of the county and probate court; which was referred to a select committee consisting of messrs. Gazley, Gant, and Rusk.

Mr. Burleson presented a petition from J. W. Moody;—which was referred to the committee on the judiciary.

Mr. Rusk presented two petitions, one from J. M. W. Hall's company, and other volunteers, and the other from Geo. W. Gant, administrator of the estate of Samuel Dexter; which were referred to the committee on claims and accounts.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred sundry petitions, &c.: reported a bill for the benefit of Augustus Menells and Thomas A. Wyatt. The committee had examined the accounts of Henry L. Thompson, and recommended the passage of a resolution requiring the second auditor to inform the house why he refused to audit the same. The bill was read a first time, and the resolution referred to was adopted.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the accounts of George Sutherland, reported a bill for his relief; which was read a first time.

Mr. Rusk introduced a bill to organize the militia; which was read a first time.

Mr. Branch, from the committee on the judiciary, to whom was referred the papers relative to the estate of William G. Logan, deceased: reported that the subject properly belonged to the judiciary tribunal of the county; which report was concurred in.

Mr. Gant, with leave, introduced a bill to authorize the land commissioners to issue duplicate certificates for land;—which was read a first time.

Mr. Burleson introduced a bill entitled, an act supplementary to an act establishing ferries, etc.; which was read a first time.

Mr. Gazley introduced a joint resolution authorizing the surveyor of Harrisburg county to run the line between the counties of Harrisburg and Matagorda; which was read a first time.

Mr. Hill, from the committee to whom was referred the bill to alter the boundary line between the counties of Washington and Montgomery, reported unfavorably to the passage of the bill.

Mr. Gant moved that the papers be read; lost.

The question then recurred on the adoption of the report, and the ayes and noes being called for, Messrs. Branch, Burleson, Billingsly, Boyd, Douglass, Gazley, Grigsby Hardeman, Hill, Jones of Brazoria, Jack, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland, Swift, Thornton and Wyatt, 20, voted in the affirmative; and Messrs. Gant, Linn and Patton, 3 voted in negative; so the report was concurred in.

Mr. Rowlett, with leave, introduced a resolution as follows:

*Resolved*, That no new business will be received in this house after the 5th inst.; which was laid on the table until tomorrow.

Mr. Pierpont, from the committee on claims and accounts, to whom were referred the claims of H. Ashby and Peter Hines, reported a bill for their relief; which was read a first time.

Mr. Boyd, from the committee to whom was referred the bill entitled an act to dispose of the forfeited lands of the Republic, reported a bill with amendments; adopted.

Mr. Jones, of Brazoria, introduced a resolution instructing the committee on the state of the Republic, to take into consideration the subject of opening the trade with the Northern part of the Republic; adopted.

Mr. Billingsly moved to reconsider the vote given on yesterday, on the resolution to withdraw the proposition for annexation; adopted.

Mr. Burleson introduced a resolution of thanks to H. R. W. Hill, Esq., of Nashville, Tennessee; which was laid on the table for the present.

The joint resolution to withdraw the proposition to annex this Republic to the United States, was taken up.

Mr. Rusk moved to suspend the rule in order to amend; adopted.

The resolution was then amended so as to read, "the president is authorized and required immediately," &c.; which was adopted.



The resolution was again put upon its final passage, and Messrs. Brennan, Douglass, Gazley, Gant, Jones, of Brazoria, Jack, Menifee, Patton, Ponton, Rusk, Rowlett, Thompson, and Thornton, 13, voted in the affirmative; Messrs. Speaker, Branch, Burleson, Billingsly, Boyd, Grigsby, Hardeman, Hill, Linn, McKinny, Pierpont, Sutherland, Swift and Wyatt, 14, voted in the negative: so the resolution was lost.

A message was received from the senate by Mr. Gray, informing the house that the senate had concurred in the passage of the joint resolution providing for the repairs of the president's house, and for the purchase of furniture, &c.; also in the passage of the resolution supplementary to a joint resolution for the benefit of J. J. Linn; also that the senate had made several amendments to the bill entitled an act to authorize the president to negotiate a loan for five millions of dollars, and asked the concurrence of the house to the same.

Mr. Branch moved that the amendment striking out the 5th section, and adopting a substitute in lieu thereof, be disagreed to. The ayes and noes being called for, Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Gazley, Grigsby, Hardeman, Menifee, McKinny, Pierpont, Rowlett, and Thompson, 14, voted in the affirmative; Messrs. Boyd, Jones, of Brazoria, Linn, Patton, Power, Sutherland, Swift, Thornton and Wyatt, 10, voted in the negative: so the amendment was disagreed to.

On motion, the other amendments made by the senate, were concurred in.

On motion of Mr. Thornton, the house adjourned till 3 o'clock, P. M.

#### THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Wyatt introduced a joint resolution authorizing the president to take the sense of the people on the question of annexation, which was read a first time.

The resolution for the benefit of Ross and Lynch's companies, was read a third time and passed.

An act supplementary to an act to reduce into one act and to amend the several acts relating to the establishment of a general land office, was referred to the committee on the judiciary.

A communication was received from the 2d auditor relating to the claims of William G. Cooke, administrator of Henry L. Thompson.

The joint resolution for the benefit of John F. Kemper was read a second time.

The bill entitled an act supplementary to an act to sustain the currency, was, on motion of Mr. Rusk, indefinitely postponed.

The bill to legitimate John Vince, son of Allen Vince, &c. was, on motion, of Mr. Rusk, indefinitely postponed.

The joint resolution authorizing the secretary of war to discharge officers and soldiers forthwith, was referred to the committee on military affairs.

On motion of Mr. Pierpont, the papers of Forbes, administrator of M. B. Clark, were withdrawn.

The joint resolution authorizing the secretary of war to grant discharges to all officers and soldiers on furlough, was referred to a select committee, consisting of Messrs. Patton, Wyatt and Linn.

The bill authorizing the surveyor of Fayette county to run the boundary line of said county, was read a second time, and, on motion of Mr. Thompson, indefinitely postponed.

The joint resolution for the benefit of M. B. Menard was read a second time.

Mr. Thompson moved a reference to the committee on county boundaries; the ayes and noes being called for, Messrs. Douglass, Gazley, Gant, Hill, Patton, and Thompson, 6, voted in the affirmative; and Messrs. Baker, Branch, Burleson, Brennan, Boyd, Grigsby, Hardeman, Linn, Menifee, McKinn, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland, Swift, Thornton and Wyatt, 19, voted in the negative.

The resolution was then ordered to be engrossed.

The bill regulating taxes, and the other bills relative to the same subject, were referred to the committee of the whole house.

The house then resolved itself into committee of the whole—Mr. Hill in the chair.

After having spent some time therein, the committee rose and reported that they had had under consideration the several bills relative to the levying a tax, &c. had made some progress, and asked to be discharged from further consideration of the same; adopted.

Mr. Rusk offered a substitute.

The bill, together with the substitute, were then referred to a select committee, consisting of Messrs. Menifee, Rusk and Hardeman.

The joint resolution for the benefit of Maclin Bracy, James Foster, and William P. Smith, was read a second time. On motion, so much as referred to the claims of William P. Smith was stricken out. The resolution was then ordered to be engrossed.

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

THURSDAY MORNING, 3d MAY, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

Mr. Pierpont from the committee on claims and accounts, to whom was referred the accounts of Memucan Hunt, and the memorial of A. J. Yates, reported a resolution for the benefit of the former, and recommended the reference of the latter to a select committee; adopted.

Messrs. Rusk, Jack, and Jones, of Austin, were appointed said committee.

The resolution for the benefit of Memucan Hunt was read a first time.

Mr. Sutherland, from the committee on public lands, to whom was referred the petition of Mr. R. Wilson, reported that the committee are of opinion that the law provides for all such cases. The committee had also under consideration the bill entitled an act to grant lands to emigrants, and recommended its indefinite postponement; adopted.

Mr. Branch presented a petition from Joseph White, which was referred to the committee on claims and accounts.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills.

Mr. Billingsly presented propositions from the corporation of Bastrop relative to the location of the seat of government; which were referred to the joint committee on the seat of government.

Mr. Baker, from the committee on enrolled bills, reported the joint resolution authorizing the president and commissioner of the general land office, to issue titles to lots on Galveston Island; also the act providing for the removal of the seats of justice.

Mr. Power offered the following resolution, which was adopted:

*Resolved*, That the secretary of the navy report to this house the number of officers and men in the service or employ of

this Republic, with a statement of their monthly pay, and where stationed.

Mr. Thompson, with leave, introduced a bill relative to grand and petit jurors, which was read a first time.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the petition of the members of J. M. Hall's company, and others, reported the petition did not come properly before that committee, and recommended its reference to the committee on public lands.

The joint resolution for the benefit of M. H. Menard, was read a first time, and passed.

The bill for the benefit of Macklin Tracy and James Foster was read a third time and passed.

Mr. Patton moved to suspend the rule and take up the joint resolution providing for auditing claims created previous to 1837; adopted.

Mr. Thompson moved to amend by adding a third section; adopted.

The resolution was then referred to a select committee consisting of Messrs. Gant, Patton and Rowlett, with instructions to report at 3 o'clock.

Mr. Rusk presented a petition from Joseph A. Creery, which was referred to a select committee, consisting of Messrs. Rusk, Branch and Thornton.

A petition from John Baptist Maturin, was presented, and referred to the committee on public lands.

Mr. Rusk presented a petition from R. Eden Handy, in behalf of James Robinson, which was referred to a select committee, consisting of Messrs. Rusk, Nurlson and Baker.

A message was received from the senate by Mr. Gray, informing the house that the senate had, after examining the same, passed the bill incorporating the Caney Navigation Company; and also had amended and passed the bill to repeal the 37th section of the act organizing inferior courts; also that the senate had passed the bill to prevent the burning of prairies in certain seasons.

Mr. Branch, from the judiciary committee to whom were referred the bill entitled an act supplementary to an act to reduce into one act and to amend the several acts in relation to the establishment of a general land office, and the bill relating to the officers of the general land office, after having obtained leave, reported a substitute for both bills. The report was adopted, and the substitute was, on motion of Mr. Rusk, amended, and one hundred copies ordered to be printed.

On motion of Mr. Rusk, the vote on the final passage of the resolution legitimating John Vince, son of Allen Vince, was reconsidered.

On motion of Mr. Rusk, the vote on the final passage of the bill providing for the renewal of audited drafts, when lost, was re-considered.

The resolution providing that no new business shall be introduced after the 5th inst., was taken up.

Mr. branch moved its indefinite postponement; lost.

The resolution was put upon its final passage; Messrs. Speaker, Douglass, Grigsby, Gant, Hardeman, Hill, Jones, of Brazoria, Rusk, Rowlett, Thornton and Walker, II, voted in the affirmative; and Messrs. Baker, Burleson, Billingsly, Brennan, Boyd, Gazley, Jack, Linn, Menifee, McKinny, Pierpont, Ponton Power, Sutherland, Swift, Thompson and Wyatt, IS, voted in the negative: so the resolution was lost.

On motion of Mr. Rusk, the bill providing for the removal of the seat government, was taken up.

Mr. Gant moved its reference to a select committee of five. adopted.

Mr. Patton moved that the house elect the committee; adopted.

Mr. Jack moved to postpone the election till Monday; lost.

Mr. Gaut moved to postpone till Monday next.

Messrs. Jones, of Brazoria, and Grigsby were appointed tellers.

After balloting, George Sutherland was the only member elected.

Mr. Gazley moved that the speaker appoint the remainder of the committee, when Mr. Rusk moved a re-consideration of the vote referring the bill to a select committee; which last motion was adopted.

The bill was then reported to the committee on public lands, with instructions to report to-morrow morning.

The bill for the relief of John F. Kemper, was, on motion of Mr. Thompson, laid on the table till vouchers could be received.

The bill to incorporate the city of Houston, was, on motion of Mr. Pierpont, laid on the table for the present.

The bill providing for raising one volunteer company for each battalion, was taken up, and considered; read a second time, and ordered to be engrossed.

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

## THURSDAY EVENING, 3 o'clock, p. m.

The house met pursuant to adjournment.

The bill entitled an act to repeal the 37th section of an act organizing inferior courts, was taken up, and the amendments made by the senate were concurred in.

An act incorporating the Caney Navigation Company was taken up, and, on motion, the amendments made by the senate were concurred in.

Mr. Sutherland, with leave, introduced a bill to secure titles to lands situate within certain limits; which was read a first time.

The bill from the senate to prevent the burning of prairies in certain seasons was read a first time.

Mr. Burleson introduced the following resolution:

*Resolved*, That the senate be requested to meet in the house of representatives, at 3 o'clock on Monday, for the purpose of electing officers to fill offices in the different land offices; which was concurred in.

Mr. Gant moved to amend by inserting between the "fill offices," the words "vacancies in the;" adopted.

Mr. Jones, of Brazoria, moved to add the words "and also fill vacancies in the board of medical censors;" adopted.

The resolution was then adopted.

An act to repeal a part of an act incorporating the town of Brazoria, was read a second time, and amended.

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

The joint resolution authorizing claims to be audited without the affidavit of claimant, was taken up.

Mr. Gant moved its indefinite postponement; lost.

The resolution was read a second time and ordered to be engrossed.

Mr. Billingsly moved to re-consider the vote on the bill granting lands to emigrants who had arrived in the country since the 1st of October last, which was adopted.

On motion of Mr. Rusk, the bill to organize the militia was taken up and read a second time.

Mr. Rowlett moved a suspension of the rule in order to a final reading; lost.

Mr. Rowlett, from the committee to whom was referred the petitions, &c. from the citizens of Red River county, with leave, reported a bill to create a new county; which was read a first time, and referred to a select committee of three, consisting of Messrs. Rowlett, Wyatt, and McKinny.

A message was received from the senate, informing the house that the senate adheres to their amendment, to which the house had disagreed.

The bill entitled an act to dispose of the forfeited lands, was read a second time.

Mr. Rusk moved to fill the first blank with \$3 dollars per acre; adopted.

Mr. Boyd moved to lay the bill on the table; lost.

Mr. Gant offered as a substitute to the bill, the bill to ascertain the public domain; lost.

Mr. Boyd moved to amend so as to read, no improved forfeited lands shall be located; lost.

Mr. Gant moved to strike out the 3d section; lost.

The bill was then ordered to be engrossed.

A message was received from the senate, informing the house that the senate had concurred in the substitute for the joint resolution for the benefit of Costly and Jewell's companies; also in the substitute adopted by the house authorizing the president to appoint notaries public to the several counties of the Republic.

The bill entitled an act establishing a port of entry at the West end of Galveston, was, on motion of Mr. Patton indefinitely postponed.

The joint resolution for the benefit of A. A. Chapman was read a second time, and referred to the committee on claims and accounts.

The bill for the relief of John Garrett was referred to the committee on claims and accounts.

A message was received from the senate informing the house that the senate had passed a bill to create and define the senatorial district of Austin, Colorado and Fort Bend; also a bill authorizing J. Worcester to make and vend a map of the Republic.

The bill entitled an act to authorize the president to negotiate a loan of five millions of dollars, was taken up.

On motion, a committee of three were appointed to confer with a similar committee to be appointed by the senate, on the subject of the disagreement of the amendment.

Messrs. Jones, of Brazoria, Meniffee and Rusk were appointed said committee.

The bill to create and define the senatorial district of Austin, Colorado and Fort Bend, was read a first time.

The bill authorizing *J. Worcester* to make and vend a map of the Republic, was read a first time.

Mr. Power obtained leave to withdraw the papers of *Wm. Langham*.

Mr. Gant obtained leave to withdraw the papers of *Doctor Smith*.

Mr. Sutherland obtained leave to withdraw the papers of *P. Dimmitt*.

The resolution for the relief of *N. F. Byers* was indefinitely postponed.

The bill for the benefit of *Walker and Paxton*, was, on motion of *Mr. Billingsly*, indefinitely postponed.

The bill to amend the tax law was referred to a select committee, consisting of *Messrs. Menifee, Rusk and Hardeman*.

The bill to amend an act incorporating a national bank, was, on motion of *Mr. Billingsly*, laid on the table.

A message was received from the senate informing the house that the senate had appointed *Messrs. Everett, Raines and Russell* to confer with the committee appointed by the house on the subject of the disagreement to the amendment to the bill authorizing the president to negotiate a loan, &c.

The bill to create the collecteral district of *Lavacca*, was referred to a special committee consisting of *Messrs. Menifee, Linn and Jones, of Austin*.

The resolution allowing pay to the volunteers who served under *Col. Douglass*, was read a second time and ordered to be engrossed.

The joint resolution pointing out a mode of authenticating deeds and other instruments of writing, was read a second time.

The joint resolution appropriating (\$70,000,) seventy thousand dollars for certain purposes therein named, was indefinitely postponed.

The bill to incorporate the city of *Houston*, was laid on the table.

The joint resolution granting lands to emigrants who contributed to the support of the war, was read a second time and referred to the committee on public lands.

Mr. Thornton moved to adjourn till 10 o'clock, Monday Morning.

The ayes and noes being called for, *Messrs. Baker, Boyd, Jones, of Brazoria, Pierpont, Rusk, Swift, Thompson, Thornton and Walker, 9*, voted in the affirmative; *Messrs. Speaker, Bur-*



leson, Billingsly, Douglass, Grigsby, Gant, Hardeman, Hill, Jack, Linn, Lumpkin, Menifce, McKinny, Ponton, Power, Rowlett, Sutherland, and Wyatt, 18, voted with the negative: So the motion was lost.

Mr. Jack moved to adjourn till 9 o'clock to-morrow morning; lost.

The bill providing for the settlement of deceased soldiers and officers' estates, was read a second time, and ordered to be engrossed.

A message was received from the senate informing the house that, if there was no business before it, that would require the presence of the senate, that that body would adjourn till Monday morning.

A motion was made to adjourn till Monday morning at 9 o'clock.

The ayes and noes being called for, Messrs. Speaker, Baker, Barleson, Brennan, Boyd, Douglass, Jones of Brazoria, Jack, McKinny, Pierpont, Rusk, Swift, Thompson, Thornton, Walker and Wyatt, 16, voted in the affirmative; and Messrs. Billingsly, Grigsby, Gant, Hardeman, Hill, Linn, Lumpkin, Menifce, Ponton, Power, Rowlett, and Sutherland, 12, voted in the negative: the house was accordingly adjourned.

MONDAY MORNING, 7th May, 1838.

The house met pursuant to adjournment, and was opened with a prayer by the chaplain.

Mr. Jones, of Brazoria, presented a petition from the citizens of Columbia, praying for the incorporation of the Columbia Rail Road Company.

Mr. Billingsly presented propositions from Judge Briscoe and others from the seat of government; which were referred to the joint committee for the permanent location of the seat of government.

Mr. Rusk, from the committee to whom they were referred, returned the papers of A. J. Yates, and recommended their reference to the committee on military affairs.

Mr. Sutherland, from the committee on public lands, to whom was referred an act providing for the removal of the seat of government; which was laid on the table.

Mr. Branch, from the committee on the judiciary, to whom was referred the bill relating to courts of probate, reported that the committee had had the same under consideration, and recommended its indefinite postponement.

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

Mr. Gant, from the committee on county boundaries, to whom was referred the bill to annex a part of Victoria county to the county of Jackson, asked leave to return the papers to the house, which was granted.

Mr. Jones, of Brazoria, from the committee to whom was referred the memorial from the citizens of Brazoria county, on the subject of the custom house regulations, reported a resolution relative to the duties of the collector of the port of Velasco.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills.

Mr. Rowlett, from the committee to whom was referred the petitions and remonstrances from the citizens of Red River county, reported a bill to create the county of \_\_\_\_\_; and also a substitute for the former bill creating the counties of \_\_\_\_\_ out of the territory of the county of Red River.

The bill to dispose of the forfeited lands of the Republic was taken up:

Mr. Meniffee moved to suspend the rule in order to amend; adopted. Mr. Meniffee moved to amend by adding a proviso to the first section, which was adopted.

Mr. Gazley moved to strike out the 4th section. Ayes and noes being called for, and Messrs. Billingsly, Gazley, Jones of Brazoria, Jack and Power—5 voted in the affirmative; and Messrs. Speaker, Baker, Burleson, Brennan, Boyd, Douglass, Grigsby, Gant, Hardeman, Hill, Jones, of Austin, Linn, Lumpkin, Meniffee, McKinny, Ponton, Pierpont, Rusk, Rowlett, Sutherland, Swift, Thornton Walker and Wyatt—26 voted in the negative.

Mr. Branch offered a substitute for the bill. On the adoption of the substitute, Messrs. Speaker, Baker, Branch, Billingsly, Boyd, Gazley, Hill, Jones, of Austin, Jones, of Brazoria, Linn, Pie pont, Ponton, Power, Rowlett, and Wyatt—15 voted in the affirmative; and Messrs. Burleson, Brennan Douglass, Grigsby, Gant, Hardeman, Jack, Lumpkin, Meniffee, McKinny, Patton Rusk, Sutherland, Swift, Thornton, and Walker—16, voted in the negative.

On motion of Mr. Jack, the bill was referred to select committee, with instructions to report to-morrow morning: adopted. Messrs. Jack, Branch and Rusk, wer appointed said committee.

The bill to provide for the settlement of deceased soldiers' estates was read a third time and passed.

The bill for raising one company of volunteers from each ~~hation~~ was read a third time and passed.

A message was received from the senate informing the house that the senate had passed a bill providing for the location of certain land scrip, and for redeeming the same; and also that the senate had concurred with the house in the adoption of the resolution requiring the joint committee on printing to give notice to, and receive propositions from, the several printing offices touching the prices of printing; also, that the senate had appointed Messrs. Everett and Russell on the joint committee to take into consideration the expediency of modifying the law to raise a revenue by impost duties; also, that the senate had amended and passed the bill for the protection of the frontier; also, that the senate had amended and passed the bill from the house entitled "an act to repeal an act to encourage steam navigation; and also, that the senate had amended and passed the bill authorizing the President to raise a corps of cavalry.

The amendments of the senate to the bill for the protection of the frontier were concurred in.

The bill authorizing the President to raise a corps of cavalry was taken up: Mr. Patton offered to amend the amendment made by the senate, by adding a proviso: lost.

Mr. Billingsly moved that the house concur in the amendment: lost.

On motion, the house disagreed to the amendment.

The bill to repeal an act to encourage steam navigation, together with the amendments made by the senate was, on motion of Mr. Pierpont, referred to a select committee, consisting of Messrs. Pierpont, Rusk, and Branch.

The bill from the senate, providing for the location of certain land scrip, and for redeeming the same, was read a first time.

A message was received from the senate informing the house that the senate had passed a joint resolution for disbanding the army, which resolution was read a first time.

A message was received from the senate, informing the house that the senate had passed a joint resolution for disbanding the army and navy, which resolution was read a first time.

A message was received from the senate, informing the house that the senate had adopted a substitute for the bill supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles.

A motion was made to disagree to the substitute; when Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Boyd, Douglass, Gazley, Gant, Grigsby, Hill, Jack, Rusk, Rowlett

Sutherland, Thompson, Thornton and Walker—18 voted in the affirmative; and Messrs. Hardeman, Jones, of Austin, Jones, of Brazoria, Linn, Menifec, McKinny, Pierpont, Ponton, Power, Swift and Wyatt—11 voted in the negative: so the substitute was disagreed to.

The bill to prevent the burning of the prairies in certain seasons of the year was indefinitely postponed.

A bill authorizing J. Worcester to make and vend a map of the Republic was taken up.

Mr. Rusk moved its reference to the committee on internal improvements: lost.

Mr. Brennan, moved its reference to the committee on county boundaries: lost.

On motion of Mr. McKinney, the bill was indefinitely postponed.

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

#### MONDAY EVENING, 3 O'CLOCK.

The house met pursuant to adjournment.

Mr. Jack presented the petition from James F. Perry and others, and introduced a bill to charter the Brazoria and Galveston Rail Road Company, which was read a first time.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the petition of A. T. Burnley, for himself and those he represents, reported a bill for the benefit of A. T. Burnley and others, which was read a first time.

Mr. Jones of Austin presented a petition from Wm. Kuykendall, which was referred to the committee on claims and accounts.

Mr. Menifec, from the committee to whom was referred the bill to create the collectorial district of La Vacca, reported a substitute.

Mr. Jones of Brazoria, from the committee of conference, to whom was referred the disagreement of the two houses on the subject of the amendment made by the senate to the bill authorizing the President to negotiate a loan on the bonds of the government &c., reported that the committee had come to an agreement and recommended all that part of the section from the word "treasury" in the 29th line, to the word "republic," in the 33d line, be stricken out, and that the remainder of the section be adopted; which was concurred in by the house.

The bill to organize the militia was read a third time and passed.

The joint resolution authorizing claims to be audited without the affidavit of claimant, was read a third time and passed.

The bill to establish a rate of interest was read a third time and passed.

The bill for the benefit of those who served under Col. K. H. Douglass was read a third time and passed.

A message was received from the senate by Messrs. Horton and Burton, informing the house that the senate are ready to meet the house and go into joint elections &c.

