

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

REPUBLIC OF TEXAS

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

BY ORDER OF THE SECRETARY OF STATE.

HOUSTON:

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# JOURNAL

OF THE

SECOND CONGRESS, ANNUAL SESSION.

MONDAY, NOV. 6, 1837.

The time for the regular Session of the Second Congress having arrived, the following members met in the Representative Hall at the City of Houston:

From the County of Austin, Mr. Jones.  
" Bexar Messrs. Baker and Patton.  
" Brazoria, Messrs. Jones and Jack.  
" Colorado, Mr. Menifee.  
" Gonzales Mr. Ponton.  
" Goliad, Mr. Thornton.  
" Houston, Mr. Lumpkin,  
" Harrisburg, Mr. Gazley.  
" Jefferson, Mr. Grigsby.  
" Jasper, Mr. Lewis.  
" Jackson, Mr. Sutherland,  
" Liberty, Mr. Branch.  
" Mina, Messrs. Burleson and Billingsly.  
" Matagorda, Mr. Hardiman.  
" Milam, Mr. Walker.  
" Nacogdoches, Messrs. Rusk and Douglass.  
" Red River, Messrs. M'Kinney, Rowlett and Tarrant.  
" Refugio, Mr. Power.  
" San Patricio, Mr. Brenan.  
" Sabine, Mr. Clark.  
" Shelby, Messrs. English and Pierpont.  
" San Augustine, Messrs. Rowe and Thompson.

From the County of Victoria, Mr. Linn.  
From the county of Washington, Messrs. Gant and Hill.

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

The members then proceeded to ballot for a Speaker.

Mr. Rusk nominated Mr. Rowe

Mr. Gazley nominated Mr. Branch.

On counting the votes, Mr. Rowe had 21 votes: Mr. Branch had 11; whereupon Mr. Rowe was declared duly elected Speaker, and sworn into office by the Hon. Shelby Corzine.

On motion of Mr. Jones, of Brazoria, Mr. Thornton, the member elect from Goliad, was sworn into office.

On motion of Mr. Jack, the House went into an election for Chief Clerk.

Mr. Baker nominated Francis R. Lubbock, and Mr. Menifee nominated Mr. Wm. Fairfax Gray.

The ballots being counted, Francis R. Lubbock had 21 votes, and Mr. Gray had 11 votes: Mr. Lubbock was declared duly elected, by the Speaker, and sworn into office.

On motion of Mr. Gazley, the House went into an election for Assistant Clerk.

Mr. Gazley nominated Mr. A. L. McCoy, and there being no opposition, he was declared duly elected, by the Speaker, and sworn into office.

On motion of Mr. Thompson, the House went into an election for Engrossing Clerk.

Mr. Rusk nominated Mr. Thomas Green; and there being no opposition, he was declared duly elected, and sworn into office.

On motion of Mr. Jones, of Brazoria, the House went into an election for Enrolling and Recording Clerk.

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

On motion of Mr. Gant, the House went into an election of Door-keeper.

Mr. Gazley nominated Mr. S. L. Johnson; and, there being no opposition, he was declared duly elected, by the Speaker, and sworn into office.

On motion of Mr. Jones, of Brazoria, the House went into an election for Sergeant-at-Arms.

Mr. Thompson nominated Mr. G. S. Stratton, and Mr. Gazley nominated Mr. Florenoy Hunt.

The ballots being counted, Mr. Stratton had 24 votes, and Mr. Hunt had 9 votes.

Mr. Stratton was declared duly elected, by the the Speaker, and sworn into office.

A message was received from the Senate, through a committee composed of Messrs. Horton and Wharton, informing the House that they were organized, and had elected the following officers:

S. H. Everitt, *President pro tem.*  
 A. Robertson, Chief Clerk.  
 M. Sevey, Assistant Clerk.  
 O. Farrish, Engrossing Clerk.  
 E. L. Stickney, Enrolling Clerk, and Reporter.  
 J. T. Byers, Sergeant-at-Arms.  
 J. G. Wilkinson, Door-keeper.

Mr. Jones, of Brazoria, moved that a committee be appointed to inform the Senate, that the House of Representatives are now organized and ready to proceed to business.

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

On motion of Mr. Gant, the journal of the last day of the extra session was read.

A message was received from the Senate, informing the House, that they had appointed Messrs. Wharton, Dunn and Wilson to act with such committee as the House may appoint, to wait upon his Excellency the President, and inform him that Congress has assembled, and are ready to receive any communication he may have to make.

Mr. Gazley moved that a committee be appointed, to act with the committee on the part of the Senate, to inform the President, that Congress is now organized and ready to receive any communication he may have to make: Messrs. Gazley, Burleson and Patton were appointed said committee.

Mr. Jack offered the following resolution:

*Resolved*, That the following Standing Committees of five members be appointed by the Speaker:

- Upon Privileges and Elections,
- “ Ways and Means,
- “ Public Lands,
- “ Post-offices and Post-roads,
- “ Indian Affairs,
- “ Military Affairs,
- “ Naval Affairs,
- “ Foreign Relations,
- “ State of the Republic,
- “ Judiciary,
- “ Census and Accounts,
- “ County Boundaries:

Adopted.

On motion of Mr. Gant, the House adjourned till 2 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Gazley, from the committee to wait on and inform the President that the House had met to hold their annual session, and were ready to receive any communication he might have to make, reported, that they had performed the duty, and that he would communicate to Congress to-morrow, 10 o'clock, A. M., being the time the Senate had adjourned to.

The Speaker informed the House, that by a resolution of the called session of the House, the unfinished business of that session would be first in order.

The Land bill was taken up on its second reading.

On motion of Mr. Rusk, the words “and the said Commissioner of the General Land-office shall receive a salary of \$3,000 per annum, payable quarterly,” were added to the 1st section.

Mr. Rowe moved to strike out the letters “ors,” and insert “eys,” in the fourth line, 9th section.

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

AYES—Messrs. Speaker, Burleson, Hardiman, Jones, of Brazoria; Jones, of Austin; Linn, Lumpkin, Menifee, Power, Rusk, Rowlett, Tarrant and Thompson—13.

NOES—Messrs. Baker, Billingsly, Brianan, Clark,

Douglass, English, Gazley, Grigsby, Gant, Hill, Jack, Lewis, M'Kinney, Patton, Pierpont, Sutherland and Thompson—17: lost.

The word "and" was stricken out from the ninth line.

On motion of Mr. Rusk, the words "if their claims be otherwise equal" were inserted after the word occupant, in the 9th line, 17th section.

On motion of Mr. Patton, the words "and he shall receive as a compensation for each and every case, the sum of five hundred dollars" were stricken out from the 27th section.

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

TUESDAY, 10 O'CLOCK, NOV. 7, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

On motion of Mr. Jones, of Brazoria, a committee of two were appointed to inform the Senate, that the House was ready to receive them, and hear the communication from the President read: Messrs. Jones, of Brazoria, and Thompson were appointed said committee.

The following Standing Committees were then announced to the House, as having been appointed by the Speaker:

STANDING COMMITTEES.

*On Privileges and Elections:*

Messrs. Jones, of Brazoria; Pierpont, Menifee, Rowlett and Thompson.

*On Ways and Means:*

Messrs. Menifee, Pierpont, Douglass, Gazley and Lumpkin.

*On Public Lands:*

Messrs. Thompson, Hardman, Walker, Branch and Grigsby.

*On Post-offices and Post-roads :*

Messrs. Gazley, Hill, Tarrant, Baker and Clark.

*On Indian Affairs:*

Messrs. Burleson, Rusk, Rowlett, Lumpkin and Walker.

*On County Boundaries:*

Messrs. Baker, Jack, Lewis, Linn and Gant.

*On Military Affairs:*

Messrs. Rusk, Patton, Burleson, Power and Thornton.

*On Naval Affairs:*

Messrs. Jones, of Austin; Brenan, Power, Sutherland and Thornton.

*On Foreign Relations:*

Messrs. Branch, Billingsly, Clark, M'Kinney and Gant.

*On State of the Republic:*

Messrs. Hardiman, Jones, of Brazoria; Lewis, Baker and Patton.

*On Claims and Accounts:*

Messrs. Douglass, Linn, Tarrant, Billingsly and Ponton.

*On Judiciary.*

Messrs. Jack, Branch, Gazley, Ponton and Rusk.

*On Enrolled Bills:*

Messrs. Jones, of Brazoria; Branch.

A message from the Senate was received, stating that they would wait on the House immediately.

Mr. Gazley moved that the amendment offered by him yesterday, to the 9th section, be recorded on the journals, viz: to strike out from the word "county," third line, to the word "he," eleventh line, and insert the following: "County Surveyor, whose duty it shall be to receive and examine all field notes of surveys made, or which may hereafter be made, in said county, by the different deputies; and he shall see that the returns

of notes made by them are connected; and, in no case, shall permit a survey to be returned, the notes of which will not show its relative situation with respect to some other section of surveys: he shall record the same in a book to be kept by him for that purpose: shall certify the notes of all surveys so presented, to be correct, if admitted, and transmit the same to the Commissioner of the General Land-office; and shall advise the Board of Commissioners of all surveys so examined, by giving admission to his record book."

The motion to amend was lost.

The Speaker desired the clerk, in future, to record the negative as well as the affirmative proceedings of the House.

The Senate entered and took their seats.

A communication was received from the President by his Private Secretary, Mr. Henriques, to both Houses of Congress.

The rolls were called by the respective Clerks of both Houses.

The Clerk of the House was ordered to read the communication from the President, which was as follows:

EXECUTIVE DEPARTMENT, }  
 REPUBLIC OF TEXAS, } Houston, Nov. 1, 1837.

*To the Hon. Senate and House of Representatives:*

GENTLEMEN:

In reply to the announcement of the Joint Committee of your honorable bodies, that the two Houses of Congress were organized and ready to receive any communications from the Executive, I have only to remark, that it is with no ordinary degree of regret that a renewed and violent attack of my late protracted illness, with which I am still suffering, has precluded me the pleasure of concluding my annual message, and having it in readiness for the consideration of your honorable bodies; I hope however, to be able to communicate with you at a very early date. As soon as I am relieved from my intense suffering it will afford me much gratification to lay before the Hon. Congress, the general condition of the Republic, and all the subjects important to the advancement of the public interest.

(Signed) SAM HOUSTON.



At the instance of their President, the Senate then retired.

On motion of Mr. Branch, the message of the President was ordered to be printed in the Telegraph.

Mr. Jack moved that the House now proceed to the election of Reporter: lost.

On motion of Mr. Jones, of Brazoria, all the business on the Speaker's table, from the last session, was referred to the appropriate committees.

The Speaker declared his opinion, that the business left unfinished at the last session, is now in order, in the progress in which it was left.

On motion of Mr. Jack, the resolution passed at the extra session, relative to the unfinished business, was read; also, the resolution of adjournment of that session.

Mr. Baker appealed from the decision of the Speaker.

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

AYES—Messrs. Burlison, Brenan, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Jack, Lumpkin, Menifee, McKinney, Pierpont, Ponton, Rowlett, Sutherland, Tarrant Thornton and Walker—23.

NOES—Messrs. Baker, Branch, Billingsly, Linn, Patton, Power and Rusk—7: Speaker sustained in his decision.

Mr. Rusk, Chairman of the Select Committee to make arrangements for obtaining a suitable house for the President, reported, that they had examined a house owned by Mr. Lubbock; which, with the addition of some improvements, they would recommend as a suitable residence for his Excellency; and recommend the adoption of the following resolution:

*Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of six thousand dollars be appropriated for the purchase of a house for his Excellency, the President; and that the Secretary of the Treasury draw for two thousand dollars, at sight, in favor of Francis R. Lubbock, on the collector of customs at the port of Galveston; and that the Treasurer be required to pay four thousand dollars of the promissory notes of the Government to the said Francis R. Lubbock, upon his executing to the Govern-*

ment, titles for the house, and lot upon which it stands, on Main-street.

Bill read the first time.

Mr. Rusk moved to suspend the rule that the bill might be placed on its second reading: lost.

Mr. Baker moved that two dollars per day, in addition to the regular pay, be allowed to the door-keeper of the House of Representatives of the last session, for extra services by him performed.

On motion of Mr. Jones, of Brazoria, referred to the Committee on Claims and Accounts.

Mr. Gazley moved the following:

That a committee of two be appointed, on the part of each House, to contract with some competent person or persons, to print all the laws passed by the Consultation and Convention, together with those enacted since the Declaration of Independence; and also the journal of the Special and Regular Session of the Congress of the year 1837. and the said committee are required to ascertain what progress, if any, has been made in the above work, and report all their proceedings to this Congress.

Ordered to lie on the table.

Mr. Gant moved to take up a bill relating to the public archives: decided to be out of order.

The Land Bill was taken up at the 28th section.

Mr. Rusk moved to insert after the words "by paying fifty dollars, and," seventh line, 28th section: withdrawn.

Mr. Menifee offered the same, and called for the Ayes and Noes. The vote stood thus:

AYES—Messrs. Branch, Douglass, Linn, Menifee, Rusk and Sutherland—6.

NOES—Messrs. Speaker, Baker, Burlison, Billingsly, Brenan, Clark, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Jack, Lumpkin, Lewis, M'Kinney, Patton, Ponton, Rowlett, Thompson, Tarrant, Thornton and Walker—25: lost.

Mr. Rusk offered the following amendment to the amendment of the 28th section:

"Provided, in all cases, where the grantees shall pay into the hands of the receiver of the proper counties, the sum of sixty dollars for every twelve hundred and eighty

acres, and thirty dollars for every six hundred and forty acres, and fifteen dollars for every three hundred and twenty acres, at any time after twelve months from the date of their emigration to the country, he or she shall be entitled to receive an unconditional grant to the land."

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

**AYES**—Messrs Speaker, Brenan, Clark, English, Grigsby, Hardiman, Jack, Lewis, Meniffee, M'Kinney, Patton, Power, Rusk, Rowlett, Sutherland, Thompson, Thornton and Walker—18.

**NOES**—Messrs Baker, Branch, Burlison, Billingsly, Gant, Hill, Jones, of Austin; Linn, Lumpkin, Ponton and Tarrant—11: adopted.

Mr. Branch moved to strike out all of the 28th section after the words "are hereby repealed."

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

**AYES**—Messrs Baker, Branch, Billingsly, Brenan, Douglass, Gant, Hill, Jones, of Brazoria; Jones, of Austin; Jack, Linn, Lewis, M'Kinney, Patton, Ponton, Power, Sutherland and Tarrant—18.

**NOES**—Messrs. Speaker, Burlison, Clark, English, Grigsby, Hardiman, Lumpkin, Meniffee, Pierpont, Rusk, Rowlett, Thompson, Thornton and Walker—14: stricken out.

Mr. Gant offered the following additional section to the bill:

*And be it further enacted, &c.*, That every free white person who was mustered into the service of this Republic between the Declaration of Independence and the 1st day of March, eighteen hundred and thirty-seven, and is or may hereafter be honorably discharged for a tour of duty not less than three months, shall be allowed until the first day of January, eighteen hundred and thirty-nine, to introduce his family into this Republic; and upon so doing he shall be entitled to the same quantity of land he would have been, had his family arrived in Texas between the Declaration of Independence and the 1st of March, 1837.

Mr. Branch moved the following as a substitute to the foregoing:

*Be it further enacted, &c.* That all officers and soldiers

who engaged in the service of Texas previous to the 1st of March, 1837, whose families are now here, or may arrive within twelve months from the date of their discharges, shall be entitled to the same quantity of land as they would have been entitled to if their families had emigrated with them to the country:" adopted.

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

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WEDNESDAY, NOV. 8, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jones, of Brazoria, Chairman of the Committee on Enrolled Bills, reported the bill incorporating the Town of Brazoria as examined, and found it correctly enrolled.

Mr. Jones, of Brazoria, chairman of the Committee to whom was referred a bill to repeal the Charter of the Texas Rail-road, Navigation and Banking Company, reported, that having understood that there was a proposition before Congress from the stockholders, for a modified charter, he begged leave to return the same.

Mr. Patton, from the committee to enquire into the expediency of recalling our agent for the sale of land scrip in the United States, reported a bill recalling him, and forbidding the further sale of said scrip: read the first time.

On motion of Mr. Jones, of Brazoria, a Select Committee of Three were appointed to examine the unfinished business of the House of Representatives of the first Congress, and report the same to this House: The committee are Messrs. Jones, of Brazoria, Rowlett and Hill.

Mr. Patton introduced a resolution, that from and after this day it shall be a standing rule of this House, to meet at 9 o'clock in the morning, and adjourn at 3 o'clock in the evening: read the first time.

On motion of Mr. Menifce, the Chief Clerk was authorized to employ a clerk, to copy the journal of the proceedings of the House, and furnish the same to the

editors of the Telegraph: *provided*, the expense of such service shall not exceed two dollars per day.

Mr. Rusk asked leave to introduce a bill entitled, "An Act amendatory of the several Ordinances and Acts granting Bounty Lands:" first reading.

Mr. Jones, of Brazoria, asked leave to introduce a bill for the appointment of Notaries Public: read the first time.

The following communication was then received from the Commissioner of the General Land-office:

Believing it my duty to make a report to your honorable body, of the progress made by me in collecting the archives of the several land-offices; and also to give some information in regard to their situation, I would therefore beg leave to state, that since my former communication to your honorable body, I have received the following archives:

Those of Austin's Colony, Dewitt's, Powers'; and also those of Bevil's Settlement: besides, a register containing entries made for land in Wavel's Colony, on Red River. Those of Nacogdoches have not yet reached here, but by a letter received from George A. Nixon, Esq., dated 4th Oct ult., I learn that he will probably be here with them in a short time, as he had been for some time making preparations to that effect.

I find from examining the archives of Bexar, that there are only thirty-four titles, most of them issued in the years 1831 and 1832, some by the Commissioner of Dewitt's Colony, some by the Alcaldes of Bexar. The amount of land granted lying in the county of Bexar does not exceed forty leagues, which fact clearly shows that all the original titles belonging to that part have not been received. I have been informed that some of them as well as other archives have been destroyed; and that there is, also, a part of them in the hands of Judge Taylor, of Nacogdoches. The whole of that section of country along the San Antonio River, on both sides, from Goliad to within about fifty miles of Bexar, appears to be unsurveyed; at least, no returns have been made, but to which titles have probably been issued by the different authorities of the Spanish and Mexican Governments.

From returns of surveys made in Powers' Colony, I

find that the work has generally been done in a loose manner. Although there are two plats of considerable importance, showing the situation of a portion of the country. There have been one hundred and seventy-three titles issued, besides some ten or fifteen petitions by applicants.

I would beg leave to correct an error in my former report relative to the papers belonging to De Leon's Colony, having been misinformed as to what had been the fate of them. It is merely necessary for me to state, that instead of the enemy's destroying them, it was the Texian Army. A few of them, however, were preserved by Placido Benivides, who will probably deliver them up on his return.

Having but little time to examine the surveys made in that section of country east of Trinity, known as Bevil's Settlement, I am as yet almost unqualified to say what their condition is; however, this appears evident, that although there have been more than four hundred surveys made, yet there is no map showing the connection or situation of any three of them—not so much as a list of the names of the grantees, with the several quantities of land attached thereto. The number of titles issued by G. W. Smyth, Commissioner of that section, is one hundred and fifty-two.

The public money which I sent for, through the advice of the Secretary of the Treasury, amounting to \$189, and which I received with the archives of Bevil's Settlement, from G. W. Smyth, I have appropriated as follows:

To John Hadnot, \$114 for services rendered in bringing the archives from Bevil's Settlement.

To Davics Grigg, \$50, for like service, going to Nacogdoches and Sau Augustine, and Grey W. Fulton \$25. 50

There still remains a balance due Mr. Grigg and Mr. Fulton, which I trust your honorable body will make, as early as practicable, some appropriation to pay.

Being aware of the act which is about to be passed, calling upon all Empresarios, or other persons holding archives, to bring them to the Seat of Government, and deliver them over to me, I have not, for the last two weeks, used any exertions to employ persons for that

purpose; although had I been authorized to pay such person so employed, I could certainly have had the different archives collected much sooner than by the operations of the present contemplated arrangement.

As it is important that connected maps of the different counties, so far as now surveyed, be made; and as this cannot be done with propriety, at any other place than in this office, it is sincerely hoped that the present land law, when passed, will provide, in some manner, for the accomplishment of the above object; and while making this report, it may not be considered irrelevant for me to suggest to your honorable body, the necessity of making some appropriation of money, together with sufficient house-room to enable me to have all such plans made out in due form, all of which is most respectfully submitted by

Your obedient,

Humble servant,

JOHN P. BORDEN,

Com. of the Gen. Land-office.

On motion of Mr. Jones, of Brazoria, the report was referred to the Committee on Public Lands.

Mr. Gant moved to reconsider the motion, which was lost.

Mr. Menfee submitted to the House, the returns of election for the county of Refugio, held at Houston and Texana; which, on motion of Mr. Brennan, were referred to the Committee on Privileges and Elections.

Mr. Jack introduced the following resolution:

"Whereas, much inconvenience has arisen and been suffered by the citizens of Matagorda and Brazoria counties, in consequence of the boundary line between the said counties being unknown, therefore,

*Resolved*, That the Committee on County Boundaries be instructed, to inquire into and report the proper boundaries of said counties:" adopted.

Mr. Jones, of Brazoria, presented the account of R. J. Calder, Sheriff of Brazoria County, for keeping prisoners, &c.; and, on motion, it was referred to the Committee on Claims and Accounts.

Mr. Rusk moved to lay the Land Bill on the table, in order that the bill providing for the organization of the militia be read the first time: lost.

Mr. Linn introduced a resolution, to allow Major Diggs to withdraw his papers, filed in the House at Columbia: on motion of Mr. Jones, of Brazoria, referred to the above Select Committee of Three.

The Land Bill was taken up.

Mr. Brennan moved to reconsider the 29th section: lost. Leave of absence was granted Mr. Jack for ten days, at the request of Mr. Rusk.

Mr. Baker moved to amend the 35th section, by adding, "and if they emigrated subsequent to the 2nd day of May, 1835, and previous to the Declaration of Independence, they shall be required to pay the amount fixed by law, passed by the State of Coahuila and Texas, on the above date."

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

AYES—Messrs. Baker, Branch, Burleson, Clark, Douglass, English, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Linn, Lumpkin, Lewis, Meniffee, Patton, Pierpont, Ponton, Power, Rowlett, Sutherland, Thompson, Tarrant, Thornton and Walker—23.

NOES—Messrs. Billingsly, Brennan, Grigsby, Gant, and McKinney—5: adopted.

A message was received from the Senate, informing the House, that they had passed a joint resolution to have printed, certain laws, &c.

On motion of Mr. Jones, of Brazoria, the word "same" in the ninth line, 35th section, was stricken out, and "field notes" inserted.

On motion of Mr. Jones, of Brazoria, the word "register," in the same section, was stricken out, and "President of the Board of Land Commissioners" inserted in the 13th line.

On motion of Mr. Thompson, the words "provided, further, that if the Government of the United States of the North shall object to, or remonstrate against the operations in the Land-office, &c.," ending with the word "persons" were stricken out of the 39th section.

Mr. Jones, of Austin, moved the reconsideration of the 23d section: adopted.

Mr. Jones, of Austin, moved to strike out the proviso to the same section, and insert the following:

*Provided*, That all those who received lands as Co-



lonists previous to the year 1830, shall be excluded from the benefits of this section: lost.

Mr. Baker moved to strike out the proviso: lost.

On motion of Mr. Branch, the vote was reconsidered, requiring the business of the last session to be taken up in the order and progress in which it was left; and the House decided that the unfinished business of the last session must be taken up "*de novo*," if taken up at all.

Mr. Rusk then moved to suspend the rule, and read the bill a second time by its caption.

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

AYES—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brenau, Clark, Douglass, English, Grigsby, Hill, Jones, of Brazoria; Jones, of Austin; Linn, Lewis, M'Kinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson, Tarrant, Thornton and Walker—26.

NOES—Messrs. Gant, Hardiman, Lumpkin, Menifee and Power—5: adopted.

On motion of Mr. Baker, the bill was ordered to be engrossed for a third reading.

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

THURSDAY, 10 O'CLOCK, A. M., OCT. 24, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Rusk asked leave to introduce the petition of Thomas H. Mulrync, praying for relief for goods furnished the army.

On motion of Mr. Rusk, referred to the Committee on Claims and Accounts.

Mr. Rusk, also presented the petition of J. W. E. Wallace, praying remuneration for property destroyed, &c.

On motion of Mr. Rusk, referred to the Committee on Claims and Accounts.

On motion of Mr. Jones, of Austin, the petitions of the citizens of the counties of Austin and Harrisburg were referred to the Committee on County Boundaries.

Mr. Branch moved that the journal of Tuesday be corrected, so that the Land Bill would appear as introduced on that day: adopted.

Mr. Jones, of Brazoria, asked and obtained leave to retire from the committee on Enrolled Bills, and Mr. Baker was substituted by the Speaker.

Mr. Billingsly asked and obtained leave to introduce the petition of Thos. G. McGee, praying remuneration for property, &c., which,

On his motion was referred to the Committee on Claims and Accounts.

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

*Resolved*, That the President of this Republic be respectfully requested to reduce the representation of Texas, at the city of Washington, to that of a Charge d'Affaires;" read a first time and ordered to lie on the table.

Mr. Jones, of Austin, introduce a joint resolution, requiring the Auditor of Public Accounts to audit all discharges of soldiers, without the oath from the interested party; read a first time.

Mr. Jones, of B., asked leave to introduce a bill to amend an act entitled "an act to dispose of Galveston and other Islands of the Republic;" read a first time.

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

On motion of Mr. Meniffee, the words "and the notes of current and specie paying Banks" were stricken out of the first section.

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

The title is "an act to amend an act, entitled an act to dispose of Galveston, and other Islands of this Republic, approved, 12th June, 1836."

The bill amendatory to the several ordinances granting Bounty Lands, was taken up on its second reading, and,

On motion of Mr. Billingsly, was referred to the Committee on Military Affairs.

The joint resolution from the Senate for appointing committees, &c., was taken up and read a first time, and ordered to lie on the table.

Mr. Rusk offered the following resolution :

*Resolved*, That the Secretary of State be required to lay before this House his proceedings under a joint resolution authorizing him to contract for the printing of two thousand copies of the Laws, together with copies of the contract and the state of the printing: adopted.

An act for the appointment of Notaries Public, &c., was taken up and read a second time.

On motion of Mr. Gant the words "and shall keep a register of all their official acts" were added to the same.

On motion of Mr. Branch, the words "by and with the advice and consent of the Senat" were stricken out of the first section.

The bill for the recall of Agents for the sale of Land Scrip, in the United States, was then taken up and read the second time, and,

On motion of Mr. Rusk, the first section was stricken out.

Mr. Rusk offered the following additional section to the bill, which was adopted :

"That the said agent be required, forthwith, to return to the Secretary of the Treasury all the Land Scrip in his possession, and should he fail or refuse to do so for four months, from the first of January next, he shall be considered guilty of a high misdemeanor, and on conviction before any court, shall be fined in a sum not less than five, nor more than twenty thousand dollars, which fine shall go to the use of the Republic, and shall be liable, and subject, with his securities, to be sued on his his bonds ;" also,

On motion of Mr. Rusk the words "Land Scrip at any price" were stricken out, and "forthwith recalling our Agent to the United States for the sale of Land Scrip;" and,

On motion of Mr. Rusk the bill was ordered to be engrossed for a third reading.

A bill reported by the select Committee to obtain a suitable house for the president was taken up and read the second time.

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

On motion of Mr. Rusk the rule was suspended so that the bill might be amended.

On motion of Mr. Rusk the bill was amended by an additional section, repealing so much of the act authorizing the President, &c., to expend the sum of \$15,000. for public buildings, at the temporary seat of government.

On motion of Mr. Rusk the words "Be it Resolved" were stricken out, and the words "Be it enacted" inserted wherever they occur.

The ayes and noes being called for on the final passage of the bill; the vote stood thus,

**AYES**—Messrs. Speaker, Brennan, English, Gant, Hardiman, Hill, Jones of Brazoria, Jones of Austin, Lumpkin, Menifee, McKinney, Patton, Ponton, Power, Rowlett, Sutherland, Tarrant, Thornton, & Walker—19.

**NOES**—Messrs. Branch, Burleson, Billingsly, Clark, Douglass, Grigsby, Hill, Lyon and Pierpont—9; passed. And the title "is an act appropriating six thousand dollars, for the purpose of purchasing a house and lot for the use of his excellency, the President; and to repeal part of the act locating, temporarily, the seat of Government."

The resolution fixing the time for meeting and adjournment was taken up and read the second time.

On motion of Mr. Branch the bill was amended to read "adjourn at 2 o'clock, p. m."

On motion of Mr. Jones, of Austin, the hour for opening the house was fixed at half past 9 o'clock, a. m.

Mr. Rusk moved to lay the resolution on the table, till the 10th of June next; lost.

On motion of Mr. Jones, of Brazoria, so much of the resolution as fixes the hour of adjournment was stricken out.

Mr. Rusk moved to adjourn the house at 6 o'clock, in the evening; adopted.

Mr. Jones, of Brazoria, moved to lay the resolution on the table; lost.

Mr. Branch moved indefinite postponement; lost.

Mr. Jones, of Brazoria, moved to refer it to a select committee; lost.

Mr. Branch moved to adjourn till 10 o'clock, to-morrow; lost.

The vote was then taken on the adoption of the rule to meet at half past 9 o'clock, a. m.: and adjourn at 6 o'clock, p. m.; adopted.

Mr. Rowlett, asked leave to introduce a bill to create a new county, &c.; read a first time.

Mr. Douglass asked leave to introduce a bill relating to finance, &c.; read a first time.

Mr. Jones of Brazoria moved to reject the bill; lost.

Mr. Jones, of Brazoria, asked, and obtained leave to introduce a bill for the issuing of Treasury Drafts, &c., &c.; read a first time.

Also a bill, supplementary to "an act funding the public debt, &c., read a first time.

Mr. Jones, of Brazoria, asked leave to introduce a resolution to repeal the standing rule of the House, adopted this morning, so far as relates to continuing in session till 6 o'clock, P. M.; read a first time.

Mr. Jones, of Brazoria, moved that a Select Committee of three be appointed to examine the unfinished business of the last session, and report so much of it as they may deem important; lost.

On motion of Mr. Billingsly, the resolution, adopted this morning, as a rule for meeting and adjournment of this House, was re-considered, and on his motion laid on the table.

Ayes and Noes on the question to re-consider; vote stood thus,

AYES—Messrs. Branch, Billingsly, Hardiman, Hill, Jones of Brazoria, Jones of Austin, Lumpkin, Menifee, McKinney, Patton, Ponton, Power, Rowlett, Sutherland, Tarrant, Thornton, and Walker—17.

NOES—Messrs. Burleson, Brenan, Clark, Douglass, English, Grigsby, Gant, Linn, Pierpont, Rusk and Thompson—11: adopted.

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

### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Walker asked leave to introduce a bill to create the county of Robertson; read a first time.