On motion, Messrs. Jack and Swift were appointed a Committee to wait on the Senate and inform them that that the house were ready to receive them.

The two houses having met, they proceeded to fill the vacancies that had occurred under the land law: and also the vacancies in the board of medical censors as follows: For the county of Brazoria, William Ekle was elected associate commissioner. For the county of Austin, Isaac L. Hill was elected president of the board, and James Allen, associate commissioner. For the county of Harrisburg, James G. Hutchinson was elected president of the board, and Thomas W. Ward and Jno. Woodruff were elected associate commissioners. For the county of Colorado, Williamson Daniel was elected president of the board, and William Duce and Wm. R. Hunt were elected associate commissioners. For the county of Montgomery, Hugh McGuffin was elected associate commissioner. For the county of Golind, William L. Hunter was elected president of the board. For the county of Bastrop, Washington Andersou was elected clerk of the board, Richard L. Davis was elected medical censor for the county of San Augustine, Jacob S. Baker was elected medical censor of the county of Shelby and Sabine. William W. Duck was elected medical censor for the counties of Jasper and Jefferson. Charles F. M. Dancy was elected medical censor for the counties of Bastrop, Gonzales and Fayette.

The elections having closed, the senate withdrew.

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

TUESDAY MORNING, MAY 8, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

Present, Speaker, Baker, Burleson, Boyd, Crigsby, Guzley, Gant, Hardeman, Hill, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton Power, Pierpont Rowe,

Rowe, Rusk, Rowlett, Sutherland, Swift, Thornton, and Wyatt.

Mr. Jones of Brazoria presented a petition from John Talbott, which was referred to the committee on claims and accounts.

Mr. Brennan presented a petition from Ellen Odonoven, which was referred to a select committee consisting of Messrs. Brennan, Linn and Thornton.

Mr. Hill presented a claim of Thomas B. Reese; which was referred to the committee on claims and accounts.

Mr. Hill presented a petition from Wm. H. Taylor; which was referred to the committee on public lands.

Mr. Billingsly presented a proposition from James F. Perry & Co., for the permanent location of the seat of government; which was referred to the joint committee on that subject.

Mr. Pierpont, from the committee on claims and accounts, to whom were referred sundry claims and petitions, asked leave to return to the house the account of Jesse White, and the joint resolution for the benefit of A. A. Chapman, as the claims needed further proof. The committee had also examined the petition of George W. Grant, administrator of Samuel Dexter, deceased; and were of opinion that the papers were improperly referred, and recommended their reference to the committee on the judiciary. Adopted.

Mr. Jones, of Brazoria, from the committee to whom was referred the petition of A. J. Southmaid and William Boyd, reported unfavorably to the prayer of the petitioners; which report was adopted.

Mr. Gant, from the select committee to whom was referred the joint resolution providing for auditing claims previous to 1837, reported a bill, and recommended its adoption, as a substitute for the resolution.

Mr. Pierpont introduced the following resolution, which was adopted.

*Resolved*, That the secretary of the Navy be required to furnish this house with the reasons why he did not approve of the accounts of H. L. Thompson, for services, etc., presented by Wm. G. Cooke, administrator.

Mr. Sutherland introduced the following resolution, which was adopted.

*Resolved*, That the committee on finance be instructed to enquire of the secretary of the Treasury, whether or not he gave orders to the Collector of the port of Velasco, to receive military scrip in payment of duties on imports, and if he did, by what authority, and report to this house.

Mr. Gazley introduced a resolution, instructing the committee on internal improvements to report a bill to establish a patent office; which was not adopted.

A message was received from the senate, informing the house that the senate had concurred in the report of the committee of conference, appointed to take into consideration the disagreement of the two houses on the subject of the amendment of the bill authorizing the President to negotiate a loan, on the bonds of the government, etc.

Mr. Billingsly introduced a joint resolution to provide for the permanent location of the seat of government; which was read a first time.

On motion of Mr. Billingsly, the rule was suspended, and the bill put upon its second reading.

Mr. Jones, of Brazoria, moved to strike out the words, "1840;" adopted.

A motion was made to fill the blank with "1839;" lost.

Motion to fill the blank with "1838;" lost.

Mr. Billingsly moved to strike out all from the word "Texas" to the word "———;" adopted.

Mr. Jones, of Austin, moved to refer the resolution to the judiciary committee; lost.

The resolution was then ordered to be engrossed.

A communication, with accompanying documents, was received from the secretary of the Navy; which was referred to the committee on naval affairs.

The joint resolution pointing out a mode of authenticating deeds and other instruments of writing.

On motion of Mr. Rusk, the resolution was referred to the committee on the judiciary.

The joint resolution for the government of the auditor in certain cases, was referred to the committee on the judiciary.

An act to create the senatorial district of Austin, Colorado and Fort Bend, was taken up.

Mr. Jones, of Austin, moved its reference to a special committee; the ayes and noes being called for, and

Messrs. Baker, Branch, Billingsly, Brennan, Boyd, Hill, Jones of Austin, Jack, Lumpkin, Patton, Pierpont and Ponton, 12, voted in the affirmative: and

Messrs. Speaker, Douglass, Gazley, Grigsby, Gant, Harde-  
man, Jones of Brazoria, Linn, Menifee, McKinny, Power, Rusk,  
Sutherland, Swift, Thornton, Walker and Wyatt, 17, voted in  
the negative.

The bill was then ordered to be engrossed.

The joint resolution for the benefit of John F. Kemper, was read a first time and passed.

The joint resolution requiring the boards of land commissioners to issue land certificates to the legal representatives of certain deceased soldiers; was laid on the table.

The bill to provide for the location of certain land scrip, and for redeeming the same: was,

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

The joint resolution for disbanding the army and navy, was taken up.

Mr. Rusk moved its indefinite postponement. The ayes and noes being called for:

Messrs. Speaker, Baker, Grigsby, Hill, Jack, Lumpkin, McKinny, Rusk, and Thornton, 9, voted in the affirmative; and

Messrs. Branch, Billingsly, Brennan, Boyd, Douglass, Gazley, Gant, Hardeman, Jones of Austin, Linn, Mcnifee, Patton, Pierpont, Ponton, Power, Rowlett, Sutherland, Swift, Walker, and Wyatt, 20, voted in the negative.

On motion of Mr. Billingsly, the resolution was referred to a select committee consisting of Messrs. Billingsly, Linn & Rusk.

The joint resolution requiring the boards of land commissioners to issue land certificates to the legal representatives of certain deceased soldiers, was again taken up.

Mr. Branch moved to strike out the words "notwithstanding their families may be without this Republic;" withdrawn.

Mr. Rusk offered a substitute for the resolution.

Mr. Jones, of Austin, moved to amend the substitute, by adding the proviso of the original resolution; lost.

The substitute was then withdrawn.

A motion was made to refer the resolution to the committee on public lands; lost.

Mr. Branch moved to strike out the proviso; on which motion the ayes and noes being called for:

Messrs. Baker, Branch, Billingsly, Gant, Hardeman, Hill, Jones of Brazoria, Mcnifee, Patton and Sutherland, 10, voted in the affirmative; and

Messrs. Speaker, Brennan, Douglas, Grigsby, Jones of Austin, Jack, Linn, Lumpkin, McKinny, Ponton, Power, Rusk, Rowlett, Swift, Thornton, Walker, and Wyatt, 17, voted in the negative.

Mr. Rusk moved to indefinitely postpone the resolution.— The ayes and noes were called for, and



Messrs. Speaker, Branch, Billingsly, Boyd, Douglass, Grigsby, Gant, Hardeman, Hill, Jones of Brazoria, Menifee, Power, Rusk, Rowlett, Sutherland, Swift, and Walker, 17, voted in the affirmative; and

Messrs. Baker, Brennan, Jones of Austin, Jack, Linn, Lumpkin, McKinny, Patton, Pierpont, Ponton, Thornton and Wyatt, 12, voted in the negative.

So the resolution was indefinitely postponed.

On motion of Mr. Jones, of Brazoria, the house adjourned till three o'clock, P. M.

TUESDAY EVENING, 3 O'CLOCK P. M.

The house met pursuant to adjournment.

The joint resolution for the benefit of John F. Kemper was read a third time and passed.

The bill entitled "an act to amend an act, and to reduce into one act, and to amend the several acts relative to the establishing a general land office was taken up.

Mr. Rusk moved to strike out the 7th section.

Mr. Jones of Austin, moved to amend the 7th section, by striking out the word "grants," and inserting the word "locations" in lieu thereof: lost.

The question was then taken on the motion of Mr. Rusk to strike out the 7th section. The ayes and noes being called for Messrs. Baker, Branch, Burleson, Boyd, Grigsby, Gant, Hardeman, Lumpkin, McKinney, Patton, Pierpont Rusk and Rowlett--13 voted in the affirmative: and Messrs. Speaker, Billingsly, Grigsby, Hill Jones of Austin, Linn, Menifee, Patton Power, Sutherland, Swift, Thornton and Wyatt--13 voted in the negative. and there being a tie, the section was not stricken out.

Mr. Boyd moved to amend the 9th section, by striking out "60 days" and inserting "30 days."

Mr. Rusk moved to amend the 10th section by adding the following, "that sufficient proof be furnished him that the party applying was entitled to the land:" adopted:

On motion of Mr. Rusk, the 11th section was stricken out.

Mr. Rusk moved to amend the 12th section by striking out the words "six months" and inserting the words "three months" in lieu thereof: adopted.

On motion of Mr. Menifee, the words "12 months" were stricken out.

Mr. Branch moved to strike out the 1st section.

Mr. Gant offered to amend the same by adding "that nothing contained herein is to be so construed as to prevent

the location of labors separate from other tracts, when they are contained in the same certificate;" lost.

The question was then taken on striking out the 1st section: the yeas and noes being called for, Messrs. Speaker, Branch, Boyd, Hill, Patton, Pierpont and Ponton—7 voted in the affirmative, and Messrs. Billingsly, Douglass, Gazley, Gant, Hardeman, Jones of Austin, Linn, Lumpkin, Menifee, McKinny, Power, Rusk, Rowlett, Sutherland, Swift, Thornton, and Wyatt—17 voted in the negative.

Mr. Billingsly moved to strike out the words "from and after the passage of this act;" lost.

Mr. Boyd offered as an additional section "the act to encourage emigration;" the amendment was amended by inserting the words "upon his paying to the government——per acre:" adopted.

A motion was made to fill up the blank with "50 cents," the yeas and noes being called for, and Messrs. Branch, Billingsly Hill, Linn, Menifee, Patton, Power, Rowlett and Sutherland—10 voted in the affirmative; and Messrs. Speaker, Baker, Boyd, Douglass, Gant, Hardeman, Jones of Austin, Lumpkin, McKinny, Pierpont, Rusk, Swift Thornton and Wyatt—14 voted in the negative:

A motion was made to fill the blank with 37 1-2 cents; lost with 25 cents; lost—with "12 1-2 cents;" lost.

A motion was made to amend by inserting the words "that the government shall pay to emigrants 50 cents per acre for locating lands," which was not adopted.

The question was then taken on the adoption of the additional section, an amendment offered by Mr. Boyd, the yeas and noes being called for, Messrs. Speaker, Boyd, Douglass, Gant, Jones of Austin, Lumpkin, McKinny, Pierpont, Rusk, Rowlett, Swift, Thornton and Wyatt—13 voted in the affirmative—and Messrs. Baker, Branch, Billingsly, Hardeman, Hill, Linn, Menifee, Patton, Ponton, Power, and Sutherland—11 voted in the negative.

Mr. Boyd moved to amend by adding the bill which provides that all those persons who arrived in the country after the 2nd day of March 1836 and previous to the 1st day of August 1836, who afterwards contributed to the support of the war, shall be entitled to the benefits of volunteers who come within that time, as an additional section, which was not adopted.

Mr. Rusk offered an amendment as an additional section, requiring government fees for all head rights claimed under the

constitution to be according to the rates established by the law previous to the revolution, &c.; adopted.

Mr. Menifee offered an amendment, requiring all who come in since the declaration of independence, to pay the same government fees, and the ayes and noes were called for, and messrs. Branch, Hardeman, Hill, Linn, Menifee, Patton, and Sutherland—7 voted in the affirmative; and messrs. Speaker, Baker, Billingsly, Boyd, Gant, Jones of Austin, Lumpkin, McKinny, Pierpont, Ponton, Roman, Rusk, Rowlett, Swift, Thornton, and Wyatt—16 voted in the negative.

Mr. Branch moved to strike out all after the enacting clause.

On motion, the bill was laid on the table.

Mr. Pierpont, from the committee to whom was referred the bill entitled "an act to repeal an act to encourage steam navigation, passed 18th Dec. 1837, together with the amendment made by the senate, reported that the committee had had the same under consideration, and recommended a substitute for the senate's amendment.

On motion of Mr. Rusk, leave of absence was granted to Mr. Walker for the remainder of the session.

Mr. Pierpont from the committee on claims and accounts, to whom was referred the petition of F. Nibling, and the account of Wm. Kuykendall, asked leave to return the petition of the former, and reported a resolution for the benefit of the latter. The report was adopted, and the resolution read a first time.

On motion of Mr. Rusk, the bill amendatory of the judiciary laws was taken up.

Mr. Gant moved to amend the 3d section so as to read "in the county of Washington on the 2d Mondays of March and September;" adopted.

Mr. Rusk offered a substitute for the 4th section; adopted.

Mr. Rusk moved to strike out the 5th section; the ayes and noes being called for, messrs. Speaker, Jones, of Austin, Lumpkin, McKinny, Ponton, Power, Pierpont, Rusk, Sutherland, Swift and Thornton—11 voted in the affirmative; and Messrs. Baker, Branch Billingsly, Boyd, Douglass, Gant, Hardeman, Hill, Jones of Brazoria, Linn, Menifee, Patton, Rowlett and Wyatt—14 voted in the negative.

On motion of Mr. Rusk, the 7th section was stricken out.

On motion, the 8th section was stricken out.

On motion of Mr. Menifee, the 9th section was amended by striking out the words "six years," and inserting "one year."

On motion of Mr. Rusk, the words "four witnesses" were stricken out, and the words "two witnesses" inserted in lieu thereof.

Mr. Rusk moved to strike out the 12th section; the ayes and noes being called for, messrs. Baker, Billingsly, Boyd, Gant, Hardeman, Jones of Brazoria, Lumpkin, Menfee, McKinny Ponton, Rusk, Rowlett, Swift, Sutherland, Thornton and Wyatt—16 voted in the affirmative; and Messrs. Branch, Hill, Linn, Patton, Pierpont and Power—6 voted in the negative.

On motion of Mr. Rusk the 16th section was stricken out. Mr. Menfee moved to amend the 13th section so as to read "males 21, and females 18 years:" adopted.

On motion of Mr. Rusk, the bill was referred to a select committee consisting of Messrs. Rusk, Branch and Jones of Brazoria.

Mr. Pierpont moved that the house adjourn, till 10 o'clock to-morrow morning. The ayes and noes being called for, and Messrs. Baker, Branch, Billingsly, Gant, Jones, of Brazoria, Linn, Patton, Pierpont Power Swift and Tornton—12 voted in the affirmative; and Messrs. Boyd, Douglass, Hardeman, Jones of Austin, Lumpkin, Menfee, McKinny, Ponton, Rusk, Rowlett, Sutherland and and Wyatt,—12, voted in the negative.

On motion, the house adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, MORNING, May 9th, 1838.

The house met pursuant so adjournment, and was opened with prayer by the chaplain.

Present—Messrs. Speaker, Branch, Baker, Billingsly, Douglass, Grigsby, Gant, Hardeman, Hill, Linn, Lumpkin, Menfee, McKinny, Patton, Pierpont, Power, Rusk, Rowlett, Sutherland Swift, Thornton and Wyatt.

Mr. Pierpont, from the committee to whom was referred the petition of James Reese, administrator of Thomas B. Reese, reported a bill for the benefit of Thomas B. Reese, whic was read a first time.

Mr. Swift, from the committee on internal improvements, to whom was referred the petition of sundry citizens of Montgomery, praying Congress to devise means for clearing out the river San Jacinto, reported a bill to incorporate the San Jacinto navigation company, which was read a first time.

Mr. Baker, from the committee on enrolled bills, reported the following as being correctly enrolled.

An act repealing the 39th section of an act organizing the inferior courts.

A joint resolution, to provide for repairing the President's house, and for the purchase of the furniture.

A joint resolution supplementary to a joint resolution for the benefit of John J. Linna, approved, December 18, 1837.

An act for the foreclosing of mortgages on real estate and personal estate.

An act to incorporate the Cany Navigation Company.

Mr. Patton, from the select committee to whom was referred the claims of Alexander Henry, reported a joint resolution for his benefit, which was read a first time.

Mr. Menifce, from the committee to whom was referred the several bills relative to direct taxes, reported a bill and recommended its adoption as a substitute, which was laid on the table.

Mr. Sutherland introduced the following resolution, which was adopted:

*Resolved*, The senate be requested to meet the house of representatives in the hall at half past 3 o'clock this evening to select a site for the location of the seat of Government.

Mr. Gant introduced a joint resolution requiring the secretary of the treasury to burn all the unsold land scrip; which was read a first time.

Mr. Thornton introduced a bill to define the boundaries of the county of Goliad: which was read a first time.

Mr. Douglass introduced a bill creating a custom house and port of entry at Edwards's Point, which was read a first time.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the petition of C. Sage, reported a bill for his relief, which was read a first time.

Mr. Rusk introduced a bill to provide for the issuing of change bills by individuals, which was read a first time.

On motion of Mr. Billingsly, the vote on the concurrence in the report of the committee on the subject of F. Nibbling's petition was recommitted to the committee on claims and accounts.

The bill to incorporate the Colorado City Bridge Company was laid on the table till called for.

Mr. Rusk introduced a bill to alter and amend the several acts for establishing a Navy Department by adding thereto a board of commissioners, which was read a first time.

Mr. Pierpoint presented a petition from J. G. Welchmeyer, attorney for James Burnham, which was referred to the committee on military affairs.

The bill to define the senatorial district of Austin, Colorado and Fort Bend counties, was read a third time and passed.

Mr. Brennan moved to re-consider the vote on the bill to authorize J. Worcester to make and vend a map of the Republic; lost.

The bill providing for the renewal of audited drafts when lost, was read a second time and ordered to be engrossed.

The bill to incorporate the city of Houston, was read a second time.

Mr. Gazley offered an amendment as an additional section; lost.

On motion of Mr. Jack, the bill was indefinitely postponed.

The bill supplementary to an act entitled an act to reduce into one act and to amend the several acts relating to the establishment of a general land office, was, on motion of Mr. Branch, referred to a select committee, consisting of Messrs. Branch, Boyd and Swift.

The bill for the permanent location of the seat of government was taken up on its third reading.

Mr. Rusk moved to suspend the rule in order to amend; lost.

On motion of Mr. Menifee, the bill was postponed till tomorrow.

Mr. Jones, of Austin, moved to adjourn for the space of fifteen minutes; lost.

The resolution providing for auditing claims previous to 1837, with the proposed substitute, was taken up.

Mr. Baker moved its reference to the committee on the judiciary; lost.

Mr. Rusk moved its indefinite postponement. The ayes and noes being called for, Messrs. Speaker, Billingsly, Douglass, Gazley, Grigsby, Jones of Brazoria, Lumpkin, McKinny, Rusk, Sutherland and Wyatt, 11, voted in the affirmative; and Messrs. Baker, Branch, Brennan, Boyd, Gant, Hardeman, Hill, Jones, of Austin, Jack, Linn, Menifee, Patton, Pierpont, Rowlett, 14, voted in the negative.

Mr. Rusk moved to strike out all after the enacting clause. The ayes and noes being called for, Messrs. Speaker, Billingsly, Boyd, Douglass, Gazley, Grigsby, Jones of Brazoria, Lumpkin, McKinny, Rusk, Sutherland, and Wyatt, 12, voted in the affirmative; and Messrs. Baker, Branch, Brennan, Gant, Hardeman, Hill, Jones of Austin, Jack, Linn, Menifee, Patton, Pierpont, and Rowlett, 13, voted in the negative.

Mr. Rusk moved to refer the resolution to the committee on claims and accounts; lost.

On motion of Mr. Pierpont, the resolution was referred to a select committee consisting of Messrs. Jones, of Austin, Jones of Brazoria, and Rusk.

On motion of Mr. Jack, a call of the house was ordered, and the following members answered to their names: Messrs. Speaker, Baker, Branch, Billingsly, Boyd, Douglass, Gazley, Grigsby, Gant, Hardeman, Hill, Jones, of Austin, Jack, Linn, Lumpkin, Menifce, McKinny, Patton, Pierpont, Rusk, Rowlett, Sutherland, Swift and Wyatt.

The bill to annex a part of Victoria to Jackson county was taken up.

Mr. Linn moved to refer it to a select committee; lost.

The bill was read a second time and ordered to be engrossed.

The bill to create the county of \_\_\_\_\_, out of the territory of Red River county, was taken up.

Mr. Rowlett moved to fill the blank in the substitute with the name of Colon; adopted.

The substitute was adopted, read a second time and ordered to be engrossed.

The bill to create the county of Center was read a second time.

Mr. Gant moved to amend so as to read "holden on the 3d Monday after the 4th Monday in March and September;" adopted.

The bill was then ordered to be engrossed.

Mr. Jack presented a petition from James Cowdin, which was referred to the committee on internal improvements.

Mr. Rowlett presented the petition of Elender Wilmouth for a divorce, which was referred to the committee on the judiciary.

The bill to create the county of Green was read a second time.

Mr. Billingsly moved to fill the 1st blank with the words "on the 2d Monday after the 4th Monday in April and October;" adopted.

Mr. Rusk moved to add a proviso; lost.

On motion of Mr. Billingsly, the other blank was filled with the word "third."

Mr. Billingsly moved to amend so as to read "Bastrop, Green, Fayette and Gonzales counties to form one senatorial district;" adopted.

On motion of Mr. Jones, of Austin, the bill was referred to a select committee, consisting of Messrs. Billingsly, Jones, of Austin and Menifee.

Mr. Jones, of Austin, introduced a bill to define the boundaries of the county of Austin, which was read a first time and referred to a sepecial committee, consisting of Messrs. Menifee, Billingsly and Jones, of Austin.

The joint resolution requiring district attorneys to institute suits against all Eleven league claimants, was read a second time.

Mr. Jones, of Austin, moved the postponement of the resolution till the termination of the war; lost.

On motion of Mr. Menifee it was referred to the committee on the Judiciary.

Mr. Rusk introduced a joint resolution appropriating five hundred dollars for the purchase of a set of astronomical instrument; which was read a first time.

A message was received from the senate informing the house that the senate had indefinitely postponed the joint resolution from the house authorizing claims to be audited without affidavit of claimant; and that the senate adheres to its substitute for the bill to amend an act granting lands to those who were in the battle of San Jacinto and other battles; and they recede from their amendment to the bill authorizing the president to raise a corps of cavalry, and concur in the passage of the original bill; and that they had concurred in the passage of a bill for the benefit of Captains Ross and Lynch's companies; and that they had passed a bill to authorize surveyors to make surveys in certain cases.

A message was received from the president by Mr. Holye, private secretary: 50 copies of which and accompanying documents, were ordered to be printed.

A message was received from the senate, informing the house that the senate would meet them at half past three o'clock for the purpose of selecting a site for the permanent location of the seat of government.

On motion, the house adjourned till three o'clock, P. M.  
WEDNESDAY EVENING, 3 o'clock.

The house met pursuant to adjournment.

A communication was received from the auditor relative to a claim of J. W. Fannin's heirs and sundry other claims, which were referred to the committee on military affairs.

The bill from the senate authorizing the county surveyors to survey in certain cases, was read a first time.



Messrs. Branch, Boyd and Billingsly were appointed a committee to wait on the senate and inform them that the house are ready to receive them.

The senate, conducted by their president, were received into the hall, and the purpose for which the two houses had met having been explained by the speaker, they proceeded, by joint vote, to select a site for the permanent location of the seat of government. The following places were put in nomination:

Mr. Robertson nominated Nashville;  
 Mr. Sutherland nominated Eblin's league;  
 Mr. Burleson nominated Bastrop;  
 Mr. Wilson nominated Black's place;  
 Mr. Jones, of Austin, nominated San Felipe de Austin;  
 Mr. Boyd nominated Nacogdoches;  
 Mr. Wilson nominated Groce's Retreat;  
 Mr. Everett nominated Comanchie;  
 Mr. Jones, of Brazoria, nominated the city of Richmond.  
 The vote was then taken as follows:

- For Nashville—Messrs. Pierpont, Walker and Robertson—3.  
 For Eblin's league—Messrs. Speaker, Baker, Brennan, Grigsby, Hardeman, Linn, Lumpkin, Menifee, Patton, Ponton, Power, Sutherland, Thornton, Wyatt and —19.  
 For Bastrop—Messrs. Burleson, Billingsly, Gazley, and McKinny—4.  
 For Black's place—Messrs. Branch, Rusk, Rowlett, Thompson and —5.  
 For San Felipe de Austin—Messrs. Jones, of Austin, and —2.  
 For Nacogdoches—Messrs. Douglass, Swift, and —5.  
 Groce's Retreat—none.  
 For Comanchie—Messrs. Boyd and —2.  
 For the Mound league—Messrs. Hill, and Jones, of Brazoria—2.  
 For the city of Richmond—none.  
 Mr. Gant voted for Washington.  
 No place having received a majority, the vote was again taken, (Comanchie was withdrawn.)  
 For Nashville—Mr. —1.  
 For Eblin's league—Messrs. Speaker, Burleson, Billingsly, Brennan, Gazley, Grigsby, Hardeman, Hill, Jones, of Brazoria, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Power, Sutherland, Swift, Thornton, Wyatt, and —27.