Mr. English asked and obtained leave to introduce a bill establishing a rate of interest: read a first time.

Mr. Jones, of Brazoria, introduced a joint resolution, to appoint an overseer to the Capitol; read a first time, and,

On motion, referred to a Select Committee of three: Messrs. Jones, of Brazoria, Thornton and Brenau were appointed said Committee.

Mr. Douglass asked leave to introduce a bill for the organization of the militia; read a first time, and,

On motion of Mr. Patton referred to the Committee on Military Affairs.

Mr. Gant asked leave to introduce a bill, to repeal the bill, incorporating the Texas Rail-Road, Navigation and Banking Company; read a first time.

Mr. Jones, of Brazoria, asked leave to introduce a bill supplementary to an act to suppress gambling; read a first time.

Mr. Jones, of Brazoria, asked leave to introduce a bill relating to the public archives; read a first time.

Mr. Jones, of Brazoria, asked leave to introduce a bill authorizing the Treasurer of the Republic to issue change notes of certain denominations; read a first time.

Mr. Jones of Brazoria, introduced a bill for the compensating of certain persons therein named; read a first time and referred to the Committee on Claims and Accounts.

Mr. Rusk moved to take up the rule passed and laid on the table, this morning, relating to adjournments, &c.; adopted.

On motion of Mr. Billingsly the question was indefinitely postponed.

Mr. Gazley asked leave to introduce a bill to incorporate the Brazoria, Houston and Colorado Rail-road Company; read a first time.

A communication from the Auditor, was received and read, on allowing the claims of J. W. Littlefield, for horses, pressed for the use of the army; also the claims of C. C. Dewitt, &c.

On motion of Mr. Gazley referred to the Committee on Claims and Accounts.

On motion of Mr. Gant, Mr. Douglass was added to the Committee on Military Affairs.

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

FRIDAY, NOV. 10, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jones, of Brazoria, of the Select Committee of three, appointed yesterday, reported a bill entitled an act for the appointing of a superintendent of public buildings.

Mr. Linn introduced a resolution to appoint a Special Committee to draft a law giving jurisdiction to the county courts over the the towns that have four league grants, &c.; lost.

On motion of Mr. Branch, Mr. Thompson and Mr. Gant were added to the Judiciary Committee.

The Land Bill was taken up; read a third time, and passed.

The title is "an act to reduce into one act, and amend the several acts relating to the establishment of a General Land-office."

The Ayes and Noes on the passage of the bill are,

AYES—Messrs. Speaker, Baker, Branch, Burleson, Billingsly, Brennan, Clark, English, Gazley, Grigsby, Hill, Jones, of Brazoria; Linn, Lumpkin, Lewis, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Tarrant, Thompson, Thornton and Walker—27.

NOES—Messrs. Gant, Hardiman, Jones, of Austin; and Power—4:

The following members requested that their reasons for voting against the bill should appear on the journal: "The Land Bill now before this House I conceive to be unequal, and unconstitutional, inasmuch as it does not provide for sectionizing the country, so any citizen can find the vacant land without he be a surveyor, which will be giving the surveyor the advantage over all settlers,—as there is no plan devised, whereby they can find the vacant land, which will compel them to employ a surveyor, at his own price, to show them the vacant land.

"There is nothing in this law which will prevent one claim from being entered on another, which will encourage rather than prevent litigation, which may be the cause of breaking up many of our good citizens, by

entering one claim on another, and getting in law, which might be prevented by sectionizing the country in a proper manner, and making such laws to govern surveyors, as the situation of this country requires. I therefore am compelled to vote against this bill.

(Signed,)

THOS. J. HARDIMAN."

"I vote against the passage of this law; First, because it repeals all laws on the subject of the public lands. Second, because it does not enable any citizen to ascertain the lands that are vacant, or those that are covered with valid or spurious titles."

(Signed,)

W. W. GRANT."

Mr. Jones', of Austin, reasons for voting against it, are, "I vote against the bill because the 24th section grants relief to a part of one class of Colonists, to the exclusion of the other part."

The bill appointing Notaries Public was taken up and read a third time, and passed.

The title is "an act to provide for the appointment of Notaries Public."

On motion of Mr. Jones, of Brazoria, the joint resolution authorizing the issue of change notes, &c., was taken up and read a second time.

On motion of Mr. Rusk the word "five" was stricken out, and "ten" inserted.

On motion of Mr. Jones, of Brazoria, "for their redemption" was added to the bill, and ordered to be engrossed for a third reading.

The joint resolution authorizing the Auditor of Public Accounts to dispense with the oath, &c., &c., was taken up and read a second time.

Mr. Branch moved to insert "and certificates of officers of the army, and of the different committees of Safety and Vigilance, and all other military claims, which, by law, ought to be audited;" lost.

Mr. Jones, of Brazoria, moved to refer it to the Committee on Military Affairs; lost.

On motion of Mr. Gant the following substitute for the original was adopted:

"That it shall not be lawful for the Auditor to require



any oath of the holder of a discharge, made out in conformity with the law, as necessary for auditing the same."

Mr. Rusk moved the following substitute for the above:

"Whereas as a practice has been adopted by the Auditor of Public Accounts, requiring those who present claims to make affidavit before auditing the same.

*"Be it therefore Resolved by the Senate, &c., &c., That such affidavits shall not in future be required or deemed necessary to be made by the claimants ;"* which was adopted.

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

The title is "a joint resolution requiring the Auditor of Public Accounts to dispense with the practice of requiring an affidavit to be made by claimants.

On motion of Mr. Rusk the bill relating to finance was taken up and referred to a select committee of three.

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

**AYES**—Messrs. Speaker, Baker, Branch, Burlison, Gazley, Grigsby, Hardiman, Hill, Jones, of Brazoria; Jones, of Austin; Linn, Lumpkin, Lewis, Menifée, McKinney, Patton, Pierpont, Ponton, Power, Rusk, Rowlett, Tarrant and Thornton—23.

**NOES**—Messrs. Clark, Douglass, English, Gant, Sutherland, Thompson and Walker—7.

On motion the House balloted for said Committee.

On the first ballot the ballot being incorrect there was no election.

On the second ballot, Messrs. Rusk and Branch were elected.

Third ballot—no election.

On the fourth ballot Mr. Speaker, Rowe, was elected.

Messrs. Rusk, Branch and Rowe, special committee of three.

On motion of Mr. Rusk, the other bill on finance, (on the table,) was referred to the same committee.

On motion of Mr. Menifée the committee were required to report the House on Monday next.

On motion of Mr. Ponton, Mr. Menifée was added to the Committee on Claims and Accounts.

Mr. Gant and Mr. Linn were appointed a Committee on Engrossed Bills.

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

SATURDAY, 10 O'CLOCK, NOV. 11, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Billingsly asked leave to present the petition of sundry citizens, of Colorado and Mina counties praying for a new county; and on his motion it was referred to the Committee on County Boundaries.

Mr. Douglass, chairman of the Committee on Claims and Accounts, reported unfavorable to the claims of Thos. G. McGee; and against allowing \$2, per day, to the door-keeper, for extra services; against the claim of Thos. H. Mulryne; and in favor of the claim of Captain John Zabrano; and also a joint resolution for the benefit of H. C. Hudson; also, the bill to compensate certain persons therein named.

The report was concurred in, except so much as relate to the claim of Thos. G. McGee, which,

On motion of Mr. Billingsly, was referred to a special committee of three.

Messrs. Billingsly, Menifee, and Hill were appointed said committee.

Mr. Patton from the select committee to revise the Tariff, reported a bill for raising a public revenue by impost duties, read a first time.

Mr. Hardinan introduce the following resolution:

"That no member shall be allowed to speak on any subject before the House more than twice, and that he shall not speak longer than fifteen minutes, the first time, and not more than five minutes the second time, and it shall be the duty of the Speaker to call any member to order when he gets off the subject before the House; laid on the table.

Mr. Baker, chairman of the committee on County Boundaries, reported a bill for the creation of a new county to be called Fort Bend: read a first time.

Mr. Branch asked leave to introduce a bill to define the boundaries of the county of Liberty; read a first time.

On motion of Mr. Patton, a select committee of three was appointed to enquire into the power of the Executive, relative to the appointment of Chief Justices of the county courts, and said committee are Messrs. Patton, Branch, and Grigsby.

On motion of Mr. Patton a select committee of three was appointed to enquire into and report on the constitutional question whether a seat in Congress is incompatible with the office of Chief Justice of the county court; said committee are Messrs. Patton, Gazley and Lewis.

Mr. Jones, of Brazoria, asked and obtained leave to introduce the petition of John M. Barry.

On motion of Mr. Billingsly referred to the committee on Claims and Accounts.

Mr. Jones, of Brazoria, asked and obtained leave to introduce the petition of W. T. Brenham, and ——— pursers of the Navy.

On motion of Mr. Patton, referred to the committee on Naval Affairs.

Mr. Branch asked leave to present the account of A. B. J. Wirfrey, and,

On his motion it was referred to the Committee on Claims and Accounts.

On motion of Mr. Sutherland, Mr. Douglass was added to the Committee on Indian Affairs.

The act for recalling agents from the United States was taken up: read a third time and passed; and the title is, "An Act to prohibit the further sale of Land Scrip."

The joint resolution to authorize the issue of change notes was read a third time, and passed; and the title is,

"Joint resolution authorizing the Treasurer of the Republic to issue change notes."

A bill appointing a superintendent of Public Buildings was taken up, : read second time.

On motion of Mr. Thompson, the words "over the offices and property" were stricken out, and the words "over the furniture thereto belonging" inserted.

On motion of Mr. Menifee, the words "by and with the advice and consent of the Senate" were stricken out.

On motion of Mr. Thompson, the 2d section was stricken out.

Mr. Brennan moved to appoint the officer by joint vote of both Houses of Congress: lost.

Mr. Patton moved to strike out \$600: lost.

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

Mr. Gazley asked and obtained leave to introduce a bill to incorporate the Colorado Navigation Company: read the first time; and,

On motion of Mr. Branch, was referred to a Special Committee of Three: Messrs. Branch, Gazley and Burleson were appointed said committee.

"An Act creating the county of Robertson" was taken up, and read second time; and,

On motion of Mr. Thompson, referred to the Committee on County Boundaries.

A bill creating the county of Fannin was taken up, and read second time.

On motion of Mr. Rowlett, the word "thereof" was inserted; after the words "the crossing," the word territory substituted for "inhabitants;" the blank filled by "Jacob Black."

Mr. Rowlett moved to strike out "Fannin:" lost.

On motion of Mr. Rowlett, the "6th Monday" was stricken out, and "7th Monday" inserted.

The following additional section offered by Mr. Branch, was adopted:

"That said county of Fannin, and the county of Red River, shall constitute and compose one Senatorial District."

On motion, the bill was ordered to be engrossed for a third reading.

The bill establishing a rate of interest was taken up, and read a second time.

Mr. Hardiman moved to strike out "ten:" lost.

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

"That open accounts shall, in no case, bear interest."

On motion of Mr. Baker, the words "or monied" were inserted after the word "commercial."

On motion of Mr. Billingsly, the words "in writing" were added.

Mr. Billingsly moved to strike out "ten per cent.," and insert "eight per cent."

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

**AYES**—Messrs. Billingsly, Burleson, Brenan, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones, of Brazoria; Linn, Meniffee, M'Kinney, Patton, Pierpont, Ponton, Rowlett, Sutherland, Tarrant and Walker—21.

**NOES**—Messrs. Speaker, Baker, Branch, Clark, Jones, of Austin; Lumpkin, Power, Rusk, Thompson and Thornton—10: adopted.

Mr. Jones, of Austin, moved to strike out the second section: lost.

Mr. Gant moved to insert "6 per cent." instead of eight: lost.

**AYES**—Messrs. Burleson, Billingsly, Breuan, Douglass, English, Gant, Hardiman, Hill, Jones, of Austin; Linn, M'Kinney, Patton and Rowlet—13.

**NOES**—Messrs. Speaker, Baker, Branch, Clark, Gazley, Grigsby, Jones, of Brazoria; Lumpkin, Meniffee, Pierpont, Ponton, Power, Rusk, Sutherland, Thompson, Tarrant, Thornton and Walker—18.

On motion of Mr. Billingsly, the bill was ordered to be engrossed for a third reading.

The bill relating to the Public Archives was taken up, and read a second time; and,

On motion of Mr. Jones, of Brazoria, ordered to be engrossed for a third reading.

The bill for the repeal of the Charter of the Texas Rail-road, Navigation, and Banking Company was taken up: read a second time; and,

On motion of Mr. Gant, ordered to be engrossed for a third reading.

The bill for the suppression of Gambling was taken up, and read a second time; and,

On motion of Mr. Rusk, the 3d section was stricken out, and the bill referred to the Judiciary Committee.

A message was received from the Senate, informing the House they had passed a joint resolution, authorizing the Auditor to audit the accounts of Nelson Jones.

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

MONDAY, 10 o'clock, Nov. 13, 1837.

The House met pursuant to adjournment.

The journal of Saturday being read,

Mr. Patton, Chairman of the Select Committee to enquire into the eligibility of Chief Justices of the County Courts to a seat in Congress, reported, that in their opinion, they do not vacate their office as Chief Justices, unless their resignations are tendered in writing; and would refer the House to the Constitution.

Section 1st and section 23d, in the 1st article; and also the 32nd section of a law, "An Act organizing the Courts," approved December 20th, 1836: ordered to lie on the table.

On motion of Mr. Jones, of Brazoria, Mr. Rusk, Chairman of the Special Committee to whom the finance bills were referred, reported progress, and asked till to-morrow to report: granted.

Mr. Branch from the Judiciary Committee, reported "An Act supplementary to an Act, entitled, 'an Act organizing District Courts: read the first time.'"

Mr. Douglass, Chairman of the Committee on Claims and Accounts, reported in favor of allowing C. Hallibot \$8 per beef, and against allowing his claims for the horses; and beg leave to refer the claim of J. R. Calder to the Judiciary Committee, and the claim of Captain Alexander Herring to the Naval Committee. The report was concurred in.

Mr. Branch, from the Select Committee on the bill to incorporate the Colorado Navigation Company, reported the same with amendments.

Mr. Sutherland asked leave to introduce a bill for the relief of persons who lost property during the war: read the first time.

Mr. English asked leave to introduce a bill establishing the boundaris of Shelby County: read first time.

An act relating to the archives was taken up, and read third time and passed; and the title is,

"An Act concerning the Public Archives."

The bill creating the county of Fannin was taken up; and, on motion of Mr. Rusk, referred to a committee composed of the delegation from Red River.

The act to establish the rate of interest was taken up, and read the third time and passed; and the title is,

**"An Act regulating the rate of Interest"**

A message was received from the Senate, informing the House, that they had concurred in the act for the appointment of Notaries Public, which originated in this House.

A joint resolution from the Senate, to authorize the Auditor to audit the account of Nelson Jones was taken up, and read first time.

On motion of Mr. Gant, the Clerk of the House was sent, to request of the Senate, the vouchers belonging to the above resolution.

Message from the Senate, informing the House, that they had no vouchers in the case, and that the resolution was predicated upon his petition, was received.

An act to repeal the Charter of the Texas Rail-road, Navigation and Banking Company was taken up, and read the third time; and,

On motion of Mr. Rusk, referred to the Judiciary Committee.

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

Ayes—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Clark, Gazley, Grigsby, Hardiman, Jones, of Brazoria; Jones, of Austin; Linn, Menifee, McKinney, Patton, Pierpont, Ponton, Power, Rusk, Rowlett, Thompson and Walker—22.

Noes—Messrs. Billingsly, Douglass, English, Gant, Hill, Lumpkin, Sutherland and Thornton—8.

A message was received from the Senate, informing the House, that they had passed an act authorizing the President to issue his Proclamation, calling for papers, &c. &c.

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

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TUESDAY, 10 O'CLOCK, A. M. Nov. 14, 1837

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Burleson, Chairman of the Committee on Indian Affairs, reported in favor of the appointment of three, or more, Commissioners to conclude treaties with the va-

rious tribes of Indians on our Frontier, and a bill for the establishment of trading houses, &c., which was read the first time, and the report concurred in.

Mr. Baker, from the Committee on County Boundaries, reported a bill creating a new county, to be called "Fayette;" read the first time.

Mr. Douglass, Chairman of the Committee on Claims and Accounts, reported in favor of allowing the claim of C. C. Dewitt; and recommended the reference of J. M. Barry's claim to the Committee on Military Affairs. They recommended the passage of a general act to regulate such claims as those of J. W. E. Wallace, whereby the Auditor may be enabled to settle such accounts without a reference to this House: report concurred in.

Mr. Billingsly, from the committee to whom was referred the account of Thos. G. McGee, reported a resolution allowing said McGee \$800 for a horse, &c.: read the first time; and,

On motion of Mr. Patton, the report was disagreed to.

On motion of Mr. Jones, of Austin, the report was referred to a Select Committee of Three, who were in the army and had some knowledge of the case: Messrs. Rusk, Burleson and Billingsly were appointed said committee.

Mr. Gazley, from the Committee to whom Jno. Buchanan's account was referred, reported, that two of the committee were in favor of allowing his claim, and one against it.

On motion, Mr. Patton's report was concurred in, and the matter re-committed to the same committee to report a bill to carry into effect the report.

Mr. Rusk asked leave to present the petition of Henry Millard, praying for compensation as Indian Commissioner, &c., which was,

On motion of Mr. Patton, referred to the Committee on Claims and Accounts.

Mr. Rowe, from the minority of the Special Committee to whom were referred the finance bills, reported, that they were unable to agree on one bill, and that each would report his own bill on the subject: Bill read the first time.

Mr. Rusk, from the majority of said committee, reported a bill, which was read the first time; and,



On motion, the bills were made the special order of the day for to-morrow.

On motion of Mr. Jones, of Brazoria, the papers were referred back to the committee.

Mr. Branch, from the Judiciary Committee, reported a bill to provide for the trial of crimes committed by slaves and free persons of color: read first time.

Mr. Ponton asked and obtained leave to introduce a bill to establish the boundaries of the county of Gonzales: read first time; and,

On motion of Mr. Linn, referred to the Committee on County Boundaries.

Mr. English asked and obtained leave to introduce a bill, to authorize Clerks of the County Courts to appoint their deputies: read the first time; and,

On Mr. Gazley's motion, referred to the Judiciary Committee.

Mr. Rusk, from the committee to whom was referred the Militia Bill, reported the same with amendments: ordered to lie on the table.

Mr. Rowlett asked leave to introduce a bill for defining the boundaries of Red River County: read the first time.

On motion of Mr. Rusk, the Judiciary Committee were instructed, to enquire into the expediency of purchasing the laws, &c., passed by the legislature of Coahuila and Texas; a copy of which, was in the possession of an individual in this place.

An Act to authorize the President to issue his proclamation calling for papers, &c., from the Senate, was taken up, and read the first time.

A bill to create the County of Fannin was taken up, and read the third time and passed: the title is,

"An Act creating the County of Fannin."

An act to appoint a superintendent to the public building was taken up, and read second time; and,

On motion of Mr. Jones, of Austin, postponed till the contract with the proprietor of the building be confirmed.

The resolution to repeal the rule to adjourn at 6 o'clock, in the evening, was taken up; and,

On motion Mr. Billingsly, indefinitely postponed.

The resolution, requesting the President to reduce our diplomatic representation at Washington City, was taken up, and read a second time.

On motion of Mr. Branch, it was made a joint resolution, and the words "be, and he is hereby required," inserted in place of "requested."

On motion of Mr. Jones, of Brazoria, the salary of the Charge d'Affaires was fixed at \$1,000 per annum.

Mr. Gazley moved to refer the same to a Special Committee: lost.

A message was received from the Senate, informing the House, that they had passed a law making an appropriation for the purpose of purchasing a house for His Excellency, the President, as a substitute for the one passed by the House, and requesting the House to concur with them.

On motion of Mr. Rask, the bill was taken up, and the substitute concurred in.

A resolution to compensate certain persons therein named, was taken up, and read a second time and laid on the table, on Mr. Branch's motion.

The bill to incorporate the Houston, Brazos and Colorado Rail-road Company was taken up, and read a second time.

Mr. Linn moved the following amendment:

"*Provided*, That no toll shall be collected on said bridge, or bridges, unless said Rail-road has been completed to the point where such bridge is necessary, for crossing the Rail-road over said stream, or streams, for its final completion:" lost.

On motion of Mr. Rusk, the House adjourned till 3 o'clock, this afternoon.

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll being called,

A joint resolution from the Senate was taken up, authorizing the Auditor to audit the account of Nelson Jones, and read a second time.

On motion of Mr. Baker, it was ordered to be engrossed for a third reading.

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

Mr. Billingsly asked and obtained leave to introduce a bill, for the relief of Messrs Walker and Barton: read the first time.

The bill to incorporate the Houston, Brazos and Colorado Rail-road Company, was taken up, and ordered to be engrossed for a third reading.

The bill creating the county of Fort Bend was taken up; and,

On motion of Mr. Gazley, postponed, and made the order of the day for Thursday next.

The bill to incorporate the Colorado Navigation Company was taken up, and read a second time.

On motion of Mr. Jones, of Austin, the following proviso was added to the last section :

"*Provided*, further, that the Government may, at any time, pay the balance due the Stockholders, and take the Charter."

On motion, the bill was ordered to be engrossed for a third reading.

Mr. Pierpont asked, and obtained leave, to introduce a bill, to authorize the Judges of the District Court to hold Special Terms of the Circuit Court, in certain cases: read the first time.

The resolution on adopting a new rule for the government of the House, was taken up; and,

On motion of Mr. Hill, indefinitely postponed.

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

#### WEDNESDAY, 10 O'CLOCK, NOV. 15, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Jones, of Austin, from the Committee on Naval Affairs, reported: that they were of opinion, that the claim of Captain Henry, of the Schooner, San Jacinto, was just, and that the amount should be paid; and that, in their opinion, Brigadier General F. Huston had no authority to press said vessel; and that he ought to be responsible to the Government, for the amount allowed to the owners of said vessel. They reported a bill, making an appropriation of \$3648 50, to the owners of said schooner, which was read the first time.

Mr. Rusk, from the committee to whom the finance

billswere re-committed, reported progress, and obtained leave until the day after to-morrow, to complete their report. He submitted a bill from the majority of the committee, which was ordered to lie on the table.

Mr. Burleson introduced a resolution, that the Door-keeper of the House be allowed two dollars per day, for carrying and sweeping: adopted.

Mr. Branch, Chairman of the Committee on Judiciary, reported a joint resolution, for an appropriation to purchase the laws passed by the Legislature of Coahuila and Texas, now in the possession of Mr. Caravahal: read the first time.

Mr. Thompson submitted a joint resolution, allowing the Counseioners who were appointed to select a site for the Seat of Government. until the 25th of November to report: read the first time.

Mr. Rusk, Chairman of the Committee on Military Affairs, reported a bill as a substitute for the one referred to them, granting bounty lands: read a first time.

Mr. Thompson moved to suspend the rule, and place the joint resolution, allowing further time to the Commissioners, on its second reading: lost.

Mr. Branch offered the following resolution:

"That the Secretary of the Treasury be instructed, to furnish this House a copy of the instructions given, by him, to the Collectors of the different ports, forbidding them to receive, in payment of duties, the promissory notes of the Government, and his reasons for giving such instructions: adopted.

The bill, incorporating the Colorado Navigation Company, was taken up on its third reading; and,

On motion of Mr. Billingsly, referred to a Select Committee of Three: Messrs. Billingsly, Gazley and Menifec, were appointed said Committee.

On motion of Mr. Rusk, the bill granting bounty lands was taken up, and read a second time.

On motion of Mr. Gant, the rule was suspended, and the bill read a third time and passed. The title is,

"An Act amendatory of the several ordinances, granting bounty lands."

A communication from the Auditor, was read; and,

On motion of Mr. Rusk, referred to a Special Committee of Three, who were also required to examine

the Auditor's office, and report thereon; the committee are, Messrs. Gazley, Baker and Jones, of Austin.

The joint resolution to reduce the representation of this Government at Washington City, was taken up, and read a third time and passed. The title is,

"A Joint Resolution requiring the President to reduce the representation of this Government at the City of Washington."

A joint resolution, from the Senate, authorizing the President to call for papers, &c., was taken up; and,

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

The bill to incorporate the Houston, Colorado and Brazos Rail-road Company was read a third time, and passed.

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

AYES—Messrs. Speaker, Baker, Burleson, Billingsly, Gazley, Gant, Hardman, Hill, Jones, of Austin; Linn, Menifee and Thornton—12.

NOES—Messrs. Brennan, Clark, Douglass, English, Grigsby, McKinney, Pierpont, Power, Rowlett, Sutherland and Thompson—11.

The bill to define the boundaries of the county of Liberty was read a second time; and,

On motion of Mr. Gant, referred to the Committee on County Boundaries.

The joint resolution for the relief of certain persons, was read a second time; and,

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

On motion of Mr. Douglass, Mr. Thompson was added to the Committee on Claims and Accounts.

The act to amend the several tariff laws, was taken up; and,

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

The act to define the boundaries of the county of Shelby, was taken up, and read a second time,

Mr. Rowlett moved to amend, by striking out from the words "Soda Lake," and insert "thence, East, to the boundary line between the Republic and the United States of the North; thence, along said line, South, to the Sabine River;" adopted, and ordered to be engrossed for a third reading.

The bill relating to district Courts and Judges was taken up, and read a second time; and,

On motion of Mr. Gazley, referred to the Judiciary Committee.

Mr. Gazley asked, and obtained leave, to introduce a joint resolution, making an appropriation for the hospital: read a first time.

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

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

There not being a quorum present, adjourned till 10 o'clock to-morrow morning.

THURSDAY, 10 O'CLOCK, A. M., Nov. 16, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Gazley moved that the Committee on Public Lands be required to return to this House, all papers committed to them: adopted.

Mr. Pierpont asked, and obtained leave, to introduce a bill, to exempt certain property from sale and execution; read the first time.

Mr. Rusk asked, and obtained leave, to introduce a joint resolution for the relief of Samuel Moore: read the first time.

On motion of Mr. Gazley, the rule was suspended, and the bill to authorize the Judges of the District Courts, to hold Special Terms, in certain cases, taken up, and read a second time.

On motion of Mr. Thompson, the 2d section was amended by adding, "upon information being given."

On motion of Mr. Gazley, the following proviso was added to the last section:

"Provided, That this law shall not extend to any County wherein there may be a jail built, by the county, for the safe keeping of criminals."

On Mr. Gazley's motion, the rule was suspended, and the bill read a third time and passed.

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

**AYES**—Messrs. Burleson, Billingsly, Brennan, Clark, Douglass, Gazley, Grigsby, Hardiman, Jones, of Austin; Lumpkin, McKinney, Patton, Pierpont, Ponton, Power, Rusk, Rowlett, Thompson and Thornton—19.

**NOES**—Messrs. Speaker, Branch, English, Gant, Hill, Jack, Linn, Meniffee, and Sutherland—9.

The title is, "An Act to authorize the Judges of the District Courts to hold Special Terms, in certain cases therein named."

Leave of absence was granted to Mr. Tarrant, for five days.

The bill defining the boundaries of the county of Shelby was taken up; read a third time, and passed.

The title is,

"An Act to define the boundaries of the county of Shelby."

The act to authorize the President to call for papers, &c. &c., was taken up; and, on Mr. Gant's motion, laid on the table.

The bill creating the County of Fort Bend was taken up, and read a second time.

On motion of Mr. Jack, all after the word "and," to the end of the section, was stricken out of the second section, and "that the District Courts shall be holden on the last Mondays in February and August, of each year," inserted.

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

"That the counties of Austin and Fort Bend, shall form one Senatorial District."

On motion of Mr. Baker, the words, "an act organizing Inferior Courts" were stricken out, and the words, "an act creating the County of Houston" inserted; which was,

On motion of Mr. Baker, referred to a Special Committee of Two, consisting of Messrs. Jones, of Austin, and Jack.

Mr. Jack asked, and obtained leave, to introduce a bill, for the relief of the officers and crew of the schooner, Independence. &c.: read the first time; and,

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

On motion of Mr. Rusk, the word "citizens" was stricken out, and the words "officers, sailors, and soldiers," inserted.

On motion of Mr. Jack, the rule was suspended, and the bill read a third time and passed. The title is,

"A Joint Resolution for the relief of certain persons, therein named."

Mr. Billingsly asked, and obtained leave, to introduce a bill, compensating soldiers of San Jacinto: read the first time.

Mr. Jones, of Austin, moved to refer it to the Committee on County Boundaries: lost.

The joint resolution to compensate certain persons, &c., was taken up, and read a second time; and was,

On motion of Mr. Baker, indefinitely postponed.

The joint resolution, from the Senate, authorizing certain printing, &c., was taken up, and read a second time.

On motion of Mr. Gant, "1836" was inserted, preceding 1837.

On motion of Mr. Gazley, ordered to be engrossed for a third reading.

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

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill to organize the Militia was taken up, and read a second time.

On motion of Mr. Rusk, the words "Brigadier General" were transposed, so as to precede "Adjutant General."

On motion of Mr. Rusk, the word "Commissary" was added to the second section; and the words "Aid-de-Camp to the Assistant Adjutant General," stricken out.

The word, "assistant," was stricken out of the 6th section, and "fit and proper persons" inserted; and the words, "one 3d Lieutenant," inserted in the 7th section.

The words, "Assistant Adjutant General," were stricken out of the 8th section, and the word, "certificates," substituted for "receipts."

The remainder of the section, from the word, "election."



was stricken out; and the words, "one certificate to be sent to the County Clerk, one to the Secretary of War, and one to the Adjutant General."

The words, "Adjutant General," were stricken out of the 9th section, and, "two Captains, to be appointed by the Adjutant General," inserted; and the balance of the section, from the word "vote," was stricken out.

In section 10, the word "Paymaster," stricken out, and the words, "Commissary Sergeant-Major, Quartermaster Sergeant, and Commissary Sergeant," inserted.

Mr. Patton moved to strike out "musicians," from the 11th section: lost.

On motion of Mr. Rusk, "30" was inserted, instead of "50," and "70," instead of "75," as the number of men to form one company, in the same section.

The words, "be liable to trial, and punished as a deserter," were added to the end of section 12; "and accepts," was inserted after the word "elected," in the same section.

On Mr. Billingsly's motion, "knapsacks and haversacks," were stricken out of the 14th section.

Mr. Thompson moved to strike out "members of Congress and their officers," from the 15th section.

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

**AYES**—Messrs. Baker, Brenan, Hill, Jones of Austin, Linn, Menifee, McKinney, Patton, Sutherland, Thompson—10.

**NOES**—Messrs. Speaker, Branch, Burleson, Billingsly, Clark, Douglass, English, Grigsby, Gant, Hardiman, Jack, Lumpkin, Lewis, Pierpont, Ponton, Power, Rusk, Rowlett and Thornton—19: lost.

"All persons engaged carrying the mail," were stricken out, and all "mail carriers" inserted.

On motion of Mr. Jones, of Austin, the words "\$10, or more than \$100," were inserted, in place of \$100, or more than \$200."

The words, \$10, or more than \$100," were also inserted, in place of "\$100, or more than \$200." "50 for more than \$100," were stricken out, and "3, or more than \$10," inserted in the 16th section.

The remainder of the section, after the word "County," was stricken out. "Justice of the Peace" was stricken out, and "Judge" inserted.

On motion of Mr. Jack, the words, "one day in each month, were struck out, and "once every two months" inserted.

"Which fines, shall be paid into the County Treasury" were inserted at the last of the section.

"The words, "and be liable to be tried and punished as a deserter," were inserted.

On motion of Mr. Billingsly, the words, "be forever disfranchised, and deprived of all the privileges of a citizen," were stricken out.

The words, "or furnish an able-bodied substitute," were inserted in the same section.

On motion, Mr. Billingsly's motion was reconsidered; and the Ayes and Noes being called for, on the adoption of the same, stood thus:

AYES—Messrs. Baker, Billingsly, Clark, English, Grigsby, Gant, Hardiman, Jack, Linn, Lewis, Menfee, McKinney, Pierpont and Ponton—14.

NOES—Messrs. Branch, Barleson, Brennan, Douglass, Hill, Jones, of Austin; Lumpkin, Patton, Power, Rusk, Rowlett, Sutherland and Thornton—12: adopted.

On motion of Mr. Jack the words "or volunteering" were added to the 21st section: the words "and the names of those detailed shall be furnished to the Brigade Major, for consolidation, and sent by him to the Adjutant General" were inserted in the 22nd section; and the remainder of the section was stricken out after the word "remain."

On Mr. Baker's motion, the word "civil" was stricken out of the 24th section; and also the words "shall be equal in rank, to the person to be tried," were stricken out, and "not more than half shall be inferior to him in rank," were also struck out.

The remainder of the 27th section was stricken out from the word "authority."

Section 28 was stricken out.

The word, "Aid de Camp," was stricken out of section 30.

Mr. Rusk moved to insert, in 29th section, "a copy of," in the first line; and to strike out from the word "he," in the 2d line, to "it," in the 4th line, and insert "shall be transmitted:" adopted.

The amount, \$2,000, was, on Mr. Billingsly's motion,

stricken out, and "\$2,000" inserted, in section 30.

Mr. Rusk moved to reconsider: lost.

On motion of Mr. Rusk, the words, "to the Major-General and Secretary of War," were inserted after the word, "responsible," in the 33d section; and the balance of the section stricken out, after the word "only."

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

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FRIDAY, 9 O'CLOCK, A. M. NOV. 17, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Patton presented the petition of Prospect McCoy, which,

On motion of Mr. Billingsly, was referred to the Committee on Claims and Accounts.

Mr. Gazley presented the petition of John Brennan, which was,

On motion of Mr. Branch, referred to the Committee on Military Affairs.

Mr. Rusk, from the Committee to whom was referred the claim of T. B. McGee, reported a joint resolution for his relief, which was read the first time.

Mr. Gazley, from the Select Committee, to whom was referred the claim of J. Buchanan, reported a bill for his relief, which was read a first time.

Mr. Branch asked, and obtained leave, to introduce a joint resolution, to require the Secretary of War to discharge certain officers of the Army, &c.: read the 1st time.

Mr. Gant moved, that the Judiciary Committee be requested to report to the House, the bill for repealing the Charter of the Texas Rail-road, Navigation and Banking Company, on Monday next: adopted.

Mr. Douglass offered the following resolution:

"That no further business be taken up until all the business be finished, that is before the house at present: read the first time.

A communication from the Auditor was received and read; and,

On motion of Mr. Billingsly, referred to the Committee on Ways and Means.

On motion of Mr. Gazley, Messrs. Douglass, South-erland and Rowlett were added to the committee to examine the Auditor's office.

The Joint Resolution from the Senate authorizing the printing of certain Laws, &c., was read a third time and passed, and,

Messrs. Gazely and Branch were appointed the Committee on the part of the House therein named.

The bill organizing the Militia was taken up on its second reading.

On motion of Mr. Billingsly, so much of the first section as makes the two Brigadier Generals elective by Joint vote of Congress, was stricken out.

On motion of Mr. Billingsly, the words "shall be elected by those subject to militia duty in the Brigade" were inserted after the words "two Brigadier Generals."

Mr. Billingsly moved to elect the Major General in the same manner, and,

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

**AYES**—Messrs. Speaker, Branch, Burleson, Billingsly, Brennan, English, Grigsby, Gant, Hardeman, Hill, M'Kinney, Pierpont, Power, Rusk, Rowlett, Sutherland, and Thompson—17.

**NOES**—Messrs. Baker, Clark, Douglass, Gazley, Jones of Austin, Jack, Lian, Lumpkin, Menifee, Patton, and Ponton—11; adopted.

On motion of Mr. Burleson, referred to the Committee on Military Affairs.

Leave being granted, Mr. Gazley introduced a bill relating to the Charter of the Texas Rail-road Navigation, and Banking Company; read a first time, and,

On motion Mr Rusk referred to the Judiciary Committee.

On motion of Mr. Jones, of Austin, the bill creating the country of Fayette was taken up, and,

On motion of Mr. Billingsly referred to a Select Committee of three Messrs. Billingsly, Menifee, and Burleson were appointed said Committee.

On motion of Mr. Patton, Mr. Jones of Austin, was added to the Committee.

On motion of Mr. Gant, Mr. Hill was added to the same.

On motion of Mr. Baker, Mr. Ponton was also added. The bill authorizing the President to call for papers, &c., was taken up on its second reading, and,

On motion of Mr. Rusk, referred to the Committee on Ways and Means.

Leave being granted, Mr. Rusk offered a joint resolution to pay the claim of Holland Coffee, & Co: read a first time, and,

On his motion, the rule was suspended and the bill read a second time.

Mr. Gant moved to refer it to the Committee on Indian Affairs; lost.

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

The title is "A Joint Resolution for the relief of Holland Coffee, & Co."

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

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

An act relating to Finance, and to provide a circulating medium, was taken up.

On motion of Mr. Thompson the House went into Committee of the whole upon the two bills on Finance, reported by the Committee.

On motion of Mr. Thompson, the Committee rose and reported the bill as adopted, to the House, and,

On his motion, the bill was taken up on its second reading.

Mr. Rusk moved that the report of the majority of the committee to whom the Finance bills were referred be taken up; decided to be out of order.

Mr. Rusk moved that the House go into Committee of the whole upon the bill under consideration:

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

AYES—Messrs. Baker, Branch, Billingsly, Clark, Gazley, Jones of Austin, Jack, Linn, Lumpkin, Lewis, McKinney, Ponton, Pierpont, Ponton, Power, Rusk, and Thornton—17.

**NOES**—Messrs. Speaker, Burleson, Brennan, Douglas, English, Grigsby, Gant, Hardinman, Hill, Menifee, Netherland, and Thompson—12.

**Mr. Rusk** in the chair:—

**Mr. Rusk** called **Mr. Thompson** to the Chair, and moved that the Committee rise and report the bill without amendments, and return the two other bills to the House; adopted.

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

SATURDAY, NOV. 18, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

**Mr. Baker** chairman of the Committee on County Boundaries, reported the bill to define the boundaries of the county of Liberty, with amendments.

On motion of **Mr. Thompson**, leave of absence for the remainder of the session was granted to **Mr. Walker**, on account of ill health.

**Mr. Jones**, of Brazoria, chairman of the Select Committee to whom was referred the unfinished business of the last session of the first Congress, reported the following bills and resolutions:

“A bill fixing the salaries of Revenue Officers.”

“A bill to ascertain the public domain.”

“An act for the relief of Greenberry Logan.”

“An act establishing a Medical Board.”

“A Joint Resolution pointing out the method of authenticating Deeds.”

“A Joint Resolution appointing a board of Commissioners to investigate Land Titles.”

“A Resolution calling on the Secretary of State for information respecting **Gen. T. J. Chambers**,” which were all laid on the table.

**Mr. Rusk**, from the majority of the Committee to whom the Finance Bills were referred, handed in a report which was laid on the table.

**Mr. Jones** of Austin, from the Select Committee to

whom was referred the bill to create the County of Fort Bend, reported the same without amendment.

Mr. Douglass, chairman of the Committee on Claims and Accounts, reported in favor of allowing Henry Millard five dollars per day for services as Commissioner to treat with the Indians, and,

A Joint Resolution fixing the compensation of Indian Commissioners; read a first time.

Mr. Gazley introduced a bill to incorporate the Bank of Texas; read a first time.

Mr. Jones, of Brazoria, introduced a bill to unite in one the Navy and War Departments; read a first time.

Mr. Branch introduced a bill for the relief of C. Hillibrant, accompanied with vouchers, &c.; which was read, and,

On his motion, referred to a Select committee of three, Messrs. Thornton, Lunpinkin and Brennan, were appointed said Committee.

On motion of Mr. Patton, Col. Pinckney Caldwell was invited to take a seat in the House, and the Speaker tendered the thanks of this House to him, for his long, persevering, and invaluable services in the cause of Texas.

Mr. Jones, of Austin, introduced a bill to provide for the taking of the census of the Republic; read a first time.

Mr. Hill introduced a bill to define the boundaries of Washington county; read a first time, and referred to the Committee on County Boundaries.

Mr. Jones, of Brazoria, introduced a bill to incorporate the Texas Steam Mill Company; read a first time.

On motion of Mr. Branch a select committee of three was appointed to revise "the bill entitled An Act to raise a revenue by direct taxation," and report by bill or otherwise, Messrs. Branch, Pierpont and Power, were appointed the Committee.

Mr. Rusk introduced a Joint Resolution for the relief of Ellen O'Donovan; read a first time, and,

On his motion, the rule was suspended, and the bill read a second and third time and passed.

The title is "A Joint Resolution for the relief of Ellen O'Donovan."

Mr. Rowlett introduced a bill providing for the Assessors of Direct Tax to take the Census; read a first time.

Mr. Gazley introduced a bill to amend the law regulating the acknowledgement of Deeds; read a first time.

On motion of Mr. Rowe the orders of the day were taken up.

A message was received from the Senate, informing the House that they had concurred in a joint resolution for the relief of Ellen O'Donovan, originating in this House.

The following communication from the Secretary of the Treasury, was then read to the House.

As follows:—

TREASURY DEPARTMENT, }  
City of Houston, Nov. 16, 1837. }

GENTLEMEN,—In compliance with a resolution from your body, under date of the 15th inst., requiring me to transmit a copy of my instructions to the Collectors of the different ports, informing them that the promissory notes of the Government now being issued could not be received for duties, together with my reasons for giving such instructions, &c. &c.

Under date of the 5th of the present month, instructions were transmitted from this department to the collectors of the ports of Galveston, Brazos and Matagorda.

As follows:—

“DEAR SIR—I know the opinion prevails, generally, that the promissory notes of the Government, now being issued, will be received for duties as well as all other public dues. This idea, however, is erroneous as may be seen by the Laws themselves. The Promissory Note Law passed on the 9th of June last, and the Tariff on the 12th and being the last, the other could not affect it; and the revenues arising from impost duties, were especially appropriated for a particular object you will, therefore, in no case receive them for duties.”

Very Respectfully,

HENRY SMITH,

*Secretary of the Treasury.*



"On the 13th of the same month, his Excellency the President, instructed me to countermand the above order, which was done on the same day, by the following communication being transmitted to the same officers, severally, as above."

"Dear Sir:—In my last communication to you, I notified you that in conformity with the existing laws, that the promissory notes of the Government, now being issued, would not be received for duties. His Excellency the President, has instructed me, however, to notify you that they would be received as cash, and you will therefore be governed accordingly."

"Very Respectfully,"

HENRY SMITH,  
*Secretary of the Treasury.*

"In a previous communication made to both Houses of Congress, at an early period of the called session, I mentioned the conflict which I considered as existing in the provisions of certain laws, with a hope that they would take such action as the circumstances of the case seemed to require, which would not only have screened me from all conscientious scruples, but at the same time have relieved me from the disagreeable imputations of arbitrary misrule. At the first session of the General Congress, I urged that body to organize the Department over which I preside by a law prescribing the general duties of the incumbent, which however, was never done, and I have been left to infer, from analogy, alone, what my proper duties as the head of that department should be, except when special acts of the Congress have specified duties to be performed. And such special acts I have ever endeavored to execute to the best of my abilities. Thus situated, at the head of a Department, without proper organization, or any law as a general rule of action, I have ever considered myself subject to the dictation of the Chief Executive, who was directly responsible, even if his' opinions were in direct opposition to my own.

"On examination of the following Laws passed at the last session, it will be seen that they so much con-

flict in their provisions, that under existing circumstances, they cannot all be executed as contemplated by their provisions.

"The law for consolidating and funding the Public Debt, the Promissory Note Law, and the Tariff, are the laws alluded to. It will be found that the Law to Fund, and the Promissory Note Law, passed anterior to the Tariff, and that the Tariff is specific in its provisions requiring duties to be paid in gold, silver, or such current Bank paper, as the authorities, from time to time, should direct, and the proceeds arising from impost and tonnage duties were specially appropriated for the payment of the interest of the Funded Debt, being charged specially with the execution of the Funding and Promissory Note Laws, and knowing that, if a conflict in their provisions did not exist in fact, a forced construction of the Promissory Note Law would bring it about, and breed discontent and confusion, a circumstance in which I have not been disappointed. I deemed it prudent to waive the execution of either until the present Congress would be in session and cure the evil. It was not my object or intention to disobey either of the laws, but, if possible, to preserve and execute both, as the one was as obligatory as the other. The Funding Law was the only provision made for the relief of the mass of the public creditors, and as I conceived less onerous on the Government than the other. I view it as a standing contract on the part of the Government, for all public creditors who might choose to accept its provisions, and an infringement made on the appropriations set apart for the payment of the interest, as a breach of faith on the part of the Government. I have been coerced to the execution of the Promissory Note Law, and hence the necessity, as I conceive, of issuing to the Collectors the foregoing inhibitory order, for the protection of the Funding Law, as it must be a matter clear, and beyond a doubt, that the Congress never did intend that the Promissory Notes of this Government should be paid for interest on the Funded Debt, as it would at once be raising it from ten to twenty per cent. It is extremely unpleasant to the public functionary to be required, in the discharge of his duties, to execute laws so complex in their nature and provisions as not only to call down censure

from the law makers themselves, but at the same time to create public excitement, and heap upon him the abuses and anathemas of the whole community.

"In issuing the foregoing inhibitory order, I conscientiously believe I was right, and acting in the lawful discharge of my duty. And in issuing the countermand which immediately followed, I also considered I was right, as it was ordered by my superior who assumed the responsibility. Having taken a cursory view of the subject matter contained in the resolution from your honorable body, the foregoing are submitted as the principle reasons which induced me to issue the order referred to.

"Hoping they will prove satisfactory, I subscribe myself,

"Gentlemen,

"Very respectfully,

"Your obedient servant,

(Signed,)

"HENRY SMITH,

"Secretary of the Treasury."

On motion of Mr. Rusk the communication was referred to the Committee of Ways and Means.

On motion of Mr. Rusk it was

"Resolved That the Secretary of the Treasury be requested to furnish this House with the reasons why he has not carried into effect the law authorizing the consolidation and funding of the Public Debt; and also to report whether or not any applications to fund have been made."

On motion of Mr. Rusk, leave was granted to Mr. J. W. E. Wallace, to withdraw his papers from the House.

The bill on Finance, reported by the Committee of the whole, yesterday, to the House, was taken up, and,

On motion of Mr. Branch laid on the table.

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

**Ayes**—Messrs. Branch, Baker, Brennan, Clark, Gazley, Grigsby, Jones of Brazoria, Jones of Austin, Jack, Linn, Lumpkin, Lewis, McKinney, Patton, Pierpont, Ponton, Power, Rusk and Thoraton—19.

**Noes**—Messrs. Speaker, Burleson, Douglass, English,

Gant, Hardiman, Hill, Menifee, Sutherland and Thompson—10.

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

MONDAY, 10 O'CLOCK A. M. Nov. 26th, 1837.

The House met pursuant to adjournment.

The journal of Saturday being read,

Mr. Rusk presented the petition of Col. D. G. Weymouth, Commissary General of the army, which was read, and,

On Mr. Rusk's motion, referred to the Committee on Military Affairs.

Mr. Rusk, Chairman of the Committee on Military Affairs, reported the bill organizing the Militia, with amendments.

Mr. Menilce from the Select Committee to whom was referred the bill to incorporate the Colorado Navigation Company, reported a substitute for the same.

Mr. Jones, of Austin, introduced a Joint Resolution relating to the appointment of an agent to purchase vessels for the Navy, by the President; read a first time.

Mr. Burleson offered a Joint Resolution authorizing Military Scrip to be received in payment for Galveston lots, &c.; read a first time.

Mr. Gant offered a Joint Resolution relating to the Secretary of the Treasury; read a first time.

Mr. Douglass introduced a bill to incorporate the University of Texas; read a first time.

Mr. Douglass introduced a bill to lay off certain land for the redemption of the Naval and Military List; read a first time.

The Election returns from the county of Victoria, for Representative of Refugio, were read, and,

On motion, referred to the Committee on Privileges and Elections.

A petition was read from Malcolm M'Cauley, protesting against the election of Mr. James Power, as member from Refugio, which was,

On motion of Mr. Patton, referred to the Committee on Privileges and Elections.

The act for the organization of the militia was taken up on its second reading.

On motion of Mr. Linn the "3d Lieut." was stricken out of the 5th section.

Mr. Jones, of Austin, moved to insert "commissioned officers" instead of "members," in the 9th section; lost.

On motion of Mr. Ponton, "regularly ordained Ministers of the Gospel" were inscribed in the 15th section.

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

AYES—Messrs. Speaker, Baker, Burleson, Douglass, English, Grigsby, Gant, Jones of Austin, Linn, Menifee, McKinney, Pierpont, Ponton, Power, Rusk, Rowlett and Thornton—17.

NOES—Messrs. Brennan, Hardiman, Hill, Jones of Brazoria, Lumpkin, Patton, Sutherland and Thompson—8.

Mr. Baker moved to insert "and members of the Society of Friends;" lost.

On motion of Mr. Jones, of Austin, the words "for military purposes" were inserted in the 16th section.

Mr. Menifee moved to strike out the 17th and 18th section, and,

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

AYES—Messrs. Speaker, English, Gazley, Gant, Hardiman, Jones of Brazoria, Linn, Menifee, McKinney, Pierpont and Sutherland—11

NOES—Messrs. Baker, Branch, Burleson, Brennan, Clark, Douglass, Grigsby, Hill, Jones of Austin, Patton, Ponton, Power, Rusk, Rowlett, Thompson and Thornton—16; lost.

On motion of Mr. Burleson, the battalion muster to be held in April, was stricken out of the 17th section.

Mr. Menifee moved to strike out the 26th section; lost.

On motion of Mr. Patton the word "assistant" was substituted for the word "suite" in the 26th section.

On motion of Mr. Rusk "if a company of Regimental or Staff officers" were stricken out of the 27th section.

On motion of Mr. Rusk the word "audited" was substituted for 'paid' and the words by the Treasurer were stricken out of the 30th section.

Mr. Patton moved to strike out the "office of Major General" from the bill; lost.

Mr. Sutherland moved to strike out the Battalion Musters, and have an annual Regimental muster to last four days; lost.

On motion of Mr. Thompson the bill was ordered to be engrossed for a third reading.

The following communication was received from his Excellency, the President, by his private secretary, Mr. Henriques.

EXECUTIVE DEPARTMENT, }  
REPUBLIC OF TEXAS. }

*City of Houston, Nov. 20, 1837.*

GENTLEMEN:—It affords me much gratification to inform you that I will be ready to communicate my annual message to the honorable Congress, at 12 o'clock, to-morrow, 21st instant.

(Signed,)

SAM HOUSTON.

On motion of Mr. Rusk a committee was appointed to inform the Senate that the House would be ready, at 12 o'clock to-morrow, to receive them, to hear a communication from the President, and to invite them to attend: Messrs. Rusk and Jack were appointed the committee.

The following communication was received from the Secretary of the Treasury:

TREASURY DEPARTMENT, }  
*City of Houston, Nov. 20, 1837.* }

*To the honorable, the Speaker, and*

*members of the House of Representatives.*

GENTLEMEN:—The resolution from your House under date of the 18th inst., has been received, and I hasten to comply with its requisitions.

I am required by the resolution to furnish your body with the reasons why I have not carried into effect the law authorizing the consolidation and funding of the public debt. This plan was one of my own suggestion, and the law was drafted by myself, together with the revenue laws for its protection, but one of which, however, was sustained, and that underwent various alterations and amendments which materially altered it from the original presented.

Owing to the funding system not being well understood, I had too much difficulty to procure the passage of the law at the last session, and too well satisfied of its beneficial results both to Government and creditors, to have the least disposition on my part to abandon it.

In two previous communications to your House I have adverted to the substantive reasons which have induced me to delay its execution, in terms, as I conceived, too plain to be misunderstood. Ever willing, however, to account satisfactorily for any seeming neglect of official duty, on my part, I give the following as the last though not the least reason why that law has been delayed in its execution: Two different bills have been sent up to New Orleans, for suitable and necessary stationary to be used for that and other public purposes, neither of which however have been filled for reasons easily imagined. Suitable materials cannot be procured in the country, and, being satisfied that the present Congress would not probably take any action calculated to protect that law in its provisions and special appropriations, I, some days since, issued the necessary order to the General Stock Commissioner to use such materials as could be procured here, and the law is now being executed; leaving the suitable and necessary appropriations for the interest accruing to be made by the present or some subsequent Congress.

To the enquiry made "whether any application had been made to fund?" I reply that many have been made, and no doubt exists in my mind that the public creditors will willingly avail themselves of the advantages and inducements held out in the law, and that the great mass of public liabilities will be funded as soon as circumstances will permit. As the laws will be executed in strict accordance with its provisions, no injury has resulted either to the Government or creditors by the delay in its execution.

Hoping my responses to your enquiries may prove satisfactory. I subscribe myself,

Gentlemen,

Very respectfully,

Your obedient servant,

(Signed,)

HENRY SMITH,

Secretary of the Treasury.

On motion of Mr. Gazley the communication was referred to the Committee of Ways and Means.

Mr. Douglass offered the following resolution:

"That a committee of three be appointed to enquire into the propriety of reporting a bill to repeal the law authorizing the consolidation and funding of the Public Debt:" adopted.

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

On motion of Mr. Rusk the several bills on Finance were taken up, and,

On his motion, made the special ORDER OF THE DAY for Friday next.

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

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Sutherland presented the account of S. Hatch, and,

On his motion, it was referred to the committee on Claims and Accounts.

The bill for incorporating the Colorado Navigation Company was taken up on its second reading.

On motion of Mr. Gazley the bill was laid on the table.

On motion of Mr. Gazley the commissioners who were appointed to select a site for the seat of Government were invited to take seats within the bar of the House, to make their report in person.

The chairman of the commissioners presented their report.

On motion of Mr. Gazley the Speaker returned the thanks of the House to the Commissioners; for the prompt manner in which they had performed the duty assigned them.

Mr. Jack moved that the report be referred to a Select Joint Committee of five members of each House: Messrs. Jones of Brazoria, Burleson, Hill, Lumpkin and Rowlett were appointed the committee on the part of the House.

Mr. Rusk moved to lay the report on the table, and called for the Ayes and Noes.



**AYES**—Messrs. Burleson, Clark, Douglass, Grigsby, Gant, Lewis, McKinney, Pierpont, Rusk, and Thompson—10.

**NOES**—Messrs. Speaker, Baker, Branch, English, Gazley, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Meniffee, Patton, Ponton, Power, Rowlett, Sutherland and Thornton—19: lost.

On motion of Mr. Sutherland, Mr. Meniffee was added to the committee.

On motion of Mr. Rusk a Select Committee of three was appointed to receive proposals from those persons who had not had the opportunity previously for a site for the seat of Government; Messrs. Rusk, Sutherland and Gant were appointed said Committee.

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

TUESDAY, 10 O'CLOCK, NOV. 21, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Hill presented the petition of sundry citizens of Washington County praying for a new county to be created.

On his motion it was referred to the Committee on County Boundaries.

Mr. Jones of Brazoria, presented the petition of Margaret B. Jamison praying for a divorce; which was,

On his motion, referred to the Committee on the Judiciary.

Mr. Meniffee, from the Committee on Ways and Means, reported for the indefinite postponement of the Joint Resolution from the Senate to authorize the suspension of the law to raise a revenue by direct Tax.

They returned the act authorizing the President to call for certain papers, &c., and deemed the law unnecessary, and sufficiently provided for by the previous enactments.

They also returned the law to revise the Tariff without amendments.

They also returned two documents from the Auditor.

They also are of the opinion that the reasons assigned by the Secretary of the Treasury are satisfactory.

On Mr. Branch's motion laid on the table.

Mr. Menifee, from the Committee to whom was referred the bill to create the County of Fayette, reported a substitute for the same.

Mr. Rusk introduced a joint resolution for the relief of Lucinda Shannon; read a first time.

On motion of Mr. Rusk the following resolution was adopted:

"That no new business be received into this House after the 25th instant."

Mr. Menifee moved to lay the resolution on the table, and,

Called for the Ayes and Noes, which stood thus,  
AYES—Messrs. Baker, Branch, Gant, Hardiman, Jones of Austin, Menifee, Patton, Rowlett and Sutherland—9.

NOES—Messrs. Speaker, Burleson, Brennan, Clark, Douglass, English, Gazley, Grigsby, Hill, Jack, Lewis, M'Kinney, Pierpont, Power, Rusk, Thompson and Thornton—17: lost.

Mr. Lewis introduced a joint resolution to authorize assistant justices to act as Notary Public ex-officio: read a first time, and,

On motion of Mr. Gazley referred to the Judiciary Committee.

Mr. Rusk presented the petition of R. R. Royal, and moved its reference to the Committee on Claims and Accounts, with power to send for persons and papers: adopted.

Mr. Jones of Austin, introduced a joint resolution for the relief of W. L. Martin, surgeon: read a first time, and,

On motion of Mr. Sutherland, referred to the committee on Claims and Accounts.

Mr. Burleson introduced a joint resolution making military scrip receivable for dues, &c., &c., when offered by the original holder: read a first time.

A message was received from the Senate informing the House that they had appointed Messrs. Augustine, Barnett, Everitt, Rains and Dana, a Select Committee

of five, to act with a similar committee appointed by the House, to whom was referred the report of the Commissioners to locate the seat of Government.

A Committee consisting of Messrs. Wharton and Horton was received from the Senate informing the House that the Senate had accepted their invitation, and would wait on them at 12 o'clock, to hear the communication from the President.

The bill to incorporate the Colorado Navigation Company was taken up on its second reading.

Mr. Jones, of Austin, moved to lay the bill on the table, and,

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

AYES—Messrs. Baker, Branch, Clark, Douglass, English, Grigsby, Gant, Hill, Jones of Austin, McKinney, Patton, Pierpont, Rusk and Rowlett—14.

NOES—Messrs. Burleson, Brenan, Gazley, Hardiman, Jones of Brazoria, Jinn, Menifce, Power, Sutherland and Thornton—10; laid on the table.

The bill to create the county of Fayette was taken up and read a second time.

Mr. Jones, of Brazoria, moved to insert "Austin" in the bill: lost.

On motion of Mr. Burleson ordered to be engrossed for a third reading.

The bill to create the county of Fort Bend was taken up on its second reading, and,

On motion of Mr. Jones, of Brazoria, laid on the table.

The bill to amend the several Tariff laws was taken upon its second reading, and,

On motion of Mr. Branch laid on the table.

The bill to define the boundaries of the county of Liberty was taken up on its third reading.

On motion of Mr. Rusk a committee of two was appointed to act with such committee as the Senate might appoint, to wait upon the President, and inform him that the house would be ready to receive him at 12 o'clock, M.

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

On motion of Mr. Jones, of Brazoria, the house took a recess of fifteen minutes, to prepare seats, &c.

The House met, and, the roll being called, On motion of Mr. Jack a committee of two were appointed to inform the Senate that the House was ready to receive them.

Messrs Jack and Branch were appointed the Committee.

A message was received from the Senate informing the House that they would wait on them immediately.

The Senate entered, conducted by their President, and were seated, and,

The roll of both Houses were called by their respective clerks.

The President was then announced, and conducted to the Speaker's Chair, by the Committee of both Houses. Mr. Alcée La Branché, Chargé d'Affaires of the United States, was also invited to a seat.

The President then delivered the following message to the Congress :

EXECUTIVE DEPARTMENT, REPUBLIC OF TEXAS, }  
*City of Houston, Nov. 21, 1837.* }

GENTLEMEN,—Congress having been apprized of the reasons which have delayed the Executive in presenting his views to their consideration, at the commencement of the annual session, will supersede the necessity of an apology.

The important responsibility which, at the commencement of every community or nation, must devolve upon its lawgivers and officers, is manifest to all but the heedless, and will be properly estimated by the patriotic and virtuous of every country on whom those duties may be conferred. Upon their exertions must the happiness and prosperity of a nation depend at home, and by their acts will its character be ascertained and determined in the opinions of the enlightened abroad. Our relations to the nations of Europe, as well as to the governments of South America, have yet to be established, nor has the importance of this subject been disregarded, particularly with England and France, as our commercial relations, so far as they depend upon European supplies, must exist with those nations. Since the departure of our Commissioner to the Court of St. James, no intelligence from him has reached this Government.

For the regulation of the circumstances of foreign ministers, agents and consuls, it will be necessary to pass enactments, or to adopt some system to facilitate the desires of the Government, and obviate the embarrassments which must impede their success. Upon this subject a report of the Secretary of State will be presented to Congress for consideration.

The relations which existed between this country and the United States, at the period of my last communication on the subject, have undergone no important change, unless we regard the correspondence of our Minister at Washington, with the Hon. Secretary of State, as indicating the determination of the Government of the United States upon the subject of our *annexation*. This Government, from the expression of the people of Texas, having in the most frank and undisguised manner presented their desires for annexation, and enforced them by considerations which appeared to be conclusively beneficial to both countries, did hope that the United States would deem it their interest, while in the prosecution of a wise and just policy, to receive and embrace Texas as an integral part of the Union of the North. The consummation of this desire seems to be postponed for the present, and will render the course which we should adopt palpable and necessary. Recognized as we have been by the United States a free, sovereign and independent nation, it becomes our imperious duty to pursue such a course of policy and legislation as will at once command the respect and confidence of other nations, while our internal safety and prosperity will be secured. A fair and liberal policy should be extended to all nations who may desire to establish commercial relations with us, or who may deem it proper to introduce their fabrics or commodities into our country.

The Chargé d'Affaires of the United States, duly accredited, has been received at the Government of Texas, and confidence is entertained that the most friendly reciprocal understanding between the two countries will be established and preserved. This circumstance originating with our mother country, the first to hail Texas as a member of the great family of nations, is calculated to awaken in us emotions the most friendly, and inspire us with a manly confidence in our condition.