For Bastrop—*Mr. Boyd.*

For Black's place—*Messrs. Branch, Douglass, Pierpont, Rusk, Rowlett, Thompson, Walker and ——— 10.*

For San Felipe de Austin—none.

For Nacogdoches—none.

For Groce's Retreat—none.

For the Mound league—*Messrs. Jones, of Austin, and — 2.*

For the city of Richmond—none.

*Mr. Gant* voted for Washington, and *Mr. Baker* voted for Bexar.

*Eblin's* league received a majority of all the votes.

The senate then withdrew.

On motion of *Mr. Patton*, the rule was suspended, and the resolution for the benefit of *Sidney Sherman*, was read a second time.

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

On motion of *Mr. Brennan*, the rule was suspended, and the bill for the benefit of *Samuel Hughes* was read a second time.

The bill for the relief of *George Sutherland* was read a 2d time.

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

On motion of *Mr. Jones, of Austin*, the rule was suspended, and the bill for the benefit of *J. R. Foster* was read a second time.

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

*Mr. McKinny* moved to suspend the rule to take up the bill organizing a county out of the east part of Red River county; lost.

*Mr. Rusk* moved to take up the bill from the senate defining the Northern boundaries of Houston county; adopted.

The bill was then referred to a select committee, consisting of *Messrs. Rusk, Boyd and Swift.*

On motion, the house adjourned till 9 o'clock to-morrow morning.

THURSDAY MORNING, 10th May, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Chaplain.

Present—*Messrs. Speaker, Branch, Burleson, Billingsly, Brennan, Boyd, Gazley, Grigsby, Gant, Hardeman,*

Linn, Lumpkin, McKinny, Ponton, Rusk, Rowlett, Sutherland, Swift, and Thornton—other members, making a quorum, having taken their seats, the house proceeded to business.

Mr. Rusk presented a petition from Sundry citizens of Colorado, which was referred to the committee on county boundaries.

Mr. Brennan, from the committee to whom was referred the petition of Ellen O'Donovan, reported a bill for her relief, which was read a first time.

Mr. Rusk, from the committee on military affairs to whom was referred the communication of the auditor relative to sundry claims for military services, reported a joint resolution relative to the pay of officers and soldiers of the army, which was read a first time.

The rule was suspended, and the resolution read a second time.

Mr. Jones, of Austin, moved to amend the resolution by inserting the word "authorized;" adopted.

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

Mr. Rusk, from the committee on military affairs, to whom was referred the claim of Col. J. W. Fannin's heirs, reported a resolution for their benefit, which was read a first time.

On motion of Mr. Rusk, the rule was suspended, and the resolution read a 2d time.

Mr. Jones, of Austin, moved to insert the words, "the amount of claims;" adopted.

Mr. Patton moved to amend by deducting \$2 43; lost.

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

Mr. Pierpont, from the committee on claims and accounts to whom was referred the petition of F. Nibling, reported a bill for his relief, which was read a first time.

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

Mr. Pierpont moved a further suspension of the rule; adopted.

The bill was read a third time and passed.

Mr. Rusk, from the committee to whom they were referred, returned the papers of William A. Heard to the house, and recommended their reference to the committee on claims and accounts; adopted.

Mr. Rusk, from the select committee to whom was referred the petition of Joseph A. Creery, reported a joint resolution for his benefit; which was read a first time.

Mr. Branch, from the judiciary committee to whom was referred the petition of Elender Wilmouth, reported unfavorably, and asked leave to return the papers to the house; adopted.

Mr. Baker, from the joint committee on printing, reported the terms proposed by the different offices, together with an estimate made by the Typographical Association.

Mr. Menifee, from the committee to whom was referred the bill to define the boundary of the county of Austin, reported the bill with amendments. The bill was then read a second time. The rule was suspended, the bill read a third time and passed.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as being truly engrossed.

A communication was received from the treasurer, and referred to a select committee, consisting of Messrs. Rusk, Jones, of Austin, and Branch.

Mr. Gant introduced a bill to provide for the building of court houses, jails, academies, &c.; which was read a 1st time.

A bill to annex a part of Victoria to Jackson county, was taken up on its third reading.

Mr. Linn moved its indefinite postponement.

A call of the house was ordered, and the following members answered to their names: Messrs. Speaker, Branch, Brennan, Boyd, Gazley, Grigsby, Gant, Hardeman, Hill, Jones, of Austin, Jack, Linn, Lumpkin, Menifee, McKinny, Patton, Pierpont, Ponton, Rowlett, Sutherland, Swift, and Wyatt.

The vote was then taken, and the motion to indefinitely postpone the bill was lost.

The bill was then read a third time and passed.

Mr. Pierpont, from the committee to whom was referred the petition of William H. Taylor, introduced a bill for his benefit, which was read a first time.

Mr. Burleson with leave, introduced a bill to define the boundaries of Bastrop and Gonzales counties; which was read a first time.

On motion of Mr. Billingsly, the rule was suspended, and the bill read a second time. Mr. Gazley moved to amend the bill by prefixing an enacting clause; adopted.

On motion of Mr. Jones of Austin, it was referred to a select committee consisting of Messrs. Menifee, Burleson and Grzley.

The bill to provide for renewing audited drafts when lost, was taken up.

Mr. Rusk moved to insert the words "and two other news-

papers in the Republic;" adopted;" and also to amend so as to read "the duplicate to operate as the original;" adopted.

Mr. Jones of Austin moved its reference to the committee on the judiciary; lost.

The bill was then read a third time and passed.

The bill for the benefit of Samuel Hughes was taken up.

On motion of Mr. Gazley, it was referred to a select committee consisting of three, messrs. Gazley, Jones of Austin, and McKinny.

The bill creating the county of Center was read a third time and passed.

The bill creating the county of Colon was read a third time and passed.

Mr. Bilingsly moved to take up the bill for opening the trade with the north-western part of the Republic; lost.

On motion of Mr. Rusk, the resolution to provide for the purchase of Astronomical Instruments was taken up and read a second time.

On motion of Mr. Menifee, the words "for the use of the Republic" were added. The rule was suspended, and the resolution read a third time and passed.

The bill to provide for the issuing of change bills by individuals was read a second time.

On motion of Mr. Rusk, the first blank in the 20th section was filled with ten; the next with the word two.

On motion of Mr. Rusk, the words "and associate justices" were stricken out. The next blank was filled with "one hundred dollars." The blank in the 1st section was on motion of Mr. Rusk, filled with five thousand dollars.

On motion of Mr. Patton, it was referred to a committee of three consisting of messrs. Patton, Rusk and Jones of Austin.

A message was received from the senate, informing the house that the senate had concurred in the passage of the bill to define and limit the issue of promissory notes.

On motion of Mr. Sutherland, the bill for the removal of the seat of government was taken up and referred to a select committee consisting of messrs. Sutherland and \_\_\_\_\_

Mr. Rusk moved to take up the bill for the benefit of P. Dimmitt; lost.

The bill from the senate to authorize county surveyors to make surveys in certain cases was read a second time.

On motion of Mr. Jones of Austin, it was amended so as to read "or to designate county boundaries,"

On motion of *Mr. Gatzley*, the bill was indefinitely postponed.

The joint resolution authorizing the surveyor of Fort Bend county to survey the line between Fort Bend and Harrisburg counties.

On motion of *Mr. Jones* of Austin, the words "secretary of the treasury" were stricken out, and the word "treasurer" was inserted in lieu thereof.

On motion of *Mr. Billingsly*, the resolution was indefinitely postponed.

The bill for the benefit of *P. Dummitt* was read a second time and ordered to be engrossed.

The joint resolution giving those who served in the navy the same bounty land as they would have been entitled to in the land service.

*Mr. Jones*, of Austin offered an amendment as a proviso; adopted. The resolution was then referred to the committee on naval affairs.

The bill to incorporate the Colorado City Bridge Company was postponed till Monday next.

The bill supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles was taken up.

On motion, the house insists on the passage of the bill and asks a committee of conference.

An act supplementary to an act granting land to those who were in the battle of San Jacinto and other battles was taken up.

*Mr. Rusk* moved its indefinite postponement; the ayes and noes being called for, when

*Mr. Rusk* moved that the bill lay on the table; adopted.

On motion of *Mr. Jones* of Austin, the bill for the benefit of the officers and crews of the schooners *Invincible* and *Brutus* was taken up, and read a second time.

On motion of *Mr. Jack*, it was so amended as to read "one half of the avails of the prizes made by the vessels on their last cruise, legally condemned. On motion of *Mr. Jack*, the rule was further suspended, and the bill read a third time and passed.

*Mr. Baker*, from the committee on enrolled bills, reported the bill to define and limit the issue of promissory notes, and an act to authorize the President to raise a corps of cavalry.

On motion, the house adjourned till 3 o'clock p. m.

THURSDAY EVENING, 3 o'clock,

The house met pursuant to adjournment:

A communication was received from the secretary of the

navy relative to the claim of Wm. G. Cooke, administrator of Henry L. Thompson, which, together with the petition of the administrator on the subject was, on motion of Mr. Pierpont, referred to a select committee consisting of Messrs. Pierpont, Thornton and ———

*Mr. Jones of Austin*, from the committee on naval affairs, to whom was referred the bill giving to those who have served in the navy, bounty lands, reported a substitute; which was read and adopted and ordered to be engrossed.

The bill authorizing the President to order out the militia was, on motion of Mr. Patton, indefinitely postponed.

A message was received from the senate informing the house that they had passed a bill supplementary to an act entitled "an act to pay the officers and soldiers of the army and navy."

An act to provide for recording land titles in certain cases was read a second time and ordered to be engrossed.

The bill from the senate entitled an act, supplementary &c. to pay the officers and soldiers of the army and navy was read a first time.

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

*Mr. Billingsly* moved to amend the 1st section by inserting the words "justice of the piece," adopted.

On motion of Mr. Rusk, the title of the bill was amended so as to read "an act to amend an act to pay the officers and soldiers of the army and navy."

*Mr. Rusk*, from the committee on military affairs, to whom was referred the petition of J. G. Welchmeyer, administrator of James Burnham, returned the same to the house, and recommended their reference to the committee on claims and accounts; lost.

*Mr. Gant* moved a reference to the committee on naval affairs; lost.

*Mr. Sutherland* from the committee on public lands, to whom was referred the bill for locating scrip, &c., reported the bill from the senate with amendments.

*Mr. Gant* moved to amend by adding an additional section requiring all land scrip to be examined and approved of by the secretary of the treasury previous to locating the land; lost. The rule was suspended, the bill was read a third time and passed.

*Mr. Menifee*, from the committee on finance, reported that the committee had acted in obedience to the resolution requir-

ing them to call on the secretary of the treasury to know whether the collector of Valasco had been instructed to receive military scrip in payment of duties, and if so, by what law it was authorized. The committee are informed that such instructions had been given at a time when the laws sustained the same, and that the conduct of the secretary of the treasury in relation to the matter had been strictly correct.

Mr. Branch introduced a bill to provide for the surveying of the coast; which was read a first time.

The joint resolution authorizing the President to take the sense of the people on the subject of annexation was laid on the table.

The several bills relating to direct taxes were referred to the committee of the whole house.

The house resolved itself into a committee of the whole Mr. Branch in the chair.

After having spent some time therein, the committee rose and reported the several bills relative to direct taxation without amendments.

On motion of Mr. Branch, they were referred to a select committee consisting of Messrs. Brach, Jones of Brazoria and Swift, with instructions to report on Monday next.

The bill for the relief of Susannah Dickerson and others was read a second time.

On motion of Mr. Brennan, it was amended so as to read "or until such time as she may marry: adopted.

The joint resolution to establish a mail route from the seat of justice in Fannin county to Coffee's Station: A motion was made to indefinitely postponed; lost.

The resolution was then read a second time and ordered to be engrossed.

The joint resolution fixing a day for the adjournment of congress was read a second time.

On motion of Mr. Rusk the words "Saturday the 5th inst." were stricken out.

Mr. Jones of Brazoria offered the following substitute, which was adopted:

*Resolved* That the house will receive no new business after Saturday next.

The bill to charter the Brazoria and Galveston Rail Road Company was taken up.

Mr. Rusk moved to strike out all that part of the 1st section which constitutes certain named individuals "a body cor-



porate," &c. and to insert in lieu thereof, "a company be incorporated" &c.; adopted.

On motion of Mr. Rusk, all the second section after the word "ever," where it first occurs, to the word "provided," was stricken out.

On motion of Mr. Rusk, the 7th section was stricken out. The 10th section was amended by striking out the words "from the village of Austinia, on the Brazos;" the 15th section was amended by inserting "four years," instead of "10 years."

On motion of Mr. Boyd, the proviso of the second section was stricken out. The bill was then referred to a select committee consisting of Messrs. Rusk, Jones of Brazoria, and Boyd.

A message was then received from the senate, informing the house that the senate had appointed Messrs. Russel, Lester and Robinson on the committee of conference, to take into consideration the disagreement of the two houses on the bill supplementary &c. granting lands to those who were in the battle of San Jacinto and other battles.

On motion, the house adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, MAY 11, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

Mr. Rusk presented the petition of Robert M. Williamson, agent of Benj. R. Milam deceased, which was referred to the committee on public lands.

Mr. Rusk, from the committee to whom was referred the communication from the treasurer, with accompanying documents, returned the same to the house, and recommended that five hundred copies be printed; adopted.

Mr. Gazley, from the committee to whom was referred the resolution of Samuel Hughes, reported the resolution without amendment, and recommended its passage.

Mr. Hurlson, from the committee to whom was referred the bill to define the boundaries of Gonzales and Bastrop, reported a substitute, which was adopted.

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

Mr. Sutherland from the committee to whom was referred the act to locate the permanent seat of government, reported a substitute.

Mr. Rowlett, from the committee on enrolled bills, reported sundry bills as being truly engrossed.

Mr. Rowlett introduced a joint resolution for the benefit of Charles Quillin, which was read a first time.

Mr. Douglass introduced the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed to examine the books and papers of the office of the treasurer, and report upon the same. Messrs. Douglass, Baker, Jones of Brazoria, were appointed said committee.

Mr. Baker introduced the following resolution:

*Resolved*, That a committee of three be appointed to wait upon the senate and inform them that the house will be ready at three o'clock on Monday evening to go into joint election for public printer, and also to elect chief justices of counties to fill vacancies where they have occurred. On the adoption of the resolution the ayes and noes were called for, and Messrs. Baker, Burleson, Billingsly, Brennan, Boyd, Douglass, Gazley, Hardeman, Jones of Brazoria, Menifee, McKinny, Ponton, Power, Rusk, Rowlett, Sutherland, Swift, Thornton and Wyatt,—19 voted in the affirmative; and Messrs. Speaker, Gaut, Hill, Linn, Patton, Pierpont and Walker—7 voted in the negative so the resolution was adopted.

Mr. Baker, from the joint committee on printing, presented propositions from Messrs. Niles & Co.

Mr. Billingsly presented a joint resolution for viewing and marking out a road from some point on the Colorado River to Jonesborough on Red River, which was read a first time.

Mr. Hill introduced the following resolution, which was adopted:

*Resolved*, That a committee be appointed to wait on his Excellency, the president, and respectfully solicit his Excellency to inform this house whether or not he intends to sign the patents issued under the provisions of the present land law.

Messrs. Hill, Sutherland and Billingsly were appointed said committee.

The bill for the benefit of Susanna Dickinson and others, was read a second time.

Mr. Hardeman moved the indefinite postponement of the bill; adopted.

Mr. Menifee, from the committee to whom was referred the bill to create the county of Green, reported a substitute.

The bill for the benefit of P. Dimmitt was read a third time and passed.

The bill granting bounty lands to those who served in the navy was read a third time.

On motion of Mr. Jones, of Austin, the rule was suspended in order to amend.

The bill was amended by inserting the words "previous to the 13th June, 1837."

On the final passage of the bill, the yeas and noes were called for, and Messrs. Brennan, Gazley, Grigsby, Gant, Jones, of Austin, Jones, of Brazoria, Linn, Pierpont, Power, Thornton, and Wyatt, 11, voted in the affirmative; and Messrs. Speaker, Branch, Boyd, Hardeman, Hill, Menifee, McKinny, Ponton, Rowlett, Sutherland, and Swift, 11, voted in the negative—being a tie: the bill was lost.

The joint resolution establishing a mail route from the seat of justice in Fannin county to Coffee's Station on Red River, was read a third time.

The bill was then put upon its final passage, and the yeas and noes being called for, Messrs. Speaker, Branch, Burleson, Brennan, Boyd, Gazley, Grigsby, Hardeman, Hill, Jones, of Austin, Linn, Menifee, McKinny, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland, Swift, and Thornton 21, voted in the affirmative; and Mr. Gant voted in the negative.

The bill to amend an act to pay the officers and soldiers in the army and navy, was taken up on its third reading.

Mr. Jones, of Austin, moved to suspend the rule in order to amend; lost.

The bill was then read a third time and passed.

The bill for the relief of H. R. W. Hill was read a second time.

Mr. Gant moved to amend by inserting the words "received by the government in the fall of 1835;" adopted.

The bill was then ordered to be engrossed.

The bill for the relief of Henry Ashly and Peter Hines was read a second time.

Mr. Hill moved to strike out the amount of the whiskey; lost.

Jones, of Austin, moved to refer it to a select committee with instructions to divide the claims; adopted.

Messrs. Jones, of Brazoria, Grigsby and McKinny were appointed said committee.

The resolution for the benefit of Charles Sheam was, on motion of Mr. Rusk, indefinitely postponed.

The bill for the benefit of Thomas A. Waitt and Augustus Mirrel, was read a second time.

On motion of Mr. Gant, \$300 00 were stricken out and 200 dollars inserted in lieu thereof.

On motion of Mr. Patton, the claim of Mr. Waitt was stricken out.

The bill was then ordered to be engrossed.

A message was received from the senate informing the house that the senate had passed a bill supplementary to an act concerning marriages; also an act providing for the punishment of offences in the depopulated counties; also that the senate had concurred in the passage of the joint resolution relative to claims of officers and soldiers of the army.

On motion, the house adjourned till 3 o'clock, p. m.

FRIDAY EVENING, THREE O'CLOCK.

The house met pursuant to adjournment.

The bill from the senate entitled an act providing for the punishment of offences in depopulated counties, was read a first time.

The bill from the senate entitled an act supplementary to an act concerning marriages, was read a first time.

Mr. Patton moved its reference to the committee on the judiciary; lost.

A message was received from the senate informing the house that the senate had concurred in the passage of the bill for the benefit of the volunteers under Col. Douglass; and that they had passed a bill providing for the payment of the interest on the funded debt; also a bill establishing the county of Galveston.

The bill from the senate providing for the payment of the interest on the funded debt was read a first time.

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

The bill providing for issuing duplicate certificates for land scrip, was read a second time.

Mr. Gant offered a substitute, when the bill was, on motion of Mr. Douglass, referred to a select committee of three, consisting of Messrs. Douglass, Gant and Jones, of Austin.

The bill for the permanent location of the seat of government was read a second time.

Mr. Douglass moved to refer it to a select committee; lost.

On motion of Mr. Gant, the bill was amended so as to read "and all vacant lands within 9 miles reserved."

Mr. Hardeman moved to fill the first blank with the name of "Austin." The ayes and noes were called for, and Messrs. Speaker, Baker, Burleson, Grigsby, Gant, Hardeman, Jones, of Austin, Jones of Brazoria, Linn, Menifee, Ponton, Powe, r,

Sutherland, Swift and Thornton, 15, voted in the affirmative, and messrs. Billingsly, Brennan, Boyd, Douglass, Gazley, Hill, McKinny, Patton, Rowlett, Walker and Wyatt, 11, voted in the negative.

On motion of Mr. Sutherland, the second blank in the second section was filled with the words "one fourth."

Mr. Gant moved to amend the third section so as to read "one half of the purchase money to be paid on the day of sale and the balance in six months;" adopted.

The words "three copies" were stricken out.

On motion of Mr. Jones, of Brazoria, the words "lithographed, and a copy to be sent to each county," were inserted in lieu thereof.

On motion of Mr. Jones, of Brazoria, it was amended so as to read for a "university."

Mr. Douglass moved to strike out "1810" and insert "1838" in lieu thereof; on the adoption of which the ayes and noes were called for, and messrs. Speaker, Douglass, Gant and Rowlett, 4, voted in the affirmative; and messrs. Baker, Burleson, Billingsly, Brennan, Boyd, Gazley, Grigsby, Hardeman, Hill, Jones, of Brazoria, Linn, Menifee, McKinny, Patten, Pierpont, Ponton, Power, Sutherland, Swift, Thornton and Wyatt, 21, voted in the negative.

On motion of Mr. Gant, the words "at the present seat of government," were stricken out.

Mr. Jones, of Brazoria, moved to insert the words "twelve squares to be reserved;" adopted.

Mr. Hill moved to strike out the words "temporarily," in the 6th section; lost.

Several other amendments were made to the bill, when it was ordered to be engrossed.

On motion of Mr. Swift, the rule was suspended and the bill for incorporating the San Jacinto Navigation Company, was taken up.

Mr. Gant moved to strike out the 6th section; lost.

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

The bill supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles, was read a second time.

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

Mr. Boyd moved to suspend the rule and take up the

granting lands to those who emigrated previous to the 1st day of August, 1836, and who, after that day, entered the service; lost.

The joint resolution providing means for a permanent system of Education, was read a second time.

The blank in the first section was filled with "ten thousand acres."

On motion of Mr. Jones of Austin, the bill was referred to the committee on the judiciary.

On motion, the house adjourned till 9 o'clock to-morrow  
SATURDAY MORNING MAY 12, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

Mr. Swift presented a petition from sundry citizens of Jasper, which was referred to the committee on public lands.

Mr. Gazley presented a petition from J. W. Moore, which was referred to a select committee consisting of Messrs. Gazley, Rusk and Branch.

Mr. Menifee, from the committee on finance, to whom were referred the communication and sundry documents from the secretary of the treasury made a lengthy report touching the the various subjects embraced in the documents before them and recommended an appropriation to enable the President to provide means for suppressing smuggling, and for the more important purpose of bring to deserved punishment persons engaged in the importation of africans contrary to the laws of the land. The committee also introduced and recommended the passage of a resolution for the benefit of persons therein named, which was read a first time.

On motion of Mr. Douglass, three hundred copies of so much of the secretary of the treasury's report as related to custom houses were ordered to be printed.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the petition of John Talbot, reported a bill for his benefit; the committee had also under consideration the petition of John Huffman, and recommended that the petitioner have leave to withdraw his papers; concurred in.

Mr. Branch, from the judiciary committee, to whom was referred the bill relating to letters of administration, an act relating to granting injunctions.

A joint resolution appointing a board of land commissioners to investigate land titles.

A joint resolution pointing out a mode of authenticating deed sand others nstruments of writing.

A joint resolution for the government of the auditor in certain cases, returned the papers to the house, and asked to be discharged from further consideration of the same.

Mr. Rowlett, from the committee on enrolled bills, reported sundry bills as being correctly engrossed.

Mr. Jones of Austin introduced a joint resolution providing for the issuing certificates of head rights to the heirs of those who fell under Fannin and Travis, which was read a first time.

Mr. Swift introduced a bill to provide for the location of the seat of justice in Jasper county. Read a first time.

Mr. Swift introduced a bill to extend the time of holding the district courts of the several counties therein named; which was read a first time.

Mr. Rusk, from the committee to whom was referred the bill to incorporate the Galveston and Brazoria Rail Road Company, reported the bill with an additional section.

Mr. Branch from the committee on the judiciary, to whom was referred the papers of Samuel Dexton, reported a resolution for his relief, which was read a first time.

Mr. Rusk, from the special committee, to whom was referred the bill relative to forfeited lands, and lands held by fraudulent titles, reported a bill which was read a first time.

On motion of Mr. Rusk, the rule was suspended, and the bill placed upon its second reading.

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

On motion, the blank in the 3rd section was filled with 20 per cent.

On motion of Mr. Rusk, the 5th section was amended so as to read "and the proceedings shall be the same as if the land was situated in the county when tried.

Mr. Gant moved to strike out all after the enacting clause, and insert a substitute in lieu thereof. The ayes and noes being called for, Messrs. Gant, Hardeman, Linn, and Pierpont—4 voted in the affirmative; and Messrs. Speaker, Baker, Branch, Burleson Billingsly, Boyd, Brennan, Douglass, Gazley, Grigsby, Hill, Jones, of Austin, Jack, Lumpkin, Menifee, McKinny, Patton, Ponton, Rusk, Suther land, Rowlett, Swift, Thornton, and Wyatt—24, voted in the negative. The bill was then ordered to be engrossed.