A well organized Judiciary, composed of enlightened, and honest members, is the palladium of civil liberty. The present existing laws are doubtless as perfect as could have been expected to arise under the circumstances in which they were created. Experience and time have demonstrated to us their insufficiency, and forcibly inculcate the necessity of a remedy. The resources of the several counties up to this time, have not authorized the erection of jails. For the remedy of this defect, I would recommend that authority be given to the several district judges (where information shall be filed) in cases of felony, to direct the immediate trial of the accused. From this course no prejudice can arise to the culprit, while the country will be relieved from a burden, and the opportunities of the guilty to escape from justice will be diminished. The regulations of fees and perquisites connected with the Judicial department of the Government is a subject of much importance, and should claim the scrutiny and consideration of Congress. If this is done we may hope that cupidity will be disappointed, and extortion banished from our land.

The finances of our country, since the commencement of the revolution up to this time, have been in a more embarrassed situation, doubtless, than any other nation ever experienced. Since the commencement of the present administration, during the first year, there was at the disposition of the Executive, or in the Treasury, but five hundred dollars in cash. The several amounts which had been appropriated for specific or general purposes depended upon the sale of scrip, and *that*, by acts of Congress, was placed in the hands of foreign agents who were irresponsible to the Executive, having given no security so as to insure accountability, and furthermore, placed beyond the jurisdiction of ourselves. This imaginary and unfortunate expedient is now at an end, and has left the government in a situation to afford the most ample redemption of all her pledges and responsibilities.

A boundless revenue to the country will arise from the opening of the Land-Offices, and so soon as that can take place consistently with the positive provisions of the Constitution, and regulated by such enactments as will guard the public interest against fraud and impo-

sition, it will meet the desire of the Executive and promote the public tranquillity.

Owing to the financial derangement of the United States, from which our currency was almost entirely derived, and where it was hoped that this country could obtain a negotiation for five million of dollars, our expectations have not been realized. By the last advices from our agents of the loan they had not succeeded, but regarded the prospect of success greater than they had been at any previous time.

The enactments of Congress authorizing the funding of a portion of the public debt, in connection with the issue of a half million of Treasury notes, is calculated in a short time to relieve the government from embarrassment, and establish a currency of her own, superior in value to any which can be introduced of the non-specie paying banks of the United States. The resources of the government, which are pledged for the payment of the interest, and the redemption of our notes and certificates, are ample and unquestionable, and as long as Congress may decline issuing an excess of notes, or does not exceed a half million of dollars, and that amount is received at the Treasury for all dues to Government at par with gold and silver, we will have a sound currency, and one that will have credit in countries who have commercial intercourse with us. Five hundred thousand dollars will supply all the necessities of exchange among ourselves; and while it is received for revenue and in payment for public lands, should it not be sufficient for the purposes of exchange, the precious metals will find their way into our country and supply the deficiency or scarcity of our currency, giving to it additional value. The issuing of a greater amount of notes than what would meet the actual necessities of a circulating medium, (while the government is continually receiving it in revenue, and paying it out for demands against it,) would cause depreciation in its value, in the same proportion to the surplus amount that may be issued. As no experiment has yet been tried to ascertain the requisite amount, no possible prejudices can result to the country or to individuals by adhering to the present enactments on the subject until the next session of Congress,—while, by pursuing a

contrary course, it may involve our finances in difficulty irreparable.

The report of the Secretary of the Treasury is submitted to Congress, and is the result of much application and attention to the subject of finance, and embraces views and a system as well adapted to our situation as any that could be presented at the present time. Intimately connected with the resources of the treasury is the accountability of the receiving and disbursing officers of the government. It must be the case with us as with all other countries, that defalcations will take place; to guard against this evil, it is proper that responsibility should be secured in future, and that some mode should be pointed out which will authorize process to issue against those who have heretofore been defaulters in any office or department.

The first Congress which met after the convention authorized the President to accept the services of twenty thousand men. Exercising his discretion upon the subject, he has not deemed it necessary thus far to marshal so large a force and maintain it in the field, or to commence an offensive war, but has determined to await some indications on the part of the enemy, that will, in the opinion of the world, justify the most decisive measures to secure our independence, and establish an honorable peace. To this end the officers and soldiers have been furloughed, except such a part as was necessary for maintaining certain positions which were regarded as most requisite for our present circumstances.

It is gratifying to assure the honorable Congress that a large portion of those that were furloughed have directed their attention to agriculture and the mechanic arts; they have become citizens, and now their lives as well as their future hopes are identified with the destiny of Texas.

Since the commencement of the present administration, the war department has been the most laborious and difficult in the performance of its duties; it has been improving in its organization, and it is believed that under the direction of the gentleman who is placed at its head a system will very soon be established, and the facilities of the country, inasmuch as they are connected with the department, greatly increased.



The militia of all Republics must be regarded and esteemed as the bulwark of Liberty, and particularly so while the generation remains which have achieved the emancipation of their country. With them liberty has begun, and they will preserve it at every hazard. Their organization and discipline should claim the first attention of Congress, and as soon as it is perfected, Texas will be in a most confident attitude of success over all her enemies. The present militia laws are not so perfect as to preclude amendment, nor has it been in the power of the War Department to execute the wishes of Congress, owing to various causes over which it had no control. It is hoped that Congress will give such direction to the subject as will give the greatest efficiency to that arm of the service. The report of the Secretary will be submitted to the Congress for consideration.

The extraordinary embarrassment of the finances of the country, at the commencement of the revolution, and its continuance until the adoption of the present system, has been such as to prevent the creation of an efficient Navy. The extent of our seaboard inculcates the necessity, and manifests the advantages which must result to the government from the command of the Gulf of Mexico. The certain means which Texas now possesses, and must have at her disposal, induce the Executive to urge the most ample appropriations, in addition to those which have been made at the present session of Congress. There can be no doubt but that the enemy will avail themselves of every advantage by sea which may be within their power. Therefore it will be incumbent on us, not alone to make preparations to meet them, but to maintain active operations by sea and by land. Whenever our gallant tars have met the enemy, they have evinced the most daring chivalry and indomitable courage, nor has our flag ever been struck to less than *five times* our force, and then not until after a protracted engagement.

In the creation of a Navy, I recommend to the earnest attention of Congress, the enactment of such laws and regulations as will enable the Government to control the conduct of its officers, and to punish them promptly for the disobedience of orders. It may be of importance to our amicable relations with other powers. A circum-

stance occurred on the last cruise which was directed by the Executive, demands of me in this communication to notice the same to the honorable Congress. Orders were issued from the Navy Department by direction of the Executive, to the commander of the Navy, *that all neutral flags should be respected, unless the vessel was bound to an enemy's port and had on board articles contraband of war.* In violation of these orders, the Eliza Russell, an English brig, was seized and sent into port, with a valuable cargo of fine goods, but containing nothing *contraband of war!* Upon information of the circumstances, the Executive directed her immediate release, and the payment of damages so far as he deemed it within his competency. The subject will be presented to Congress by the owner of the vessel, with a minute statement of all the facts. The circumstances of the case were immediately communicated to our Commissioner near the court of St. James, and the Executive has been assured that the dispatch would reach England by the time of his arrival. Other acts connected with the cruise, of a character not calculated to elevate us in the scale of nations, were done either without orders or in direct violation of those which had been issued by the department. These facts imperiously demand of the Executive *a frank and solemn disavowal of all things done either in contravention or violation of his orders.*

The accompanying report of the acting Secretary of the Navy will present his views on the subject of its improvement, and utility to the country. The report is referred to the consideration of Congress.

Heretofore difficulties insuperable were presented to the establishment and regular conveyance of the mail, but by indefatigable attention and labour, the Post-Master General has been enabled to give efficiency to the department, and hereafter with suitable aid from Congress there will be but little difficulty in the regular transmission of mails and the circulation of intelligence throughout the Republic. It is not to be expected that any revenue can arise to the Government from this department, but it is thought that a higher rate of postage might be established without oppressing any portion of the community, but with advantage to the revenue—

as it will be seen by a report of the department herewith submitted.

It is much to be deplored that one important item of intelligence has not been circulated throughout the Republic. The Secretary of State, to whom the duty of having the laws published was assigned by Congress, has used every exertion possible to attain the object, but for the want of means, (as Congress had omitted to make an appropriation necessary for the payment of printing,) he has not had it in his power to have it completed. But for this circumstance the work would have been finished, and the laws distributed. This subject is presented to Congress without any suggestion, as its importance to the community will be a sufficient recommendation to its attention.

It is of much interest to our country that our relations with our Indian neighbors should be placed upon a basis of lasting peace and friendship. Convinced of this truth, it has been the policy of the administration to seek out every possible means to accomplish this object, and give security to our frontier. At this time I deem the indications more favorable than they have been since Texas assumed her present attitude. Measures are in progress with the several tribes, which, with the aid of suitable appropriations by Congress, may enable us to attain the objects of peace and friendly intercourse. Apprized of these facts, it is desirable that the citizens of Texas should so deport themselves, as to become the aggressors in no case, but to evince a conciliatory disposition, whenever it can be done, consistently, with justice and humanity. Unofficially it has been communicated to the Executive that several small tribes residing within our settlements express a disposition, (if the government will assign to them a country on the frontier,) to remove from their present situations. The undeviating opinion of the Executive has been, that from the establishment of trading houses on the frontier, (under prudent regulations,) and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of Congress which experience will readily suggest. The situation of Texas at this time would doubtless justify the establishment of martial

law at such out-posts as are detached from the body of our population, and it does seem to me that no injury could arise from the adoption of the measure.

In this communication the Executive has no hesitancy in presenting the claims of those who have been wounded and disabled in the defence of the Liberties of Texas. It is the policy of all governments to reward those who have rendered great and important services to their country, and when disabled to secure to them pensions, proportionate to their disability. The Texian Congress cannot eschew the necessity of adopting this course in relation to her brave and gallant defenders. The widows and orphans of those matchless spirits who perished in the Alamo, and the heroic and gallant band who were basely massacred on the plains of Goliad, have peculiar claims upon the sensibility and justice of the Congress and the Nation. It is to be regretted that the merits of this subject have not had the good fortune to claim the earlier notice of Congress. Therefore it is recommended to their immediate attention and provision!

In relation to Mexico it is proper to state that, previous to the capture of the Texian schooner of war, Independence, by two Mexican brigs and a schooner of war, the Executive had issued an order for the release of all the prisoners of war who had been taken at San Jacinto, which order owing to the news of the capture was countermanded for the purposes of *reprisal*, if the government of Mexico should again disregard or violate the laws of war. With a desire to release the chivalric officers and gallant crew who had so bravely maintained the *honor of our flag* and the citizens of Texas, (among whom was our minister the hon. Wm. H. Wharton.) The Government dispatched colonel John A. Wharton and thirty Mexican prisoners, with a cartel. He was treated by the authorities at Matamoras in a manner which has always characterized a vain and ignorant nation. Although Col. Wharton presented himself under the protection of a flag of truce, he represents "that he was not received by the Mexican authorities, but on the contrary, was treated with every incivility and indignity that could be offered to an ordinary criminal or pirate." In addition to the prisoners sent with Col. Wharton, a ves-

sel had been chartered and upwards of sixty prisoners were sent from *Galveston* to *Matamoras*. Those of the officers and citizens who had not escaped were subsequently released, after a cruel and rigid confinement of months. The ground on which they were released is unknown to the Executive, inasmuch as no communication accompanied their return.

To speculate upon the course which Mexico intends to pursue would be idle and ridiculous. Since the first invitation of the Anglo-Saxon race to this country, the narrative of her conduct would be but the history of her perfidy, and a manifestation of our wrongs. The first settlers of Texas entered a wilderness, and expelled the savage cannibals who had maintained this fair region against the boasted power of Mexico. The enterprize of the people, with the accumulation of plenty, excited the cupidity of their government,—and persons were sent among us to grant pretended titles to land; while they extorted from industry its honest gains, and left us in a situation liable to further demands and extortion, without a right to the soil which had been pledged to us by every legal and political solemnity. The form of government under which we were invited, and for which the citizens of Texas periled their lives, in eighteen hundred and thirty-two, was the constitution of eighteen hundred and twenty-four. It was changed and the iron yoke of slavery was tendered in its stead. Oppression begot resistance, and rebellion gave us Liberty and Independence.

It is vain to suppose that Mexico, imbecile as she is, and distracted by internal factions, can ever re-conquer the fair region of Texas, and maintain her conquest. The same spirits who have subdued the wilderness, and repelled the boasted invincibility of Mexico, *yet live*. Our soil is consecrated by the blood of martyrs, and we will defend it or perish!

A blind infatuation may impel Mexico to another attempt to subjugate freemen, and precipitate her own catastrophe—while wisdom and a just policy might enable her to improve her own social and political relations, and establish her government on a rational and firm foundation. Were it possible for Mexico to drive from the soil of Texas, or massacre the race which now inhabit its

bright regions, their last faint whisper, arousing their kindred of the United States of the North, would be the death knell of Mexico, and their chivalric and daring enterprise would not alone prompt them to avenge the wrongs of brothers, but would impel them to loftier achievements, and Mexico herself become an object of conquest. Let Mexico then counsel with her safety!!!

The cause of Texas being just, let us look with heartfelt reverence to the great Arbiter of Nations, and by our virtues, as a people, endeavor to insure a continuance of his benefactions.

(Signed,)

SAM HOUSTON.

The President having retired, the Senate, at the instance of their President, returned.

On motion of Mr. Thompson 500 copies of the message were ordered to be printed.

The House then adjourned till 10 o'clock, to-morrow morning.

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WEDNESDAY, 10 O'CLOCK, A. M., NOV. 22, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Rusk presented the petition of R. D. McClure, claiming remuneration for provisions, &c., for the army.

On motion of Mr. Thompson referred to the Committee on claims and Accounts.

Mr. Jones, of Brazoria, chairman of the Committee on Privileges and Elections, reported—

“That they had examined the election returns from the county of Refugio, and were of opinion that Mr. Power had receive a majority of legal votes:” report concurred in.

Mr. Jones, of Brazoria, chairman of the committee to whom was referred the unfinished business of the last session, reported—

“That they had examined the same and found nothing more of importance to present to the House, and returned the papers.

On Motion of Mr. Jones, of Austin, a Select Committee of three were appointed to enquire into and examine a law, passed by the State of Coahuila and Texas, granting to Benjamin R. Milam the right of navigating the river Colorado.

Messrs. Jones, of Austin, Baker and Gazley were appointed the Committee.

Mr. Gant obtained leave and introduced the petition and a bill for the relief Lewis B. Jones; bill read a first time.

On motion of Mr. Jones, of Austin, referred to the Judiciary Committee.

Mr. Rusk presented the petition of Albert Emanuel, which,

On his motion, was referred to the Committee on Claims and Accounts.

Mr. Gazley introduced a bill to incorporate the City of Houston: read a first time.

Mr. Rusk presented the petition of F. W. Thornton, which was,

On his motion, referred to a Select Committee of three.

Messrs. Rusk, Power and Menifee were appointed the committee.

On Mr. Rusk's motion, the joint resolution for the relief of Henry Millard, and others, was taken up on its second reading.

On motion of Mr. Rusk the words "appointed by the President according to law" were inserted.

Mr. Jones, of Brazoria, moved to insert "five dollars for every twenty-five miles:" lost.

Resolution ordered to be engrossed for a third reading.

The following communication was then read from the Secretary of State.

DEPARTMENT OF STATE, }  
City of Houston, Nov. 20, 1837. }

To the President of the  
Republic of Texas,

SIR:—Agreeably to your instructions, I have the honor, herewith, to transmit to your Excellency a report on various subjects connected with this Department.

The important relations which we desire to establish and maintain with foreign powers, to whose courts accredited Agents or Ministers have or may be sent by this Government, renders it necessary that provisions should be made by law for such embassies, suitable to the rank conferred upon them by their respective appointments, in order that they may sustain themselves in a manner corresponding with the etiquette usually observed in such intercourse between free and independent sovereignties.

The United States' Legations are allowed from \$500 to \$2000 each, per annum, for contingencies. This is intended for stationary, postage, and other unavoidable expenditures that must necessarily occur, independently of the personal expenses of the Ministers and Secretaries of Legation, which, were they not borne by government, would absorb a large portion of their salaries, and render their situation in some instances, extremely unpleasant and mortifying, especially where legations had not been previously established.

The rank attached to Diplomatic Agents is a subject which has occasionally produced slight disputes between friendly governments. Although a nation has the right to determine the rank of its own ministers, yet it has been the general usage of governments to send and receive resident Ministers of the same rank.

The commercial interest of the Republic require that some definite system should be adopted for the government of our Consular Agents. The reputation of a country, in a commercial point of view, depends much upon the conduct of its Consuls, and it is therefore highly important that those functionaries should be guided by strict rules, enjoined by the laws of the nation which they represent.

In our case having no system, they are left in a great measure to exercise their own judgment and discretion, in the performance of their particular duties, which, if continued, must often lead to collisions and difficulties that might be avoided by a well regulated system.

With respect to compensation the question arises. Should they be paid by fixed salaries or by fees? With regard to this point I would most respectfully suggest that, however desirable it might be in a different state of the Treasury to establish standing salaries, it appears to me decidedly more expedient, under exist-



ing circumstances, to compensate them by fees. With this view of the subject, the object to be attained is to guard against the exaction of improper and exorbitant charges, by defining the extent of their duties, and prescribing the fees to be given for the execution of those duties.

In order to encourage genius and promote the cultivation of the arts and sciences, the munificence of all liberal governments has extended peculiar privileges to those whose writings, discoveries or inventions have been calculated to advance the interests of society, by granting "copy rights" and "patents." Those subjects have not hitherto engaged the attention of the Texian Congress, and it appears desirable that some regulations should be established relative thereto.

The public printing demands the most serious consideration of Congress. The act passed on the 12th of June last, authorizing the publication of the Laws and other legislative documents, was unaccompanied by a corresponding appropriation. No actual funds could be realized, without which I found it utterly impracticable to have the work executed with that dispatch which the public interest required. Immediately after the adjournment of Congress, in June last, I applied to Messrs. Cruger and Moore, the proprietors of the Telegraph, proposing to contract for the printing as authorized by Congress. There was the only establishment of the kind at the seat of Government: they had but one press, and that too engaged in the publication of a weekly newspaper. Their materials were exhausted, and they could not undertake the work unless Government could make an advance in money, or furnish materials. They agreed to undertake it at the rate set forth in the accompanying documents, marked A., provided the materials could be furnished as before stated, and to prosecute the work as expeditiously as circumstances would permit. Finding it impossible to procure paper in this country, I obtained a small quantity through an agent of this government, at New Orleans, which was received here in August, when the publication of a volume of about 300 pages, comprising the Declaration of Independence, the Constitution, and the enactments of the first and second sessions of the first Congress, were

begun, which progressed slowly up to the opening of Congress, in September last, at which time, owing to the printing of the Congressional proceedings, it was suspended. One thousand copies of a volume containing, instead of 300 as was originally intended, about 170 pages, will be ready for delivery during the present week. And another I am assured of about the same size, (most of the work having been already done,) will be finished in a few days after the arrival of the paper, which has been recently ordered from New Orleans, by the said proprietors. No specific contract could be entered into, owing to the uncertainty of procuring materials, the sickness of operatives in the printing establishment at that season of the year, and many untoward causes which it is unnecessary to enumerate. Deeply impressed with the necessity of having the laws, under which the Constitutional Government has been organized, circulated at as early a period as possible. I adopted such an arrangement in their publication as seemed best calculated to affect that important object. Commencing with the Declaration of Independence, the Constitution and the enactments of the two first sessions of Congress; then the Ordinances and the Decrees of the Consultation and the Provisional Government and Convention at Washington; and, thirdly, the Colonization Laws of Mexico and those of the Government of Coahuila and Texas, as far as they relate to the latter country, intending to defer the publication of the journals of the various legislative bodies, for the last, as they are of secondary importance only. It seems to me unfortunate that a similar plan was not at first adopted, for sufficient labor has been bestowed upon the journals to have printed long ago all the important laws. Enquiries after enquiries, from time to time, have been made at this department, why the laws have not been distributed? shewing in many instances dissatisfaction and irritation on the subject.

Under these circumstances I would most respectfully recommend that an appropriation be immediately made of \$6,000, in money that can be used in New Orleans in the purchase of the necessary materials, even if it has to be done at a considerable sacrifice. With that amount the work can be prosecuted successfully and

expeditiously to its completion. Without an adequate appropriation the same embarrassments and delay will again occur; results to be deprecated and avoided in future if possible.

Until a general promulgation of the laws takes place, public opinion will always be subject to erroneous impressions, resulting either from misstatements designedly made for sinister purposes, or a want of authentic information.

With regard to the civil department of the government, I have the satisfaction to state that the organization is complete, elections having taken place throughout the populated portions of the Republic, and commissions having been forwarded to all the officers therein.

I have the honor to be

With great consideration and respect,

Your obedient servant,

(Signed,)

R. A. IRION.

*Secretary of State.*

The following communication from the Acting Secretary of the Navy was read:

NAVY DEPARTMENT, }  
Houston, Sept. 30, 1837. }

*To his Excellency, the*

*President of the Republic of Texas,*

SIR:—In submitting to you a Report of the Naval branch of the public service, it becomes my duty to take some notice of its past operations and its present condition.

At an early period of our struggle for national Independence the importance of our navy, (small as it was,) was fully developed. Invaded by a large force by land, and the natural productions of the country principally destroyed, we had to look abroad for the support of our army; and even in a great measure for the sustenance of the inhabitants of the country. But by the aid of a little fleet, we were enabled so far to command the Gulf, as to keep the vessels of our enemy off our coast, and secure the introduction of supplies from abroad.

Since the destruction of the Mexican army the country has been gradually recovering from the effects of their inhuman devastation; and it is now much better prepared for another campaign than it was at the commencement of the past. But while the country has been gradually rising from the effects of the revolution, our Navy has become almost extinct. The embarrassed situation of our financial affairs, has heretofore rendered it impossible to make the necessary appropriations for keeping it up; and we have now but one small vessel afloat to guard a coast of more than six hundred miles in length. While our Navy is in this shattered condition, and entirely unable to afford the necessary protection to our commerce, the Mexicans have found means to make such additions to their own naval strength as will enable them to hold an entire control of the Gulf. The necessity of adopting measures to remedy this evil will be apparent to your Excellency. While our coast is in this unguarded situation the Mexicans are using every exertion in their power to increase their strength, and thus secure the permanent command of the Gulf.

Whether they will attempt another campaign against us remains to be solved by time. But every consideration of pride and interest will impel them to the undertaking, and while we have every assurance from that government that the conquest of Texas will not be given up, it becomes us at least to be as well prepared for the worst as the exigencies of our country will allow, and even on the score of economy it appears to me that the interest of our country will be most promoted by adopting measures to secure the command of the Gulf—protect our commerce and defend our most important points on the coast. We should then obviate the necessity of a large number of troops which must be required to guard the shore, in the event of a weak and inefficient navy. By this means an expenditure of near half a million of dollars might be avoided by a reduction of the number of troops required to keep up the different military posts along the coast. From a fair estimate it is believed that one hundred and fifty men would be sufficient for this service, including all or fortifications. This view gives the Navy an additional claim for our consideration; and it becomes our duty as pub-

lic officers, feeling a deep interest in the welfare of the country, to reduce the expenditure as much as possible. And when we take into consideration the amount of our impost duties which must inevitably be lost if something is not done to secure their protection, and the great suffering and privation which must be felt by our citizens for the want of foreign articles, amongst which are many of the necessary subsistences of life, too much importance cannot be attached to this subject. Your Excellency must be aware that our rich commerce must be lost, and with it the revenue arising from that source, if some thing is not done for its protection.

And I am fully of opinion that whatever expense may be incurred, for the increase of this branch of our public service, we shall be more than remunerated in the revenue which will arise from impost duties. I would not under the present embarrassed situation of the treasury recommend any very heavy expenditure for this purpose; but am of opinion that an appropriation of a few thousand dollars would be sufficient for the contemplated improvement. Two brigs of eighteen guns, and one or two small schooners it is believed will be a sufficient force to give us command of the Gulf, and secure not only our commerce but enable us to embarrass and cripple the power of our enemies. And I am convinced that no course will be so well calculated to force the Mexicans to a recognition of our national independence as to make them *feel our power*. This can be effected in no way so easily and with the same assurance of success as in the manner here proposed.

But the necessity of a Navy, great at all times, will be imperious in case of another invasions by the Mexicans. With the sea closed against our commerce, the crops of our enterprizing planters, either destroyed or rendered valueless, and our country invaded by a large army, you may readily calculated the embarrassed situation of all classes of the community. Contemptible as we view the paltry nation who are annoying us, it is nevertheless the part of wisdom to be prepared for the worst. And we should not in any event allow them to annoy our commerce, or display a hostile flag upon our borders.

Nothing will be so well calculated to increase our reputation abroad as the knowledge of our ability to protect

ourselves. This ability we know we have. The bravery of our troops; the noble acts of our small but gallant navy assure us of success; and we only want an opportunity to show to the world, that a nation distinguished alike for perfidy in her councils and cowardice in the field, though numbering millions, cannot prevail against a *small band of* determined freemen!! When we take into consideration the value of our foreign commerce which must be crippled or destroyed if some thing is not done for its protection, a laudable pride it is believed will be manifested by our citizens on the subject; and we may look with confidence to their liberality for aid in this measure.

Nature has supplied us with an abundance of the best materials in the world for the construction of ships, and I look forward with much solicitude to the time when our own hardy ship builders shall repair to our own forest, cut timber and launch into our own harbours any additional force we may require for our protection. But our country is now too young. That hardy and enterprising class of mechanics, have not as yet become sufficiently numerous in our country, and we shall be compelled to rely on foreign markets for the purchase of our vessels. But experience has taught us the necessity of having some depot *on our own coast* capable of repairing our vessels, such vessels as we have been under the necessity of sending abroad for that purpose; the repairs have generally cost us double what they would had the same work been done in our own harbours. Others for the want of the necessary repairs have been found unseaworthy, and lost, when perhaps the expenditure of a small sum would have saved them for the services of our country. The schooner Brutus, now the only vessel remaining of our little navy, is in this condition, and will be unfit for sea until she shall undergo a thorough examination and refitment. With this view the department has ordered Capt. Alexander Thompson, chief hydrographer, to make an examination of Galveston harbor, for the purpose of making a selection of a suitable place for a Navy Yard, and earnestly requested that he should make a return to this department at as early a day as possible. But owing to indisposition he has not yet been able to perform that duty, but I am in daily ex-

pectation of his report. The expense it is believed will be nothing when compared with the advantages which will flow from the measure, for nothing like a naval establishment can be kept up without having some place within our own waters for the repairs of our vessels.

In selecting this place it will be well to look forward to future events, when the expenditures now made, may be a part of a more extensive establishment. We look forward to the time when the finances of the country (though now small,) will be abundant; when the expenditure for this most important branch of the public service need not be limited to a few thousand dollars. With this view it will be necessary to select a point suitable for an extensive establishment and that the work be done in a substantial and proper manner. An estimate of the probable expenses necessary for this department for the next twelve months will accompany this report, marked A.

The conduct of the commander of the *Invincible* has been the subject of investigation in this department. In consequence of there not being a sufficient number of officers of the same grade, to enable this department to convene a court martial, orders were issued to the commander of the *Brutus*, Capt. Boyland, to superintend the taking of depositions relative to the charges preferred against Capt. Thompson and the other officers of the *Invincible*, all of which have been attended to, and are, together with a copy of Capt. Thompson's sailing orders on the late cruise, herewith submitted to your Excellency's consideration, marked B. The *Brutus* sustained considerable damage in consequence of an ineffectual attempt to get out of the harbor of Galveston to the assistance of the *Invincible*, in the late action between that vessel and the two Mexican brigs. A report of her present condition together with the reports of the commanders of both vessels, and the correspondence of this department, and Capt. Thompson of the *Invincible*, upon the subject of the cruise, will be found in the accompanying documents, marked C.

I would respectfully suggest the propriety of adopting some measures for the better payment of the officers and crews of our Navy. Your Excellency is aware that there is not a class of men on earth who require means

when on shore more than seamen. It will be utterly impossible to man our vessels, or even keep a crew together, if we do not adopt some measures for paying them off regularly *in a good currency!!* I would therefore suggest the propriety of making scrip, issued in payment for naval services, receivable in the Custom House, and for any other monies due the government. If something is not done in this matter I am convinced that we might as well abandon any attempt to keep up a Naval establishment. Seamen will not attend to their duty unless they are regularly paid. Experience has demonstrated this fact, and I leave the propriety of doing something in this matter for the consideration of your Excellency.

Something should also be done for the better provisioning of the Navy. An extract from a communication on this subject, from Capt. J. D. Boyland, of the schooner Brutus, is herewith communicated, marked D.

I have also to communicate to your Excellency the report of Lieutenant Francis B. Wright, who has been appointed by this department to make an examination of the brig Phoenix, and the schooners Correo and Thom. Toby. From his report it may be seen that they may all be fitted out for sea at a very trifling expense, and that the Thom Toby, in particular, is now in a tolerable condition for a cruise.

His report and the reasons urged for their immediate purchase, will be found in a document marked E.

I have not yet been able to investigate the accounts of the officers of the Navy to the end that I may ascertain the expenses of that branch of the public service for the the last year, but will hand them to you as soon as made out, which is in progress.

The earnestness with which I have urged the necessity for an appropriation for the increase of our Naval establishment must find an excuse in the strong conviction which I feel, that no appropriation can be made which will more increase the glory and prosperity of our country. I have made suggestions for such improvements, as I am convinced the nature of the service demands, should they meet with your approbation, and receive a corresponding response from Congress, I look for-



ward to days of prosperity to our navy, and safety and protection to our commerce.

Very Respectfully,

Your obedient servant,

(Signed,)

WM. M. SHEPHERD.

P. S. Since finishing the above, Capt. Alexander Thompson's Report of the survey and location of a site for a Navy Yard was handed in and is herewith submitted, marked F.

Respectfully,

Your obedient servant,

(Signed,)

WM. M. SHEPHERD.

*Acting Secretary of the Navy.*

The following communication was then read from the Post-Master General.

POST OFFICE DEPARTMENT,  
City of Houston, 1837.

To his Excellency, Sam Houston,

*President of the Republic of Texas.*

SIR:—In submitting for your consideration the following report asking a repeal of the 9th section of the Post Office Law, I am influenced by a sincere desire to see this branch of the government established on such a basis as will be a sure guarantee to its future successful operation, independent of the present limited resources of our government:

In calling your attention to this subject allow me to present for your consideration the following facts as they exist in relation to this Department:

First, The immense unsettled country over which the carriers have to transport the mails, to meet the necessary demands of this branch of the public service.

Secondly, The high value placed on all kinds of labor forbids the idea of obtaining contracts for transporting the mails at reduced rates for many years to come.