Mr. Pierpont, from the special committee to whom was referred the petition of William G. Cooke, administrator of Henry L. Thompson, reported a bill; which was read a first time.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the papers of John Garrett, reported that

the committee were unable to come to an agreement, and returned the papers to the house.

Mr. Jones, of Brazoria, to whom was referred the bill to provide for auditing claims incurred previous to the year 1837, reported unfavorable to the passage of the bill.

On the concurrence of the house in the report, the yeas and nocs were called for, and

Messrs. Speaker, Baker, Billingsly, Boyd, Gazley, Grigsby, Hill, Jones of Brazoria, Lumpkin, McKinny, Rusk, Rowlett, Thornton and Wyatt—14, voted in the affirmative; and

Messrs. Branch, Burleson, Brennan, Douglass, Gant, Hardeman, Jones of Austin, Jack, Linn, Meniffee, Patton, Pierpont, Sutherland, and Swift,—15, voted in the negative.

Mr. Branch, from the special committee to whom was referred the bill to amend an act establishing a general land office, etc.; reported a substitute.

Mr. Rusk presented a petition from McDonald & Arnold; which was referred to a special committee consisting of Messrs. Rusk, Gazley and Meniffee.

On motion of Mr. Branch, the vote on the final passage of the bill granting bounty lands to those who served in the navy, was re-considered.

Mr. Jack, from the special committee to whom was referred the bill relative to the time of holding courts, reported a substitute.

Mr. Jones, of Brazoria, presented a petition from Jesse Brown, and others; which was referred to the committee on naval affairs.

Mr. Linn presented the claim of Wm. Langingham; which was referred to the committee on claims and accounts.

Mr. Power obtained leave of absence for the remainder of the session.

The bill for the benefit of H. R. W. Hill, was taken up.

Mr. Branch moved the further consideration of the bill be postponed; adopted.

A message was received from the Senate, informing the house that the Senate concurs in the amendments of the bill providing for the location of certain land scrip, and for redeeming the same; and that the Senate disagrees in the amendments of the house to the bill entitled "an act to amend an act to pay officers and soldiers of the army and navy," approved Dec. 14, 1837; and also, that they had made amendments thereto, etc.; Passed the bill from the house providing for the settlement of



deceased soldiers' estates; and that they had concurred in the passage of the bill for the benefit of the officers and crews of the *Seaboard*, *Florida* and *Invincible*; and also in the passage of a joint resolution authorizing the purchase of Astronomical Instruments, and that they had passed a joint resolution for the benefit of Aaron Calvin.

The joint resolution for the benefit of Aaron Calvin, was read a first time.

The bill to provide for the permanent location of the seat of government was taken up on its third reading.

Mr. Rusk moved the suspension of the rule in order to amend; the ayes and noes were called for, and

Messrs. Speaker, Branch, Boyd, Douglass, Hill, Jones of Austin, Jack, Lumpkin, McKinny, Pierpont, Rusk, Rowlett, Swift and Wyatt, 14, voted in the affirmative; and

Messrs. Baker, Burlison, Billingsly, Brennan, Gazley, Grigsby, Gant, Hardeman, Jones of Brazoria, Linn, Menifee, Patton, Ponton, Sutherland, and Thornton, 15, voted in the negative.

The bill was then read a third time, and put upon its final passage. The ayes and noes were called for, and

Messrs. Baker, Burlison, Billingsly, Brennan, Gazley, Grigsby, Gant, Hardeman, Hill, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Patton, Ponton, Rusk, Rowlett, Sutherland, Swift, Thornton, and Wyatt, 23, voted in the affirmative; and Messrs. Speaker, Branch, Boyd, Douglass, Jack, and Pierpont, 6, voted in the negative. So the bill passed.

Mr. Jones, of Brazoria, from the special committee to whom was referred the bill for the benefit of Henry Ashby and Peter Hines, with instructions to divide the same, reported two several bills for the benefit of Henry Ashby and Peter Hines.

The bill to amend an act to pay the officers and soldiers of the army and navy, was taken up.

On motion of Mr. Swift, the house insists upon its amendments, and request a committee of conference.

The bill to provide for the settlement of deceased soldiers' estates, as amended by the Senate, was taken up, and, on motion, the amendments were concurred in.

Mr. Jones, of Austin, presented a claim of McLinn Bracy; which was referred to the committee on the judiciary.

The bill for the benefit of Augustus Mirels was read a third time and passed.

Mr. Rusk presented a petition from John H. Hyde, junior; which was referred to the committee on public lands.

A communication was received from Francis R. Lubbock, agent, etc.

The bill regulating the time of holding courts, was taken up on its second reading.

Mr. Jack offered a substitute for all relative to the third judicial district: when the bill was laid on the table.

On motion of Mr. Jack, the rule was suspended, and the bill creating the county of Green was taken up on its second reading.

Mr. Billingsly moved to amend, by altering the boundaries; lost.

The bill was then referred to a select committee, consisting of Messrs. Billingsly, Burleron, and Sutherland.

A message was received from the Senate, informing the house that the Senate had amended and passed the bill (from the house) to provide for raising one company of volunteers from each batallion; and that they had concurred in the passage of the bill creating the county of Colon, and also that they had amended and passed the bill for the benefit of Sydney Sherman.

Mr. Linn introduced a bill to repeal part of the law incorporating the town of Victoria: which was read a first time, and referred to a select committee consisting of Messrs. Linn, Baker and Patton.

The bill to create the county of ———, was taken up on its second reading.

On motion of Mr. Wyatt, the blank was filled with Travis.

Mr. Wyatt offered an amendment relative to the time of holding courts;—adopted.

The bill was then read a second time and ordered to be engrossed.

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

On motion of Mr. Jones, of Brazoria, the house adjourned till three o'clock, P. M.

SATURDAY, 3 o'clock P. M.

The house met pursuant to adjournment.

On motion of Mr. Jack, the rule was suspended and the bill to establish the county of Galveston was taken up, read a third time, and passed.

The amendments made by the Senate to the resolution for the benefit of Sidney Sherman.

Mr. Rusk, from the committee on military affairs to whom was referred the petition of S. M. Blair, returned the same

the house, as a general law had been passed on that subject.

An act supplementary to an act establishing a general land office, was taken up.

On motion of Mr. Billingsly, the 6th section was amended so as to read: ninety days from the time returns are made by the clerks of the different boards to the general land office.—Adopted.

Mr. Baker offered an additional section;—lost.

Mr. Menifee offered an additional section requiring the commissioner general to furnish owners with certified copies of their titles;—adopted.

Mr. Rusk offered an additional section establishing the rates to be paid on each labor:—adopted.

Mr. Boyd offered several amendments, granting head rights to those who came after the Declaration of Independence and contributed money to the support of the war, and for the continuation of grants as head rights to emigrants:—all of which were lost.

Mr. Gant offered an amendment granting lands to all emigrants who arrived in the country previous to the first day of January, 1838.

Mr. Rusk moved to amend the amendment by striking out the words 1838, and inserting 1840 in lieu thereof; on the adoption of which the ayes and noes were called for, and

Messrs. Speaker, Burleson, Brennan, Boyd, Douglass, Gant Grigsby, Jones of Austin, Picrpoint, Rusk, Rowlett, Swift, and Wyatt, 13, voted in the affirmative; and

Messrs. Baker, Branch, Billingsly, Gazley, Hardeman, Hill, Jones of Brazoria, Linn, Menifee, McKinny, Patton, Ponton, Sutherland, and Thornton, 14, voted in the negative.

Mr. Jones, of Brazoria, offered an additional section, fixing the time when applications for head rights shall cease to be made: which after being amended, on motion of Mr. Rusk, so as to read, nothing herein contained shall prejudice the claims of heirs or minors: was adopted.

The bill was then ordered to be engrossed for a third reading.

A message was received from the Senate, informing the house that the Senate had passed a bill granting a pension to Mary Millsaps and family; which was read a first time.

Mr. Rusk presented a petition from Thomas H. Lockett and wife from Samuel Sexton; which was referred to the committee on public lands.

On motion, the house adjourned till Monday morning, ten o'clock.

MONDAY MORNING, 14TH MAY, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

*Present*—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Boyd, Douglass, Gazley, Grigsby, Gant, Hardeman, Hill, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Menifce, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Swift and Thornton.

*Mr. Gant* moved that the clerk be requested to correct the journal of Saturday, by spreading thereon the substitute proposed by him to the bill relative to forfeited lands.

On which motion the ayes and noes were called for, and Messrs. Branch, Brennan, Gazley, Gant, Jack, Linn, Pierpont, Ponton, and Swift, 9, voted in the affirmative; and

Messrs. Speaker, Baker, Burleson, Billingsly, Douglass, Grigsby, Hardeman, Hill, Jones of Austin, Jones of Brazoria, Lumpkin, Menifce, McKinny, Patton, Rusk, Rowlett, Sutherland, and Thornton, 18, voted in the negative. So the motion was not carried.

*Mr. Branch*, from the judiciary committee to whom was referred the petition of McLinn Bracy, administrator, &c., reported that the laws already provide for such cases, and returned the papers to the house.

*Mr. Sutherland*, from the committee on public lands, to whom was referred the petition of J. M. W. Hall's company, and others, and William H. Taylor, returned the papers to the house, and asked to be discharged from the same.

*Mr. Gazley*, from the committee to whom was referred the petition of John W. Moore, reported a joint resolution for his benefit, which was read a first time.

A communication was received from George Fisher, presenting to the Hon. Speaker and House of Representatives a copy of the "El Correo Atlantico."

*Mr. Sutherland*, from the committee on public lands, to whom was referred the petition of Robert M. Williamson, agent of Benjamin R. Milam, reported a joint resolution for his benefit, which was read a first time.

The joint resolution for the benefit of Samuel Hughes, was read a third time, and the ayes and noes being called for on its final passage:

Messrs. Branch, Brennan, Gazley, Grigsby, Hardeman,

Linn, Pierpont, Sutherland, Thornton, and Wyatt, 10, voted in the affirmative; and

Messrs. Speaker, Burleson, Billingsly, Boyd, Douglass, Gant, Hill, Jones of Austin, Jack, Lumpkin, Menifee, McKinny, Patton, Ponton, and Swift, 15, voted in the negative.

So the resolution was lost.

A message was received from the Senate, informing the house that the Senate had passed a joint resolution for the benefit of John Murry; and that the Senate had concurred in the passage of a bill for the benefit of George Sutherland; also in the passage of a bill for the benefit of F. Nebling; and had concurred in the passage of a joint resolution for the benefit of J. W. Fannin's heirs, and that the Senate had amended and passed the bill relative to the abatement suits.

M. Rowlett, from the committee on engrossed bills, reported sundry bills as being correctly engrossed.

The amendment made by the senate to the bill to provide for the raising of one company of volunteers from each battalion was concurred in.

The bill entitled "an act supplementary to an act entitled an act to reduce into one act, and amend the several acts relating to the establishment of a general land office was taken up on its third reading.

Mr. Menifee moved to suspend the rule in order to amend; adopted.

On motion of Mr. Menifee, the words "as contemplated by this act" were added.

On motion of Mr. Gant, the word, "May" was stricken out, and the words "2nd day of May" inserted in lieu thereof.

Mr. Brennan moved to strike out as much as required applications for head rights in the first class to cease on a certain day; lost.

Mr. Patton moved to strike out the section, fixing times for applications for head rights in both classes to cease; lost.

Mr. Linn offered an additional section; lost.

Mr. Jones of Brazoria offered a proviso to the last section; adopted.

On the passage of the bill, the ayes and noes were called for, and Messrs. Speaker, Branch, Burleson, Billingsly, Boyd, Gazley, Grigsby, Gant, Jones of Austin, Jones of Brazoria, Linn, Menifee, McKinny, Pierpont, Ponton, Rowlett, Sutherland Hill, Swift, —19 voted in the affirmative; and Messrs. Brennan, Swift, Jack, Lumpkin, Patton, Thornton, and Wyatt,—7, voted in the negative.

Mr. Branch from the select committee to whom was referred the several bills amendatory of an act to raise a revenue by direct taxation, reported a bill which was read a second time.

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

On motion of Mr. Menifee, the following was added to the property to be taxed: horses over two, mules over two, neat cattle over 25 in number, clocks, watches, and pleasure carriages; on the adoption of which amendment, the ayes and noes were called for, and messrs. Speaker, Billingsly, Boyd, Douglass, Gazley, Grigsby, Hardeman, Jones of Austin, Jack, Lumpkin, Menifee, Patton, Pierpont, Ponton and Rowlett, 16 voted in the affirmative, and Branch, Gant, Jones of Brazoria, Linn, Sutherland and Thornton voted in the negative.

Mr. Jones of Austin, moved to add the words and every other species of property: the ayes and noes were called for, and messrs. Grigsby, Hardeman, Jones of Austin, Linn, Jack, Menifee, Patton, Rowlett, Thornton and Wyatt--10 voted in the affirmative; and messrs. Speaker, Branch, Billingsly, Boyd, Gazley, Gant, Jones of Brazoria, Lumpkin, Pierpont, Patton, Sutherland and Swift--13 voted in the negative.

On motion of Mr. Gant, town and city lots were made taxable property.

Mr. Jack moved the indefinite postponement of the bill; the ayes and noes being called for, and Messrs. Brennan, Grigsby, Jones of Austin, Jack, Patton, Thornton and Wyatt--8 voted in the affirmative; and Messrs. Speaker, Branch, Billingsly, Boyd, Douglass, Gant, Hardeman, Jones of Brazoria, Linn, Lumpkin, Menifee, McKinny, Pierpont, Ponton, Sutherland, and Swift, 17 voted in the negative.

On motion of Mr. Jones of Austin, one hundred copies were ordered to be printed.

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.

A message was received from the senate informing the house that the senate were ready to meet the house, and go into joint elections for public printer and chief justices of counties where vacancies had occurred.

Messrs. Swift, Brennan and Wyatt were appointed a committee, to wait on the senate and inform them that the house was ready to receive them.

The senate, conducted by their president, entered the hall:

and the two houses being united, they proceeded first to the election of a public printer.

Mr. Robertson nominated Cocke and Simmons.

Mr. Everett nominated Niles & Co.

Mr. Gant nominated Cruger & Moore.

The vote was then taken as follows;

For Messrs. Cocke and Simmons 10,

For " Niles & Co. 17,

For " Cruger & Moore, 10,

None having a majority of all the votes given, they were again taken as follows.

Cocke and Simmons, 16,

Niles & Co., 18,

Cruger & Moore, 8,

No one having a majority, and Messrs. Cruger & Moore being withdrawn, the vote was taken a third time, and stood

For Niles & Co., 26,

For Cocke, & Simmons 15.

Messrs. Niles & Co. having a majority of all the votes given, was declared duly elected public printer. The two houses proceeded to the election of chief justices of counties to fill vacancies where they occurred.

For the county of Colorado, Williamson Daniel was elected chief justice.

John H. Money was elected chief justice of Austin county.

On motion, the house agreed to go into elections to fill vacancies that had occurred under the land law.

Reason Burns was duly elected clerk of the board of land commissioners for Colorado county.

Martin Lawler was duly elected President of the board of land commissioners for the county of Refugee.

The following message was transmitted from the President by Mr. Hoyle, his private secretary.

#### EXECUTIVE DEPARTMENT: (TEXAS.

*To the honorable Congress:*

GENTLEMEN:—I return to you the act to define and limit the issue of promissory notes, with the following reasons for disapproving the same.

Experience has shown that with the limited amount of this species of paper heretofore in circulation, it has been impossible to sustain its value, or avoid greater depreciation.

As a currency it has no basis to rest upon but the demand for its use.

It is not the representation of money, and does not purport to be so on its face; and yet it was designed in its origin, and is still intended, to possess that character, and to perform the office of a circulating medium, as distinguished from the other paper of the government.

When the first issue reached New Orleans, last autumn, it was passed at a slight discount; but as the quantity increased in the market, the depreciation increased until the value of the paper was reduced to fifty cents on the dollar. The reason is obvious. It was not available in business transactions, except for those persons whose relations with Texas enable them to use it.

The merchants of that city could not send it abroad, and its circulation was limited to the Texas demand.

If Texas had no business transactions beyond her own borders; she could be self-existent and independent of all the world; any representation she chose to put forth, as a circulating medium, which was acceptable to her citizens, would be well and one thing equal with another. But the operations of commerce and the reciprocity of exchanges have created relations of dependence between nations as strong and necessary as exist between individuals of the same country.

It is impossible for any government, and especially one situated like ours, to place its currency beyond the influence of their relations. They must be consulted, and will always regulate to a great extent the value of any currency, except the precious metals, both at home and abroad.

It seems to me the congress have lost sight of the great object for which this particular species of paper was created.

If the only object of the country was now to pay off those having claims against the government, and the holders of these claims were anxious to receive government paper in payment, I can see no good reason why we should not discharge the whole public debt at once, except the trouble of issuing the paper.

That it would be futile and a useless expenditure of labor is obvious to all. The form of the transaction, only, would be changed, the debt would still remain against the government, and the creditor still hold nothing but its promises.

But the treasury notes are designed to serve a purpose entirely different, equally important, and connected with the interests of all classes of the community. When the currency was projected, both the government and the country were without resources.



National existence and freedom and imperishable glory had been achieved, but the struggle had left us destitute and naked. There were no banks! there was no money! our lands could not be sold, and the public credit was of doubtful character.

To avoid the absolute dissolution of the government, it became necessary to resort to some expedient that might furnish temporary relief. This could only be effected by creating a currency that should command some degree of credit abroad.

It was hoped and believed, that if a small issue of government paper was made with specific means of redemption pointed out, which appeared to be ample and well guaranteed, and the government should evince a prudent and discreet judgment in its management, it would command such articles in the market of the United States as were indispensable to the country.

The result has justified this expectation; but it has been effected under sacrifices that have borne heavily upon individuals and the country.

The mischief of a depreciated currency is not confined to first hands, or those who are compelled to make the first redemption. It enters into the valuation of property and the prices of all articles of traffic in all hands.

An artificial, fictitious and exorbitant tariff of prices succeeds; while all who buy must pay, as well the planter, the artisan, and the laborer, as those who are paid directly from the government.

In this respect, the appreciation of the currency of the country differs essentially from that of the paper of a bank, or any individual, or the ordinary scrip of the government. Owing to the depreciated character of our currency, qualified as it has been, the prices of merchandize in Texas, are from one to two hundred per cent. higher than in the United States of the North, or Mexico, or probably any other country. While the claims of the government are so well distributed as at present, the oppression of those exorbitant prices is not so sensibly felt, but this resource will soon be exhausted.

The credit of the currency in foreign markets, owing to its peculiar character, will not be essentially improved by the absorption of these claims; and our people will then be left with the high prices of the present times and without their present means to meet them.

The government will have its issues with the interest suspended, and its other expenses to meet; and a people exhausted and bare of resources to answer its designs.

If the present currency is much further depreciated, it is more than probable our own citizens, who are creditors will refuse to receive it in payment of their debts. The tribunals will be invoked to enforce their demands, and the system which makes the rich richer, and the poor poorer, will then be found in successful operation.

That the increased fine proposed by the present bill will have the effect of depreciating still further the value of the paper, no reasonable mind can doubt.

The government will never be able, by all the issues it can make to satisfy the demands of private speculation and interest.

The vast issue of of all the banks of the United States in their most extended condition failed to attain its object.

The demands of individuals for money in that country were never more zealously and vigorously pressed than at that period. For this government now to attempt this object, is to disregard alike the lessons of experience and the dictates of common sense.

The issues under the former law have been made gradually and sparingly, in order to make the demand for them operate most efficiently in sustaining the credit.

There has not probably been in circulation, at any time, more than half a million of dollars. The present bill requires the Secretary of the Treasury to increase the issue to a million. No time or discretion is allowed to that officer.

The circulation of the country is to be doubled in as little time as is required to issue the paper.

Those who first receive the paper from the government may, perhaps, succeed in passing it off without loss, but who can expect that subsequent holders, the less wary and less enterprising, will escape as well.

Increased depreciation is inevitable, and the whole country is to be inflicted with all the evils of a depreciated currency for the accommodation of individuals, to the extent of three hundred and fifty thousand dollars.

The action of Congress upon the subject, although the increased issue is comparatively small, can scarcely fail to weaken public confidence in the premises, and the stability of their policy.

If the face of former experience and facts notorious to all, they yield to the demands made upon them by particular and individual interests at the present time, what must be looked out in the future?

When the Treasury notes were issued, it was not designed

to pay off the public creditors with them. It was known to all, the country was not in a condition to discharge its public debt: it was not expected.

It has approximated nearer to it than any other new government has ever done, in the same period of time. What causes of complaint is there then? If our own citizens will not give a brief credit to the government, can we expect foreigners to lend us theirs?

Shall the frail currency we have be protracted—the public faith violated by the incapacity of the government to meet prior engagements, and accumulated evils inflicted on the country, to satisfy the eagerness and impatience of individuals?

The amount authorized by the Congress at its former session re-issued, as received into the treasury, is in my judgment as much as the operations of trade and the credit of the country can sustain.

By the act to sustain the currency of the country, passed in December last, nothing but gold and silver, or the promissory notes of the government, can be received in payment of duties on goods imported, or other dues of the government.

These sources of demands, with such amounts as will naturally be paid in this species of paper in the collection of direct tax, cannot fail to return to the treasury a sum more than sufficient to meet every disbursement and appropriation contemplated by the bill.

A little investigation will satisfy the Congress of this fact. If they should now sustain steadily the policy heretofore adopted, and issue only the amounts received into the treasury, no shock would be given to the credit this paper has already acquired either at home or abroad; but on the contrary, a large addition of confidence and credit would be secured, and the demand for its use would, it is firmly believed, within thirty days after the termination of the present session of Congress, place it at par throughout the Republic and in the city of New-Orleans. We should then have a currency equivalent to gold and silver, and instead of paying two or three dollars for the value of one, in the prices of merchandize and articles of commerce, all classes of the community would receive an equivalent for the money they paid.

The present amount of circulation when raised to this character will be worth more to the community, and would form a medium for the transaction of a larger amount of business, than the issue of a million, depreciated as this paper has been.

It would have afforded me great pleasure to have co-operated with the Congress in a measure of this kind.

It is perhaps competent for the congress, by combining a majority of two-thirds of both houses, to assume the entire control of the financial department of the government, and carry other measures of public policy not involving the immediate action of the Executive. The fact of delegating the power to the secretary of the Treasury, without even recognizing the existence of the Executive, though a co-ordinate department of government, in this instance at once assumes the fact that he is not essential to the existence of the contemplated administration of the laws and constitution.

The Executive derives a substantive existence from the constitution, as much as the congress and judiciary does, and may exist without a cabinet, but a cabinet cannot exist without an Executive. The cabinet is called into existence by the President under the laws, and ratified by the Senate under the constitution. Thence it is placed under the control of the President, who is responsible to the country for the conduct of its members.

The constitution, however, contemplates the existence of three departments in the government, among which its general powers are distributed.

When any one of these co-ordinate departments assumes to itself, constitutionally or otherwise, the entire control, and becomes the sole power of the government in reference to any given measure, common justice to the others requires it should take also the entire responsibility of its administration.

To this extent is the form and effect of the present bill.—Fully persuaded, as I am, that its administration cannot be salutary—that there is no just ground of complaint against the government on the part of its creditors, and even if there was, that the disappointment of individual expectation and private interest is a small evil, compared with that which threatens the whole country under the operation of the bill presented, I return it to you, gentlemen, without my signature.

SAM HOUSTON.

City of Houston, 12th May, 1838.

The bill to define and limit the issue of promissory notes, having been returned by the President without his signature, was re-considered, and the question being put, "shall the bill pass?" Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Douglass, Grigsby, Hardeman, Hill, Jones of Austin,

Lumpkin, Menfee, McKinay, Patton, Pierpont, Rowlett, Sutherland, Swift, and Wyatt, 20, voted in the affirmative; and Messrs. Boyd, Gazley, Jack, Linn, and Ponton, 5, voted in the negative.

So the bill passed with the constitutional majority.

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

TUESDAY MORNING, 15th May, 1838.

The house met pursuant to adjournment, and was opened with prayer by the Chaplain.

*Present*—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Boyd, Gazley, Grigsby, Gant, Hardeman, Hill, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Menfee, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Swift, and Wyatt.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as being correctly engrossed.

Mr. Swift, from the committee on internal improvements, to whom was referred the petition of the citizens of Columbia, reported a bill incorporating the Columbia Rail Road Company, which was read a first time.

Mr. Jones, of Brazoria, from the committee on foreign relations, to whom was referred the several documents relative to the difficulties in relation to the boundary line between this government and that of the United States, reported a joint resolution, which was read a first time, and,

On motion of Mr. Rowlett, 500 copies of the report and resolution was ordered to be printed.

Mr. Baker, from the committee on enrolled bills, reported the following bills correctly enrolled:

A joint resolution appropriating five hundred dollars for purchasing a set of astronomical instruments.