And, thirdly, The policy of the former form of government, was such that it placed in the hands of individuals such large portions of the wild domain, that it

cannot at an early day become a very densely populated country. I would therefore respectfully suggest to your Excellency the propriety of repealing the 9th section of an act creating a General Post Office, &c.; passed December 20th, 1836; and the adoption of the following rates of postage, namely:

For every letter composing a single sheet of paper, and conveyed any distance not exceeding forty miles, twelve a half cents; over forty and not exceeding one hundred miles, twenty-five cents; over one hundred and not exceeding one hundred and fifty miles, thirty-seven and a half cents; over one hundred and fifty miles, fifty cents. Upon all ship letters, six and a fourth cents shall be charged in addition to it the above rates; on all letters composed of two pieces of paper double the ratio of a single letter; letters composed of three pieces, triple those rates; and for every package composed of four or more pieces of paper, or things, and weighing one ounce, quadruple those rates; and in that proportion for all greater weights.

Newspapers carried not over one hundred miles, one cent each; pamphlets carried not over one hundred miles, per sheet, one and half cents; over one hundred miles, two cents and a half; and all letters and newspapers going out of Texas it shall be the duty of the Post Master to require the postage in advance.

In order more fully to illustrate the necessity of the repeal of said section, I herewith submit an account of the revenue arising from the different offices, commencing on the 1st day of March, and ending on the 20th day of June, 1837; and also the amount of expenditures during the same period.

Amount of revenue arising from the different offices for the time mentioned as nearly as can be ascertained, \$725 00

Amount of contracts for the same period nearly 7,000 00

By this exhibit you will see how utterly inadequate the present revenue is to meet the current expenditures of this department.

I would therefore respectfully suggest the propriety of an appropriation of twenty thousand dollars, to meet the present demands, and sustain this department in the

early part of 1838. Confidently, however, this subject will command your early attention.

I have the honor to be,

Your obedient servant,

(Sined,)

R. BARR,

*Post Master General.*

On motion of Mr. Branch the report of the Secretary of State was referred to the Committee on Foreign Relations.

On motion of Mr. Gazley the report of the Post Master General was referred to the Committee on Post Offices and Post Roads.

On motion of Mr. Thompson, so much of the Acting Secretary of the Navy's Report as relates to the Navy, was referred to the Committee on Naval Affairs; and,

So much as relates to the army referred to the Committee on Military Affairs.

Mr. Baker moved to reconsider the vote on referring the Secretary of State's report to the Committee on Foreign Relations: lost.

An act creating the county of Fayette was taken up and read a third time and passed, and,

The title is \* \* \* \* \*

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

AYES—Messrs. Baker, Branch, Burleson, Brenan, Gazley, Hardiman, Hill, Jones of Austin, Linn, Menifee, McKinney, Ponton, Rusk, Rowlett, Sutherland and Thornton—16.

NOES—Messrs. Speaker, Clark, Douglass, English, Grigsby, Gant, Jones of Brazoria, Jack, Lumpkin, Pierpont, Power, and Thompson—12.

On motion the House adjourned till 3 o'clock, this afternoon.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The act to organize the militia was taken up on its third reading.

On motion of Mr. Baker referred to the Committee on Military Affairs.

The act to define the boundaries of the county of Liberty was taken up, and,

On Mr. Rusk's motion, laid on the table.

On motion of Mr. Rusk the orders of the day were so far suspended as to permit the Military Committee to report

Mr Rusk, chairman of the Military Committee, then reported the Militia Bill without amendment.

Mr. Baker moved to refer the bill to a Select Committee of five : lost.

The further reading of the bill was dispensed with, and,

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

AYES—Messrs. Branch, Bruleson, Baker, Brenan, Clark, Douglass, English, Grigsby, Hardiman, Hill, Jones of Brazoria, Jones of Austin, Jack, Linn, Lumpkin, Ponton, Power, Rusk, Rowlett and Thornton—21.

NOES—Messrs. Gazley, Gant, Menifec, M'Kinney, Pierpont, Sutherland and Thompson—7 ; the bill passed, and,

The title is \* \* \* \* \*

The bill to define the boundaries of the county of Liberty was taken up.

Mr. Gant move to strike out the words after " Trinity River "thence across the river in the same direction to a point nine miles distant," and insert "thence down said river to the lower Cochatta Village : " lost.

On motion of Mr. Branch the bill was ordered to be engrossed for a third reading.

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

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THURSDAY, 10 O'CLOCK, Nov. 23, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Sutherland presented the petition of Samuel M'Culloch, which was,

On his motion, referred to the Judiciary Committee.

Mr. Rusk, chairman of the Military Committee, to whom was referred the petition of John Brennan, reported that they had had the subject under consideration and are of opinion that the case is one that should be investigated and relief granted; that they could not sanction the infliction of punishment so severe, as the loss of reputation by being dishonorably discharged from the service, without first having a fair and impartial trial. There being many cases of this description they are of opinion that some general law ought to be passed for the relief of such persons; and report the following resolution, in order to place the House in possession of the facts:

*“Resolve!*, That the Secretary of War be required to furnish to this House the names of all persons who have been dishonorably discharged from the service, by whom, for what cause, under whose orders, and by what authority or law they have been so discharged :” adopted, and report concurred in.

Mr. Jack, chairman of the Judiciary Committee, reported a bill to explain and amend the laws relating to Probate Courts:” read a first time.

Leave being granted, Mr. Thompson presented the the petition Mr. Legrand, with accompanying vouchers : which,

On his motion, was referred to a Select Committee of three.

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

Mr. Jack, chairman of the Judiciary Committee, to whom was referred the petition of Lewis B. Jones, a free negro: reported unfavorably to the same: report concurred in.

Mr. Baker, Chairman of the Committee on County Boundaries, reported a bill accompanied by the petition of sundry citizens of Washington county for the creation of a new county to be called Montgomery county: read a first time.

Mr. Gant withdrew the papers of Lewis B. Jones, by leave of the House.

Mr. Jack, introduced a bill to incorporate the Brazos Insurance Company: read a first time.

Mr. Douglass introduced a bill to incorporate the Bank of Nacogdoches : read a first time.

Mr. Jones of Austin, introduced a joint resolution to authorize the Chief Justice's of the counties, to grant Bank Charters, provided they do not grant more than twelve charters in each county: read a first time.

Mr. Baker, chairman of the committee on County Boundaries, reported a bill to define the boundaries of San Augustine county: read a first time.

Mr. Hardiman introduced a joint resolution, making an appropriation for purchasing stationary, &c., for the General Land Office: read a first time.

Mr. Thompson introduced a joint resolution to authorize the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses, on the second of December, to meet at Washington, on the Brazos: read a first time.

Mr. Branch moved the indefinite postponement of the resolution.

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

Ayes—Messrs. Baker, Branch, Jones of Brazoria, Jack, Linn, McNifee, Ponton and Power—8.

Noes—Messrs. Speaker, Burleson, Brennan, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Lewis, Lumpkin, M'Kiuney, Pierpont Rusk, Rowlett, Sutherland, Thompson and Thornton—21: lost.

Mr. Jones, of Austin, introduced a bill to incorporate the towns of Richmond and San Felipe: read a first time,

Mr. Burleson introduced a joint resolution to absolve the depopulated counties from paying taxes during the present year: read a first time.

Mr. Jones, of Austin, from the Select Committee to enquire into the agreement of B. R. Milam, reported a copy of the act.

On motion of Mr. Gazley the bill to incorporate the city of Houston was taken up and referred to a Select Committee of three.

Messrs. Gazley, Jack and Hardiman were appointed said committee.

Mr. Burleson introduced a bill to define the boundaries of the county of Mina: read a first time.

Mr. Ponton moved to refer it to the Committee on County Boundaries: lost.

On motion of Mr. Ponton the Committee on County Boundaries were requested to return the bill defining the boundaries of the county of Gonzales.

Mr. Baker requested to be excused from serving on the Committee on County Boundaries: lost.

On motion of Mr. Baker, Mr. Ponton was added to the Committee on County Boundaries.

The Act to define the boundaries of the county of Liberty was taken up and read a third time, and passed.

The Ayes and Noes being called for, on the passage of the bill, the vote stood thus,

AYES—Messrs. Baker, Branch, Burleson, Brenan, Clark, Gazley, Grigsby, Hardiman, Jones of Austin, Jack, Linn, Lewis, Menifee, M'Kinney, Pierpont, Ponton, Power, Rowlett, Sutherland and Thompson—20.

NOES—Messrs. Douglass, English, Gant and Lumpkin—4.

The title is "an act to define the boundaries of the County of Liberty."

The joint resolution fixing the salaries of Indian Commissioners was taken up and read a third time, and passed, and,

The title is "an act fixing the salaries of Indian Commissioners."

The act to create the county of Fort Bend was taken up and read a second time, and ordered to be engrossed for a third reading.

Mr. Gazley presented the petition of J. J. Linn, with accompanying documents, which was referred to the Committee on Claims and Accounts, without reading.

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

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The Tariff bill was taken up, and,

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

Mr. Jones, of Brazoria, introduced a bill relating to the Post Office Department: read a first time.

On motion of Mr. Jones, of Brazoria, the orders of the day were so far suspended as to take up the joint resolution to authorize the President to appoint an agent to purchase vessels, and fit out the Navv.

On motion of Mr. Menifee the resolution was indefinitely postponed.

The Ayes and Nocs being called for, the vote stood thus,

AYES—Messrs. Baker, Branch, Burleson, Brenan, Douglass, Grigsby, Gant, Jones of Brazoria, Menifee, M'Kinney, Pierpont, Power, Rowlett, Sutherland, Thompson and Thornton—16

NOES—Messrs. Spesker, Clark, English, Hardiman, Hill, Jones of Austin, Linn, Lumpkin, Ponton and Rusk—10: postponed.

The act to incorporate Colorado Navigation Company was taken up on its second reading.

On motion of Mr. Branch the House went into Committee of the Whole on the bill.

Mr. Jones of Brazoria in the chair.

On motion of Mr. Menifee the committee rose; the chairman reported the bill as adopted, and asked to be discharged from further consideration of the bill; report concurred in.

On motion of Mr. Branch the bill was ordered to be engrossed for a third reading.

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

FRIDAY, 10 O'CLOCK, A. M. NOV. 24, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read.

Mr. Rowlett introduced a bill to incorporate the towns of Clarksville and Lexington: read a first time.

Mr. Branch presented the petition of Samuel Whiting, with accompanying documents, which was, on his motion, referred to the Committee on Claims and Accounts.

Mr. Sutherland introduced a bill to define the boundaries of the county of Jackson: read a first time.

Mr. Linn moved to refer it to the committee on county boundaries: lost.

Mr. Gazley presented the petition of sundry citizens residing near the San Jacinto river, relating to the hords of wild cattle in that neighborhood.



Mr. Jones of Austin moved to return the same to the persons who signed it : adopted.

Mr. Linn presented the petition and protest of sundry citizens of Victoria county opposed to detaching any part of the same to form the county of Jackson.

On motion of Mr. Sutherland, the vote on referring the bill to define the boundaries of Jackson county was reconsidered, and referred, with the petition and protest from Victoria, to a select committee of three.

Messrs. Jones of Austin, Rusk and Baker were appointed said committee. Mr. Baker asked to be excused from serving on the committee, which was not granted.

Mr. Gazley, Chairman of the Committee on Post-Offices and Post-Roads, reported that they have had the report of the Postmaster-General under consideration, and that there was now a bill before the House on the subject of that department, which they recommended to the House.

Mr. Sutherland presented the petition of Thomas F. M'Kinney and wife, praying Congress to pass a law to enable them to dispose of their estates by will to such persons as they may see fit ; also a bill for their relief in the case : was read a first time.

On motion of Mr. Rusk, the bill was referred to the judiciary committee.

Mr. Jack, Chairman of Judiciary Committee, then reported a bill relating to persons donating their estates, as a substitute for the one referred to them, which was adopted and read the first time.

Mr. Jack, from the majority of the Judiciary Committee, made the following report, which was laid on the table on Mr. Gant's motion.

The undersigned members of the Judiciary Committee, to whom was referred the bill for the repeal of an act entitled An Act to Charter the Texas Rail-Road, Navigation and Banking Company, not being able to agree in opinion with the other members of the Judiciary Committee, respectfully beg leave to submit the following, as containing their views upon the subject : submitted.

No difference of opinion exists as to the effects and ultimate consequences, if the company shall succeed in going into operation under their charter, we all unite in the opinion that by the act of incorporation privileges and

powers are granted to individuals the exercise of which would not only be seriously detrimental to the welfare and prosperity of the nation, but calculated to control and direct the operations of government, if it did not totally subvert and overthrow its free and republican character. If by the power which wealth alone can wield, the Rothschilds have been able to make the sovereigns of Europe subservient to their purposes, what may we not calculate as the result of such an operative machine as this colossal charter when acting upon and directed against the people and the government of Texas. In this charter are contained provisions which will inevitably produce a powerful monied aristocracy, and thereby mainly contribute to the loss of the rights and liberties of the people. But it is not the province of the committee to point out or enumerate the evils of this institution, they are palpable and manifold. They are called on for an opinion as to the expediency of a remedy of those evils, as proposed by the bill under consideration, and here it is that your committee differ. The undersigned, greatly as they deplore the consequences of that hasty and unwise legislation which granted the charter, are nevertheless of the firm opinion that it was one in accordance with the constitutional powers of Congress, which authorizes Congress to grant charters, &c. and that certain privileges and rights are thereby vested in individuals, ruinous and dangerous though they be, and which this Congress, with no powers that the first did not possess, cannot take away. It is contended, and perhaps correctly, that there are certain privileges granted in the charter which the grantees are not permitted to hold and exercise by the constitution, and which the Congress was prohibited from granting. If this hypothesis is established, does it follow that the legislature can declare it so and thus virtually repeal the charter? The undersigned cannot see the force of this reasoning, nor adopt the correctness of the conclusion. If this is admitted, it would only be necessary for you to inscribe upon your journals your opinion as to the unconstitutionality of the law, and thus you might at once extinguish and annihilate every right, however sacred, which former legislatures have granted, it would not be necessary for a law or charter to be actually un-

constitutional to render it inoperative, it would be sufficient if you believed it so, and would so declare it.

This is a new doctrine, and one which is in violation of all the usages and customs of liberal and constitutional governments, and will not stand the test of argument and investigation.

In conclusion, the undersigned are of opinion that organized as the government of Texas is, the judiciary is the only tribunal which can declare a law to be unconstitutional. That when Congress shall attempt to do so, it will be an assumption of power not delegated to them, and an encroachment on the jurisdiction and prerogatives of another and co-ordinate branches of the government. They therefore recommend the indefinite postponement of the bill.

P. C. JACK.

T. J. GAZLEY.

E. T. BRANCH.

Mr. Thornton, from the Select Committee, to whom was referred the papers, &c., of C. Hillibrant, reported, that his claim for horses should not be audited, but that he should receive pay for beef furnished. Report concurred in.

On leave of the House, Mr. Branch withdrew the papers of C. Hillibrant.

Mr. Jones, of Brazoria, introduced a joint resolution to tax all bank stock: read first time.

Several communications from the auditor were received, and, on motion of Mr. Thompson, they were referred to the Committee on Claims and Accounts.—The claims of S. Whiting, J. Forbes, A. E. C. Johnson, and M. A. de la Garza, were the several documents.

The bill to incorporate the Colorado Navigation Company was taken up and read a third time by its caption. The ayes and noes being called for, on the passage of the bill, the vote stood thus:

Ayes—Messrs. Speaker, Baker, Branch, Brenan, Gazley, Hardunan, Jones of Brazoria, Linn, Lumpkin, Menifée, McKinney, Pierpont, Power, Rusk, Sutherland, Thornton—16.

Noes—Messrs. Clark, Grigsby, Gant, Hill, Jones of Austin, Rowlett—6: passed. The title is "An Act to Incorporate the Colorado Navigation Company."

The several finance bills were taken up on their second reading, and Mr. Branch moved to postpone their consideration until Wednesday next. The Ayes and Noes being called for, the vote stood thus :

**AYES**—Messrs. Speaker, Baker, Branch, Clark, English, Gazley, Grigsby, Hill, Jones of Brazoria, Jones of Austin, Jack, Lumpkin, M'Kinney, Pierpont, Power, Rusk, Rowlett, Thornton—18.

**NOES**—Messrs. Burleson, Brenan, Douglass, Gant, Hardiman, Linn, Menifee, Ponton, Sutherland—9.

The orders of the day were so far suspended, on motion of Mr. Rusk, as to take up the joint resolution for the purchase of the laws of Coahuila and Texas, on its second reading.

Mr. Rusk moved to amend by inserting "provided their cost shall not exceed more than \$1200 :—" adopted.

Mr. Jones of Brazoria offered a substitute for the joint resolution which was adopted, and on his motion the rule was suspended and the bill read a third time and passed : and the title is "a joint resolution for the compensation of Manuel Carabajal."

On motion of Mr. Rusk, the rule was suspended, and the joint resolution for the relief of Lucinda Shannon was taken up on its second reading.

On motion of Mr. Jones of Brazoria the rule was suspended, and the bill read a third time. Ayes and Noes being called for, on the final passage of the bill, the vote stood thus :

**AYES**—Messrs. Baker, Burleson, Brenan, Douglass, Grigsby, Hardiman, Jones of Austin, Jack, Lumpkin, Menifee, M'Kinney, Pierpont, Power, Rusk, Rowlett, Sutherland, Thompson, Thornton—18.

**NOES**—Messrs. Speaker, Branch, English, Gant, Linn, Ponton—6.

And the title is "a joint resolution for the relief of Lucinda Shannon."

Mr. Gant introduced a bill for the relief of Stilman S. Curtis.

On motion of Mr. Thompson the House adjourned to 3 o'clock p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill for the relief of Sulman S. Curtis was read first time.

Mr. Sutherland introduced a bill providing for the issuing of attachments in certain cases: read first time.

Mr. Douglass introduced a bill relating to foreign vessels: read a first time, and, on Mr. Jack's motion, referred to committee on naval affairs.

Mr. Jack introduced a joint resolution to authorize the auditor to pay the commissioners appointed to receive proposals to locate the Seat of Government five dollars each per day: read a first time, and on his motion the rule was suspended and the bill read a second and third time and passed, and the title is "a joint resolution to compensate the commissioners appointed to locate the Seat of Government."

Mr. Douglass introduced the account of Dr. A. Jones, and on his motion it was referred to the Committee on Claims and Accounts.

Mr. Brennan introduced a bill to provide for the "protection of the South Western Frontier:" read first time.

Mr. Gazley introduced a bill relating to forfeited lands: read first time.

Mr. Douglass introduced a bill levying taxes on certain lands: read first time.

Leave of absence was granted Mr. Gazley for five days.

The act to create the county of Fort Bend: read third time by its caption and passed, and the title is, "An Act to create the county of Fort Bend."

The act to revise the several Tariff Laws, was taken up, and on motion of Mr. Sutherland, laid on the table.

An act to define the boundaries of the county of Red River, was taken up on its second reading.

On motion of Mr. Rowlett, the following additional section was added:—That the first county court for said county shall be held in Clarksville, on the second Monday in January, 1838, at which time and place the chief justice of said county shall appoint two commissioners from the upper end, and two from the lower end, and one from the centre of said county, whose duty it shall be (after being duly sworn) to locate the temporary seat of justice for said county, and make report thereof to the chief justice of said county, within fifteen days after they

shall have been so appointed, and it shall be the duty of said chief justice to hold an election for all the officers of said county, in conformity with the laws in such cases made and provided.

On motion of Mr. Hardiman the Speaker was requested to remind the members of the House of the rule in regard to leaving the chamber without leave, &c.

Mr. Rowlett moved to suspend the rule, and the bill to define the boundaries of Red River county was read a third time and passed, and,

The title is "an act to define the boundaries of the county of Red River and to organize the same."

On Mr. Sutherland's motion the bill for the relief of persons who have lost property during the war was taken up on its second reading.

Mr. Brauch offered the following amendments "or who had their property stolen or pressed."

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

SATURDAY, NOV. 25, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read.

Mr. Jack presented the petition of Charles J. O'Conner, and others, which was,

On his motion, referred to the Committee on Military Affairs.

Mr. Burleson introduced a bill to enlist two hundred and fifty mounted gun men: read a first time.

Mr. Rowlett introduced a bill to create the county of Fannin a Senatorial District: read a first time.

Mr. Power presented the account of Samuel Lansingham, and,

On his motion, it was referred to the Committee on Claims and Accounts.

Mr. Jack, chairman of the Judiciary Committee, reported and recommended the adoption of the following bills:

"A bill to appoint some person to revise the Laws and report a digest of the same."

"A bill granting land to J. C. Neil."

"An act supplementary to an act for the suppression of gambling."

"An act to authorize an injunction to be granted against the proprietors of the Texas Rail Road, Navigation and Banking Company."

"A bill for the relief of R. J. Calder."

"An act relating to District Courts and District Judges."

"An act to make the Associate Justices' Notaries Public ex-officio."

"An act to authorize the Clerks of the Courts to employ deputies."

"A bill prescribing the proof necessary to admit Deeds to record."

"A bill to prohibit the traffic with slaves."

The petition of Margaret Jameson; and the petition of Samuel McCulloch, they recommend to postpone indefinitely; as also the bill to bind persons to keep the peace; they also informed the House that they had a bill in progress for the amendment of the Judiciary Laws: passed at the first session of Congress.

On Mr. Gant's motion, the report and papers were laid on the table.

On motion of Mr. Jack the House adjourned till 3 o'clock, p. m.

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Baker presented the petition of A. R. Bodman, with accompanying documents.

On his motion, referred to the Committee on Claims and Accounts.

Mr. Thornton presented the petition of W. N. Bronaugh, which,

On his motion, was referred to a Select Committee of three,

Messrs. Power, Branch and Brenan were appointed the Committee.

Mr. Douglass introduced a bill to provide for the removal of obstructions in the navigation of the rivers Attoyac and Angelina: read a first time.

Mr. Jack, from the Committee on County Boundaries, reported a bill to define the boundaries of the county of

Robertson, (from the Senate,) as amended: read a second time.

On motion of Mr. Branch the bill was ordered to be engrossed for a third reading.

On motion of Mr. Brennan the Committee on County Boundaries were instructed to report a bill to define the boundaries of the county of Bexar.

On motion of Mr. Douglass the Judiciary Committee were instructed to report a bill to organize the county Courts.

Mr. Baker offered a joint resolution to authorize the Secretary of State to have translated in the Spanish language certain Laws: read a first time.

Mr. Gant introduced a bill to authorize the county courts to grant divorces: read a first time.

Mr. Linn introduced a bill to create the Collectoral District of La Bacca: read a first time.

On motion of Mr. Ponton referred to a Select Committee of three:

Messrs. Ponton, Linn and Thornton were appointed said committee.

Mr. Baker introduced a bill to incorporate the City of Bexar.

On motion the House adjourned till 10 o'clock, Monday, A. M.

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MONDAY, 10 O'CLOCK, Nov. 27, 1837.

The House met pursuant to adjournment.

The journal of Saturday being read,

Mr. Douglass, Chairman of the Committee on Claims and Accounts, reported that the claims of B. D. M'Clure should not be allowed, there not being sufficient vouchers; they cannot allow the claim of R. R. Royal, for goods, \$166 75; for goods lost at Bexar and Goliad, \$2,497 80; for damage and loss on cotton in consequence of his boat being pressed by the authorities of Matagorda, \$3,000; they think he may be able to recover by suit in a court of Justice, but the vouchers are too incomplete for them to report favorably.



They recommend the passage of a law to regulate such claims so that the time of the House will not be taken up with them; and the following joint resolution for the payment to John Forbes his claim of \$2,068 52; to widow M'Coy, by her attorney, \$78; Maria Antonio de la Garza for cattle furnished the army at Victoria, \$600; to R. R. Royal, as per vouchers, \$3,905 88 to H. C. Hudson, \$300; John A. Zambrano's claims as per Secretary of War's certificate, \$—; to J. J. Linn, in Promissory notes, \$1,466 02; they also report the claim of Albert Emanuel as just for horses, money and goods furnished to volunteers, and recommend its allowance; bill read a first time.

Mr. Branch, Chairman of the Select Committee to whom was referred the bill to incorporate the city of Houston: reported a substitute for the same.

Mr. Thompson, from the Special Committee to whom was referred the petition and papers of Major A. Legrand, reported a joint resolution for his relief: read a first time.

A communication from the Auditor, with the account of F. W. Thornton, was read, and,

On motion of Mr. Thompson, referred to a Select Committee, consisting of Messrs. Thompson, Rusk and Power.

The joint resolution fixing the time of adjournment was taken up.

Mr. Branch moved to strike out the words "to meet at Washington on the Brazos," and,

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

AYES—Messrs. Speaker, Branch, Burleson, Clark, Jack, Linn, Menifce, Ponton, Power and Sutherland—10.

NOES—Messrs. Baker, Brennan, Douglass, English, Grigsby, Gant, Hardiman, Hill, Lumpkin, M'Kinney, Pierpont, Rusk, Rowlett, Thompson and Thornton—15: lost.

Mr. Gant moved to lay the resolution on the table: lost.

Mr. Menifce moved to strike out "2nd December:" lost.

Mr. Jack moved to postpone indefinitely.

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

AYES—Messrs. Branch, Baker, Clark, Jack, Linn and Power—6.

NOES—Messrs. Speaker, Burleson, Brennan, Douglass, English, Grigsby, Gant, Hardiman, Hill, Lumpkin, Menifee, McKinney, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson and Thornton—19: lost.

The vote was then taken on the adoption of the resolution.

AYES—Messrs. Speaker, Burleson, Brennan, Douglass, English, Grigsby, Gant, Hardiman, Hill, Lumpkin, McKinney, Pierpont, Rusk, Rowlett, Thompson and Thornton—16.

NOES—Messrs. Baker, Branch, Clark, Jack, Linn, Menifee, Ponton, Power and Sutherland—9: adopted.

The bill to amend the several Tariff Laws was taken up on its second reading.

Mr. Menifee moved to postpone the same to Monday next: lost.

On motion of Mr. Rusk it was referred to a Select Committee of three:

Messrs. Rusk, Thornton and Lumpkin were appointed the Committee.

An act to compensate persons who lost property during the war was taken up on its second reading.

Mr. Branch moved to insert in the first section after "army" the words "for all horses which were stolen from any citizen while absent in defence of his country; for all the hogs, cattle and other provisions, used or destroyed by the citizens of Texas, on their flight from the Mexicans; for all the plank used in crossing the rivers of Eastern Texas; and for all other property of whatever description used, stolen, or destroyed in any manner whatever, during the campaign of 1836."

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

AYES—Messrs. Speaker, Branch, Burleson, Clark, English, Grigsby, Lumpkin, McKinney, Pierpont, Rusk, Rowlett and Thompson—12.

NOES—Messrs. Baker, Brennan, Douglass, Gant, Hardiman, Hill, Jones of Brazoria, Jack, Linn, Menifee, Ponton, Power, Sutherland and Thornton—14: lost.

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

**AYES**—Messrs. Speaker, Baker, Branch, Clark, Douglass, English, Grigsby, Jack, Lumpkin, M'Kinney, Pierpont, Rusk, Rowlett, Thompson and Thornton—15.

**NOES**—Messrs. Burleson, Brenan, Gant, Hardiman, Hill, Jones of Brazoria, Linn, Meniffee, Ponton, Power and Sutherland—11: indefinitely postponed.

The act to create the county of Robertson was taken up on its third reading.

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

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Clark, English, Grigsby, Gant, Hardiman, Hill, Jones of Brazoria, Lumpkin, M'Kinney, Pierpont, Ponton, Rowlett, Sutherland and Thornton—19.

**NOES**—Messrs. Douglass, Jack, Linn, Meniffee and Power—5: passed, and,

The title is "an act creating the county of Robertson."

The bill for the relief of Walker, & Barton was taken up on its second reading, and,

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

Mr. Rowlett moved to suspend the rule, to introduce a resolution: lost.

A joint resolution for the relief of C. C. DeWitt was taken up on its second reading.

On motion of Mr. Jones, of Brazoria, eighty-seven dollars was inserted.

On motion of Mr. Jones, of Brazoria, ordered to be engrossed for a third reading.

An act to establish the boundaries of the county of Gonzales was taken up on its second reading.

On motion of Mr. Linn referred to the Committee on County Boundaries.

The act to provide for the trial and punishment of slaves, and free persons of color, taken up on its second reading.

On motion of Mr. Jack it was referred to a Select Committee of three:

Messrs. Jack, Thompson and Jones of Brazoria were appointed said committee.

On motion of Mr. Thompson the House adjourned till 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The Speaker being absent,

On motion, Mr. Menifee took the chair.

The bill to compensate persons who were at the battle of San Jacinto was taken up on its second reading, and,

On motion of Mr. Menifee laid on the table.

The bill to exempt certain property from execution was taken up on its second reading.

On motion of Mr. Menifee "five milch cows and calves" was stricken out, and "two milch cows and calves" inserted.

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

AYES—Messrs. Speaker, Baker, Burleson, Clark, Douglass, English, Grigsby, Hardiman, Linn, Menifee, Ponton, Power and Thompson—13.

NOES—Messrs. Branch, Brenan, Gant, Hill, Lumpkin, Pierpont, Rusk, Rowlett, Thornton and Sutherland—10.

Mr. Thompson moved to strike out "one yoke of oxen, twenty head of hogs and one wagon or cart."

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

AYES—Messrs. Speaker, Burleson, Clark, Douglass, English, Hardiman, Linn, Menifee, Ponton and Thompson—10.

NOES—Messrs. Baker, Branch, Brenan, Grigsby, Gant, Hill, Jones of Brazoria, Lumpkin, Pierpont, Rusk, Rowlett, Sutherland and Thornton—13: lost.

Mr. Menifee moved to postpone the bill indefinitely.

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

AYES—Messrs. Speaker, Burleson, Brenan, Clark, Douglass, English, Hardiman, Linn, Menifee, Ponton, Rowlett, Sutherland, and Thompson—13.

NOES—Messrs. Baker, Branch, Grigsby, Gant, Hill, Lumpkin, Pierpont, Rusk, and Thornton—9: indefinitely postponed.

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

TUESDAY, 10 O'CLOCK, Nov. 23, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. English moved to reconsider the vote of yesterday, postponing indefinitely the bill to exempt from execution certain property: adopted.

On motion of Mr. Brennan the bill was then referred to a Select Committee of three:

Messrs. Brennan, Rusk and Pierpont were appointed the Committee.

Mr. Rusk moved to re-consider the vote indefinitely postponing the bill for the compensation of persons who lost property during the War: lost.

Mr. Jack from the Judiciary Committee reported a bill relating to the granting of injunctions: read a first time; also,

A bill to provide for taking testimony by interrogatories: read a first time.

Mr. Rusk moved to suspend the rule to introduce a petition: lost.

Mr. Rusk, from the committee to whom was referred the Finance Bills and other bills to raise a public revenue, reported a bill relating to forfeited lands: read a first time.

Mr. Jack, from the Select Committee, to whom was referred the bill for the trial and punishment of slaves and free persons of color, reported the same as amended.

Mr. Jones, of Brazoria, from the joint select committee to whom was referred the report of the Commissioners to locate permanently the seat of government, reported they had had the subject under consideration, and had come to the determination to recommend that a joint committee of both houses be appointed to visit, in the recess of Congress, the different places proposed for the seat of government, and other places, as may be proposed, and report fully thereon in the early part of the first meeting of Congress after the adjournment, they also informed the house that a resolution to that effect had been offered in the Senate: report concurred in.

Mr. Ponton, from the Select Committee to whom was referred the bill to create the Collectorial District of La Barra, reported the same without amendment.

On motion of Mr. Rusk the bill to provide for the protection of the South Western frontier, and the bill to raise 250 mounted gun men, were taken up.

The latter was amended, on motion of Mr. Rusk, by inserting in the second section after "block houses" the words "which shall be upon vacant land."

On motion of Mr. Rusk the following additional sections were added :

"That there shall be reserved at each of the block houses that shall be built under the provisions of this act, one fourth of a league of land for public purposes."

"That the Secretary of war shall be, and he is hereby authorized to grant to as many persons as he may choose, the exclusive right of trading with the Indians, not to exceed one at each block house."

On motion of Mr. Douglass the bill was referred to a Select Committee of three:

Messrs. Douglass, Rusk and Jack were appointed the committee.

On motion, Messrs. Burleson and Brennan were added to the committee.

On motion of Mr. Patton the report of the committee to whom was referred the question relating to the eligibility of the Chief Justices of the County Courts to a seat in Congress was taken up.

On motion of Mr. Thompson the report was re-committed to the committee with instructions to report a resolution to carry out the same.

A message was received from the Senate informing the House that they had concurred in the bill for the relief of H. Coffee, & Co.; and in the bill to fix the salary of Indian Commissioners, with an amendment, which,

On motion of Mr. Thompson, was disagreed to.

The bill from the Judiciary Committee prescribing the proof necessary to admit deeds to record, was taken up on its first reading.

On motion Mr. Rusk referred to a Select Committee of three to report to-morrow. Messrs. Rusk, Jack and Grant, were appointed the Committee.

Mr. Patton from the Committee to whom was referred the report of the Committee on the Chief Justices of the County Courts being eligible to a seat in this House, reported the following resolution:

"Whereas, the office of Chief Justice of the County of Bexar is vacated, the former incumbent having resigned, therefore

*Resolved*, That the Senate be respectfully invited to join with this House, to-morrow at 11 o'clock, for the purpose of electing by joint vote, a Chief Justice for the County of Bexar.

On motion of Mr. Grant, Saturday was inserted in place of "to-morrow," and on his motion laid on the table.

The following resolution was adopted:

"That the office of Chief Justice and member of this House, cannot constitutionally be vested in one individual."

An act relating to District Judges and District Courts was taken up on its second reading.

Mr. Rusk moved to refer it to a Select Committee of three: lost.

Mr. Jack moved to strike out the first section, and The Ayes and Nocs being called for, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Clark, Douglass, English, Hardiman, Jack, Ponton, Rusk and Sutherland—10.

**NOES**—Messrs. Branch, Burleson, Brennan, Grigsby, Gant, Hill, Linn, Menifee, Patton, Pierpont, Power, Rowlett, Thompson and Thornton—14: lost.

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

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill relating to District Judges and District Courts was taken up.

Mr. Jack offered the following additional section:

"That from and after the passage of this act it shall not be lawful for any District Judge to absent himself from his district for more than two months during the course of one year, nor shall any District Judge neglect or fail to attend the regular terms of the Circuit and Supreme Courts, and should any Judge violate the provisions of this section it shall be considered sufficient cause for impeachment and removal from office; *provi-*

*ded*, that such absence shall not be construed so as to prevent a Judge from attending the circuit courts in any other Circuit or the Supreme Court: adopted.

Mr. Rusk moved to strike out "trial term" and insert "appearance term" in the third section: lost.

Mr. Rusk offered a substitute for the bill.

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

**AYES**—Messrs. Speaker, Burleson, Clark, Douglass, English, Jack, Linn, Lumpkin, Menifee, M'Kinney, Pierpont, Ponton, Power, Rusk, Sutherland and Thornton—16.

**NOES**—Messrs. Baker, Branch, Brennan, Gant, Hardiman, Hill, and Thompson—7: adopted.

Mr. Thompson moved to postpone the bill indefinitely: lost.

The bill was ordered to be engrossed for a third reading.

Mr. Rusk, from the Committee to whom was referred the bill regulating the recording of deeds, reported a substitute for the same.

On motion of Mr. Branch, postponed till to-morrow morning.

Mr. Baker from the Committee on county boundaries reported a substitute for the bill to define the boundaries of the county of Gonzales.

Mr. Linn from the minority of the committee reported against the same, and offered the following reasons:

*First*, Because the county boundaries were established by an act of the Congress of Coahuila and Texas, as per transcript taken from the Secretary of State's office.

*Secondly*, Inasmuch as the people residing in the county have petitioned Congress against the partition of any part of the county, they being satisfied with the present location and boundaries, and as it requires at least one hundred signers to create a division of, or make a new county, to comply with the letter of the Constitution.

*Third*, I am of opinion that if the Congress make a division as asked for by the member from Gonzales, many persons will be compelled to have their land surveyed over again, and create considerable confusion, as



respects lines, some of which will be in both counties, therefore, I would recommend the following resolution:

"That one man be appointed by the Court from each of the counties of Bexar, Gonzales, and Victoria, to act as Commissioners to run the boundary lines between the aforesaid counties, whose report shall be made to the Secretary of State a copy of which shall be left with the county clerk of each of the counties aforesaid, which report shall be final.

(Signed,)

J. J. LINN."

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

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WEDNESDAY, 9 O'CLOCK, A. M., NOV. 29, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read.

Mr. Douglass, from the Committee on Claims and Accounts, reported favorably to the claim of A. R. Bordman and W. D. Martin; they recommend the petition of W. Lansingham to the action of the House; they cannot agree to allow the claims of Samuel Whiting; or the account of J. E. C. Johnston for a horse; there is not sufficient evidence to support the claim of Handy & Lusk, and cannot allow it; they also presented a joint resolution for the relief of Sylvanus Hatch: read a first time.

On motion of Mr. Rusk the rule was suspended, and the resolution read a second time and ordered to be engrossed for a third reading.

Mr. Rusk moved to disagree to so much of the report as relates to the claim of Handy & Lusk: lost.

Mr. Rusk, from the Committee on Military Affairs, to whom was referred the petition of C. J. O'Conner, and others, reported against the same, as the claim was not sufficiently sustained by vouchers or testimony: concurred in.

Mr. Baker from the Committee on County Boundaries, reported the bill to define the boundaries of the county of Washington, as amended.

Mr. Rusk moved to re-consider the vote of yesterday refusing to suspend the rule to allow him to present the petition of General Chambers: lost.

Mr. Thompson, from the Select Committee to whom was referred the papers of F. W. Thornton, reported a joint resolution for his relief: read a first time.

Mr. Power, from the Select Committee to whom was referred the petition of W. N. Bronaugh, reported against the same: concurred in.

The joint resolution for the relief of C. C. DeWitt was taken up and read a third time, and passed: and, the title is as above.

The bill relating to District Courts and Judges was read a third time.

The Ayes and Noes being called for on its final passage, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Burleson, Brenan, Clark, Douglass, English, Grigsby, Hardiman, Hill, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Ponton, Power, Rusk, Rowlett, Sutherland and Thornton—24.

**NOES**—Messrs. Gant and Thompson—2: passed, and, The title is "an act to require the district Judges to reside permanently in their proper districts, and for other purposes."

The Finance Bills were taken up and,

Mr. Jones, of Brazoria, moved to postpone their consideration till the first Monday in May next.

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

**AYES**—Messrs. Speaker, Burleson, Clark, English, Grigsby, Hill, Jones of Brazoria, Jack, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Rusk, Rowlett, Thompson and Thornton—17.

**NOES**—Messrs. Baker, Brenan, Douglass, Gant, Hardiman, Linn, Ponton, Power, and Sutherland—9: postponed.

The bill to define the boundaries of the county of Gonzales was taken up, and,

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

The bill to prohibit the traffic in slaves, and for other purposes, was taken up, and,

On motion of Mr. Rusk, referred to the Judiciary Committee, with instructions to report the first of May next.

The bill for the suppression of gambling was taken up, and,

On motion of Mr. Thompson, referred to the Judiciary Committee with instructions to report on the first of May next.

The bill for the relief of J. C. Neill was taken up and read a first time. On motion of Mr. Rusk, the rule was suspended and the bill placed on its second reading.

On his motion the blank was filled with "half a league of land."

On motion of Mr. Patton the bill was referred to the Committee on Military Affairs.

The petition of Margaret Jameson was taken up and indefinitely postponed on motion of Mr. Jack.

The bill to authorize the clerks of the district and county courts to employ deputies was taken up on its second reading.

On motion of Mr. Rusk the words "required" was substituted for "compelled" and the bill ordered to be engrossed for a third reading.

The bill authorizing the appointment of some persons to make a digest of the laws was taken up on its second reading.

On motion of Mr. Jack the bill was referred to a select committee of three:

Messrs. Jack, Jones of Brazoria, and Menifee were appointed the committee.

An act to authorize an injunction to be issued against the proprietors of the Texas Rail Road and Banking Companies taken up on its second reading.

On motion of Mr. Rusk "quo warranto" were stricken out and the words "sciera facias" inserted: ordered to be engrossed for a third reading.

The following bills reported by the committee to whom was referred the unfinished business of the last session of the first Congress were read:

"A resolution calling on the Secretary of State for information relating to Gen. T. J. Chambers: indefinitely postponed.

"The bill to fix the salary of revenue officers: indefinitely postponed.

"A bill to define the public domain, and define the locations: rejected.

"An act to allow Greenbury Logan and his wife to remain permanently in the county: rejected.

"An act providing for the authenticating of deeds.

On motion of Mr. Rusk laid on the table.

On motion of Mr. Rusk the remainder of the bills reported by the Committee, not yet acted on, were laid on the table.

On motion of Mr. Rusk the bill relating to the recording of deeds was taken up and read; also, the substitute offered for the same, which, on motion, was adopted.

On Mr. Jack's motion the following proviso was added to the last section:

"That when such counties are organized the same shall be recorded in their proper county within six months."

Mr. Gant moved to postpone the bill till the first of May next.

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

**AYES**—Messrs. Branch, Clark, Gant, Hill, M'Kinney, Pierpont: 6.

**NOES**—Messrs. Speaker, Burleson, Brennan, Douglass, English, Grigsby, Hardiman, Jack, Linn, Lumpkin, Menifee, Patton, Ponton, Power, Rusk, Rowlett, Sutherland, Thompson, and Thornton: 19. Lost.

On motion of Mr. Rusk, the following proviso was added to the bill: "Provided that no lien, deed, intrust, or mortgage, shall affect the rights of third persons, until it shall have been proven and recorded as herein required." The bill was ordered to be engrossed for a third reading.

The report of the Committee on Ways and Means was then taken up and read.

Mr. Branch moved to disagree to so much of the report as relates to the Secretary of the Treasury, and called for the Ayes and Noes.

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Douglass, English, Grigsby, Jack, M'Kinney, Rusk, Sutherland, Thompson: 13.

**NOES**—Messrs. Clark, Gant, Hardiman, Hill, Jones of Brazoria, Linn, Lumpkin, Menifee, Patton, Pierpont, Ponton, Power, Thornton, 13: lost.

On motion of Mr. Jones of Brazoria, the remainder of the report was concurred in.

A message was received from the Senate, informing

the House that they had passed a joint resolution for remunerating the Commissioners to close the Land Offices, and Commissioners receiving for monies in the hands of the then Government of Coahuila and Texas; also, informing the House that they had withdrawn their amendments to the bill fixing the salaries of Indian Commissioners, and asked the concurrence of the House to the bill, which was taken up and read a first time.

On motion of Mr. Thompson, the House adjourned till 3 o'clock p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill to define the boundaries of the County of Gonzales was taken up on motion of Mr. Ponton, on its second reading, and on his motion ordered to be engrossed for a third reading.

On motion of Mr. Burleson, the orders of the day were suspended, and the bill to define the boundaries of the County of Mina was taken up on its second reading.

On motion of Mr. Jones of Brazoria, the word "proposed" was inserted previous to the words "new county of Fayette."

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

The title is "An Act to Define the Boundaries of the County of Mina."

On motion of Mr. Jones of Brazoria, the President's message was referred to the following committees: so much as relates to our foreign affairs, to that committee; so much as relates to the judiciary to that committee; so much as relates to the finances of the country, to the Committee on Ways and Means; so much as relates to the army and military, to the Military Committee; so much as relates to naval affairs, to that committee; so much as relates to the public mails, to committee on Post Offices and Post Roads; so much as relates to Indian Affairs, to that committee; so much as relates to our enemy, the Mexicans, to committee on State of the Republic.

The bill to define the boundaries of the county of Washington, was taken up on its second reading; rule suspended and read a third time, and passed, and the title is "An act defining the boundaries of the county of Washington."

On motion of Mr. Ponton, the rule was suspended, and the bill to define the boundaries of the county of Gonzales was taken up and read third time, and passed, and is entitled "An act defining the boundaries of the county of Gonzales."

The act to provide for the trial and punishment of slaves and free persons of color, was taken up on its second reading. The word "burglary" was inserted in the first section, on motion of Mr. Jones of Brazoria.

On Mr. Jack's motion, the words "known to the common law of England" was inserted in the second section, after the word "misdemeanor:" ordered to be engrossed for a third reading.

The bill for the relief of Walker and Barton was taken up, and, on Mr. Rusk's motion, was laid on the table.

A bill for the relief of the owners of the schooner San Jacinto was taken up, and, on motion, was laid on the table.

The bill granting futher time to the commissioners to locate the seat of government was indefinitely postponed.

The bill making an appropriation for the use of the hospital: taken up and laid on the table, on Mr. Rusk's motion.

The bill granting land to those who were at the battle of San Jacinto, was taken up on its second reading.

Mr. Rusk moved to strike out 640, and insert 320 acres: lost. Ordered to be engrossed for a third reading.

On motion of Mr. Patton, the rule was suspended, and the bill read a third time. Ayes and Noes being called for, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Douglass, Grigsby, Gant, Hardiman, Hill, Jones of Brazoria, Linn, Lumpkin, Patton, Power, Rusk, Rowlett, Sutherland, Thornton: 19.

**NOES**—Messrs. Jack, Menifee, M. Kinney, Ponton, Thompson: 5—passed. The title is "A bill granting land to those who were in the battle of San Jacinto."

The bill defining the boundaries of the County of San Augustine, was taken up on its second reading.

Mr. Thompson offered a substitute, which was adopted, and, on his motion, the rule was suspended, and the bill read by its title and passed. The title is "An

act to define the boundaries of the County of San Augustine."

A joint resolution authorizing the county courts to grant bank charters was taken up, and, on motion of Mr. Thompson, postponed till the first of January, nineteen hundred.

The joint resolution making an appropriation for the use of the General Land Office, was taken up on its second reading.

The following section was added on motion of Mr. Rusk.

That the sum of Five Hundred Dollars be, and the same is hereby appropriated for the purchasing of stationery, for the use of both Houses of Congress, and that the Treasurer is hereby authorized to pay over to the respective Secretaries and Clerks the above sum, and that the Secretaries and Clerks be required to produce the vouchers, showing what disposition they may have made of the above sum at the next meeting of Congress.

On motion of Mr. Jones of B., the rule suspended, and the resolution read third time and passed.

The title is "A Joint Resolution, appropriating money for the use of the General Land Office, and for contingent expenses of both Houses of Congress."

A Joint Resolution releasing the depopulated counties of Refugio, San Patricio, Goliad, Gonzales and Mina, from the tax on Land for the year 1837, was taken up on its second reading.

On motion of Mr. Burleson, Bexar was added.

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

A Joint Resolution allowing extra pay to Samuel Moore, taken up on its second reading.

On motion of Mr. Patton one dollar was stricken out and twenty cents inserted.

On motion of Mr. Jack the rule was suspended and the bill read a third time.

The question "shall the bill pass?" being put, the bill was lost.

The joint resolution for the relief of John Buchanan was taken up on its second reading.

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

The title "is an act for the relief of John Buchanan."

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

THURSDAY, NOV. 30, 1837.

The House met pursuant to adjournment.

The journals of the preceding day being read.

A message was received from the Senate informing the House that they had passed a resolution for the relief of John Woodruff and asked the House to concur therein.

Mr. Rusk from the Military Committee to whom was referred the bill to compensate J. C. Neil, reported a substitute for the same.

Mr. Rusk, from the select committee to whom was referred the bill to amend the several tariff laws reported a substitute for the same.

Mr. Rusk, from the select committee to whom was referred the bill to define the boundaries of the county of Jackson reported a substitute for the same.

Mr. Baker chairman of the Committee on enrolled bills reported the following bills as having received the signature of the President.

"An act appointing Notaries Public.

"An act incorporating the town of Brazoria.

"An act appropriating money to purchase a house for the President.

"A joint resolution requiring the Auditor to audit the claim of Nelson Jones.

"A joint resolution appointing a committee on printing.

"A joint resolution for the relief of Holland Coffee & Co."

Mr. Rusk, from the select committee to whom was referred the account of F. W. Thornton, reported a joint resolution for his relief: read a first time,

A message was received from the Senate informing the House that they had passed a joint resolution allowing the Secretary of War an additional clerk, and asking the House to concur therein.

Mr. Rusk asked leave of absence for the remainder of the session, for the honorable Mr. Power, which was granted.



The bill to provide for the trial of slaves and free persons of colour, was taken up and read a third time by its caption, and passed.

The title is "an act to provide for the punishment of crimes and misdemeanours committed by slaves and free persons of colour."

The joint resolution for the relief of S. Hatch was taken up and read a third time.

On motion of Mr. Branch the rule was suspended and the bill amended by striking out all after the words "quarter master" in the bill, and inserting "which was referred to the Committee on Claims and Accounts of the House of Representatives, and by them mislaid or lost:" and passed.

The title is "an act for the relief of S. Hatch."

The act to authorize an injunction and other proceedings to be granted against the proprietors of the Texas Rail Road, Navigation and Banking Company, was taken up and read a third time and passed, and that is the title.

The act relating to the recording of Deeds was taken up and read a third time.

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

AYES—Messrs. Speaker, Baker, Burleson, Brenau, Douglass, English, Grigsby, Hardiman, Jack, Linn, Menifee, Patton, Rusk, Rowlett, Sutherland, Thompson and Thornton—17.

NOES—Messrs. Branch, Clark, Gant, Hill, and Pierpont—5: passed.

The title is "an act to amend the several laws relating to the recording of deeds, mortgages, &c."

The acts authorizing the clerks of county courts to employ deputies was read a third time by its caption and passed, and,

The title is "an act to authorize the clerks of the several courts to appoint deputies and requiring them to keep their offices at the county seat."

The joint resolution from the Senate to allow the Secretary of War to employ an additional clerk, read a first time and the rule was suspended and the resolution placed on its second reading.

On Mr. Patton's motion the words "for the term of

six months" was inserted in the bill; the words "assistant clerk" was also added.

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

On motion of Mr. Jones, of Brazoria, the House adjourned till 3 o'clock, to enable the members to attend the funeral of the late major Gabriel Long.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The joint resolution from the Senate for the relief of John Woodruff was taken up and read a first time.

On motion of Mr. Rusk the rule was suspended and the bill put on its second reading.

On motion of Mr. Rusk "Secretary" of War was stricken out and "Treasurer" inserted, and "out of the above appropriation" stricken out and "of the promissory notes of the government" inserted.

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

The following communication was then read from the Secretary of the Treasury.

TREASURY DEPARTMENT, }  
City of Houston, Nov. 30, 1837. }

To the honorable, the Speaker, and  
members of the House of Representatives,

GENTLEMEN:—The accompanying documents will show the situation of my department up to the date therein named, owing to the great press of business, together with the indisposition of my chief clerk, has prevented me from sending in my annual report at an earlier period of the session.

It is hoped however that no injury will result from its delay, which was unavoidable. It will be seen in one of the documents, under the head of special liabilities, the amount necessary to be appropriated for their payment, inasmuch as they were created under circumstances of pressing necessity, with the pledges of government for their certain redemption at maturity, I would suggest the propriety of authorizing their payment in the promissory notes of the government. Their drafts are gen-

ually past due, and if possible should be redeemed. It is the duty of this department to furnish your body with estimates of the probable current and contingent expenses of the government for the ensuing year. Some time previous to the meeting of your body a call on the different heads of departments was made to send in their estimates, in order that they should be laid before you in a condensed form, to the end that the necessary appropriations should be made. At an early period of the called session a committee was appointed by your body to make a call on each head of department for that information which superseded the necessity of further information on that subject. It is confidently hoped therefore, that the proper appropriations will be made.

The law authorizing the assessment and collection of a direct tax seems not to have been executed in conformity with its provisions, as but few returns have as yet been transmitted to this department, as such I am unadvised whether or not the law referred to is in successful operation.

The collectors of revenue at the different ports have been instructed to note and transmit to this department any errors or difficulties which might present themselves in the execution of the Tariff laws, and also such remarks as might seem expedient for their amendment, only one of the collectors however have thought proper to make suggestions, which are herewith transmitted. In conformity with a law passed at the last session requiring this department to have surveyed and sold the different Islands on the coast; Galveston is the only one which has been surveyed and the lots brought into market. I herewith transmit the account rendered by the surveyor for the investigation of your body. you will therefore please to submit it to such investigation as the circumstances of the case may seem to require. Inasmuch as the accompanying documents are voluminous, and contain information of interest, both of a general and special character, it is confidently hoped that the Honorable, the Senate will be permitted, on application to avail themselves of their use.

With sentiments, &c., &c.,

(Signed,)

HENRY SMITH,

*Secretary of the Treasury.*

On motion of Mr. Jones, of Brazoria, the documents accompanying the report were referred to a select committee of five to make an abstract of the same and have published 500 copies.

Messrs. Jones, of Brazoria, Rusk, Thompson, Menifee, and Clark were appointed the committee.

The joint resolution from the Senate to remunerate the commissioners to close the General Land Office was taken up, and,

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

The joint resolution authorizing the Secretary of War to discharge certain officers was taken up, and,

On motion of Mr. Patton, referred to the Military Committee.

The bill creating the county of Montgomery was taken up on its second reading.

Mr. Hill offered a substitute which was adopted.

On motion of Mr. Rusk the words "not less than two hundred acres" were inserted after "scat of justice."

The word "Senator" on Mr. Jack's motion was stricken out, and the words "that Washington and Montgomery shall constitute one Senatorial District" inserted at the end of the section.

The rule was suspended and the bill passed.

The title is "an act to create the county of Montgomery."

The bill defining the boundaries of the county of Jackson was taken up on Mr. Sutherland's motion.

Mr. Linn moved to refer it to a special committee: lost.

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

The title is "an act to define the boundaries of the county of Jackson."

The bill for the compensation of persons wounded during the war was taken up on its second reading.

On motion of Mr. Menifee the second section was stricken out.

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

The title is "an act making provision for persons who have been permanently disabled in the service of Texas."

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

FRIDAY, 10 O'CLOCK, A. M. Dec. 1, 1837.

The House met pursuant to adjournment.

The journal of the preceding day being read,

Mr. Linn handed in the following protest, and on his request it was ordered to be entered on the journals:

I protest against the passage of the act defining the boundaries of the county of Jackson, so far as relates to crossing the La Bacca river, and taking six miles on the west side of La Bacca river, comencing at the lower line of Kent's league, and running to the bay, the former line was a just and natural one, and ought not to be altered, and more particularly as the inhabitants of Victoria County have respectfully petitioned Congress to let the boundary remain as it was established by the former government between them and Jackson, I hold it to be the true republican principle for the people alone to regulate their own municipal boundaries, as to what particular section or country they ought to be attached to. And, further, from the facts now in my possession, the county of Victoria will not have the constitutional quantity of square miles if said partition takes place.

(Signed,)

JOHN J. LINN.

*Houston, Nov. 30th 1837.*

Mr. Douglass, from the select committee to whom was referred the several bills for the protection of the frontier, reported a substitute for the same.

On motion of Mr. Rusk the Speaker was requested to invite the Rev'ds. Mr. Fowler and Mr. M'Gowan, chaplains of the Senate, to officiate in that capacity to the House every morning.

Mr. Douglass, chairman of the Committee on Claims and Accounts, reported the claim of Dr. A. Jones, and moved its reference to the Committee on Military Affairs: report concurred in.

A communication from the chief justice of Brazoria was read, informing the House that Brazoria had re-

ceived a majority of thirty votes for the seat of justice of that county over the town of Columbia.

Mr. Jones of Brazoria introduced a joint resolution to carry the same into effect: read a first time, and,

On his motion, the rule was suspended, and the bill read a second and third time and passed.

The title is "a joint resolution locating permanently the seat of justice of the county of Brazoria."

A message was received from the Senate informing the House that they had concurred in the bill for the relief of Manuel Carabajal.

Mr. Ponton moved that the several accounts acted on and returned to the House by the Committee on Claims and Accounts be taken up and disposed of: lost.

Mr. Patton moved to take up the resolution for the appointing of a chief justice of the county of Bexar which was done, and referred to the Committee on the Judiciary to report to-morrow.

On Mr. Rusk's motion the act to raise a revenue by impost duties was taken up on its second reading.

On motion of Mr. Douglass the House resolved itself into a Committee of the Whole, on the bill.

Mr. Jones, of Brazoria, in the chair.

On motion of Mr. Rusk the committee rose, and their chairman reported the bill as amended and adopted, and asked to be discharged.

A message was received from the Senate, informing the House that they had concurred in the bill amendatory to the several acts granting bounty lands, and had passed a bill granting certain privileges to the steamship, Columbia, &c., and asked the concurrence of the House therein and also a joint resolution for the relief of John M. Clifton; and an act for the relief of the heirs of Thos. F. Edwards, deceased.

Mr. Jones, of Brazoria, moved to refer the Tariff Bill as adopted by the committee of the whole to a select committee: lost.

On motion of Mr. Rusk "from and after the passage of this act" was stricken out and "from and after the first day of January next" inserted.

Mr. Jones, of Brazoria, moved to postpone the bill till to-morrow: lost.

On motion of Mr. Jones, of Brazoria, the bill was taken up by clauses.

Mr. Jack moved to strike out of the first section "dried peaches," and called for the Ayes and Noes, the vote stood thus:

**AYES**—Messrs. Baker, Branch, Burleson, Gant, Hardiman, Jones of Brazoria, Jack, Linn, Menifee, Patton, Ponton, and Sutherland—12.

**NOES**—Messrs. Speaker, Clark, Douglass, Grigsby, Hill, Lumpkin, M'Kinney, Pierpont, Rusk, Thompson and Thornton—11: adopted.

Mr. Jack moved to strike out "boots and shoes."

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

**AYES**—Messrs. Baker, Gant, Hardiman, Jones of Brazoria, Jack, Patton, Ponton, Sutherland and Thornton—9.

**NOES**—Messrs. Speaker, Branch, Burleson, Clark, Douglass, English, Grigsby, Hill, Linn, Lumpkin, Menifee, M'Kinney, Pierpont, Rusk, and Thompson—15: lost.

Mr. Jack moved to strike out "beef."

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

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Grigsby, Gant, Hardiman, Hill, Jones of Brazoria, Jack, Menifee, Patton, Pierpont, Ponton, Rowlett, Sutherland and Thornton—17.

**NOES**—Messrs. Clark, Douglass, English, Linn, Lumpkin, M'Kinney, Rusk, and Thompson—8: stricken out.

On motion of Mr. Rusk the words "carriages, household and kitchen furniture, brought in by families actually removing to this Republic," and the following additional section inserted:

"That all articles brought in by families who are actually removing to the Republic for their own use shall be admitted free of duty."

Mr. Thompson moved to strike out "bagging and rope."

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

**AYES**—Messrs. Douglass, Rusk, Rowlett, Thompson and Thornton—5.

**NOES**—Messrs. Speaker, Baker, Branch, Brenan, Clark, English, Grigsby, Gant, Hardiman, Hill, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, M'Kinney, Ponton, Pierpont and Sutherland—19: lost.

Mr. Jones, of Brazoria, moved to strike out "Coffee."

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

**AYES**—Messrs. Jones of Brazoria and Jack—2.

**NOES**—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Clark, Douglass, English, Grigsby, Gant, Hardiman, Hill, Linn, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson and Thornton—24: lost.

Mr. Rusk called for the previous question, the main question was then put "shall the bill be engrossed?"

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

**AYES**—Messrs. Burleson, Brenan, Clark, Douglass, English, Grigsby, Lumpkin, M'Kinney, Pierpont, Rusk, Thompson and Thornton—12.

**NOES**—Messrs. Speaker, Baker, Branch, Gant, Hardiman, Hill, Jones of Brazoria, Jack, Linn, Menifee, Patton, Ponton, Sutherland—13: lost.

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

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

No quorum appearing, the names of the absentees were called, and,

On motion of Mr. Thompson, the doors were closed and members were sent for.

The following members appeared, and were each fined two dollars, to be paid to the sergeant-at-arms—

Messrs. Baker, Burleson, Brenan, Douglass and Rusk; Mr. Jack was excused; and Mr. Branch being indisposed, did not appear.

The Tariff Bill was taken up and the first section adopted.

A message was received from the Senate informing the House that they had concurred in the bill making an



appropriation for the General Land Office, and both Houses of Congress, and had amended the same; also, an act to prohibit the further sale of Land scrip; and that they had appointed a committee of three to act with a committee on the part of the House on the message of the Secretary of the Treasury:

Messrs. Robertson, Burton and Wilson were appointed the committee.

On motion of Mr. Jones, of Brazoria, "leather, harness, saddles and bridles" were inserted in the third section.

On motion of Mr. Pierpont "dried peaches and beef" were inserted in the section.

On motion of Mr. Menifee, "molasses 25 per. cent. advalorem," was inserted in the fifth section.

Mr. Jones, of Brazoria, moved to strike out "40 per. cent." and insert "10 per. cent." on drugs and medicines.

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

**AYES**—Messrs. Speaker, Baker, Clark, English, Gant, Hardiman, Jones of Brazoria, Linn, Lumpkin, Patton, Pierpont, Ponton and Rowlett—13.

**NOES**—Messrs. Burleson, Brenan, Douglass, Grigsby, Jack, Menifee, M'Kinney, Rusk, Sutherland, Thompson and Thornton—11: adopted.

A message was received from the Senate informing the House that they had concurred in the bill to compensate the Commissioners to locate the seat of government, and that they had passed a joint resolution to elect a joint committee, &c.

On motion of Mr. Sutherland, "cotton and wool cards 12 1-2 per. cent. advalorem" was added to the fifth section: the bill was ordered to be engrossed for a third reading.

An act from the Senate granting certain privileges to the steam ship Columbia, &c., &c., was taken up and read a first time.

A joint resolution amended by the Senate was taken up and amendments concurred in.

On motion of Mr. Gant the clerk was instructed to inform the Senate of the select committee to whom was referred the message of the Secretary of the Treasury,

and that they would act as a joint committee on the part of the House.

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

SATURDAY, 10 O'CLOCK, Dec. 2, 1837.

The House met pursuant to adjournment.

Prayer by the chaplain.