An act to authorize the President to negotiate a loan, on the bonds of the government, not exceeding five millions of dollars.

A joint resolution for the benefit of Sidney Sherman.

A joint resolution for the benefit of Captains Lynch and Ross's companies; and

A joint resolution relative to the claims of officers and soldiers of the army.

The amendments made by the Senate to the bill respecting the abatement of suits, were,

On motion of Mr. Hardeman, concurred in.

The bill, from the Senate, establishing a mail route from Galveston to Matagorda, was read a first time.

The bill, from the Senate, entitled an act appointing pilots, was read a first time.

The bill, from the Senate, providing for the payment of the interest on the funded debt, was read a second time.

On motion of Mr. Rusk, the bill was amended by adding an additional section, providing for the payment of interest on all other debts that bear interest.

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

Mr. Boyd, from the committee to whom was referred the petition of the grand jury and others of Sabine county, and also the bill relative to the drawing of juries, reported a substitute, entitled an act to repeal a part of an act therein named: which was read a second time.

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

Mr. Swift moved a suspension of the rule, and that the bill chartering the San Jacinto Navigation Company be taken up: which motion was lost.

On motion of Mr. Menifec, the rule prohibiting the introduction of new business was suspended, and a joint resolution was introduced for the benefit of Robert Hodge: which was read a first time.

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

On motion of Mr. Menifec, Mr. Samuel M. Williams was invited within the bar of the house to state concerning the matter.

Mr. Gazley moved that the witness be sworn;—lost.

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

The joint resolution, from the Senate, for the relief of Jno. Murry, was read a first time.

The bill providing for the punishment of offences in the unpopulated counties, was read a second time.

The bill granting a pension to Mary Milsaps and family, was read a second time.

The bill supplementary to an act concerning marriages, was read a second time, and,

On motion of Mr. Gant, referred to a select committee of three consisting of Messrs. Gant, Jack, and Patton.

The joint resolution for the benefit of Aaron Calville, was read a second time.

The bill entitled an act to provide for the return and disposal of lands held by fraudulent titles; was read a third time.

Mr. Gant moved its postponement till the first day of November next;—lost.

On the final passage of the bill, Messrs. Speaker, Brennan, Douglass, Gazley, Hardeman, Jones of Austin, Lumpkin, Menifee, Patton, Ponton, Rusk, and Sutherland—12, voted in the affirmative; and

Messrs. Baker, Branch, Burleson, Grigsby, Gant, Hill, Jones of Brazoria, Jack, Linn, McKinny, Pierpont, Rowlett, & Swift, 13, voted in the negative;—so the bill was lost.

A bill for the relief of John Garrett, was read a third time, and, on motion of Mr. Patton, indefinitely postpone l.

Mr. Rusk obtained leave and recorded his vote in favor of the passage of the bill to provide for the return and disposal of lands held by fraudulent titles; and,

On motion of Mr. Branch, the vote on the final passage of said bill was re-considered.

Mr. Patton, from the select committee to whom was referred the bill to provide for the issuing of change bills by individuals, returned the same to the house, as the committee cannot agree.

The bill creating the county of Travis, was read a third time, and placed upon its final passage.

Mr. Rowlett called for the ayes and noes, and

Messrs. Speaker, Burleson, Billingsly, Brennan, Douglass, Grigsby, Jones of Austin, Jack, Lumpkin, Menifee, McKinny, Pierpont, Ponton, Rowlett, Sutherland, Swift, and Wyatt—17, voted in the affirmative; and

Messrs. Baker, Branch, Gant, Jones of Brazoria, and Linn—5, voted in the negative;—so the bill passed.

The bill for the relief of Philip Dimmit, was read a third time and passed.

Mr. Patton moved to suspend the rule, and take up the bill for the benefit of Captain Alexander Henry;—lost.

The bill for the benefit of Peter Hines, was taken up.

The substitute proposed by the committee was adopted and read a second time.

On motion of Mr. Jones, of Brazoria, the words "100 gallons whiskey," were stricken out, and the word "property" inserted in lieu thereof.

The bill was then ordered to be engrossed.

The bill, reported by the select committee, for the benefit of Henry Ashby, was read a second time.

Mr. Branch moved the indefinite postponement of the bill; lost. It was then ordered to be engrossed.

On motion of Mr. Jack, the rule was suspended, and the joint resolution for the benefit of Robert B. Williamson, was taken up on its second reading.

On motion of Mr. Patton, the house adjourned till three o'clock, P. M.

### THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

On motion of Mr. Jack, the joint resolution for the benefit of Robert M. Williamson, agent, etc., was ordered to be engrossed for a third reading.

The bill to provide for the return and disposal of lands held by fraudulent titles, was laid on the table.

A message was received from the senate, informing the house that the senate had concurred in the adoption of the amendments to the bill to provide for the payment of the interest on the funded debt; also, that the senate had concurred in the passage of the resolution to establish a mail route from the seat of justice in Fannin county to Coffee's station, and that they had amended and passed the following bills from the house.

A bill to organize the militia.

A bill for the relief of persons therein named.

A bill to provide for the renewal of audited drafts when lost. And also that the senate had passed a bill providing for the distribution of the militia law, and

An act supplementary to an act to raise a public revenue by impost duties.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the petition of Wm. A. Heard, reported a bill for his benefit, which was read a first time.

The house concurred in the adoption of the amendments made by the senate to the following bills.

A bill to organize the militia.

An act to renew audited drafts when lost, and

A bill for the benefit of persons therein named.

The bill from the senate entitled "an act supplementary to an act to raise a public revenue by impost duties" was read a first time.

The bill from the senate providing for the distribution of the militia laws, was read a first time.



The bill to provide for the issuing of change bills was reapi a second time.

Mr. Boyd moved to lay the bill on the table; lost.

On motion of Mr. Douglass, the rule was suspended, and the bill read a third time. On the final passage, the ayes and noes being called for, and Messrs. Baker, Douglass, Gant, Gazley, Hill, Jones of Brazoria, Jack, Linn, Lumpkin, Pierpont, Ponton, Rusk, Rowlett, Swift, and Thornton—15 voted in the affirmative—and Messrs. Speaker, Branch, Burleson, Billingsly, Boyd, Grigsby, Hardeman, Jones of Austin, Menifee, McKinny, Patton, Sutherland and Wyatt—13 voted in the negative: so the bill passed.

On motion of Mr. Jones of Austin, the rule was suspended, and a joint resolution appropriating one hundred thousand dollars for naval purposes, was introduced and read a first time.

On motion of Mr. Boyd, the rule was suspended and a bill to suppress the wearing of concealed weapons was introduced and read a first time.

Mr. Jack moved to reject the bill; on which motion the ayes and noes being called for, and Messrs. Speaker, Baker, Gant, Jack, Lumpkin, Menifee, Ponton, Thornton, and Wyatt—9 voted in the affirmative; and Messrs. Branch, Burleson, Billingsly, Boyd, Douglass, Gazley, Grigsby, Hardeman, Hill, Jones of Austin, Linn, McKinny, Pierpont, Rusk, Rowlett, Sutherland, and Swift—17 voted in the negative: so the bill was not rejected.

The bill granting bounty lands to those who served in the navy, was read a third time and passed.

The joint resolution declaring John Vince the legitimate son of Alien Vince was read a third time and passed upon its final passage; the ayes and noes being called for, and Messrs. Baker, Branch, Burleson, Billingsly, Boyd, Gazley, Hardeman, Hill, Jones of Austin, Menifee, McKinny, Rowlett, Sutherland, and Thornton.—14 voted in the affirmative; and Messrs. Speaker, Douglass, Grigsby, Gant, Jones of Brazoria, Jack, Linn, Lumpkin, Pierpont, Ponton, Rusk, Swift and Wyatt—13 voted in the negative: so the resolution passed.

On motion of Mr. Rusk, the rule was suspended and a joint resolution for the benefit of Thomas Wood was introduced and read a first time.

On motion of Mr. Pierpont, the rule was suspended, and the bill for the relief of John Talbott was taken up and read a second time: the rule was further suspended, and the bill read a third time and passed. e

The bill to incorporate the Galveston and Brazoria Rail Road Company was taken up on its second reading. The substitute proposed by the committee for a part of the 1st section was ordered to be engrossed.

The bill to incorporate the Colorado City Bridge Company was taken up on its second reading.

Mr. Branch moved its indefinite postponement: lost.

On motion of Mr. Branch, the bill was postponed till Monday next.

The bill to secure titles to lands within certain situations, was taken up on its second reading.

Mr. Linn offered a substitute for the bill, which was adopted. The bill was then passed to a third reading.

Mr. Jones of Austin, from the committee on naval affairs, to whom was referred the petition of Jesse Brown and others, formerly officers of the schooner Invincible, reported a joint resolution for their benefit, which was read a first time.

The joint resolution for the benefit of Mimican Hunt was read a second time and ordered to be engrossed.

The joint resolution authorizing the surveyor of Harrisburg county to survey the boundary line between Harrisburg and Montgomery counties was, on motion of Mr. Gant, indefinitely postponed.

An act supplementary to an act establishing ferries was read a second time.

Mr. Sutherland moved to amend by adding a proviso adopted.

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

The joint resolution for the benefit of H. T. Burnly and others was, on motion of Mr. Gant, referred to a special committee consisting of Messrs. Jones of Brazoria, Menifee and Billingsly.

The bill to establish a port of entry at Edwards's Point was read a second time, and on motion of Mr. Ponton indefinitely postponed.

The bill for the relief of C. Sage, was read a second time and ordered to be engrossed.

The bill to incorporate the San Jacinto Navigation Company was taken up on its second reading.

On motion of Mr. Jones of Brazoria, the first section was stricken out, and another inserted in lieu thereof.

Mr. Menifee moved to strike out "60 days," and insert twelve months: adopted.

On motion of Mr. Menifee the bill was referred to a select committee consisting of Messrs. Gant, Jones of Brazoria and Menifee.

The bill entitled "an act to create the collectoral district of La Vacca was read a second time.

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

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

WEDNESDAY MORNING, MAY, 16, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

Mr. Baker, from the committee on enrolled bills, reported the following bills being correctly enrolled.

A joint resolution for the relief of J. W. Fannin's heirs.

A bill for the relief of F. Nibling.

An act to provide for the settlement of deceased soldiers' estates.

An act to create the county of Colon, and an act for the protection of the frontier.

Mr. Pierpont, from the committee on claims and accounts, to whom was referred the claim of William Langeham, reported a bill for his benefit.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as being correctly engrossed.

Mr. Gant, from the select committee, to whom was referred the bill to incorporate the San Jacinto Navigation Company, reported the bill with three additional sections.

The bill for the benefit of Peter Hines was read a third time and passed.

The bill for the benefit of C. Sage was taken up on its third reading.

Mr. Patton moved the indefinite postponement of the bill.

Mr. Pierpont moved its reference to a select committee: lost.

The question was then taken on Mr. Patton's motion to postpone; the ayes and noes being called for, and Messrs. Burleson, Billingsly, Brennan, Douglass, Grigsby, Gant, Hardeman, Hill, Lumpkin, Menifee, McKinny, Patton, Rusk Rowlett, Sutherland and Thornton,—16 voted in the affirmative; and Messrs. Spenger, Baker, Branch, Boyd, Gazley, Jones of Austin, Jack, Pierpont, Ponton and Swift—10 voted in the negative: so the bill was indefinitely postponed.

*Mr. Menifee*, from the committee on finance, reported a bill appropriating money for the civil department of the government, and for certain military claims.

On motion of *Mr. Rusk*, the rule was suspended, and the bill for the benefit of *Joseph A. Crecey* was taken up and read a second time. The rule was further suspended, the bill read a third time and passed.

*Mr. Jones of Austin* moved a suspension of the rule prohibiting the introduction of new business, in order to introduce a resolution authorizing the President and cabinet to remove to *Galveston Island* during the sickly season. The yeas and noes being called for, and Messrs. *Baker, Branch, Billingsly, Brennar, Douglass, Grigsby, Hardeman, Jones of Austin, Jack, Linn, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Thornton* and *Wyatt*—18 voted in the affirmative; and Messrs. *Burleson, Gazley, Gant, Hill, Jones of Rrazoria, Lumpkin, Menifee, Sutherland* and *Swift*—9 voted in the negative: The resolution was then read a first time.

*Mr. Menifee* moved a suspension of the rule, and the bill be placed on its second reading: adopted.

*Mr. Sutherland* moved to strike out the name of "*Galveston*:" adopted.

*Mr. Gazley* moved to fill the blank with the name "*New Orleans*:" lost.

*Mr. Sutherland* moved to fill the blank with the name "*City Austin*:" lost. On motion of *Mr. Patton*, the blank was filled with the name "*San Antonio de Bexar*."

On motion of *Mr. Jack*, the resolution was indefinitely postponed.

The bill from the senate granting a pension to *Mary Mills*, and children, read a third time and passed.

On motion of *Mr. Douglas*, the rule was suspended, and a joint resolution providing for the adjournment of congress on *Saturday* next was introduced and read a first time.

A message was received from the senate informing the house that the senate had passed a bill changing the terms of the district courts for the county of *Harrisburg*, and a joint resolution for the relief of *D. B. Friar*; also, that the senate had amended and passed the bill for the benefit of *P. S. Wyatt*, and that the senate had concurred in the passage of the following bills:

A bill supplementary to an act granting lands to those who were in the battles of *San Jacinto* and other battles.

An act for the permanent location of the seat of government.

A bill for the relief of Robert Hodge and

A bill defining the boundaries of Austin county.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as being correctly engrossed.

The joint resolution for the benefit of Aaron Calvell, was read a third time and lost. The vote was re-considered and the resolution passed.

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

An act to change the term of the district court for the county of Harrisburg, was read a first time, and on motion of Mr. Jack, laid on the table.

The joint resolution from the senate for the benefit of D. B. Friar, was read a first time.

The amendment made by the senate to the bill for the benefit of P. S. Wyatt was concurred in by the house.

The bill for the relief of Henry Asbby was read a third time and passed.

Mr. Branch, from the judiciary committee, reported a joint resolution relative to chief justices of counties, which was read a first time. The rule was suspended, and the bill read a second time.

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

Mr. Branch moved a further suspension of the rule, in order to the final passage of the bill: adopted.

The bill was then read a third time; the ayes and noes were called for on the final passage, and Messrs. Speaker, Baker, Branch, Brennan, Boyd, Douglass, Gazley, Grigsby, Gant, Hardeman, Hill, Jones, of Brazoria, Lumpkin, Menifee, McKinny, Ponton, Patton, Rowlett, Sutherland, Swift and Wyatt—21 voted in the affirmative; and Messrs. Billingsly, Jones, of Austin, Jack, Linn, and Pierpont—5 voted in the negative: so the resolution passed.

Mr. Gant moved to suspend the rule and take up the bill to provide for the building of court houses, jails and academies: lost.

The bill for the relief of persons holding titles to lands in De Leon's, McMillin's and McGlone's claims was taken up on its third reading.

On motion of Mr. Patton, Bexar was inserted.

Mr. Rowlett moved to insert all the counties of the Republic.

Mr. Rusk offered a substitute for the bill.

Mr. Gazley moved to amend the substitute so that a certificate from the commissioner general would be sufficient to admit the title to record; the bill was laid on the table.

The bill from the senate appointing pilots was read a second time.

Messrs. Swift, Rowlett and Hill were appointed on the committee of conference, to take into consideration the disagreement of the two houses relative to the amendment made by the senate to the bill supplementary &c. to an act to pay the officers and soldiers of the army and navy.

The bill to establish a mail route from Galveston to Matagorda was read a second time.

On motion of Mr. Sutherland, the name Texana was inserted immediately after the name "Matagorda."

On motion of Mr. Jones of Austin, the words "once a week" were stricken out, and the words "once in two weeks" were inserted in lieu thereof.

The joint resolution for the benefit of Robert M. Williamson was taken up on its third reading.

On motion of Mr. Jack, the rule was suspended, and the bill amended.

On motion of Mr. Jones of Austin, the house adjourned till 3 o'clock.

3 o'clock P. M.

The house met pursuant to adjournment.

Mr. Jones of Brazoria, to whom was referred the bill and accompanying documents for the benefit of A. T. Burnley, and others, reported and recommended the passage of the bill.

The joint resolution for the benefit of R. M. Williamson was again taken up.

On motion of Mr. Hill, Mr. Williamson, who was present, was permitted to explain the nature of his petition.

On motion of Mr. Rusk, the resolution was referred to a select committee consisting of Messrs. Rusk, Branch, and Jack.

A message was received from the senate, informing the house that the senate had laid on the table the bill to define and limit the issue of promissory notes of the government, and that they have passed a bill to authorize the President to issue the promissory notes of the government, as they return into the treasury and to make special appropriations, which the senate propose as a substitute for the first mentioned bill.

A message was received from the senate informing the

house that the senate had passed a bill creating a volunteer corps.

The act to provide for the return and disposure of land held by fraudulent titles, was taken up on its third reading.

On motion of Mr. Branch, the rule was suspended in order to amend: the words "one league and one labor" were stricken out.

Mr. Rusk moved to amend so as to read "made by the legislature of Coahuila and Texas in 1834 and 1835.

On motion of Mr. Rusk, the bill was amended by adding a proviso for the protection of the actual settlers. The bill was then read a third time, and on the question "shall the bill pass?" the ayes and noes were called for; Messrs. Speaker, Branch, Brennan, Boyd, Douglass, Grigsby, Hardeman, Lumpkin, Menifee, McKinny, Patton, Rusa, Sutherland and Swift—14 voted in the affirmative; and Messrs. Billingsly, Gazley, Gant, Hill, Jones of Brazoria, Linn, Pierpont, and Wyatt—8 voted in the negative: so the bill passed.

The bill to authorize the President to re-issue the promissory notes of the government as they return into the treasury and to make special appropriations was read a first time. The rule was suspended, and the bill read a second time.

On motion of Mr. Rusk, \$250,000 were stricken out and \$150,000 inserted in lieu thereof.

On motion of Mr. Jones of Austin, the fourth section was amended by adding the words "and for personal services."

Mr. Rusk moved to strike out the words "as contemplated in the act;" adopted.

On motion of Mr. Rusk, it was amended so as to read "the oath to be administered by any person duly authorized to administer oaths."

Mr. Jones of Brazoria moved to strike out the 6th section; on which motion the ayes and noes being called for, and Messrs. Speaker, Gant, Jones of Brazoria, Linn and Wyatt—5 voted in the affirmative; and Messrs. Branch, Billingsly, Brennan, Boyd, Douglass, Grigsby, Hardeman, Hill, Jones of Austin, Lumpkin, Menifee, McKinny, Patton, Pierpont, Rusk, Rowlett, Sutherland and Swift—18 voted in the negative: so the motion to strike out was lost.

Mr. Jones of Brazoria offered an additional section appropriating 50,000 to meet the special liabilities of the government: lost.

Mr. Gant moved to strike out the 6th section and insert in

Heu thereof a section requiring the issue to be increased to a million of dollars; which motion was lost.

Mr. Rusk proposed an additional section, requiring the treasurer to publish monthly extracts, shewing amounts received and paid out, to whom paid, and on what claims: adopted. The bill was then read a third time and passed.

A message was received from the senate informing the house that the senate had concurred in the passage of the following bills:

The bill for the repeal of a part of an act therein named, and a bill defining the boundaries of the counties of Bastrop and Gonzales, and that the senate had adopted a substitute to the bill for the relief of M. B. Menard, and also that the senate had passed a bill supplementary to an act entitled "an act to authorize the clerks of the several courts to appoint deputies &c." and also a bill for the relief of A. C. Horton.

On motion of Mr. Douglass, the clerk was directed to inform the editors of the Banner that they need not print the bill relative to direct taxes.

The bill from the senate creating a volunteer corps was read a first time.

Mr. Gant moved a reference to the military committee: lost.

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

Mr. Billingsly moved to amend by striking out "exemption from working on roads:" lost.

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

#### THURSDAY MORNING, MAY 17, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

*Present*—Messrs. Speaker, Baker, Burleson, Billingsly, Boyd, Douglass, Gazley, Gant, Hardeman, Jack, Linn, Lumpkin, McKinny, Patton, Ponton, Pierpont, Rusk, Rowlett, Sutherland, Swift and Wyatt.

Mr. Jack, to whom was referred the petition and papers of Robert Williamson, agent of Benjamin R. Milam, reported a bill for his benefit.

Mr. Gant, from the committee to whom was referred the act supplementary to an act concerning marriages, reported a substitute for the bill.

Mr. Billingsly from the committee to whom was referred the joint resolution for disbanding the army and navy, reported a substitute.



Mr. Rusk, from the committee of conference to whom was referred an act supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles, reported a substitute, which was adopted by the house.

A petition from J. W. Sanson, was presented and laid on the table.

Mr. Baker, from the committee on enrolled bills, reported the following bills as being correctly enrolled:

An act to provide for the permanent location of the seat of government.

An act to provide for the renewing audited drafts and bounty certificates when lost.

A joint resolution to establish a mail route from the seat of justice in Fannin county to Coffee's Station.

On motion of Mr. Billingsly, the vote on the final passage of the bill for the benefit of C. Sage, was reconsidered.

The bill from the senate for the relief of A. C. Horton was read a first time.

The substitute adopted by the senate for the bill from the house for the relief of M. B. Menard was concurred in by the house.

The bill from the senate entitled "an act supplementary to an act to authorize the clerks of the several courts to appoint deputies &c. was read a first time.

On motion of Mr. Patton, the rule was suspended, and the joint resolution for the benefit of Alexander Henry was taken up and read a second time. The rule was further suspended, and the bill read a third time and passed.

The bill from the senate entitled "an act to raise a revenue by impost duties" was read a third time and passed.

The bill appointing Pilots was read a third time and passed.

The bill establishing a mail route from Galveston to Matagorda was read a third time and lost.

The bill to establish the Galveston and Brazos Rail Road Company was read a third time and passed.

Mr. Rusk moved a reconsideration of the vote on the final passage of the bill to establish a mail route from Matagorda to Galveston.

The bill was reconsidered, and again put upon its final passage: the yeas and noes being called for, and Messrs. Speaker, Baker, Brennan, Douglas, Gazley, Grigsby, Gant, Hardeman, Jones of Brazoria, Jack, Linn, Menifee, McKinny, Pierpont, Rusk and Sutherland—17 voted in the affirmative; and Messrs.

Billingsly, Boyd, Lumpkin, Patton, Ponton and Wyatt—6 voted in the negative: so the bill passed.

Mr. Baker, from the select committee, to whom was referred the bill entitled "an act to amend a part of an act incorporating the town of San Antonio, reported a substitute to the bill.

The joint resolution for the benefit of *M. Hunt* was read a third time and passed.

The bill relative to direct taxes was taken up on its second reading. Mr. Rusk moved to strike out all relative to the form of the oath, and insert a substitute: adopted.

On motion of Mr. Billingsly, "January was stricken out and April inserted in lieu thereof.

Mr. Boyd moved to strike out "court house," and insert "clerk's office:" lost.

Mr. Rusk moved to strike out the latter section and adopt a substitute in lieu thereof: adopted.

Mr. Billingsly moved to strike out seventh section; lost.

Mr. Patton moved to insert so as to read "no lands to be valued at less than one dollar per acre;" lost.

On motion of Mr. Gant the word "negrocs" was stricken out and the word "slaves" was inserted.

Mr. Billingsly moved to strike out "town and city lois;" lost.

Mr. Jones, of Austin, moved to strike out the section; lost.

Mr. Jack moved to amend so that the funded debt to be taxed: lost.

Mr. Jones, of Austin, moved to add to taxable property; "jacks, jennies, and sheep;" lost.

Mr. Gant offered a substitute for the 6th section; lost.

Mr. Jones, of Austin, moved to insert "stock in trade;" lost.

Mr. Rusk offered an additional section "to tax lawyers, &c.;" withdrawn.

On motion of Mr. Gazley an additional section was added.

Mr. Rusk moved to amend by inserting "year or years;" adopted.

Mr. Jones, of Austin, moved a reference to the judiciary committee; lost. The bill was then ordered to be engrossed.

On motion of Mr. Rusk the rule was suspended and a joint resolution for the benefit of the heirs of Oliver J. Frank and William Motley, was introduced and read a first time. The

rule was suspended and read a second time. The first section was amended by striking out "320" acres and inserting "640," and by striking out "three months pay," and inserting "six months pay." The rule was further suspended, and the resolution read a third time, and passed.

The bill to secure titles to lands, within certain limits, was taken up, and the substitute, offered by Mr. Rusk, was adopted.

On motion of Mr. Billingsley, the resolution was indefinitely postponed.

The bill from the Senate, to disband the army and navy, was taken up on its second reading.

Mr. Patton moved to insert to re-organize to the amount of 280 cavalry, lost.

Mr. Rusk offered a substitute, lost.

Mr. Billingsley moved to amend so as to read disband the army and re-organize the navy, lost.