The journal of the preceding day being read,

Mr. Baker, chairman of the committee on enrolled bills reported the following bills as having been examined and found correctly enrolled :

"An act amendatory to the several ordinances granting bounty lands.

"A joint resolution allowing the Secretary of War an additional clerk.

"A joint resolution for the relief of Manuel Carabajal."

Mr. Jack, from the select committee to whom was referred the report of the Judiciary Committee on the propriety of appointing a person to compile and make a digest of the laws, reported a joint resolution to that effect read a first time, and report concurred in.

Mr. Rusk announced to the House the death of *Deaf Smith*, and offered the following resolutions, which were unanimously adopted:

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Messrs. Rusk, Jones of B., and Baker, were appointed the committee to inform the Senate.

A Joint Resolution, to appoint a Joint Committee to examine the proposals to locate the Seat of Government permanently, was read first time.

On motion of Mr. Burleson, the bill for the protection of the Frontiers was taken up on its second reading,

And, on his motion, the House went into committee of the whole on the same.

Mr. Lumpkin in the Chair.

The committee rose, and their chairman reported progress, and asked leave to sit again, which was not granted.

And on motion of Mr. Patton, the bill as amended, was referred to a select committee to report on Monday.

Messrs. Patton, Rusk, Branch, Sutherland and Brenan were appointed said committee.

A message was received from the Senate, informing the House that they had concurred in "a bill to authorize the Treasurer to issue change notes."

And "a Bill to reduce into one act the several acts relating to the establishment of a General Land Office, with amendments."

A committee consisting of Messrs. Wharton, Barnett and Rains, was received from the Senate, informing the House that they would concur in the resolutions of the House, relating to Deaf Smith, and informing them they had appointed a committee to act with a similar committee on the part of the House, relating to the erection of a monument, &c. The resolution was concurred in, and the committee, Messrs. Rusk, Patton and Baker, were appointed.

The Land Bill was taken up as amended by the Senate.

The amendment of the 12th section relating to widows and the representatives of orphans, subscribing to a certain portion of the oaths for the confirmation of claims disagreed to.

On motion of Mr. Jack the House adjourned till half past 2 o'clock, p. m.

THREE O'CLOCK, P. M.

The House met.

The clause of the amendment to 12th section which relates to the decision of the Board of Land Commissioners on claims under the Colonization Law, stricken out, and the remainder of the amendment agreed to.

Ayes and noes on disagreeing.

AYES—Messrs. Speaker, Burleson, English—3.

NOES—Messrs. Baker, Branch, Brenan, Clark, Douglass, Grigsby, Gant, Hardiman, Hill, Jones of B., Jack, Linn, Lumpkin, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson, Thornton, 23—concurred in.

On motion of Mr. Branch, that part of the amendment to section 17, relating to settlers or occupants under the laws of the Provisional Government, was disagreed to.

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Clark, Douglass, English, Grigsby, Gant, Hardiman, Hill, Jones of B., Jack, Linn, Lumpkin, Menifce, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson and Thornton—25.

**NOES**—Mr. Breuan—1.

The remainder of the amendment disagreed to.

The amendment to 29d section disagreed to.

Amendment to 29th section relating to volunteers : concurred in.

That portion relating to 1st August and 1st October : disagreed to ; and the words "or may hereafter," relating to discharges inserted, and, "or may have died." "Provided that no person who is entitled to the benefit of the first part of this section of the act shall be entitled to the benefit of the last part of the same," was added to the end of the amendment—and second amendment concurred in.

Amendment to 33d section concurred in.

Additional section to come after section 37 : concurred in, relating to locating.

Additional section 39, that part of the amendment relating to running county lines, by the Surveyor, &c., down to the word "Lines," stricken out, and "that each county in the Republic be considered and constitute a section, inserted.

Mr. Gant entered his objection to the same.

As this is intended for such sectionizing as is required by the Constitution, I do hereby record my dissent.

Signed,

W. W. GANT.

The words "so soon as practicable" were inserted, and the amendment concurred in.

Section 40, insert after "claims," the words "all property."

"A message was received from the Senate, informing the House, that they had concurred in an act to provide for the punishment of slaves and free persons of color."

"An act to define the boundaries of the County of Shelby."

"An act relating to the public archives," and amended.

"An act to create a Medical Board."

A Joint Resolution for the relief of G. M. Collingsworth."

Joint Resolution requiring the Auditor to audit the accounts of Col. Weymouth, and asking the House to concur therein.

Mr. Menifee moved to strike out of 40th section, the words "to the amount of \$200 and under, in the hands of original holders."

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

AYES—Messrs. Speaker, Branch, Burleson, Brenan, Douglass, English, Grigsby, Gant, Hill, Jones of B., Jack, Linn, Menifee, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson, Thornton—20.

NOES—Messrs. Baker, Clark, Lumpkin, McKinney, Patton—5. Stricken out.

Mr. Jones of B., moved to insert the words "in the hands of original holders."

On motion of Mr. Gant the House adjourned till ten o'clock Monday morning.

MONDAY, 10 O'CLOCK, Dec. 4, 1837.

The House met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Saturday being read,

The Land Bill was taken up as left on that day.

Mr. Branch moved to insert in the amendment to the 40th section, the words "in the hands of the original holders"—lost

Mr. Rusk offered the following proviso:

*Provided*, That the benefits shall not extend to any one individual for a larger quantity of lands than two leagues and two labors: and any one offering to pay for land in audited paper of the government, shall swear that he has not paid for as much as two leagues and labors in such paper before, either by himself or his agent, which affidavit shall be filed with the Chairman of the Board of Land Commissioners.

The ayes and noes being called for, on the passage of the bill, the vote stood thus:

AYES—Messrs. Baker, Branch, Brenan, Clark, Gant, Hill, Jones of A., Jones of B., Linn, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Thornton—17.

NOES—Messrs. Speaker, Douglass, English, Grigsby, Hardiman, Lumpkin, Sutherland, and Thompson—8.

Mr. Jones of B., moved to disagree to the amendment as amended.

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

AYES—Messrs. Speaker, Branch, English, Grigsby, Jones of B., Lumpkin, Sutherland and Thompson—8

NOES.—Messrs. Baker, Brenan, Clark, Douglass, Gant, Hardiman, Hill, Jones of A., Jack, Linn, Meniffee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, and Thornton: 18. Lost.

On motion of Mr. Rusk, the 42d section relating to navigable streams was disagreed to.

Also the 43d section, allowing the Surveyor General to employ clerks at discretion.

Mr. Jack, Chairman of the Judiciary Committee, to whom was referred the subject of Chief Justices' Elections, reported that in their opinion the election belonged solely to Congress, and offered a resolution inviting the Senate to go into an election to fill the vacancies on the 6th inst.: adopted.

On motion, Messrs. Martin, M'Coy and Boyd were permitted to withdraw their papers.

Mr. Linn asked and obtained leave to withdraw the petition of the citizens of Victoria.

An act to raise a revenue by impost duties was taken up on its third reading.

Mr. Rusk moved to suspend the rule and "30 per cent." was stricken out of the sixth section on articles not enumerated, and "20 per cent." inserted.

On Mr. Jack's motion the words "from and after the first day of January next" were inserted at the end of the eighth section: the bill passed.

The title is "an act to raise a revenue by impost duties."

The joint resolution for the relief of J. M. Clifton, from the Senate, was taken up and read a first time.

On motion of Mr. Rusk the two joint resolutions for the relief of F. W. Thornton were taken up and read a second time, and ordered to be engrossed.

On motion of Mr. Jack the rule was suspended, and the several resolutions reported by the committee on Claims and Accounts taken up.

"A joint resolution for the relief of A. R. Bodman: read a second time and engrossed.

"A joint resolution for the relief of Thos. G. McGhec: read a second time.

On motion of Mr. Sutherland the words "provided he shall not receive more than two hundred dollars" were inserted.

The joint resolution for the relief of Stillman S. Curtis was read a second time, and laid on the table.

On motion of Mr. Baker the vote on the joint resolution for the relief of A. R. Bodman was re-considered, and three dollars per day stricken out, and the words "allowing him such pay as is allowed other clerks for similar services:" ordered to be engrossed.

The joint resolution for the relief of certain persons therein named was taken up on its second reading, and re-committed to the Committee on Claims and Accounts; also the joint resolution for the relief of F. W. Thornton.

A message was received from the Senate informing the House that they had passed a resolution appointing a joint committee to wait upon his Excellency, the President, for certain purposes therein named, and ask the concurrence of the House.

The joint resolution for the relief of the heirs of Thos. F. Edwards, from the Senate: read a first time.

Mr. Linn moved that he be excused from serving on the committee on Claims and Accounts: lost.

On motion of Mr. Douglass the committee on Claims and Accounts were authorized to employ a clerk.

The resolution from the Senate appointing a committee to wait upon the President was taken up and adopted.

Messrs. Rowlett, English and Clark were appointed, the committee on the part of the House.

An act to appoint a board of Medical Censors, from the Senate, was taken up and read a first time.

Mr. Jones, of Austin, moved to suspend the rule and put it on its second reading: lost.

Mr. Patton, chairman of the committee to whom was referred the bills for the protection of the frontier reported a substitute.

The joint resolution from the Senate authorizing the Auditor to audit the claims of D. F. Weymouth was

read a first time and referred to the committee on Claims and Accounts.

The joint resolution, from the Senate, for electing a joint committee to examine and receive proposals for locating the seat of government, was taken up on its second reading.

Mr. Jack moved to strike out "2 and 3," and insert "1 and 2," in the first section.

On motion of Mr. Thompson, the House adjourned till 3 o'clock p. m.

### THREE O'CLOCK, P. M.

The House met pursuant to adjournment, and proceeded to the unfinished business of the morning.

Mr. Lumpkin moved to strike out "committee" and insert "comissioners:" lost.

Mr. Lumpkin moved to strike out "five:" lost.

Mr. Patton offered the following section:

"That the same committee in making their selections shall be careful to select and report upon such places alone as will admit of placing the Capitol at least three miles from any land which may be owned by individuals, and which cannot be purchased by the government: lost.

On motion of Mr. Jones, of Brazoria, the following section was added:

"That the said committee shall have power to make reservation of all vacant lands which may be situated within nine miles of any point which the committee may think proper to designate as a suitable location for the seat of government, and due notice of said reservations shall be forthwith given in at least three public newspapers, and no county surveyor shall survey any land in the said reservations, until after said reservations shall be relinquished by Congress: *Provided*, that it shall not be lawful for said committee to make such reservation in more than five different places.

On motion of Mr. Rowlett the rule was so far suspended as to take up the bill incorporating the towns of Clarksville and Lexington, on its second reading.

On motion, the towns of Goliad, Houston, Jonesbo-



rough, San Patricio, and Milam were inserted, the rule was suspended the bill read a third time and passed.

The title is "an act to incorporate certain towns therein named."

An act to incorporate the city of San Antonio was taken up on its second reading.

Mr. Ponton moved to insert the town of Gonzales: adopted.

Mr. Linn moved to insert Victoria, but only giving that town five aldermen, the rule was suspended and the bill read a third time and passed.

A message was received from the Senate informing the House that they had concurred in an act incorporating the Colorado Navigation Company; and passed a bill incorporating the Neches River Navigation Company: and request the concurrence of the House.

The bill incorporating the towns of Richmond and San Felipe de Austin was taken up and read a second time and ordered to be engrossed.

Mr. Rusk moved to suspend the rule and take up the bill providing for taking testimony by interrogatories: lost.

The joint resolution from the Senate for the relief of George M. Collinsworth was taken up and read a first time and referred to the committee on Claims and Accounts.

Mr. Menifee moved to appoint an additional committee on Claims and Accounts: lost.

Mr. Jack moved to take up the bill incorporating the Bank of Nacogdoches: lost.

On motion of Mr. Rusk, the House adjourned till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

A message was received from the Senate informing the House that they adhered to some of their amendments, and had appointed Messrs. Wharton, Horton and Lester a committee of conference, and asked the house to appoint a similar committee.

On motion of Mr. Rusk the House appointed a committee to confer with the committee of the Senate:

Messrs. Rusk, Branch, Sutherland, Jones of Austin and Thompson were appointed said committee.

The act to incorporate the Neches River Navigation Company, from the Senate, was taken up and read a first time.

The bill for taking testimony by interrogatories was taken up on its second reading.

On motion of Mr. Rusk the following was added:

"*Provided*, in all cases it shall be lawful to take the testimony of females in civil cases in the same manner as herein provided, whether they be residents in the county or not."

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

The title is "an act to provide for the taking of testimony by interrogatories."

The bill to incorporate the city of Houston was taken up on its second reading.

Mr. Thompson offered the following as a substitute:

"*Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled*, that the citizens of the city of Houston and the towns of Washington, Crocket and Refugio, be incorporated under, and entitled to all the privileges granted to the town of Brazoria, under a charter of incorporation, passed at the extra session of this Congress:" adopted.

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

The title is "an act to incorporate the city of Houston and other towns therein named."

The bill to incorporate the Texas Bank was taken up and postponed to the first of May next.

On motion of Mr. English the joint resolution for the relief of John M. Clifton was taken up on its second reading and laid on the table.

An act to incorporate the Texas Steam-Mill Company was taken up on its second reading, and the rule was suspended, and the bill read a third time.

The Ayes and Noes being called for on its final passage, the vote stood thus:

AYES—Messrs. Speaker, Baker, Clark, Grigsby, Jones of Austin, Jones of Brazoria, Jack, Linn, Menifee, and Ponton—10.

NOES—Messrs. Branch, Brennan, Douglass, English,

Gant, Hill, M'Kinney, Pierpont, Rowlett, Sutherland, Thompson, and Thornton—12.

An act for taking the census of the Republic was taken up on its second reading.

On motion of Mr. Rusk the following proviso was added:

"*Provided*, that such compensation shall not exceed one dollar for each family: adopted.

Mr. Jones, of Brazoria, offered a substitute to the bill, providing that the assessors of direct tax should take the census.

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

AYES—Baker, Branch, Brenan, Grigsby, Jones of Brazoria, Jack, Menifee, Ponton, Rowlett, Sutherland and Thornton—11.

NOES—Messrs. Speaker, Douglass, English, Gant, Hill, Jones of Austin, Lumpkin, M'Kinney, Pierpont, Rusk and Thompson—11: lost.

On motion of Mr. Rusk a separate column was added for the citizens of the depopulated counties: the rule was suspended and the bill read a third time and passed.

The title is "an act to provide for taking the census of the republic of Texas."

The Ayes and Noes being called for, on its final passage, the vote stood thus:

AYES—Messrs. Speaker, Douglass, English, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Jack, Lumpkin, Menifee, M'Kinney, Pierpont, Rusk, Rowlett and Thompson—15.

NOES—Messrs. Baker, Branch, Brenan, Gant, Linn, Ponton, Sutherland and Thornton—8: passed.

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

TUESDAY, Dec. 5, 1837.

The House met pursuant to adjournment.

Prayer by the Chaplain.

The journals of the preceding day being read.

Mr. Rusk, from the Committee on Military Affairs, to whom was referred the petition of D. F. Weymouth, reported a joint resolution for his relief; read a first time.

Mr. Baker, chairman of the committee on enrolled bills, reported the following as examined and correctly enrolled:

“A joint resolution authorizing the Treasurer to issue change notes.

“An act to define the boundaries of Shelby county.

“An act to prohibit the further sale of land scrip.

“An act concerning the public archives.

“An act to provide for the punishment of crimes and misdemeanors committed by slaves, and free persons of color.

“A joint resolution making an appropriation for the use of the General Land Office, and to defray contingent expenses of Congress.

“A joint resolution to compensate commissioners to locate the site of the seat of government.”

A communication was received from the Secretary of War with sundry documents, which,

On motion of Mr. Rusk, the same was referred to the committee on Military Affairs, without reading.

On motion of Mr. Rusk the vote respecting the bill incorporating the Texas Steam-Mill Company was reconsidered, and,

On motion of Mr. Jones, of Brazoria, referred to a select committee:

Messrs. Jones of Brazoria, Rowlett and Patton were appointed the committee.

A message was received from the Senate, informing the House that they had passed an act supplementary to an act for the suppression of gambling, and requested the House to concur therein.

Mr. Rusk, from the committee on Military Affairs, reported a joint resolution for the relief of certain persons who had served in the Indian campaign under Col. K. H. Douglass: read a first time.

Mr. Rusk moved to suspend the rule and place the bill on its second reading: lost.

The joint resolution for the relief A. R. Bodman, read a third time and passed, and that is the title.

A joint resolution for the relief of Thomas G. M'Gee was taken up and read a third time, and the rule was suspended, and the words "First Auditor" inserted on motion of Mr. Rusk: and the bill passed.

The act from the Senate, supplementary to an act for the suppression of gambling, was taken up and read a first time.

Mr. Thompson moved to postpone the bill to the first of May, 1838: lost.

A message was received from the Senate, informing the House that they had passed an act to allow the Auditor and Treasurer to draw their salaries monthly; and that they had passed a resolution to refer the acts defining the boundaries of Jasper, Liberty, and San Augustine, to a committee, consisting of Messrs. Horton and Lester to report on the same, with a similar committee on the part of the House.

On motion of Mr. Jones, of Brazoria, the bill for the suppression of gambling was referred to a committee of three, to report on day after to-morrow:

Messrs. Jones of Austin, Jack and Ponton were appointed the committee.

The bill for the protection of the frontier was taken up, on motion of Mr. Patton, and the House went into Committee of the Whole, on the same.

Mr. Jones of Brazoria in the chair.

A message was received from the Senate, informing the House that they had passed an act supplementary to an act incorporating the Colorado Navigation Company, and requested the House to concur therein.

The committee rose, and their chairman reported the bill as amended, and that the committee had rejected the same, and asked to be discharged.

On motion, the report was concurred in.

On motion of Mr. Rusk the bill was laid on the table.

The act from the Senate supplementary to an act

incorporating the Colorado Navigation Company was taken up and read a first time.

On his motion the rule was suspended, and the bill placed on its second and third reading.

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

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill supplementary to an act incorporating the Colorado Navigation was taken up as left in the morning.

On motion of Mr. Thompson the rule was suspended, and the bill amended by adding the words "*provided* said determination not to purchase or annul on the part of Congress, shall not preclude them from the right of purchasing at any future time.

The Ayes and Noes being called for, on the passage of the bill, the vote stood thus:

AYES—Messrs. Baker, Branch, Clark, Douglass, English, Grigsby, Jones of Austin, Jones of Brazoria, Jack, Lumpkin, Menifee, M'Kinney, Pierpont, Patton, Ponton, Rusk, Rowlett, Thompson and Thornton—19.

NOES—Messrs. Burleson, Brenan, Gazley, Gant, Hill, Linn and Sutherland—7: passed.

Mr. Jones, of Brazoria, asked leave to withdraw the papers relating to the schooners Fanny Butler, Watchman, &c.: granted.

A resolution from the Senate appointing a committee to act on the bills fixing the boundaries of the counties of Jasper, Liberty and San Augustine, concurred in, and,

On motion of Mr. Branch, a committee of three were appointed, on the part of the House, to act with said committee from the Senate:

Messrs. Sutherland, Jones of Austin, and Menifee were appointed the committee.

A joint resolution from the Senate for the relief of John M. Clifton was taken up on its second reading.

Mr. Thompson moved to suspend the rule and place the bill on its third reading.

Mr. Moody was sent for, to give the House some information in regard to the same.

On motion of Mr. Gant the words "for his expenses for enlisting and mustering into the service of Texas, ninety-seven men, in the spring of 1837" were added, and,

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

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

AYES—Messrs. Speaker, Burleson, Brenan, Clark, Douglass, English, Gazley, Grigsby, Gant, Jones of Brazoria, Jack, Linn, Menifee, Pierpont, Ponton, Rowlett, Sutherland, Thompson and Thornton—19.

NOES—Messrs. Branch, Hill, Lumpkin, M'Kinney, Patton and Rusk—6: passed.

A message was received from the Senate informing the House that they had passed a joint resolution allowing the President to employ a private secretary; and an act to prevent the issue of printed or lithograph change notes, and requesting the concurrence of the House therein.

The act to incorporate the towns of San Felipe de Austin, and Richmond, was taken up on its third reading.

On motion of Mr. M'Kinney the rule was suspended and the town of Lagrange, in Red River county, inserted: the bill then passed, and,

The title is "an act to incorporate the towns of San Felipe de Austin, Richmond, and Lagrange."

On motion of Mr. Jack the bill to incorporate the Brazoria Insurance Company was taken up on its second reading.

On motion of Mr. Rusk all of the 7th section from the word "and" in the fifteenth line was stricken out.

On motion of Mr. Gant "forty-nine years" was stricken out and "thirty" inserted.

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

The title is "an act to incorporate the Brazoria Insurance Company."

The act to create a Board of Medical Censors was taken up on its second reading.

On motion of Mr. Jones, of Brazoria, the words "a majority," were stricken out and "one-third" inserted in the fourth section.

A message was received from the Senate informing the House that they had concurred in a bill to incorporate the city of San Antonio, and other towns therein named, and that they had passed a bill to authorize extra sessions to be held by the District Court of Brazoria county, and asked the House to concur therein.

The House then adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, 10 O'CLOCK, A. M., Dec. 6, 1837.

The House met pursuant to adjournment.

Prayer by the chaplain.

The journals of the preceding day being read,

Mr. Rowlett, chairman of the committee on Indian Affairs, to whom was referred that portion of the President's message relating to our Indian Affairs, reported that they had had the same under consideration, and were of opinion that five or six trading houses properly protected would speedily conduce to favorable relations with the great Comanche tribe, and their dependents of the same, and the Kickapoos, Shawnees, Delawares, and other small tribes, and that the force necessary to protect such establishments would be sufficient to chastise the hostile tribes which still continue to depredate on our defenceless settlements; they would not recommend the passage of any law enforcing on his Excellency the responsibility of declaring martial law on our frontier.

On motion the report was concurred in.

Mr. Douglass, chairman of the Committee on Claims and Accounts, reported sundry accounts acted on, with resolutions to carry out the report which was laid on the table, on motion of Mr. Gant, without reading.

Mr. Jones, of Brazoria, from the select committee to whom was referred the bill to incorporate the Texas Steam Saw-Mill Company, reported the same amended, and recommended the passage of the same.

Mr. Gazley, from the committee on Printing, reported a joint resolution to have printed certain papers, &c.: read a first time.



The bill to incorporate the Texas Steam Saw-Mill Company was taken up, and,

On motion, the amendments were adopted, and the bill read a third time, and,

The Ayes and Noes being called for, on the passage of the bill, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Clark, Gazley, Grigsby, Hardiman, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Menifce, Ponton, Rusk and Thornton—15.

**NOES**—Messrs. Burleson, Brenan, Douglass, English, Gant, Hill, M'Kinney, Pierpont, Rowlett, and Sutherland—10: passed, and the title is as above.

The bill from the Senate to prohibit the issue of printed or lithograph change notes was taken up and read a first time, and,

On motion of Mr. Menifce the rule was suspended, and the bill placed on its second reading.

On motion of Mr. Rusk the fine was fixed at not less than \$5 nor more than \$50.

Mr. Jack moved to insert the words "not less than amounts under five dollars."

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

**AYES**—Messrs. Jack and Jones of Brazoria—2.

**NOES**—Messrs. Speaker, Baker, Burleson, Brenau, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Linn, Lumpkin, Menifce, M'Kinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Thornton—24: lost.

On motion of Mr. Jones, of Brazoria, the word "with-in" was stricken out, and the words "after to day" inserted.

On motion of Mr. Menifce the rule was suspended, and the bill read a third time, by its caption, and passed.

The act to authorize the President to employ a private secretary was taken up and read a first time.

On motion of Mr. Patton a committee consisting of Messrs. Patton, Jack and Menifce was appointed to wait on the Senate to request them to inform the House what action they had taken on the resolution inviting them to meet in joint session to elect chief justices to fill vacancies in that office.

The act from the Senate authorizing the District Court of Brazoria county, to hold extra sessions, taken up and read a first time.

The joint resolution from the Senate authorizing the Treasurer and Auditor to draw their salaries monthly was taken up and read a first time.

The act to create a Medical Board of Censors was taken up, as left yesterday, on a second reading.

The word "medicines" was inserted in the first section, on motion of Mr. Jones, of Brazoria, and,

On his motion, the proviso to the 10th section, relating to "diplomas," was stricken out.

On motion of Mr. Patton, "nor hold a commission in the Army or Navy" inserted.

On motion of Mr. Jones of Brazoria, the rule was suspended, and the bill read third time.

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

AYES—Messrs. Speaker, Baker, Clark, Douglass, Gazley, Grigsby, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Patton, Pierpont, Rusk, and Rowlett—17.

NOES—Messrs. Burleson, Brenan, English, Gant, Menifee, M'Kinney, Ponton, Sutherland and Thornton—9: the bill passed.

A committee from the Senate, Messrs. Everitt and Wharton, was received, informing the House that the Senate were in doubt respecting the appointment of the office of Chief Justice; and that they had passed a resolution appointing a committee to act in conjunction with a similar committee on the part of the House to examine and report on the subject, and that the Senate declined acting in joint session until after said committee should report.

A message was received from the Senate informing the House that they had concurred in the amendments to the bill for the relief of J. M. Clifton, made by the House; and that they had passed a joint resolution for the relief of the officers and crew of the schooner of war Independence; and for the relief of Edmund P. Crosby; and requesting the concurrence of the House therein.

The bill granting privileges to the steam-ship Columbia, was taken up on its second reading.

Mr. Jones, of Austin, moved to insert after "mail" "all public property and accredited agents of the government:" lost.

On motion of Mr. Jones, of Brazoria, the following additional section was added:

"That should such steam-boats carry any freight to or from the Republic they shall pay tonnage duty on the amount of actual freight so carried, and,

On his motion, the bill was laid on the table.

The bill to incorporate Neches Navigation Company was taken up, and,

On motion of Mr. Douglass, postponed till the first of May next.

On motion of Mr. Rusk the vote was re-considered.

Mr. Jones, of Austin, moved to postpone the bill indefinitely.

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

AYES—Messrs. Baker, Gant, Hill and Jones of Austin—4.

NOES—Messrs. Speaker, Burleson, Brennan, Clark, Douglass, English, Grigsby, Hardiman, Jack, Linn, Lampkin, Meniffee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Thornton—20: lost.

The bill on the same subject, now, is the order of the day.

On motion of Mr. Jack the bill was read, and,

On motion of Mr. Rusk, referred to a select committee of three, to report to-morrow.

Messrs. Rusk, Grigsby and Hill were appointed said committee.

The resolution from the Senate to appoint a joint committee to report on the subject of electing Chief Justices was read and concurred in.

Messrs. Gazley, Rusk, Patton and Gant were appointed said committee.

The joint resolution for the relief of Edmund P. Crosby, from the Senate, was taken up and read a first time.

The bill for the relief of the officers and crew of the schooner of war Independence, was taken up and read a first time.

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 they had passed a resolution to adjourn on the 15th inst., and requested the House to concur therein.

The bill to unite in one the War and Navy Departments, was taken up on its second reading.

Mr. Jack offered an additional section to consolidate the State and Treasury Departments, and to require the Secretary of State to discharge the duties of both.

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

AYES—Messrs. Speaker, Branch, Brennan, English, Grigsby, Jack and Patton—7.

NOES—Messrs. Baker, Clark, Gazley, Gant, Hill, Jones of Austin, Linn, Menifee, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson and Thornton—15: lost.

Mr. Rusk moved to instruct the Judiciary Committee to report a bill to unite in one, the State and Treasury Departments, to-morrow: lost.

The resolution from the Senate relative to the adjournment was taken up, and,

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

The bill to re-organize the Army was taken up on motion of Mr. Branch, and laid on the table.

The bill relating to the Secretary of the Treasury was taken up on its second reading.

Mr. Gant moved to insert the words "Post-Master General."

On motion of Mr. Rusk the bill was referred to the Judiciary Committee.

The bill to amend the Post Office Law was taken up on its second reading.

Mr. Branch moved to strike out "four" and insert "one:" adopted.

The bill was then ordered to be engrossed for a third reading.

The bill authorizing persons to dispose of property by

will was taken up on its second reading, and the rule was suspended and the bill read a third time and passed, and the title is as above.

On motion of Mr. Rusk the bill for granting of injunctions was taken up on its second reading.

On motion of Mr. Rusk the words "if a resident of the county" were inserted.

On motion of Mr. Thompson "three days" were stricken out, and "as soon after as practicable" inserted.

On Mr. Jack's motion the words "and the said notice shall be sufficient, if served on the party or his counsel."

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

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THURSDAY, 10 O'CLOCK, Dec. 7, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M'Gowan.

The journal of the preceding day being read,

Mr. Rusk, chairman of the Committee on Military Affairs, reported that they had had the claims of Dr. Anson Jones under consideration, and that, satisfied of their correctness, they report a joint resolution requiring the Auditor to audit the same: read a first time.

Mr. Rusk, from the committee of conference on the land bill reported the amendments as agreed to by them, which were severally read and agreed to, and the clerk of the House instructed to inform the Senate of the same.

Mr. Baker, from the Committee on Enrolled Bills, reported the following bills as examined, and found correctly enrolled:

"An act to incorporate the Colorado Navigation Company."

"An act to incorporate the city of San Antonio, &c."

Mr. Branch, from the committee on Foreign Relations, to whom was referred so much of the President's message as related to that subject, and the Secretary of State's report, reported a joint resolution relative to Legations: read a first time.

A joint resolution relating to Consulates: read a first time.

The bill relating to injunctions was taken up and referred to the judiciary committee on Mr. Gant's motion.

On motion of Mr. Jack the rule was suspended, and he introduced a joint resolution relating to our Minister to the United States, which was read a first time.

Mr. Rusk, from the committee to whom was referred the bills relative to the Navigation of the Neches and other rivers, reported the same without amendment.

The bill granting certain privileges to the steam-ship Columbia was taken up on its second reading.

Mr. Gant moved to postpone the bill indefinitely.

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

AYES—Messrs. Burleson, Clark, Grigsby, Gant, Hill, Jones of Austin, Jack, M'Kinney, Patton, Pierpont and Rowlett—11.

NOES—Messrs. Speaker, Baker, Branch, Brennan, Gazley, Hardiman, Jones of Brazoria, Linn, Menifee, Ponton, Sutherland, Thompson and Thornton—13: lost.

Mr. Patton moved to postpone the bill till the first of May next.

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

AYES—Messrs. Speaker, Burleson, Clark, Douglass, English, Grigsby, Gant, Hill, Jones of Austin, Jack, M'Kinney, Patton, Pierpont, Rowlett, Thompson and Thornton—16.

NOES—Messrs. Baker, Branch, Brennan, Gazley, Hardiman, Jones of Brazoria, Linn, Menifee, Ponton and Sutherland—10: postponed till the first of May next.

A message was received from the Senate informing the House that they had passed a bill to incorporate the Brazos and Trinity Navigation Company; and an act to sustain the currency of the country, and that they had amended the resolution for the relief of John Buchanan.

The bill to amend the several laws regulating the Post Office Department was taken up and read a third time by its caption, and passed, and the title is as above.

The bill from the Senate to sustain the currency was taken up and read a first time, and the rule was suspended, and the bill placed on its second reading.