Mr. Rusk moved to indefinitely postpone the bill, the yeas and noes were called for; and Messrs. Speaker, Baker, Branch, Grigsby, Hardiman, Hill, Jack, McKinney, Pierpont, Rusk and Thornton—11, voted in the affirmative; and Messrs. Burleson, Billingsley, Brennan, Boyd, Douglass, Gant, Jones of Austria, Jones of Brazoria, Linn, Menifee, Patton, Ponton, Roulett, Sutherland, Swift and Wyatt—17 voted in the negative, so the motion was lost.

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

THURSDAY EVENING, THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

The following message was transmitted from the President by Mr. Hoyle, his private secretary.

EXECUTIVE DEPARTMENT, TEXAS.

To the Honorable Congress:

GENTLEMEN—I regret, on the present occasion, that a sense of duty compels me to return a bill to the house of representatives, without approval. I regret the more for the reason that I have entertained a high estimate of Col. Sherman, in many respects, as an officer.

I am satisfied that in his case the laws already in existence were sufficient to have rendered justice to him.

By a resolution of congress, approved 30th November, all persons holding contingent military commissions, then in the United States, were provided for; and individuals were to take rank according to the number of men introduced into the coun-

try. Col. Sherman claims to have introduced none but a part of a company under captain Sylvester, which landed at Matagorda, and claimed to belong to the command of Mr. Thomas Jefferson Chambers.

This part of a company left Cincinnati with a knowledge of, and after an order of this government had been published that no troops would be received into the service unless they provided themselves with arms, ammunition, clothing and provisions for six months. Those, already alluded to, came at the expense of this government, and charged for in the account of Mr. T. Jefferson Chambers, so that the orders of this government were violated with a knowledge of their existence; therefore, no just complaint can be advanced against the executive for the course which he pursued in relation to not receiving those men into service. They never were disbanded in the streets of this city, because they never were received into service; and Colonel A. S. Thruston, commissary general, in New Orleans, assured them that they would not be received, and that if they came at all it must be at the personal expense of Mr. Thomas Jefferson Chambers, as they had first set out, so they persisted in direct violation of orders, incurring no trifling expense to the government, at a time when there were more troops in the field than the government were able either to clothe or provision.

These facts, correctly stated, are sufficient to vindicate the executive from all imputation of injustice or oppression towards Col. Sherman or the troops. Col. Sherman, therefore, introduced no troops into the country under his contingent commission. He was never struck from the rolls of the army. He could not claim rank only according to law.

At the re-organization of the army, Col. Sherman was not retained, and, of course, he could not have claims to pay and prerequisites from the passage of the law re-organizing the army.

It will be seen from his instructions accompanying his contingent commission derived from the government *ad interim*, that he had only authority to recruit until the first of November, 1836, from which time I am not advised he received any instructions from this department. Col. Sherman has received a very considerable amount of scrip, as near as the executive can ascertain, about \$6,000, which he has not yet accounted for, to his knowledge nor any portion of it. That Col. Sherman ought to be allowed a fair commission on the purchases he made on account of government would be right and proper, but to be

allowed the pay of colonel of cavalry for duties which could as well be performed by a lieutenant, seems, to the executive, to be a course that would be destructive to our Treasury.

If the door was once opened to those who held contingent commissions, and introduced no aid to the country, and many of whom have never since been in the country, and they were to be paid according to the shewing of their commissions without reference to the resolution of the 30th November, a sum less than one hundred and fifty, or two hundred thousand dollars would not be adequate to meet their demands against this government.

The executive has, heretofore, in conformity with the regulations of the United States directed that no demands upon the treasury should be paid to individuals whatever, who had government means placed in their care until they had accounted for the same.

The executive, therefore, respectfully invokes the hon. congress to enact such laws and regulations as will ensure a safeguard to the treasury.

Thousands have already been paid out of the treasury by congressional enactments, in cases where individuals drawing money yet remain defaulters to the government to the amount of thousands.

GENTLEMEN.—For these reasons, I respectfully return this bill without approval. **SAM. HOUSTON.**

City of Houston, 16th May, 1837.

The message and bill were laid on the table for the present.

A message was received from the Senate informing the house that the Senate had concurred in the amendments made by the house to the bill to establish a mail route from Galveston to Matagorda and Texana, and that they have agreed to all the amendments made by the house to the bill, to authorize the President to re-issue the promisory notes of the government, &c., except the five which the Senate disagrees to. They have proposed a bill providing for justices courts in the city of Bexar, and for the administration of justice in the Spanish language and for other purposes.

Mr. Baker from the committee on enrolled bills, reported the following bills as being correctly enrolled:

An act for the relief of persons therein named.

An act for the relief of George Sutherland.

An act allowing pay to volunteers who served under colonel Douglass.

A joint resolution for the benefit of the officers and crews of the schooners *Invincible* and *Brutus*.

A communication was received from the 2nd auditor, in relation to the claim of Henry Sanders, which was referred, on motion of Mr. Gazley, to a select committee, consisting of Messrs. Gazley, Baker and Branch.

The act to authorize the President to re-issue the promissory notes of the government, and appropriating money, &c., was taken up, and on motion, the house insists on the adoption of the amendment, to which the senate disagrees.

The bill to provide for justices courts in the county of *Bexar*, for the administration of justice in the Spanish language, and for other purposes, was read a first time and referred to the committee on the judiciary, with instructions to report to-morrow morning.

The bill to provide for the distribution of the militia laws was read a second time.

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

The joint resolution for the benefit of D. B. Friar, was read a second time.

On motion of Mr. Billingsley the words "according to law" were added.

The joint resolution for the relief of John Murry, was read a second time.

Mr. Linn moved a suspension of the rule, and the resolution be read a third time, lost.

On motion of Mr. Billingsley, the rule was suspended and the joint resolution for disbanding the army and navy, was taken up, and read a third time.

The ayes and noes being called for on its final passage; Messrs. Burleson, Billingsley, Brennan, Boyd, Douglass, Gazley, Gant, Jones of Austin, Linn, Lumpkin, Menifee, Patton, Ponton, Rowlett, Sutherland and Wyatt—16 voted in the affirmative; and Messrs. Speaker, Baker, Branch, Grigsby, Hardeman, Hill, Jack, McKinny, Pierpont and Thornton—10, voted in the negative: so the resolution passed.

The bill incorporating the San Jacinto Navigation Company, was taken up on its second reading.

Mr. Branch moved the indefinite postponement of the bill. The ayes and noes were called for; and Messrs. Baker, Branch, Billingsley, Boyd, Grigsby, Hardeman, Hill, Jones of Austin, Rowlett and Wyatt—10 voted in the affirmative; and

Messrs. Speaker, Burleson, Brennan, Doglass, Grigsby, Gant, Jack, Linn, Lumpkin, Menifee, Patton, Pierpont, Ponton, Sutherland, Swift and Thornton—16, voted in the negative: so the bill was not postponed. The amendments proposed by the committee to the bill were adopted.

Mr. Jones of Austin, proposed to amend the bill so as to read from the crossing of the Tuscasete crossing up.

The ayes and noes were called for, and Messrs. Speaker, Branch, Burleson, Billingsly, Boyd, Douglass, Grigsby, Hardeman, Hill, Jones of Austin, McKinny, Patton, Rowlett, and Wyatt—14, voted in the affirmative; and Messrs. Brennan, Gazley, Gant, Jack, Linn, Lumpkin, Menifee, Pierpont, Ponton, Sutherland, Swift and Thornton—12, voted in the negative.

Mr. Hardeman moved to amend so that the privilege would extend no longer than twenty years.

On motion, the rule was suspended and the bill read a third time.

Mr. Gant moved its indefinite postponement; the ayes and noes being called for, Messrs. Branch, Boyd, Grigsby, Gant, Jack Linn, Lumpkin, Menifee, McKinny, Pierpont, Sutherland, Swift, Thornton and Wyatt—14, voted in the affirmative; and Messrs. Speaker, Baker, Burleson, Billingsly, Brennan, Douglass, Gazley, Hardeman, Hill, Jones of Austin, Patton, Ponton, and Rowlett—13, voted in the negative: so the bill was indefinitely postponed.

On motion of Mr. Jack, the rule was suspended and a joint resolution for the benefit of James Bradley's heir, was read a first time.

On motion of Mr. Patton, the rule was further suspended and the resolution read a second time.

On motion of Mr. Billingsly the word was stricken out.

The bill for the relief of Wm. H. Taylor was read a second time.

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

The joint resolution for the benefit of William Kuykendall, was read a second time; the rule was suspended, the bill read a third time and passed.

On motion the vote given on the final passage of the bill to disband the army and navy was re-considered.

Mr. Rusk moved to take up the bill for the benefit of Sidney Sherman, together, with the message of the President giving his reasons why he did not sign the bill; adopted.

The bill was then read and again put upon its final passage; upon the question being put, "shall the bill pass?" Messrs. Speaker, Branch, Billingsly, Brennan, Boyd, Douglass, Gazley, Grigsby, Hill, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thornton and Wyatt—23, voted in the affirmative; and Messrs. Gant and Hardeman—2 voted in the negative: so the bill passed.

The joint resolution for the benefit of John Moore, was read a second time.

The bill for the benefit of Robert M. Williamson was again taken up on its third reading.

The rule suspended, Mr. Billingsly moved to strike out fifteen leagues; adopted.

Mr. Jack moved to insert so that the bill would read ten leagues and ten labors: the ayes and noes were called for, and Messrs. Baker, Branch, Boyd, Douglass, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, McKinny, Patton and Rusk—13, voted in the affirmative; and Messrs. Speaker, Burleson, Billingsly, Gant, Hardeman, Lumpkin, Menifee, Ponton, Sutherland, Thornton and Wyatt—12, voted in the negative: so the amendment was adopted.

Mr. Rusk offered to add a section requiring his relinquishment to government of all further claim; adopted.

The question was then taken on the final passage of the bill; and Messrs. Speaker, Baker, Branch, Boyd, Douglass, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, McKinny, Ponton and Rusk—14, voted in the affirmative; and Messrs. Burleson, Billingsly, Brennan, Gant, Hardeman, Lumpkin, Menifee, Patton, Sutherland, Thornton and Wyatt—11, voted in the negative: so the bill passed.

Mr. Baker, from the committee on enrolled bills, reported the following as being correctly enrolled:

An act defining the boundaries of Bastrop and Gonzales.

An act to organize the militia.

An act for the benefit of S. P. Wyatt; and

An act for the relief of Robert Hodge.

On motion, the house adjourned till to-morrow morning 9 o'clock

FRIDAY MORNING, 18TH MAY, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

On motion of Mr. Burleson, the rule was suspended, and



a resolution establishing a post office at the house of Moses Gage, was introduced, and read a first time.

Mr. Rowlett from the committee on engrossed bills, reported sundry bills correctly engrossed.

The joint resolution for the benefit of John Murry, was, on motion of Mr. Linn, laid on the table.

Mr. Gazley from the select committee to whom was referred the claim of H. Sanderson, reported a joint resolution for his benefit, which was read a first time.

The joint resolution for the benefit of D. B. Friar, was read a third time, and passed.

The act relative to direct taxes was read a third time.

Mr. Billingsly moved to suspend the rule in order to amend; adopted.

On motion of Mr. Billingsly, the bill was amended so as to read "not to repeal so much of the law as imposes a tax on gaming establishments, poll taxes, &c."

Mr. Billingsly moved to strike out the seventh section; the yeas and noes were called for, and Messrs. Baker, Billingsly, Brennan, Grigsby, Hill, Jones of Austin, Jones of Brazoria and Wyatt—8, voted in the affirmative; and Messrs. Speaker, Boyd, Gazley, Gant, Hardeman, Jack, Linn, Lumpkin, Menifee, McKinny, Patton, Pierpont, Ponton, Rowlett, Sutherland and Thornton—16, voted in the negative.

Mr. Jones, of Austin, moved to strike out the eighth section; lost.

Mr. Hardeman offered an additional section; adopted. The bill passed.

A message was received from the Senate informing the house that the senate had passed a bill for the benefit of the widows and orphans of those who fell in John N. Seguire's company, at the Alamo. And, also, a bill regulating the weights and measures of the Republic; and that the senate had concurred in the passage of the joint resolution, fixing temporarily the boundary line between the counties of Bexar and San Patricio.

The joint resolution, for the benefit of John Murry, was taken up on its third reading.

Mr. Rusk moved to suspend the rule in order to amend; adopted.

On motion of Mr. Rusk, the words "one hundred" were inserted after the word "thousand."

Mr. Billingsly moved to strike out "promisory note" and insert "any money in the treasury not otherwise appropriated;" lost.

The resolution was put on its final passage, and the yeas and nays being called for, and messrs. Speaker, Baker, Brennan, Boyd, Douglass, Gazley, Grigsby, Gurr, Hardenman, Jones of Austin, Jack, Linn, Lumpkin, Manning, Pierpont, Patton, Rusk, Swift and Thornton—19, voted in the affirmative; and messrs. Burleson, Billingsly, Hill, Kenfee, Rowlett, Sutherland and Wyatt—7, voted in the negative; so the resolution passed.

The bill for the relief of H. L. Thompson was read a second time.

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

Mr. Rusk to whom was referred the petition of James Robinson, reported a bill for his benefit, which was read a first time.

Mr. Douglass, from the committee of conference, to whom was referred the resolution on the subject of modifying duties, &c., reported a bill which was read a first time.

Mr. Douglass moved to suspend the rule in order to a second reading; lost.

Mr. Baker, from the committee on enrolled bills, reported the following bills as being correctly enrolled.

An act for the relief of Augustus Mirels.

An act for defining the boundaries of Austin county; and,

An act supplementary to an act granting land to those who were in the battle of San Jacinto and other battles.

Mr. Wyatt, from the committee to whom was referred the several documents on the subject of the boundary line between this Republic and that of the United States, made a separate report.

On motion of Mr. Jones, of Brazoria, 500 copies were ordered to be printed.

The bill, from the senate, for the benefit of the widows and orphans of those who fell in John N. Seguin's company, at the Alamo, was read a first time.

The joint resolution for the relief of John W. Moore was read a third time.

On motion, the house adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

The bill for the benefit of John W. Moore was under consideration, and the question being put, "shall the bill pass?" messrs. Speaker, Brennan, Douglass, Gazley, Grigsby, Jones of Austin, Linn, Patton, Pierpont, Thornton and Wyatt—11, vo-

ted in the affirmative; and messrs. Billingsly, Boyd, Gant, Hardeman, Hill, Lumpkin, Menifce, McKinny, Ponton, Rowlett, Sutherland and Swift—12, voted in the negative: so the bill was lost.

Mr. Jones, of Austin, moved to suspend the rule and take up the joint resolution for the benefit of William A. Heard; adopted.

The resolution was then read a second time.

Mr. Hill moved to insert the words "and law" before the word "equity;" the ayes and noes were called for, and messrs. Speaker, Burleson, Billingsly, Boyd, Grigsby, Hardeman, Hill, Jones of Brazoria, Lumpkin, Menifce, McKinny, Ponton, Rowlett, Sutherland and Thornton—15, voted in the affirmative; and messrs. Brennan, Douglass, Gazley, Gant, Jones of Austin, Linn, Ponton, Pierpont, Swift and Wyatt—10, voted in the negative.

Mr. Rowlett moved to amend by inserting the words "and all other persons having demands against the government;" lost.

Mr. Jones of Austin moved to amend by adding the words "to settle according to the laws that governed at the time the claim was incurred;" adopted.

On motion of Mr. Jones, of Austin, the rule was suspended and the bill read a third time; the ayes and noes were called for on the final passage, and Messrs. Speaker, Burleson, Billingsly, Brennan, Boyd, Douglass, Gazley, Grigsby, Gant, Jones of Austin, Jones of Brazoria, Linn, Menifce, McKinny, Patton, Pierpont, Ponton, Sutherland, Swift, Thornton and Wyatt—21, voted in the affirmative; and Messrs. Branch, Hardeman, Hill, Lumpkin and Rowlett—5, voted in the negative; so the bill passed.

The bill from the senate regulating weights and measures for the republic was read a first time.

On motion of Mr. Gant the rule was suspended and the bill read a second time.

Mr. Gazley moved to strike out "Attorney General" and insert "District Attorney;" adopted.

On motion of Mr. Gant all after the first section was stricken out.

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

The bill for the relief of C. Sage was taken up on its third reading, and, on motion of Mr. Boyd, indefinitely postponed.

The bill supplementary to an act entitled "an act to au

thorise the clerks of the several courts to appoint deputies" &c., read a second time.

The bill for the benefit of A. C. Horton, was read a second time.

The resolution of thanks to Samuel Swartwout, and others, members of the New York association for the relief of Texas, was taken up.

Mr. Menifee moved to amend by inserting the words "all others who performed similar services;" lost.

Mr. Menifee moved to lay the resolution on the table; lost.

On motion the word "citizen" was stricken out and the word "soldiers," inserted in lieu thereof. The resolution was then adopted.

The bill supplementary to an act concerning marriages, was read a second time.

Mr. Hill moved its indefinite postponement; withdrawn.

On motion of Mr. Menifee the rule was suspended and the bill read a third time.

The ayes and noes were called for on the final passage, and Messrs Baker, Burleson, Billingsly, Boyd, Douglas Griggsby, Harleman, Menifee, Patton, Ponton, Rowlett and Sutherland—12 voted in the affirmative; and Messrs Speaker, Gazley, Gart Hill, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, McKinny, Pierpont, Swift and Thornton—12, voted in the negative: so the bill was lost.

The joint resolution relative to the collector of the port of Velasco was read a second time.

On motion of Mr. Jones of Brazoria, the bill was read a third time, and passed.

The bill appointing viewers to view and mark out a road from some point on the Colorado river to Jonesborough, on Red River, was taken up.

On motion of Mr. Rowlett "Jonesborough" was stricken out and the words "some point between the Spanish bluff and cross timbers," were inserted in lieu thereof.

On motion of Mr. Billingsly the second section was stricken out.

On motion of Mr. Billingsly the bill was referred to a select committee, consisting of Messrs Billingsly, Rowlett and Jones of Austin.

The bill entitled "an act to amend an act incorporating the city of Aexar, and other towns," so far as relates to the town of Victoria, was taken up.

Mr. Ponton moved to amend by adding to the second section the words "this section shall not apply to the town of Gonzales."

On motion of Mr. Baker, the two last lines of the third section were stricken out.

And the words so far as relates to the towns of Victoria and San Patricio were prefixed to the fourth section.

On motion the house adjourned till to-morrow morning 9 o'clock.

SATURDAY MORNING, 19th May, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

On motion of Mr. Boyd, the vote on the final passage of the bill for the benefit of John W. Moore was re-considered.

The bill for the relief of A. T. Burnley, and others, was read a second time.

The bill requiring the commissioner general to forward to the recorders of counties, abstracts of titles to land situated within the same, was read a second time.

Mr. Billingsly from the select committee to whom was referred the bill appointing viewers to view and mark out a road from some point on the Colorado river, reported a substitute, which was adopted.

On motion of Mr. Gant, the rule prohibiting new business was suspended and a bill establishing the southern boundaries of Matagorda county was introduced and read a first time. The rule was suspended and the bill read a second time.

Mr. Gazley offered a substitute to the bill, when on motion of Mr. Hill, it was laid on the table.

The bill supplementary to an act to authorize the clerks of the different courts to appoint deputies, was read a third time and passed.

The bill for the benefit of A. C. Horton was read a third time.

Mr. Patton moved to suspend the rule in order to amend: adopted.

Mr. Patton moved to add "provided this act shall not be so construed as to pay two agents: lost. The bill was passed.

Mr. Branch from the Judiciary committee to whom was referred the bill providing for justices' courts in the county of Bexar, for the administration of justice in the Spanish language, and for other purposes, reported several amendments and recommended its passage: adopted.

Mr. Rusk moved to amend by inserting in the first section the words "justices of the peace."

On motion, the bill was laid on the table.

The several bills relative to the district courts were on motion of Mr. Jack, referred to a select committee consisting of Messrs. Jack, Rusk, Branch, and Gazley.

The bill entitled "an act to amend an act incorporating the city of Bexar and other towns was taken upon its third reading.

On motion, the rule was suspended in order to amend.

On motion of Mr. Baker, the 5th and 7th section was stricken out.

On motion, the bill was referred to a select committee consisting of Messrs. Baker, Brennan, Linn and Ponton.

The bill for the benefit of John W. Moore, was taken up, and referred to a special committee consisting of Messrs. Billingsly, Rusk, Gant and Baker.

The bill for the benefit of the widows and orphans of deceased soldiers of John N. Seguin's company who fell at the Alamo, was taken up on its second reading.

Mr. Baker moved to amend by inserting the words "of all who fell."

On motion of Mr. Jones of Austin, the bill was referred to a select committee consisting of Messrs. Jones of Austin, Patton and Menifee.

On motion of Mr. Rusk the resolution fixing a day for the adjournment of congress was taken up.

Mr. Gazley moved to fill the blank with Saturday next: lost.

Mr. Jones of Austin moved to lay the resolution on the table: On which motion, the ayes and noes were called for: and Messrs. Baker, Gazley, Jones of Austin, Menifee, McKinny, Ponton, Pierpont, Patton, and Sutherland—9 voted in the affirmative; and Messrs. Speaker, Bronch, Barleson, Billingsly, Brennan, Boyd, Douglas, Grigsby, Gant, Hardeman, Hill, Jack, Linn, Rowlett, Swift and Thornton—17 voted in the negative.

On motion of Mr. Baker, the blank was filled with Wednesday. The resolution was adopted.

Mr. Jack moved to suspend the rule prohibiting the introduction of new business, in order to introduce a bill, the ayes and noes were called for, and Messrs. Speaker, Baker, Branch, Barleson, Billingsly, Douglas, Gazley, Gant, Jack, Linn, Patton, Pierpont, Rusk, Rowlett, and Swift—16 voted in the affirmative;

and Messrs. Boyd, Hardeman, Hill, Jones, of Austin, Menifee, McKinny, Ponton and Sutherland—8 voted in the negative: so the rule was suspended.

Mr Jack introduced a bill to provide for the better dissemination of the laws, which was read a first time.

On motion of Mr. Billingsly, the rule was suspended, and the bill appointing viewers to view and mark out a way for a road from some point on the Colorado river to Red River was taken up on its second reading.

Mr. Jones of Austin moved to strike out the words "for their services they shall have three dollars per day." On motion of Mr. Rowlett, the rule was suspended and the bill was read a third time. The ayes and noes were called for on the final passage, and Messrs Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Boyd, Gazley, Grigsby, Gant, Hardeman, Linn, Menifoe, McKinny, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Swift—20 voted in the affirmative: and Messrs. Hill, Jones of Austin, Jack and Patton—4 voted in the negative: so the bill passed.

A message was received from the senate informing the house that the senate had agreed to the amendments made by the house to the joint resolution for the benefit of D. B. Friar, and that they had amended and passed the joint resolution from the house for the benefit of John Talbott.

On motion of Mr. Jack, the rule was suspended, and an act supplementary to an act to provide for the location of land scrip and for redeeming the same was introduced, and read a first time.

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

On motion of Mr. Rusk, the bill was amended by inserting the words "issued and sold by authority of the government of Texas."

Mr. Menifee moved to amend by inserting the words "according to law:" adopted

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

The bill for the relief of Charles Quillan was read a second time, and on motion of Mr. Jones of Austin, indefinitely postponed.

The joint resolution for the benefit of John Talbott, as amended by the senate, was taken up.

On motion of Mr. Pierpont, the senate's amendment was amended, so as to read "fifty dollars per month while he acted

a master of the Armory:"adopted.

The bill for the benefit of Thomas B. Reese was read a second time, and on motion of Mr. Jones of Austin, was indefinitely postponed.

On motion of Mr. Burleson, the rule was suspended, and the joint resolution establishing certain mail routes was taken up on its second reading.

Mr. Jones of Austin moved to strike out all but the 3rd section: adopted.

On motion of Mr. Branch, an additional route "from Anahuac to Stubblefield's" was inserted.

Mr. Pierpont moved to insert "from Shelbyville to Milam."

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

The joint resolution requiring district attorneys to institute suits against all "Eleven League" claimants was read a second time.

Mr. Baker moved to indefinitely postpone the resolution, which was lost.

The bill to alter and amend the several acts for establishing a navy department by adding thereto a board of commissioners was laid on the table.

On motion of Mr. Jones of Austin, the bill disbanding the army and navy was taken up on its third reading.

Mr. Rusk moved its reference to a select committee; the ayes and noes being called for, and Messrs. Speaker, Baker, Branch, Billingsly, Douglass, Grigsby, Hardeman, Hill, McKinny, Pierpont and Rusk—11 voted in the affirmative; and Messrs. Brennan, Boyd, Gazley, Jones of Austin, Linn, Menifee, Patton, Ponton, Rowlett, Sutherland, Swift and Wyatt—12 voted in the negative.

Mr. Rusk moved to suspend the rule, in order to amend: lost.

Mr. Branch moved to refer the bill to the military committee, with instructions to report on Monday morning; the ayes and noes were called for, and Messrs. Speaker, Baker, Branch, Billingsly, Douglass, Grigsby, Hardeman, Hill, Menifee, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett and Wyatt—16 voted in the affirmative; and Messrs. Brennan, Boyd, Gazley, Gant, Jones of Austin, Linn, Sutherland and Swift—8 voted in the negative.

A message was received from the senate, informing the house that the senate had passed the bill for the benefit of Sydney Sherman by the constitutional majority.



Mr. Baker, from the select committee to whom was referred the bill to amend the act incorporating the city of San Antonio, and other towns, reported the bill with amendments, which was adopted. The rule was suspended, and the bill read a third time and passed.

Mr. Hardeman obtained leave of absence for the balance of the session.

Mr. Jack, from the select committee, to whom was referred the several bills relative to district courts, reported two bills, and recommended their adoption.

On motion, the house adjourned till 9 o'clock Monday morning.

#### MONDAY MORNING, MAY 21, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

Mr. Swift, from the committee on internal improvements, to whom was referred the petition of Lewis Tinellis, reported a bill to incorporate the Salinilla Silk and Wine Company, which was read a first time.

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as being correctly engrossed.

Mr. Patton, from the committee to whom was referred the bill for disbanding the army and navy, reported a substitute.

Mr. Meniffee offered to amend the substitute so as to read "to retain as many as he may deem necessary to command in camp or garrison: lost.

On motion of Mr. Patton, the substitute was adopted.

The bill was read a third time, and put upon its final passage: the ayes and noes were called for, and Messrs. Baker, Burleson, Billingsly, Brennan, Boyd, Gazley, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Meniffee, McKinny, Patton, Ponton, Rowlett, Sutherland, Swift and Wyatt—18 voted in the affirmative; and Messrs. Speaker, Branch, Douglass, Grigsby, Hill, Jack, Pierpont and Rusk,—8 voted in the negative: so the bill passed.

Mr. Jones of Austin, from the committee to whom was referred the bill for the benefit of widows and orphans of those who fell in John N. Seguia's company at the Alamo, reported a substitute.

On motion of Mr. Meniffee, the substitute was amended by striking out the last line of the second section and adding an addition thereto, and also adding a third section.

Mr. Billingsly, from the committee to whom they were re-

ferred, returned the bill and papers relative to the claim of John W. Moore.

The bill for the benefit of A. T. Burnley and others was read a first time: the ayes and noes were called for on the final passage, and Messrs. Branch, Brennan, Gazley, Grigsby, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Swift—18 voted in the affirmative; and Messrs. Burleson, Billingsly, Boyd, Douglas, Hill and McKinny—6 voted in the negative: so the bill passed.

The bill for the benefit of J. W. Moore was again put upon its final passage: the ayes and noes being called for, Messrs. Branch, Brennan, Gazley, Jones of Austin, Linn, Patton and Pierpont,—7 voted in the affirmative; and Messrs. Speaker, Burleson, Billingsly, Boyd, Douglass, Grigsby, Gant, Hill, Jack, Lumpkin, Menifee, McKinny, Ponton, Rusk, Rowlett, Sutherland and Swift—17 voted in the negative: so the bill was lost.

The bill requiring the commissioner general of the land office to forward to the several counties all tracts to titles located situated within the same, was read a third time and passed.

The bill providing for justices' courts in the county of Bexar; and for the administration of justice in the Spanish language and for other purposes was, on motion of Mr. Rusk, referred to the committee on the judiciary.

A message was received from the senate informing the house that the senate had concurred in the passage of a joint resolution for the benefit of Alexander Legrand, and that they had agreed to the amendments made by the house to the joint resolution for the benefit of John Murry, and also that they had passed a bill to define the boundaries of the county of Montgomery.

The bill to alter and amend the several acts relative to the establishment of a navy, by adding thereto a board of commissioners, was, on motion of Mr. Menifee, indefinitely postponed.

The bill from the senate to define the boundaries of Montgomery county, was read a first time.

On motion of Mr. Gazley, the bill, together with other bills before the house on the same subject, were referred to a special committee consisting of Messrs. Gazley, Gant, and Jones of Austin.

The bill from the Senate to confirm certain contracts for personal services, was read a first time.

On motion of Mr. Jack, rejected

The joint resolution authorizing the Secretary of the treasury to burn the unsold land scrip, was taken up on its second reading.

Mr. Gant offered a substitute for the resolution, when

On motion of Mr. Rusk it was referred to a special committee, consisting of Messrs. Rusk, Gant and Patton.

Mr. Baker, from the committee on enrolled bills, reported the following as being correctly enrolled:

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

An act repealing the abatements of suits.

An act to repeal a part of an act therein named and an act for the relief of M. B. Manard.

The bill reported by the committee relative to the time of holding district courts, &c., was adopted.

Mr. Gant offered an additional section "requiring all persons on whom process has been executed, to answer at the time appointed in this bill;" lost

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

The bill further to define the duties of Sheriffs was taken up on its second reading.

Mr. Gazley moved to insert after the word "plaintiff" the words "in execution;" adopted.

On motion of Mr. Gazley the bill was further amended by adding an additional section.

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

The bill entitled "an act supplementary to act to raise a public revenue by impost duties, was taken up on its third reading.

Mr. Menifee moved to strike out the words "its passage;" adopted.

Mr. Sutherland moved to fill the blank with the words "1st of January next;" lost.

On motion of Mr. Menitec, the blank was filled with "the first day of July next."

Mr. Rusk moved to amend so that bread stuffs would not pay duty; adopted.

Mr. Sutherland moved to exempt lumber from duties; lost.

Mr. Jones of Austin moved to amend by inserting "that all other articles now exempted by existing laws to pay duties; lost.

On motion of Mr. Brennan the bill was referred to a select

committee, consisting of Messrs. Rusk, Swift and Menifee.

Mr. Menifee moved that the committee be instructed to report this evening: lost.

On motion of Mr. Rusk a call of the house was ordered; when the following members answered to their names: Messrs. Baker, Branch, Billingsly, Brennan, Boyd, Douglass, Gazley, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk Rowlett, Sutherland and Swift.

The following members were absent without leave: Messrs. Speaker, Burleson, Lumpkin, Thornton and Wyatt.

A message was received from the senate informing the house that the senate had disagreed to the substitute to the bill for disbanding the army and navy; and that the senate had agreed to the amendment made to the amendment to the joint resolution for the benefit of John Talbot.

On motion of Mr. Menifee the house insists on the adoption of its substitute for the bill from the senate for disbanding the army and navy.

On motion the house adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Burleson presented a communication from sundry individuals of Red River county, to the President, relative to a late rencounter between colonel Potter and others, on the one side, and the Cooshattee Indians on the other; he also introduced a joint resolution vesting the President with certain powers relative to indian agencies, &c. which was read a first time.

On motion of Mr. Billingsly the rule was suspended and the bill read a second time.

Mr. Swift moved to strike out "twenty thousand dollars;" adopted.

Mr. Wyatt moved to refer the bill to a select committee; lost.

Mr. Billingsly moved to fill the blank with ten thousand dollars; on which motion the yeas and noes were called for, and Messrs. Baker, Branch, Burleson, Billingsly, Boyd, Douglass, Gazley, Grigsby, Gant, Jack, Linn, Patton, Pierpont, Ponton, and Sutherland—15, voted in the affirmative; and Messrs. Speaker, Lumpkin, Menifee, McKinney, Rowlett, Swift and Wyatt—7, voted in the negative.

On motion of Mr. Wyatt the resolution was referred to a select committee consisting of Messrs. Wyatt Menifee and Burleson.

The bill for the relief of Elenor Dunoven, was, on motion of Mr. Jack, laid on the table.

The bill to provide for building court-houses, jails, academies, &c., was taken up.

Mr. Billingsly moved its indefinite postponement.

Mr. Gant called for the ayes and noes; and Messrs. Speaker, Baker, Burleson, Billingsly, Boyd, Gazley, Grigsby, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, McKinny, Patton, Rusk, Rowlett and Sutherland—17, voted in the affirmative; and Messrs. Branch, Douglass, Gant, Pierpont and Ponton—5, voted in the negative: so the bill was indefinitely postponed.

A message was received from the senate informing the house that the senate had concurred in the passage of the joint resolution, relative to the duties of the collector of Velasco; also, in the passage of the bill for the benefit of John K. Foster; and that the senate had passed a bill for the relief of the heirs of certain persons therein named.

The joint resolution for the benefit of Hiram Wood was read a second time; the rule was suspended and the bill read a third time and passed.

On motion of Mr. Rusk the clerk was instructed to enquire of the senate what had become of the resolution transmitted to the senate relative to fixing a day for the adjournment of congress.

The bill to provide for the location of the seat of justice in Jasper county was read a second time.

On motion of Mr. Swift an additional section was added:

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

Mr. Jones of Austin moved its indefinite postponement; the ayes and noes were called for, and Messrs. Baker, Burleson, Billingsly, Branch, Boyd, Grigsby, Gant, Jones of Austin, Jones of Brazoria, Linn, Patton and Rowlett—12, voted in the affirmative; and Messrs. Speaker, Douglass, Gazley, Hill, Menifee, McKinny, Pierpont, Ponton, Rusk, Sutherland and Swift—11, voted in the negative; the bill was accordingly postponed.

Mr. Rusk from the special committee to whom was referred the bill to raise a revenue by impost duties, reported a substitute.

Mr. Sutherland moved to insert 'lumber exempt from duties lost.

Mr. Billingsly moved to strike out the word 'flour;' the ayes and noes were called for, and Messrs. Baker, Burleson, Billing

ly, Gazley, Gant, Hill, Menifee, McKinny, Patton, and Sutherland—10, voted in the affirmative; and Messrs. Speaker, Branch, Boyd, Douglass, Grigsby, Linn, Pierpont, Ponton, Rusk, Rowlett, Swift, and Wyatt—12, voted in the negative.

Mr. Patton moved to strike out "all articles exempt from duties;" lost.

Mr. Billingsly offered a proviso "that nothing in this act to be construed so as to repeal the law imposing duties on liquors and wines;" adopted.

Mr. Ponton moved to strike out "corn" from the articles exempt from duty; lost.

The substitute was then adopted.

On motion of Mr. Rusk the rule was suspended and the bill read a third time.

The ayes and noes were called for on the final passage, and Messrs. Speaker, Branch, Burleson, Boyd, Douglass, Grigsby, Gant, Menifee, McKinny, Pierpont, Rusk, Rowlett, Swift and Wyatt—14, voted in the affirmative; and Messrs. Baker, Billingsly, Gazley, Hill, Jones of Austin, Jones of Brazoria, Linn, Patton, Ponton and Sutherland—10, voted in the negative: so the bill passed.

The bill to provide for surveying the coast was indefinitely postponed.

The bill to provide for the better dissemination of the laws was taken up.

Mr. Menifee moved its indefinite postponement; the ayes and noes were called for and Messrs. Branch, Billingsly, Boyd, Gazley, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Menifee, McKinny, Patton, Ponton, Rowlett, Sutherland and Swift—15, voted in the affirmative; and Messrs. Speaker, Baker, Burleson, Douglass, Gant, Linn, Pierpont, Rusk and Wyatt—9, voted in the negative; so the bill was indefinitely postponed.

The joint resolution authorizing the President to take the sense of the people on the subject of annexation was taken up in its second reading.

On motion to indefinitely postpone, Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Gazley, Gant, Jones of Brazoria, Menifee, McKinny, Patton, Pierpont, Sutherland and Wyatt—14, voted in the affirmative; and Messrs. Boyd, Douglass, Grigsby, Hill, Jones of Austin, Linn, Ponton, Rusk, Rowlett, and Swift—10, voted in the negative: so that the resolution was indefinitely postponed.

The joint resolution for the benefit of Samual Dextr was read a second time.

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

Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as being correctly engrossed.

The joint resolution for the benefit of F. Thom, and others, was read a second time.

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

The joint resolution providing for issuing certificates of head-rights, to those who fell under Fannin, Travis, Grant and Johnson, was read a second time.

Mr. Rusk moved to strike out "bounty land;" adopted.

On motion of Mr. Rusk the words "or with" were inserted; words "command of."

motion of Mr. Jones, of Austin, the rule was suspended; bill read a third time and passed.

bill from the senate for the relief of the heirs of certain therein named was read a first time.

rule was suspended and the bill read a second time.

motion of Mr. Rusk the rule was further suspended; read a third time and passed.

the joint resolution relative to the boundary line between the Republic and the United States was taken up on its second reading.

On motion of Mr. Wyatt, the second section was stricken out.

Mr. Rowlett offered the following section as an amendment: "and be it further resolved that the commissioner appointed in December, last, on the part of this government, to run this line, be immediately commissioned and instructed to run said line in conformity with the treaty defining said boundary, and that the United States government be informed of the same;" which was not adopted.

The resolution was then ordered to be engrossed.

The joint resolution for the relief of Jerry Brown, and others, was laid upon the table.

The joint resolution for the relief of H. Sanderson was taken up on its second reading.

Mr. Billingsly moved to strike out the words "secretary of the treasury" and insert the word "auditor."

On motion of Mr. Meniffee, the resolution was postponed.

till the first day of November, next; and all the documents relative to the claim of said Sanderson were ordered to be printed.

A message was received from the senate informing the house that the senate requested a committee of conference on the disagreement to the substitute for the bill to disband the army and navy; and that Messrs. Russel, Barnett, and Wilson had been appointed by the senate, on said committee; whereupon, Messrs. Mcnifee, Rusk and Branch were appointed on the part of the house.

A message was received from the senate informing the house that the senate had amended and adopted a resolution fixing a day for the adjournment of Congress.

Mr. Rusk moved to amend the senate's amendment by striking out "Saturday" and inserting "Tuesday;" lost.

On motion the house disagreed to the amendment from the senate.

Mr. Baker, from the committee on enrolled bills, reported the following as being correctly enrolled:

An act for raising one company of volunteers from each battalion.

A joint resolution for the benefit of John Talbott and others, and,

A joint resolution for the benefit of Alexander Legrand.

On motion, the house adjourned till to-morrow morning 9 o'clock.

TUESDAY, MAY, 22, 1838.

The house met pursuant to adjournment and was opened with prayer by the chaplain.

Mr. Gaxley, Speaker, pro tem, in the chair.

A message was received from the senate informing the house that the senate had concurred in the passage of the joint resolution declaring John Vance the legitimate son of Allen Vance; and, also, that they had concurred in the passage of the joint resolution providing for the issuing certificates for head-rights to the heirs of those who fell under and with Fannin, Travis, Grant, and Johnson, also that they had amended and passed the bill supplementary to an act to reduce into one act and to amend the several acts relative to the establishment of a General Land Office; also, that the senate had passed a bill for the benefit of the heirs of those who fell in the battle of San Jacinto; and, also, that they had passed a bill for the benefit of Wm. H. Wharton.

Mr. Rusk moved to re-consider the vote taken on the final passage of the bill for the benefit of Sanderson; lost.



Mr. Rowlett, from the committee on engrossed bills, reported sundry bills as being correctly engrossed.

A message was received from the senate informing the house that the senate had concurred in the passage of the bill to annex a part of Victoria to Jackson county.

On motion of Mr. Rusk the rule was suspended and a resolution authorizing the chief clerk to take and keep possession of all the papers belonging to the house, &c.

On motion of Mr. Jones, of Austin, the resolution was laid on the table.

The bill to incorporate the Columbia Rail Road Company was, on motion of Mr. Jack, laid on the table.

The bill from the senate for the benefit of the heirs of those who fell in the battle of San Jacinto was read a first time.

The bill from the senate for the benefit of Wm. H. Wharton was read a first time.

Mr. Rusk moved that the rule be suspended and the bill be put on its second reading.

On motion, a call of the house was ordered, when the following members answered to their names: Messrs. Baker, Brennan, Branch, Boyd, Gazley, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Linn, Menifee, McKinny, Patton, Pierpont, Ponton, Rusk, Sutherland and Swift.—The following members were absent without leave: Messrs. Speaker, Burleson, Billingsly, Douglas, Jack, Lumpkin, Rowlett and Thornton: Other members making a quorum having taken their seats, the question was taken on the motion of Mr. Rusk to suspend the rule in order to read the resolution for the benefit of Wm. H. Wharton a second time: which motion was lost.

The bill entitled "an act supplementary to an act to amend an act and reduce into one act the several acts relative to the establishment of a general land office, as amended by the senate was taken up. The first and second amendments were agreed to.

On motion of Mr. Billingsly, the vote agreeing to the second amendment was re-considered. The house disagreed to the second amendment, and also to the third and fourth amendments.

On motion of Mr. Jones of Austin, the amendments were amended so as to read "board of land commissioners," instead of "general land office."

Mr. Jones of Austin, moved to amend so as to read "to cease issuing certificates for head rights to the first class on the first day of November next: lost.

Mr. Baker, from the committee on enrolled bills, reported the following as being correctly enrolled:

An act relative to the duties of the collector of Velasco.

An act for the relief of John K. Foster,

An act to annex a part of Victoria to Jackson county.

Mr. Gazley, from the committee to whom was referred sundry bills relative to establishing the boundaries of Montgomery, reported the bill from the senate, with amendments: which amendments were disagreed to by the house.

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

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

The following message was transmitted from the President by Mr. Hoyle, his private secretary.

EXECUTIVE DEPARTMENT, TEXAS:

CITY OF HOUSTON, MAY 22nd, 1838.

GENTLEMEN:—The act locating the seat of government has been submitted to the Executive, who has taken a calm and dispassionate view of the subject. It will be perceived by the law fixing temporarily the seat of government, that it shall be established at the town of Houston, on Buffalo Bayou, until the end of the session of congress, which shall assemble in the year one thousand eight hundred and forty: This would clearly require, that at least two elections must take place for members of the house of representatives, and two thirds of the senators will be renewed previous to that time. If these are truths, then it would seem that the law had contemplated the action of the members who, at that time representing Texas as the persons who were to act for the emergency of the time. Many changes must take place in the population and condition of Texas previous to the year 1840, and by that time the people would have an opportunity to give some expression of their wishes and opinions on the subject, if it were submitted to them. Were the present congress to pass a law fixing the seat of government at any one point, the Executive believes that either of the two next succeeding congress would have it in their power to repeal the law and commence anew. This act of the honorable congress contemplates the expenditure of a larger portion of the public treasure than the Executive would be willing to see subtracted from the treasury at this time: our resources do not seem to justify any course but that of the strictest economy in the government, and this bill would doubtless consume at least one eighth part of the revenue for the current year, while it would

leave the subject liable to the action of a subsequent congress; and should the subject be presented to the people, and then their expression ratified by an act of the government, it would be permanently established beyond all grounds of doubt or cavil.

Being satisfied of the inexpediency of the measure at this time, the Executive feels himself constrained to return the bill with his reason for not giving his signature to the same.

SAM HOUSTON.

Mr. Rusk moved to refer the message, together with the bill to a select committee; on which motion the ayes and noes were called for, and Messrs. Speaker, Branch, Boyd, Jones of Austin, Pierpont, Rusk and Swift—7 voted in the affirmative; and Messrs. Burleson, Billingsly, Brennan, Gazley, Grigsby, Gant, Hill, Jones of Brazoria, Jack, Linn, Menifee, McKimany, Patton, Ponton, Rowlett and Sutherland—16 voted in the negative.

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

On motion of Mr. Branch, the message and bill were postponed till to-morrow morning.

The following message was transmitted from the President by Mr. Hoyle, his private secretary:

EXECUTIVE DEPARTMENT, TEXAS,  
City of Houston, May 21st, 1838.

*To the honorable house of representatives:*

GENTLEMEN:—I have under consideration the bill to organize the county of Colon on Red River. By reference to its locality, it will be perceived that it includes within its limits a part of the territory on that river which is now in dispute between Texas and the United States.

The peculiar circumstances of our diplomatic relations respecting the territory in question, are too well known to the honorable congress to require on the present occasion, any detailed remarks relative thereto.

To persevere in the organization of that county while such a state of things exists, regardless of the repeated remonstrance of such acts on the part of Texas by the United States, it is believed would render still more complicated the boundary question, and have a tendency to procrastinate the final adjustment of the difficulty which now unhappily exists between the two governments on the subject.

Influenced by these considerations, the Executive is constrained to return this act to the honorable house of representatives without his signature.

SAM HOUSTON.

On motion, the message and bill were postponed till tomorrow morning.

A message was received from the senate, informing the house that the senate had amended and passed the bill entitled "an act establishing district courts.

On motion of Mr. Rusk, the bill as amended was referred to a select committee consisting of Messrs. Rusk, Jack, and Branch.

The bill for the benefit of widows &c. was read a third time: the ayes and noes were called for on the final passage, and Messrs. Speaker, Brennan, Grigsby, Jones of Austin, Linn, McKinny, Patton and Ponton—8 voted in the affirmative; and Messrs. Branch, Billingsly, Boyd, Douglas, Gazley, Gant, Hill, Jones of Brazoria, Jack, Lumpkin, Menifee, Pierpont, Rusk, Rowlett, Sutherland and Swift—16 voted in the negative: so the bill was lost.

On motion, the house adjourned till 3 o'clock P. M.

3 o'clock P. M.

The house met pursuant to adjournment.

On motion of Mr. Billingsly, the house adjourned till half after 7 o'clock P. M.

HALF AFTER 7 o'clock P. M.

Mr. Jack, from the committee to whom was referred the bill to amend an act establishing district courts as amended by the senate, reported a substitute to the senate's amendment: adopted.

The bill for the relief of Ellen O'Donovan was read a second time.

Mr. Gant moved to indefinitely postpone: lost.

On motion of Mr. Rusk, the blank was filled with §250.

Mr. Rusk moved to strike out the words "and the collector shall withdraw said suit:" adopted.

On motion of Mr. Sutherland, the words "by securing the same with additional security" were inserted. The rule was suspended and the bill read a third time on the final passage of the bill: The ayes and noes were called for:

Ayes—Messrs. Speaker, Baker, Burleson, Brennan, Boyd, Douglass, Grigsby, Hill, Jones of Austin, Jack, Linn, Menifee, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Wyatt—21.

Noes—Branch, Billingsly, Gazley and Gant—4: so the bill passed.

The bill for the relief of James Robinson was read a second

time; and on motion of Mr. Sutherland was indefinitely postponed.

The bill for the relief of James Bradley's heirs was read a second time.

Mr. Baker moved to insert after the words "acres," the words "of land;" adopted.

A message was received from the senate, informing the house that the senate had agreed to the amendments made to the senate's amendments to the bill entitled "an act to amend an act establishing district courts, and that the senate disagrees to the joint resolution to adjourn on Wednesday, and that the senate had passed a bill to protect certain Indians in their land, and for other purposes.

The joint resolution for the benefit of John Brown and others was read a second time.

On motion of Mr. Patton, the words, "for the destruction of the schooner of war *Montezuma*," were stricken out.

The bill to suppress the wearing of concealed weapons was, on motion of Mr. Patton, indefinitely postponed.

On motion of Mr. Rusk, the house requests of the senate a committee of conference on the disagreement of the two houses in relation to the fixing a day for the adjournment of congress: Messrs. Rusk, Hill and Sutherland were appointed on the part of the house.

The bill from the senate to protect certain Indians in their lands and for other purposes was read a first time.

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

Mr. Rusk moved to strike out "Choctaws and Alabamas;" lost.

Mr. Douglas moved to indefinitely postpone the bill: The ayes and noes were called for.

Ayes— Messrs. Burleson, Gazley, Hill, Patton and Rowlett.

Noes— Messrs. Speaker, Baker, Branch, Boyd, Grigsby, Gant, Jones of Austin, Jack Linn, Meniffee, Pierpont, Ponton, Rusk, Sutherland, Swift and Wyatt—17.

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

On motion, the house adjourned till 9 o'clock to-morrow morning.

WEDNESDAY MORNING, MAY 23, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

*Mr. Baker*, from the committee on enrolled bills, reported the following as being correctly enrolled:

The joint resolution declaring *John Vince* the legitimate son of *Allen Vince* and *Matilda Winbourn*.

The joint resolution to provide for issuing certificates of head rights to the heirs of those who were with and fell under *Fannin, Travis, Johnson and Grant*.

A message was received from the senate, informing the house that the senate had concurred in the passage of the bill the better to define the duties of sheriffs; also that they had passed a bill supplementary to "an act to create a volunteer corps, approved *May 1838*."

*Mr. Rusk*, from the committee to whom was referred the joint resolution relative to the unsold land scrip, reported a substitute, which was read a first time.

*Mr. Rusk*, from the committee of conference, to whom was referred the disagreement of the two houses on fixing a day for the adjournment of congress, reported the majority of the committee had agreed to the resolution adopted by the house to adjourn on this day; which report was adopted by the house.

A message was received from the senate informing the house that the senate had disagreed to the report of the committee of conference on the subject of the adjournment of congress.

*Mr. Rusk* moved to suspend the rule prohibiting the introduction of new business, in order to introduce a bill for the location of the seat of government. The bill proposed to be introduced was read, and the question being put, "shall the rule be suspended?"

Ayes—Messrs. *Speaker, Branch, Boyd, Douglas, Grigsby, Hill, Linn, Menifee, McKinny, Pierpont, Rusk, Rowlett, Swift, and Wyatt*—14.

Noes—Messrs. *Burleson, Billingsly, Brennan, Gazley, Gant, Lumpkin, Patton, Ponton and Sutherland*—9.

Less than two-thirds having voted for the suspension of the rule, the motion was lost.

*Mr. Rusk* moved the bill offered by him be copied on the journals. The ayes and noes were called for:

Ayes—Messrs. *Speaker, Branch, Boyd, Douglas, Grigsby, Gant, Hill, Lumpkin, McKinny, Pierpont, Rusk, Rowlett, Swift and Wyatt*—14.

Noes—Messrs. *Burleson, Billingsly, Brennan, Gazley, Linn, Menifee, Patton, Ponton and Sutherland*—9; so the bill was ordered to be spread on the journals; which is as follows:

An act to locate permanently the seat of government of the Republic of Texas.

*Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled,* That there shall be appointed by the joint vote of both houses of congress, three commissioners whose duty it shall be to select at least two, and not more than four places for the permanent location of the seat of government; one of which places shall be east of, and one west of the Brazos river, and shall not contain less than four miles square of land and as much more as they can conveniently procure either by purchase or donation, provided they shall not give more than five dollars per acre for land.

Sec. 2. *Be it further enacted,* That said place shall be selected with a view to health and centrality of position, and it shall be the duty of said commissioners to reduce all contracts made to writing, subject to the choice hereafter provided for, to be made by the people. The commissioners aforesaid shall proceed to make the selections on or before the 15th day of July next: and it shall be their duty immediately to give notice in all the newspapers published in the republic, giving a full description of the situation, location and quality of land at each place, at the same time making out rough plats of each particular place, a copy of which plats shall be transmitted by mail to the clerks of the county courts of each county and one deposited in the general land office.

Sec. 3. *Be it further enacted,* That it shall be the duty of his Excellency the President to issue his proclamation calling upon the voters at the next election for members of congress to endorse on their tickets the place which they prefer shall be selected as the seat of government.

Sec. 4. *Be it further enacted,* That the managers of the elections shall be required to keep a separate poll of the votes cast for the seat of government, and make full and due returns thereof, transmitting one copy to the secretary of state and one to the president of the senate, and one to the speaker of the house of representatives.

Sec. 5. *Be it further enacted,* That it shall be the duty of the two houses to meet during the first week of the session of the next congress, and the president of the senate and the speaker of the house of representatives shall examine the polls and declare the election, and the place having the highest number of votes shall be, and the same is hereby declared to be the permanent seat of government of the Republic of Texas.

SEC. 6. *Be it further enacted*, That the said commissioners shall, before, entering upon the duties of their offices, take and subscribe the following oath: I, A. B. do solemnly swear that I will faithfully perform the duties required of me as commissioner to select a site for the permanent location of the seat of government of the Republic, and that in all my acts in relation thereto, I will, to the best of my abilities and understanding, act for the benefit of the Republic.

SEC. 7. *Be it further enacted*, That the said commissioners be, and they are hereby allowed the sum of five dollars per day while in service.

On motion of Mr. Branch, a call of the house was ordered, and the following members answered to their names: messrs. Speaker, Baker, Brauch, Burlison, Billingsly, Brennan, Boyd, Douglas, Gazley, Grigsby, Gant, Hill, Jones of Austin, Linn, Lumpkin, Menifee, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Swift and Wyatt. The following were absent without leave: messrs. Jones of Brazoria and Thornton.

A message was received from the senate informing the house that the senate had concurred in the passage of the bill to incorporate the Brazos and Galveston Rail Road, with amendments, and that they had passed a bill to provide for the payment of the first loan to Texas.

The bill locating the permanent seat of government was taken up, and the question being put, "shall the bill pass, notwithstanding the reasons of the President to the contrary."

Ayes—Messrs. Baker, Burlison, Billingsly, Brennan, Gant, Jones of Brazoria, Linn, Lumpkin, Menifee, Patton, Ponton, Rowlett, Sutherland, and Wyatt—14.

Noes—Messrs. Speaker, Branch, Boyd, Douglass, Gazley, Grigsby, Hill, Jones of Austin, McKinny, Pierpont, Rusk and Swift—12; so the bill was lost there not being a constitutional majority.

A message was received from the senate informing the house of the passage of the joint resolution for the benefit of H. Wood, with the amendments; also, that they had concurred in the passage of the resolution for the benefit of Wm. A. Heard; and, that for the benefit of Wm. Kuykendall.

The bill to create the county of Colon was taken up, and the question put, "shall the bill pass notwithstanding the reasons of the President to the contrary?"

A call of the house was ordered, when the following members answered to their names:

Messrs. Speaker, Branch, Billingsly, Douglass, Gazley, Grigs-



by, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Menifée, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett and Sutherland.

The following members were absent without leave:

Messrs. Baker, Burleson, Brennan, Boyd, Gant, Hill, Swift Thornton and Wyatt.

Members making a quorum having taken their seats, the vote was then taken on the passage of the bill creating the county of Colon.

Ayes—Messrs. Billingsly, Boyd, Douglass, Gazley, Lumpkin, Menifée, Patton Rusk, Rowlett and Sutherland—10.

Noes—Messrs. Branch, Baker, Brennan, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Linn, McKinny, Pierpont, Ponton, Swift and Wyatt—13; so the bill was lost.

On motion of Mr. Patton, the amendments made by the senate to the joint resolution for the relief of Hiram Wood was concurred in.

On motion of Mr. Rusk, a call of the house was ordered, and the following members answered to their names:

Messrs. Speaker, Baker, Billingsly, Brennan, Boyd, Douglas, Gazley, Hill, Jones of Brazoria, Linn, Menifée, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Swift and Wyatt.

The following members were absent without leave:

Messrs. Branch, Burleson, Grigsby, Gant, Jones of Austin, Lumpkin, McKinny, and Patton.

The bill to incorporate the Brazos and Galveston Rail Road Company, as amended by the senate, was taken up.

On motion the amendments were agreed to.

Mr. Jones, of Brazoria, moved a suspension of the rule prohibiting new business, in order to introduce a bill to take the sense of the people on the location of the seat government at the city of Austin.

Mr. Rusk proposed the bill provide for the location of the seat of government as an amendment, which was accepted.

The question was then taken on the suspension of the rule which was decided in the affirmative.

Mr. Menifée moved to re-consider the vote first taken on the suspension of the rule.

The ayes and noes being called for.—

Ayes—Messrs. Baker, Burleson, Billingsly, Brennan, Gazley, Gant, Linn, Lumpkin, Menifée, Ponton, Patton, Sutherland and Wyatt—13

Noes—Messrs. Speaker, Boyd, Douglass, Grigsby Hill

Jones of Austin, Jones of Brazoria, McKinny, Pierpont, Rusk Rowlett, and Swift—12; so the vote was re-considered.

Mr. Jones of Brazoria then moved a suspension of the rule, in order to introduce his bill separate from any other subject.

The ayes and noes were called for:—

Ayes—Messrs. Speaker, Branch, Burleson, Boyd, Gazley, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, McKinny, Patton, Pierpont, Rusk, Rowlett, Swift and Wyatt—17.

Noes—Messrs. Baker, Billingsly, Brennan, Douglass, Linn, Lumpkin, Menifee, Ponton and Sutherland—9, voted in the negative, less than two-thirds having voted for the suspension, the motion was lost.

Mr. Jones of Brazoria, moved that the bill be spread on the journal of the house.

The ayes and noes were called for:—

Ayes—Messrs. Speaker, Baker, Branch, Burleson, Boyd, Douglass, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Lumpkin, McKinny, Patton, Pierpont, Rusk, Rowlett, Swift and Wyatt—19.

Noes—Messrs. Billingsly, Brennan, Gazley, Linn, Menifee, Ponton and Sutherland—7; so the bill was ordered to be spread upon the journal; and is as follows:

Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That it shall be the duty of his excellency, the President of the republic of Texas to issue his proclamation, and to cause the sense of the people to be taken on the subject of locating the seat of government at the city of Austin, the place selected by the committee appointed by Congress for that purpose, in order to ascertain whether a majority are in favor of it, or not, and enable the next Congress to act definitely and finally on the permanent location of the seat of government.

Sec. 2. *And be it further enacted,* That all the contracts or reservations made by the said committee be, and they are hereby confirmed, and the sum of six thousand dollars is hereby appropriated for that purpose, and placed at the disposal of said committee.

Mr. Jones of Austin moved to suspend the rule prohibiting new business, in order that a resolution might be introduced for the benefit of Marshall Mann.

The ayes and noes were called for:—

Ayes—Messrs. Speaker, Baker, Branch, Burleson, Boyd, Gazley, Grigsby, Jones of Austin, Linn, McKinny, Patton, Pierpont, Sutherland and Swift and Wyatt—15.

Noes--Messrs. billingsly, brennan, Douglass, Gant, Hill, Lumpkin, Menifee, Ponton, Rusk and Rowlett—10; so the motion was lost.

Mr. Baker, from the committee on enrolled bills, reported the joint resolution for the benefit of Wm. Kuykendall.

On motion the house adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

On motion a call of the house was ordered, when the following members answered to their names:

Messrs. Speaker, Burleson, billingsly, brennan, Boyd, Douglass, Gazley, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Linn Menifee, McKinnny, Patton, Pierpont, Ponton, Rusk, Swift, and Wyatt.

The following message was transmitted from the President, by Mr. Hoyle, his private secretary:

EXECUTIVE DEPARTMENT, TEXAS.

City of Houston, 25th May, 1838.

To the honorable house of representatives,

GENTLEMEN:—An act "providing for the defence of the frontier" has been laid before the executive and has claimed his particular attention and consideration. The act leaves no discretion to the President, but requires him to order out a sufficient number of mounted gun-men, from each brigade, to commence active operations against the hostile Indians on the frontier, and again that the said troops shall elect their officers; but the time and place is not designated in the act. The President is required to place in the hand of a quarter-master, appointed by the major-general, the sum of twenty thousand dollars.

The act is in every feature objectionable. The President, by the Constitution, is commander-in-chief of the army and navy, as well as the militia of the country. It is within his power to call out the militia when he may deem fit, but it is not in the power of Congress to compel him to do so. To call them out at this time, would be impossible, and employ them on them on the frontier, as there is not bread stuffs in the country to subsist the inhabitants, and the scarcity is greatest on the frontier where the troops would be employed.

The appointment of the quarter-master is contrary to the Constitution, which provides that the appointment of all officers whose offices are established by this constitution, not herein otherwise provided for, shall be made by the President, and confirmed by the senate. The senate have a right to confirm

all nominations or to reject the same. The act does not say to whom the quarter-master shall give surity for the sum of twenty thousand dollars; nor that he shall give the same until after the money has been paid to him. Some discretion should be left with the President where the Constitution has placed it, and, as he is accountable for the defence of the nation, that the means should be placed within his control. It may be asked who are the hostile Indians? who is to decide the fact? If men are sent to the frontier without the most absolute and particular instructions, they will feel disposed to do something that will distinguish them, nor will they ever want a pretext to declare any and all Indians our enemies, and attack a camp of any tribe if they should chance to be on their way to sue for peace.

The last winter and spring have exemplified this suggestion, and the blood of some of our best citizens has paid for the disobedience of an officer and his men, who abandoned their post on the Brazos, and, instead of pursuing Indians who had stolen horses, crossed their trail proceeded to the three forks of the Trinity, with a view to steal horses from Indians, with whom our government was then treating. This has broke off, for the present, all prospect of a treaty until those Indians can be approached through our friendly tribes. This subject has not been neglected by the executive, who will in the course of the summer give a personal attention to the object of a peace with those tribes.

If means were placed at the disposal of the executive, and agencies with trading houses should be established at the proper points on the frontier, with a few troops stationed at each place, who will do their duty, and while men and companies on the frontier will act with prudence, less than one-fourth of the amount required to sustain the force contemplated in this act, will make peace, and preserve it, on the frontier. The Indians of the praries have no local habitations, and, therefore, we cannot hope to conquer them by any number of troops. They can elude us when they do not wish to fight, nor will they fight without an advantage in the praries—we cannot overtake them for they are fleet horsemen, and can disperse themselves with a signal, to meet at any point, having a knowledge of the whole region, unknown to white men. If we once can treat, and they find that they can trade with us—and learn that we are not their enemies, they will become our friends. The executive has never yet known a treaty made with an Indian tribe

first infringed or violated by them. Every thing will be gained by peace, but nothing will be gained by war. The Comanchies have lately come in and desired peace. They are powerful, and if peace is made with them they will find it to their interest and security to obtain from the hostile tribes, on their borders, obedience to them and peace to us.—The reason is obvious, because, should depredations occur, they would be liable to suspicion, which would interrupt their trade and intercourse with the Texians.

With this view of the subject, the executive, constrained, by every consideration of true policy, to return this act, without his signature, assuring the honorable congress that he will at any time that the necessity or apparent safety of the country may require it, order out such troops as may be necessary for the safety of the frontier or any portion of the country, and that he will give directions to raise so soon as possible, and bring into the field the corps of 280 men.

#### SAM. HOUSTON.

The bill, providing for the defence of the frontier, as returned by the President, was re-considered, and the question being put "shall the bill pass notwithstanding the reasons of the President to the contrary?"

Ayes—Messrs. Speaker, Branch, Burleson, Billingsly, Brennan, Douglass, Gazley, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Linn, Menifee, McKinny, Pierpont, Ponton, Rusk, Sutherland, Swift and Wyatt—21.

Nocs—Messrs. Boyd and Patton—2; so the bill passed.

A message was received from the senate informing the house that the senate had concurred in the passage of the bill to amend an act to incorporate the city of San Antonio, and other towns; also, that they had passed a bill allowing lands to Wm. Gowing and other persons of colour.

The bill from the senate granting lands to Wm. Gowing and others was rejected.

The bill for the benefit of the heirs of those who fell in the battle of San Jacinto was read a second time.

The bill to incorporate the Columbia Rail Road Company was taken up.

Mr. Rusk offered a bill to incorporate the Galveston Bay Canal Company, as a substitute; the ayes and nocs were called for on the adoption of the substitute.

Ayes—Messrs. Branch, Burleson, Billingsly, Boyd, Douglass, Gazley, Grigsby, Hill, Rusk and Swift—10.

Noes—Messrs. Baker, Brennan, Gant, Jones of Austin, Jones of Brazoria, Linn, Menifce, McKinny, Patton, Ponton, Sutherland and Wyatt—12.

On motion of Mr. Rusk, the bill was indefinitely postponed.

A message was received from the senate informing the house that the senate had concurred in the passage of the bill to amend the laws relative to direct taxes, and that they had concurred in the passage of the bill supplementary to an act providing for the location of land scrip, and for the redemption of the same; also, a bill authorizing the several newspapers in the republic to publish the laws.

A message was received from the senate informing the house that the senate had concurred in the passage of the joint resolution for the benefit of A. T. Burnley; and, that they have passed a bill relative to the clerks of Bexar, and other officers.

The bill from the senate, providing for the first loan to Texas, was read a first time.

Mr. Menifce, from the committee of conference, to whom was referred the bill disbanding the army and navy, reported amendments to the substitute; adopted by the house.

On the adoption of the report, made by the committee, the ayes and noes were called for.

Ayes—Messrs. Speaker, Branch, Burleson, Billingsly, Brennan, Douglas, Gazley, Grigsby, Gant, Jones of Austin, Jones of Brazoria, Linn, Menifce, McKinny, Patton, Ponton, Rowlett, Sutherland Swift and Wyatt—20.

Noes—Messrs. Boyd, Hill, Pierpont and Rusk—4; so the report of the committee was agreed to.

The bill from the senate, to raise a volunteer corps, was read a first time.

Mr. Rusk moved to suspend the rule and take up the bill for the benefit of Wm. H. Wharton; lost.

The bill to protect certain Indians in their lands, and for other purposes, was taken up on its second reading.

Sundry amendments were made to the bill, when, on motion of Mr. Pierpont, the rule was suspended and the bill read a third time.

The ayes and noes were called for on its final passage.

Ayes—Messrs. Speaker, Baker, Branch, Boyd, Grigsby, Jones of Austin, Linn, Menifce, McKinny, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Swift and Wyatt—17.

Noes—Messrs. Burleson, Billingsly, Brennan, Douglas, Gazley, Gant, Hill, and Jones of Brazoria—9; so the bill passed.

Mr. Boyd, from the committee on enrolled bills, reported a joint resolution for the benefit of A. T. Burnley, and others, as being correctly enrolled.

The bill from the senate to authorize the several newspapers to print the laws was indefinitely postponed.

The joint resolution for the benefit of the hon. Wm. H. Wharton was taken up on its second reading.

Mr. Douglas, moved its indefinite postponement; the ayes and noes were called for.

Ayes--Messrs. Speaker, Burleson, Gazley, Hill, Jones of Austin, Jones of Brazoria, Patton, Pierpont, Sutherland, Swift and Wyatt--11.

Noes--Messrs. Baker, Branch, Billingsly, Brennan, Boyd, Douglas, Grigsby, Gant, Menifee, McKinny, Ponton and Rusk--12.

Mr. Jones of Austin, moved to amend by inserting the words, "and, also, the expenses of Stephen F. Austin, whilst he was imprisoned in Mexico, provided the same does not exceed ten thousand dollars;" the amendment was not adopted.

The resolution was then put on its final passage; the ayes and noes were taken.

Ayes--Messrs. Baker, Branch, Boyd, Grigsby, Jones of Austin, Jones of Brazoria, Pierpont and Rusk--8.

Noes--Messrs. Speaker, Burleson, Brennan, Billingsly, Douglas, Gazley, Gant, Hill; Linn, Menifee, McKinny, Patton, Ponton, Sutherland, Swift and Wyatt--16; so the bill was lost.

The bill to provide for the payment of the first Texian loan was read a second time.

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

Mr. Patton moved to lay the bill on the table; lost.

The ayes and noes were called for on the final passage.

Ayes--Messrs. Speaker, Baker, Branch, Brennan, Boyd, Douglass, Gazley, Grigsby, Jones of Austin, Jones of Brazoria, Linn, Menifee, McKinny, Pierpont, Ponton, Rusk, Sutherland and Swift--18.

Noes--Billingsly, Gant, Hill, Patton and Wyatt--5; so the bill passed.

A message was received from the senate informing the house that the senate had concurred in the passage of the joint resolution establishing certain mail routes; and that they had passed a bill vesting the Auditor with certain powers.

The bill from the senate respecting the clerk of Bexar, and

for other purposes, was, on motion of Mr. Jones of Brazoria, rejected.

The joint resolution for the benefit of Jerry Brown was read a second time, and,

On motion of Mr. Branch, was indefinitely postponed.

Mr. Baker, from the Committee on enrolled bills, reported the following as being correctly enrolled:

A joint resolution for the benefit of Hiram Wood.

A joint resolution for the relief of Wm. A. Heard.

An act better to define the duties of sheriffs.

An act supplementary to an act providing for the location of land scrip, issued under the act of congress, dated 6th December, 1836, and for redeeming the same.

The bill for the relief William Langingham was referred to the committee on the judiciary.

The bill from the senate vesting the Auditor with certain powers, was,

On motion of Mr. Jones of Austin, postponed till the year 1860.

On motion the house adjourned till 8 o'clock P. M.

EIGHT O'CLOCK, P. M.

The house met pursuant to adjournment, and there not being a quorum, the house adjourned till to-morrow morning, 9 o'clock.

THURSDAY MORNING, 24th MAY, 1838.

The house met pursuant to adjournment, and was opened with prayer by the chaplain.

Mr. Sutherland, from the committee on public lands, reported the following resolution, which was adopted: "resolved, that the commissioner of the general land office be, and he is hereby required and to have printed one thousand copies of the abstract of the books of his office prepared by the clerk to the committee on public lands and that the secretary of state be requested to distribute the same with the laws and journals, or sooner if practicable."

Mr. Jones of Austin, from the committee on naval affairs, reported that the committee had had under consideration a document from the navy department, and instructed him to introduce and recommend the adoption of a resolution to pay Marshall Mann for the services rendered by his negro boy in sweeping out the house of representatives.

Mr. Menifee moved that the house should decide the report to be improperly made and out of order, when,

On motion of Mr. Linn, the report was rejected.



A petition from ——— Santangelino, formerly editor of the "Correo Atlantico" was presented and laid on the table.

Mr. Rusk moved a re-consideration of the vote taken yesterday on the bill vesting the auditor with certain powers for certain purposes. The ayes and noes were called for:

Ayes—Messrs. Baker, Branch, Brennan, Boyd, Gazley, Grigsby, Jones of Austin, Jones of Brazoria, Linn, McKinny, Patton, Ponton, Pierpont, Rusk and Swift—15.

Noes—Messrs. Speaker, Burleson, Billingsly, Gant, Hill, Menifce, and Sutherland,—7: so the vote was re-considered.

Mr. Rusk offered a substitute.

Mr. Jones of Austin moved to amend the substitute by striking out the words "for and on account of the contingent expenses of the government," and insert in lieu thereof, the words "for the future contingent expenses of the navy, under the direction of the President." The ayes and noes were called for.

Ayes—Messrs. Speaker, Burleson, Gant, Hill, Jones of Austin, Menifce, McKinny, Patton and Sutherland—9.

Noes—Messrs. Branch, Billingsly, Brennan, Douglas, Gazley, Grigsby, Jones of Brazoria, Linn, Pierpont, Ponton, Rusk, Rowlett and Swift—13.

Mr. Menifce moved to strike out "\$50,000." The ayes and noes were called for.

Ayes—Messrs. Speaker, Burleson, Billingsly, Gant, Hill, Linn, Menifce, McKinny, Patton and Sutherland.

Noes—Messrs. Baker, Branch, Brennan, Boyd, Douglas, Gazley, Grigsby, Jones of Austin, Jones of Brazoria, Pierpont, Ponton, Rusk, Rowlett and Swift—14.

Mr. Menifce moved to strike out "\$50,000" and insert "\$100,000:" lost.

On motion of Mr. Rusk, a committee consisting of Messrs. Rusk and Menifce were appointed to wait on the senate, and invite them to unite with the house, and go into a joint election for a judge of the 5th judicial district, and for the election of other officers.

A message was received from the senate informing the house that they were ready to join with them.

A communication was received from the honorable Edward T. Branch, resigning his seat as a member of the house of representatives: which resignation was accepted.

A message was received from the senate informing the house that the senate would be ready to adjourn *sine die* at 12 o'clock M.

On motion of Mr. Rusk, a committee consisting of Messrs. Rusk, Hill and Swift were appointed to act with the committee appointed by the senate for that purpose, to wait on the President, and inform him that the two houses were about to adjourn.

A message was received from the senate informing the house that the senate had concurred in the passage of the bill appointing commissioners to mark out a road from Brastrop to Red River: also that they had passed a bill exempting certain lands from taxation.

On motion the house took a recess for 30 minutes.

The house was called to order.

The senate, conducted by their President, were received into the house, and the purposes for which the two houses had met, having been explained, they proceeded first to elect a judge to preside over the 5th judicial district.

Mr. Rusk nominated Edward T. Branch.

Mr. Everitt nominated Mr. Hicks, of Shelby county: and

Mr. Wilson nominated James B. Woods.

For the several candidates the vote stood as follows:

For Edward T. Branch, 23—for Mr. Hicks, 8—for Jas. B. Woods, 2.

Mr. Branch having a majority of all the votes given, was declared duly elected judge of the 5th judicial district.

The two houses then proceeded to the election of a chief justice for the county of Galveston.

Mr. Jones of Austin nominated William F. Gray.

Mr. Rusk, nominated F. M. Gibson.

Mr. Baker nominated Alexander Somervell.

Upon taking the vote, Mr. Gray received 8—Mr. Gibson 16—and Mr. Somervell 10. No one candidate having a majority, the vote was again taken as follows:

For Mr. Gray, 2—for Mr. Gibson, 19, and for Somervell 13. Mr. W. F. Gibson having received a majority of all the votes, was declared duly elected chief justice of Galveston county.

On motion of Mr. Everitt, the two houses proceeded to the election of a president of the board of land commissioners for Bexar.

Mr. John A. Zombrano was nominated to that office, and no other nomination being made, he was declared duly elected.

His excellency the President, escorted by the joint committee to wait on him was received into the hall.

On motion of Mr. Rusk, the joint committee were instructed to wait on the honorable Alcece La Branche Charge d'aff

aires of the United States and invite him to be present on this occasion.

Mr. La Branche, conducted by the committee, was received into the hall.

His excellency the President addressed the two houses at some length, after which the senate withdrew.

Mr. Burleson introduced the following resolution which was unanimously adopted:

*Resolved*, That the thanks of this house be returned to the the honorable Joseph Rowe, for the clear upright and impartial discharge of his duties as speaker, and that he may carry to his home the consciousness of living ever in the memory of the members of this body, who give this just testimony of esteem to his unassuming worth.

Messrs. Rusk and Menifee were appointed a committee to wait on the senate and inform them that with their consent the house would adjourn *sine die*.

A message was received from the senate informing the house that the senate, with the consent of the house, would adjourn *sine die*.

On motion of Mr. Douglas, the house adjourned *sine die*.

JOSEPH ROWE,

Speaker of the House of Representatives.

By JAMES D. OWEN, *Assis't. Clerk of H. R.*