Mr. Sutherland moved to insert "all properly audited accounts."

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

**AYES**—Messrs. Speaker, Burleson, Douglass, English, Gant, Hardiman, Menifee, Sutherland—8.

**NOES**—Messrs. Baker, Branch, Brenan, Clark, Gazley, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, M'Kinney, Patton, Pierpont, Ponton and Rowlett—16: lost.

On Mr. Jack's motion the word "promissory" was inserted in place of "Treasury."

Mr. Sutherland moved to postpone the bill indefinitely.

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

**AYES**—Messrs. Speaker, Burleson, Douglass, and Sutherland—4.

**NOES**—Messrs. Baker, Branch, Brenan, Clark, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jack, Linn, Menifee, M'Kinney, Patton, Pierpont, Ponton, Rusk, Rowlett and Thornton—21: lost.

A message was received from the Senate informing the House that they had passed a joint resolution for the relief of J. M. Garrett; a joint resolution requiring the Auditor to settle the accounts of W. T. Brennum, and requesting the House to concur therein.

On Mr. Patton's motion the words, "nor shall any Bank notes be received in payment," were added to the currency bill, the rule was suspended and the bill read a third time.

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

**AYES**—Messrs. Speaker, Baker, Burleson, Brenan, Clark, Gazley, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Menifee, M'Kinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Thompson and Thornton—23.

**NOES**—Messrs. Branch, Douglass and Sutherland—3: the bill passed.

The joint resolution amended by the Senate, for the relief of John Buchanan, was taken up and the amendment disagreed to.

A message was received from the Senate informing the House that they had passed a bill to define the boundaries of Jasper county, and requested the House

to concur therein; and that they had concurred in the report of the Committee of Conference on the Land Bill.

On motion, Mr. Rusk was added to the Committee on Enrolled bills, and,

On motion of Mr. Branch, the enrolling clerk was authorized to employ a clerk to make a copy of the bill, and furnish the same to be printed.

A message was received from the Senate informing the House that they had concurred in the amendment made to the currency bill.

On motion of Mr. Jack the House adjourned till 3 o'clock, p. m.

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill from the Senate to define the boundaries of Jasper county was taken up and read a first time, and the rule was suspended, and the bill placed on its second reading.

On motion of Mr. Thompson the words "Irish Bayou" were stricken out, and "Bear Creek" inserted, "and thence up Bear Creek to the bridge," also added.

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

On his motion, the rule was suspended, and the bill read a third time.

On Mr. Thompson's motion, all that relates to appointing commissioners to locate the seat of justice was stricken out, and "Jasper shall be the seat of justice" was inserted.

On motion, the bill was read a third time, by its caption, and passed.

The bill making reserve of certain land for the redemption of Naval and Military scrip was taken up on its second reading.

A message was received from the Senate informing the House that they had amended the bill creating the county of Montgomery, and had receded from their amendment to the bill for the relief of John Buchanan, and requested the House to concur in the amendment.

A committee consisting of Messrs. Wharton and Burnett was received from the Senate, informing the House



that, as a testimony of respect to the gallant Milam, who fell at San Antonio this day two years ago, they will adjourn, at half past 4 o'clock, till to-morrow 10 o'clock, and request the House to concur therein.

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

FRIDAY, Dec. 8, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M'Gowan.

The journal of the preceding day being read,

Mr. Gazley, from the Joint Committee to examine and report on the appointment of chief justices of the county courts, reported that, in their opinion, from an examination of the laws, &c., the President had not the power of filling said offices, but that it was the duty of Congress, except in certain cases, to cover which, they report a joint resolution, which was read a first time.

On motion of Mr. Thompson the report was concurred in, and adopted.

On Mr. Patton's motion a committee was appointed to invite the Senate to act with them in joint session, to-morrow at 10 o'clock, for the purpose of filling all vacancies in the office of Chief Justices of the County Courts:

Messrs. Patton and Grigsby were appointed said committee.

On motion of Mr. Gazley, the bill making an appropriation, to have certain printing executed, was taken up on a second reading.

On motion of Mr. Jones of Brazoria, the words "of the promissory notes of Government" were inserted.

On motion of Mr Rowlett, the rule was suspended, and the bill placed on its third reading, and laid on the table, on motion of Mr Jack.

The bill creating the county of Montgomery, as amended by the Senate, was taken up, and,

On motion of Mr Hill, the amendment relating to the Seat of Justice, was disagreed to, and the amendment relating to the lower line concurred in.

The bills from the Senate to create the Brazos and Trinity Navigation Companies, was taken up, and,

On motion of Mr. Jack, rejected.

The bill from the Senate requiring the Auditor to settle with W. T. Brennan; and the bill for the relief of John Garrett were taken up and read first time.

The bill from the Senate, authorizing extra sessions of the District Court of Brazoria, was taken up on its second reading.

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

"*Be it enacted, &c.*, That the District Courts in and for the county of Matagorda, shall hereafter commence on the third Monday after the first Mondays in March and September, and continue in session one week and no longer; and in the county of Jackson, on the fourth Mondays after the fourth Mondays of March and September, and continue one week and no longer."

On motion of Mr. Jack, the rule was suspended, and the bill read third time by caption, and passed, and

The title is "an act regulating the time of holding the District Courts of Brazoria, Matagorda and Jackson counties."

The joint resolution from the Senate, allowing the President a Private Secretary, was taken up, and,

Mr Douglass moved its indefinite postponement.

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

**AYES**—Messrs. Speaker, Burleson, Brennan, Grigsby, Douglass, Gant, Hill, Jack, Lumpkin, Meniffee, M'Kinney, Pierpont, Rowlett, Sutherland and Thompson—15.

**NOES**—Messrs. Clark, English, Gazley, Hardiman, Jones of Austin, Jones of Brazoria, Linn, Patton, Ponton and Thornton—10: indefinitely postponed.

The resolution from the Senate, relative to the adjournment was taken up, and,

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

The joint resolution from the Senate, to pay the officers and crew of the schooner Independence, was taken up on its second reading, and,

On motion, laid on the table.

The joint resolution from the Senate, authorizing the Auditor and Comptroller to draw their salaries monthly, was taken up, and,

On motion of Mr. Jack, rejected.

The joint resolution from the Senate, for the relief of Edmund P. Crosby, was taken up and read second time.

On motion of Mr. Jones of Austin, the words "and that the account is just" were inserted.

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

The bill for the relief of the heirs of Thomas F. Edwards, was taken up on its second reading, and,

On Mr. Jack's motion, postponed indefinitely.

A message from the Senate was received, informing the House that they had concurred in the amendment to the bill, creating a Board of Medical Censors; and the bill for the relief of John Woodruff.

The bill making a reserve for paying Military Scrip, was taken up, and,

On motion of Mr. Jones of Austin, laid on the table.

The bills to incorporate the Neches Navigation Company, and to clear out the obstructions to the navigation of the Neches and Angelina Rivers, were taken up, and,

On motion of Mr. Jones of Brazoria, laid on the table.

The bill to re-organize the army, was taken up on its second reading, and,

On Mr. Thompson's motion, referred to a select committee.

Messrs. Douglass, Patton, Burleson, Thornton, Sutherland and Hill were the committee appointed to report to-morrow.

The bill to exempt certain counties from land taxes, was taken up, and,

On motion of Mr. Burleson, indefinitely postponed.

The bill to appropriate money to the owners of the schooner San Jacinto, was taken up, and,

On Mr. Patton's motion, postponed to the adjourned Session.

The act appropriating money to the Hospital, was taken up, and,

On motion of Mr. Sutherland, indefinitely postponed.

The bill to incorporate the University of Texas, was taken up, and postponed till the first of May next.

**AYES.**—Messrs. Clark, English, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Lumpkin, ~~Meitice~~, Pierpont, Patton, Ponton, Rowlett, Sutherland, Thompson and Thornton.—17.

**NOES**—Messrs. Speaker, Burlison, Brenan, Douglass, Jack and Linn.—6.

The joint resolution authorizing the Secretary of the Treasury to receive Military Scrip for lots on Galveston Island, was taken up and postponed until the next session,

On motion of Mr. Thompson.

The joint resolution for the relief of Stillman S. Curtis, was taken up on its second reading,

On motion of Mr. Menifee, the words "First Auditor" in place of "Treasurer," were inserted in the bill.

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

**THREE O'CLOCK, P. M.**

The House met, no quorum appearing, the House adjourned to 10 o'clock, to-morrow morning.

**SATURDAY, 10 O'CLOCK, A. M., Dec. 9, 1837.**

The House met pursuant to adjournment.

Prayer by the Reverend Mr. McGowan.

The journal of the preceding day being read,

The joint Resolution for the relief of Stillman S. Curtis was taken up, and,

Mr. Gant offered a substitute for the same, which was adopted; and

On motion of Mr. Brenan, the rule was suspended, and the bill read a third time by its caption, and passed.

The bill to incorporate the Neches Navigation Company, was taken up on its second reading.

On motion of Mr. Gant, the bill was postponed till next Session.

The bill to render the Neches and Angelina Rivers navigable, was taken up.

Mr. Sutherland moved to strike out all that part of the bill which appropriates Public Lands, &c.

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

**AYES**.—Messrs. Burlison, Clark, Gant, Hill, Jones of Austin, Jones of Brazoria, Lumpkin, Menifee, McKin-

ney, Patton, Pierpont, Ponton, Rowlett, Sutherland and Thornton.—15.

**NOES.**—Messrs. Speaker, Brenan, Douglass, English, Grigsby, Hardiman, Jack, Linn, Rusk and Thompson.—10: Adopted.

Mr. Gant moved to postpone to first of May. Lost.

On motion of Mr. Thompson, the words "two cents per acre" were inserted in the bill; the rule was suspended, and the bill read third time.

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

**AYES.**—Messrs. Burleson, Brenan, Douglass, English, Grigsby, Hardiman, Jones of Austin, Jones of Brazoria, Jack, Linn, Memifee, McKinney, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson and Thornton.—19.

**NOES.**—Messrs. Speaker, Clark, Gant, Hill and Lumpkin.—5: Passed.

The title is an act to clear out the Rivers Angelina, Attoyac and Neches.

The bill for the relief of John Garrett, from the Senate, was taken up on a second reading.

A message from the Senate was received, informing the House that they had concurred in the bill creating the county of Fayette, and the bill to define the boundaries of Washington County, with amendments; and the bill creating the county of Montgomery, with amendments, and request the House to concur therein; also a joint resolution for the relief of Dugald Brown; a joint resolution for the relief of G. W. Bonnell, which they request the House to concur in.

The bill for the relief of the officers and crew of the schooner Independence, was taken up on a second reading.

On motion of Mr. Jones of Brazoria, so much as provides for a new issue of promissory notes was stricken out, and "out of the promissory notes of the Government" inserted, and ordered to be engrossed.

The bill to require the Auditor to settle with W. T. Brennum, was taken up on a second reading, and ordered to be engrossed.

The bill creating the county of Fayette, as amended by the Senate, was taken up, and amendment agreed to.

A communication from the Senate was received, informing the House that the Senate declined acting in joint session until after the committee to examine the subject relative to appointing Chief Justices, &c., had reported to them.

The bill creating the county of Fort Bend, as amended by the Senate, was taken up, and

Mr. Jack offered a substitute to the same, which was adopted.

The joint resolution for the relief of G. W. Bonnell, and the joint resolution for the relief of Dugald Brown, were taken up and read a first time, and referred to the Committee on Claims and Accounts.

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

Mr. Gant offered a substitute for the same which was adopted.

On motion of Mr. Branch, from the word "as," 10th line, section second was stricken out, and the words "as the said Laws and Journals shall be printed to transmit by mail, a copy of said Laws and Journals to each of the Chief Justices, Members of Congress, Magistrates, Clerks, Sheriffs, Coroners and Constables, of the several counties of the Republic;" adopted.

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

The title is an act to provide for the publication of the Laws and Journals.

A committee of Messrs. Everitt and Dunn was received from the Senate informing the House, that they had differed from the House on the report of the Committee of Conference, relative to the appointment of Chief Justices, and that they would act on the report on Monday next, and inform the House of their decision.

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

#### THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Baker, Chairman of the Committee on County Boundaries, reported a bill to define the boundaries of Brazoria County.

On motion, the rule was suspended, and the bill read a second time, and ordered to be engrossed for a third reading.

On motion, the report of the Committee on claims and Accounts, was taken up.

A joint resolution for the relief of J. J. Linn was taken up, on its second reading.

On motion of Mr. Hill, "promissory notes" was stricken out, and,

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

A joint resolution for the relief of F. W. Thornton, was taken up on a second reading,

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

A joint resolution requiring the Auditor to pay F. W. Thornton, was taken up on a second reading.

On motion of Mr. Patton, the words "Treasurer" and "promissory notes" were stricken out.

On Mr. Rusk's motion, laid on the table.

On motion of Mr. Sutherland, the vote on the resolution for the relief of J. J. Linn, was reconsidered and laid on the table.

A message was received from the Senate, informing the House that they had concurred in the several bills to define the boundaries of Gonzales, Robertson, Fannin, Jackson and Minn. with amendments, and a resolution respecting Jackson county, and requested the House to concur therein.

On motion of Mr. Rusk, the orders of the day were suspended, and the joint resolution for the relief of A. Logrand was taken up on its second reading.

On his motion the rule was suspended, and the bill read a third time and passed.

The joint resolution for the relief of H. C. Hudson, was taken up on its second reading, and,

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

The joint resolution for the relief of R. R. Royall, was taken up on its second reading.

On motion of Mr. Thompson, the bill and vouchers accompanying the same were referred to a select committee of three; Messrs. Thompson, Gazley and Menifee, are the committee.

A message from the Senate was received, informing the House that they had concurred in the bill for clear-

ing out the Attoyac, Angelina, &c.; and the bill for defining the boundaries of Liberty county, and have passed an act placing Captain Sylvester's company on the same footing as other volunteers.

Leave was granted to Mr. Thompson to withdraw the papers of A. E. C. Johnson.

The bill for the relief of Colonel John Forbes was taken up on its second reading; the Auditor was invited in to give information respecting the same; the rule was suspended and the bill read a third time.

The Ayes and Noes being called for on the final passage of the bill, the vote stood thus:

**Ayes**—Messrs. Speaker, Baker, Douglass, Gazley, Grigsby, Gant, Hardiman, Jones of Austin, Jones of Brazoria, Jack, Linn, Ponton, Rowlett, Sutherland and Thompson—15.

**Noes**—Messrs. Branch, Brenan, Clark, English, Hill, Lumpkin, Menifee, McKinney, Patton and Pierpont.—10: passed.

The bill for the relief of Kitty McCoy was taken up on its second reading,

On motion of Mr. Patton, "\$78" was stricken out, and the whole amount of her claim inserted, \$378.

Mr. Branch moved to insert the words and to "audit the accounts of all others who had property destroyed by the soldiers, going to and returning from the army."

Mr. Gant wished to amend the amendments, but the Speaker decided it out of order, as the amendment of Mr. Branch had been adopted.

An appeal being called for from the Speaker's decision, the vote stood thus:

**Ayes**—Messrs. Baker, Branch, Brenan, Clark, Douglass, English, Gazley, Grigsby, Hardiman, Hill, Jones of Austin, Jack, Linn, Lumpkin, Menifee, McKinney, Ponton, Rowlett, Sutherland and Thornton—20.

**Noes**—Messrs. Gant, Patton, Pierpont and Thompson—4: Speaker sustained.

On motion of Mr. Linn, so much of the report as refers to committing the accounts of Colonel Weymouth, to the Committee on Military Affairs, was concurred in.

The bill creating the county of Fannin, amended by the Senate, was taken up, and the amendment concurred in.



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

**Ayes**—Messrs. Speaker, Baker, Brenan, Clark, Douglass, Grigsby, Gazley, Hardiman, Hill, Jones of Brazoria, Linn, McKinney, Patton and Rowlett—14.

**Noes**—Messrs. Branch, Burleson, Gant, Jones of Austin, Jack, Lumpkin, Menifee, Pierpont, Ponton, Sutherland and Thompson—11.

MONDAY, 10 O'CLOCK, A. M., Dec. 11, 1837.

The House met pursuant to adjournment.

Prayer by the Reverend Mr. Fowler.

The reading of the journal was dispensed with to enable the Clerk to amend an error in the taking of the Ayes and Noes.

Mr. Douglass, from the Committee on Claims and Accounts, to whom was referred the joint resolution for the relief of Dugald Brown and G. W. Bonnell, reported that they could not take it upon themselves to decide upon the bills, as the Senate had passed them, and returned them therefore to the House. The report was concurred in.

The bill amended by the Senate, to define the boundaries of the county of Jackson, was taken up, and,

On motion of Mr. Sutherland, the following substitute was adopted, to the amendment of the Senate: That there shall be an election held at the house of John McHenry and Philip Dimmitt, on the first Monday of January next, to be presided over by such persons as the voters may appoint; at which election the question shall be upon the annexation of a part of Victoria County to the county of Jackson, and the voters shall be confined to that portion of the county six miles west of the La Bacca River, and should a majority of the voters be in favor of being attached to Jackson, it shall be so done; if a majority be in favor of remaining in Victoria, the line shall remain as it now is.

A message was received from the Senate informing the House that they had passed a joint resolution to purchase the steam-ship Pulaski, and requesting the House to concur therein.

The bill from the Senate, making an appropriation for paying the soldiers of the Army and Navy, was taken up and read a first time, and,

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

On motion of Mr. Jones, of Brazoria, from the word "and," to the bottom of the second section was stricken out, and "if there be any endorsement or appearance of endorsement on any draft, the holder shall be required to produce satisfactory proof, to the Treasurer, that the said draft has never been sold or transferred," inserted.

On motion of Mr. Rusk, the words, "of the promissory notes of the government" were inserted after the word "dollars."

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

The Ayes and Noes being called for, on its final passage, the vote stood thus:

Ayes—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Douglass, English, Gazley, Grigsby, Cant, Hardiman, Hill, Jones of Brazoria, Jack, Linn, Lewis, Lumpkin, Menifee, M'Kinney, Pierpont, Rusk, Sutherland, Thompson and Thornton—24.

Noes—Messrs. Jones of Austin, and Rowlett—2: passed.

A message was received from the Senate, informing House that they had passed a joint resolution for the relief of A. T. Burnly; and had amended the bill granting bounty land to those who were at the battle of San Jacinto; and the bill creating the county of Fort Bend, and requested the House to concur therein.

The joint resolution to purchase the steam-ship Pulaski was taken up and read a first time, and the rule was suspended, and the bill placed on its second reading.

Mr. Jack read to the House a letter from General Hamilton, of South Carolina, describing the vessel, &c.

On motion of Mr. Jones, of Brazoria, the word "Resolved" was inserted in lieu of "Enacted."

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

The Ayes and Noes being called for, on its final passage, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Clark, Douglass, Gazley, Grigsby, Hardiman, Hill, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lewis, Lumpkin, M'Kinney, Patton, Pierpont, Rusk, Rowlett, Sutherland, Thompson and Thornton—24.

**NOES**—Messrs. Gant, and Menifec—2: passed.

The bill creating the county of Fort Bend, as amended by the Senate, was taken up, and,

Mr. Gazley offered an amendment to the amendment of the Senate, by inserting "bayou" in place of "Buffalo," which was adopted and the amendment concurred in, on his motion.

A message was received from the Senate, informing the House that they had agreed to the amendment of the House to the bill to pay the officers and soldiers of the Army and Navy; and the bill to purchase the steamship Pulaski; and had adopted the substitute of the House to the resolution respecting the county of Jackson; and that they had also concurred in the bill for the relief of S. Hatch; and the joint resolution fixing the seat of justice of Brazoria county, permanently; and had a joint resolution for the relief of C. L. Duroche; and passed a joint resolution to incorporate the town of Matagorda, and ask the House to concur therein; also that an act to require District Judges to reside permanently in their proper districts had been concurred in.

The bill, as amended by the Senate, granting bounty lands to those who were at San Jacinto, was taken up.

Mr. Jack moved to postpone the bill till the first of May: lost.

Mr. Gant offered the following amendment to that of the Senate:

"And are not, by the existing laws, entitled to six hundred and forty acres of land extra of their head right and bounty land."

On motion of Mr. Thompson, the House adjourned till 3 o'clock p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Jack moved to suspend the rule requiring motions of re-consideration to be made the day after the vote to be re-considered was passed, so that a motion to re-

consider the vote postponing the bill granting certain privileges to the steam-ship Columbia: adopted.

And the bill was referred to a select committee: Messrs. Jack, Jones of Austin, and Gazley were appointed the committee.

The unfinished business of the morning, being the San Jacinto bill, was taken up.

The Ayes and Noes being called for, on Mr. Gant's amendment, the vote stood thus:

AYES—Messrs. Branch, English, Gazley, Gant, Jones of Brazoria, Patton, Ponton and Rusk—8.

NOES—Messrs. Speaker, Brenan, Clark, Douglass, Grigsby, Hill, Jack, Linn, Lewis, Lumpkin, Menifec, Pierpont, Rowlett, Thompson and Thornton—15: lost.

Mr. Thompson offered the following amendment:

“And also all those who fell at the Alamo, under the commands of Bowie, Crockett, and Travis:” which was adopted; the amendment, as amended, was then concurred in.

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

On motion of Mr. Rusk, the rule was suspended and the vote, indefinitely postponing the bill to incorporate the University of Texas, was re-considered.

The joint resolution for the relief of Kitty M'Coy was taken up on its third reading, and,

On motion of Mr. Jones, of Brazoria, was referred to a select committee of three:

Messrs. Jones of Brazoria, Patton and Menifec were appointed said committee.

The joint resolution requiring the Auditor to settle with W. T. Brannum was taken up on a third reading, and laid on the table, on Mr. Thompson's motion.

The bill defining the boundaries of the county of Mina, from the Senate, was taken up and the amendment was disagreed to, on motion of Mr. Burlison.

The bill to define the boundaries of the county of Liberty, as amended by the Senate, was taken up, and the amendments disagreed to.

The joint resolution from the Senate respecting County Surveyors was taken up and read a first time.

The joint resolution for the relief of A. T. Burnley was read a first time, and,

On Mr. Thompson's motion, postponed till the spring session,

The bill from the Senate defining the boundaries of the county of Jasper was taken up and read a first time, and,

On motion of Mr. Branch, the rule was suspended, and the bill placed on its second reading.

On motion of Mr. Clark, the words "to a point on the Sabine river, four miles above Bevil's ferry" were stricken out, and "from Bear Creek in a direct line to M'Kinney's, thence in a direct line to Bevil's ferry, on the Sabine" inserted.

On motion of Mr. Hill, the rule was suspended, and the bill read a third time, by its caption, and passed.

The joint resolution from the Senate to place Capt. Sylvester, his officers and men, on the same footing as other volunteers, was taken up and read a first time.

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

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

The Ayes and Noes being called for, on the passage of the bill, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Burleson, Brenan, Clark, Douglas, English, Gazley, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Lewis, Linn, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Ponton Rusk, Thompson and Thornton—24.

**NOES**—Messrs. Jack and Branch—2: passed.

Mr. Jack, from the committee to whom was referred the bill granting privileges to the steam-ship Columbia, reported a substitute for the bill.

Mr. Jones, of Austin, offered the following amendment, insert "200 barrels" in place of "100 barrels:" adopted.

An additional section was added, on motion of Mr. Jones, of Brazoria,

"That this act continue in force for, and during the pleasure of Congress."

Mr. Patton moved to insert that they shall pay tonnage duties in all freights they carry, by measurement: lost.

On motion of Mr. Thompson, the bill was read a third time, by its caption, and,

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

AYES—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Clark, Douglass, English, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lewis, Lumpkin, Menifee, M'Kinney, Pierpont, Ponton, Rusk, and Thornton—22.

NOES—Messrs. Gant, Patton and Thompson—3: passed, and,

The title is "an act for the encouragement of the navigation of the Gulf by steam packets.

On motion of Mr. Douglass the House adjourned till 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Jones, of Brazoria, the journal of yesterday was read.

The bill from the Senate to incorporate the town of Matagorda was taken up and read a first time.

On motion of Mr. Jones, of Brazoria, the rule was suspended, and the bill placed on its second reading, and offered a substitute for the bill.

On motion of Mr. Thompson, the town of Sabine, and the city of Hamilton, on the Sabine river, and the town of Mina, were added to the amendment, and the substitute adopted, as amended.

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

The joint resolution for the relief C. L. Duroche, from the Senate, was read a first time, and the rule was suspended, and the bill read a second and third time, and passed.

The joint resolution from the Senate for the relief of Dugald Brown was taken up on a second reading, and,

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

The joint resolution for the relief of G. W. Bonnell was taken up on a second reading.

On motion of Mr. Jack, the rule was suspended, and the bill read a third time, by its caption, and passed.

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

The joint resolution from the Senate for the relief of John Garrett was taken up on a second reading.

On motion of Mr. Jack, it was laid on the table, and the clerk instructed to request of the Senate the vouchers, if any.

The bill authorizing the several County Courts to grant divorces was taken up, and,

On motion of Mr. Rusk, referred to a select committee of three:

Messrs. Rusk, Gazley and Thompson were appointed said committee.

On motion of Mr. Rusk, the joint resolution requiring the Auditor to audit the claims of Dr. Anson Jones, was taken up on a second reading.

On his motion, the rule was suspended, and the bill read a third time and passed.

The bill relating to forfeited lands; and the bill relating to fraudulent land titles, were taken up on a second reading, and,

On motion of Mr. Thompson, referred to the Judiciary Committee, to report to-morrow evening.

The bill relating to attachments was taken up on a second reading, and,

On Mr. Thompson's motion, the word "Court" was substituted for "Republic," and the bill ordered to be engrossed for a third reading.

On motion of Mr. Thompson, the bill to clear out the Neches and Angeline rivers was taken up and referred to a special committee:

Messrs. Thompson, Branch and Douglass were appointed said committee.

The bill to levy a tax on Bank stock was taken up on a second reading.

On motion of Mr. Rusk, the words, "whole amount of stock authorized by law" were inserted.

On motion of Mr. Thompson, "5 per cent" was stricken out, and "10 per cent" inserted.

Mr. Branch moved to postpone the bill to the adjourned spring session.

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

**AYES**—Messrs. Baker, Branch and Jack—3.

**NOES**—Messrs. Speaker, Brenan, Clark, Douglass,

Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Linn, Lewis, Lumpkin, Menifce, M'Kinney, Pierpont, Ponton, Rusk, Thompson and Thornton—19: lost.

Mr. Rusk offered the following amendment:

"That all Bank stock held by any individual, and not given in to the Assessor of taxes, and the tax paid before the end of the current year, shall be, and the same is hereby forfeited to the Government of Texas:" adopted.

On motion of Mr. Menifce, the bill was read a third time.

The Ayes and Nocs being called for, on its passage, the vote stood thus:

AYES—Messrs. Speaker, Brennan, Clark, Douglass, Grigsby, Gant, Hill, Jones of Austin, Jones of Brazoria, Linn, Lewis, Lumpkin, Menifce, M'Kinney, Pierpont, Ponton, Rusk, Thompson and Thornton—19.

NOES—Messrs. Baker, Branch and Jack—3: passed.

The bill making a reserve of land for the payment of Military and Naval Scrip was taken up on a second reading, and,

On motion of Mr. Douglass, referred to a select committee:

Messrs. Douglass, Branch and Jones of Austin were appointed said committee.

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

TUESDAY, Dec. 12, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M'Gowan.

The journals of the preceding day being read,

Mr. Burleson moved to reconsider the vote on the bill incorporating the town of Matagorda, and others: adopted, and,

On his motion, "Mina" was stricken out.

Mr. Baker, from the Committee on Enrolled Bills, reported the following bills as having been examined and found correctly enrolled, viz:

"An act creating the county of Montgomery.

"An act creating the county of Robertson.



"An act establishing the county of Fayette.

"An act defining the boundaries of the county of Gonzales.

"An act to reduce into one act, and amend the several laws establishing a General Land-office.

"A joint resolution for the relief of John Buchanan.

"An act creating the county of Fanin, and,

"An act to define the boundaries of the county of Washington.

Mr. Jones, of Brazoria, from the committee to whom was referred the report of the Secretary of the Treasury, and accompanying documents, reported as follows:

"That by an examination of the same, the following results are shown:

Total receipts of duties for the quarter ending September 30, 1837.

For the duties of Galveston,	\$27,659 78
do do Brazos,	16,536 64
do do Matagorda,	12,738 43
do do St Augustine,	2,041 72
do do Sabine,	763 16

Total receipts for the quarter, \$59,739 73

Of this amount, about \$20,000 has been paid in, the balance bonded. The total amount of Land Scrip authorized by law to be issued, is, 2,047,640 acres, of this amount there remains unaccounted for, 1,216,000 acres, which the agent Mr. J. K. Allen, has been authorized to receive from the several sub-agents.

The special liabilities now recorded on the books of the Department, exclusive of those not reported, amount to \$70,456 28. For this sum, your committee respectfully recommend, that an appropriation be forthwith made.

The amount of audited claims up to the 17th ultimo, is,

Military, - - - -	\$903,720 85
Civil, - - - -	142,902 59
Naval, - - - -	56,550 65
Contingent, - - - -	23,334 35

\$1,126,508 44

Deduct amount taken up, as per Secretary's last report,	34,821 99
Balance,	\$1,091,986 45

In conclusion, your committee take the opportunity of expressing their entire approbation of the clear and able manner in which the Secretary of the Treasury has reported upon the business of that important department.

(Signed) ANSON JONES, Chairman.

Houston, Dec. 11th, 1837.

The Surveyor's account of \$5,902 40, for surveying Galveston Island, your committee recommend to be referred back to the Secretary.

On motion, the report was concurred in.

The joint resolution for the relief of Antonia de la Garza, was taken up and read a third time and passed.

The Committee on Naval Affairs, to whom was referred the report of the Secretary of the Navy, reported a joint resolution, making an appropriation for naval purposes. Read a first time.

Mr. Rusk, from the Military Committee, to whom was referred the papers of Colonel D. F. Weymouth, reported favorably to the claim, with the exception of the charge for recruiting men. Report concurred in.

On motion of Mr. Burleson, the rule was suspended, and leave was granted him to introduce a bill relating to certified copies of land titles, read a first time, and,

On his motion, the rule was suspended, and the bill placed on its second reading.

On motion of Mr. Burleson, the words "twenty cents for every hundred words," were inserted in place of "five dollars."

On motion of Mr. Jack, the words "if the owner has not been furnished with the same," were stricken out; the rule was suspended and the bill read a third time and passed.

Mr. Jones, of Brazoria, from the committee to whom was referred the joint resolution for the relief of Kitty McKoy, reported the same with an amendment.

Mr. Jones, of Austin, moved to strike out "destroyed:" adopted.

On motion of Mr. Gant, the amendment as amended, was stricken out.

A message was received from the Senate, informing the House that they had passed an act to disband the army; and had concurred in the bill to provide for those who have been disabled in the service of the country; and had amended the bill defining the boundaries of the county of Red River; and the bill to define the boundaries of the county of San Augustine, and requesting the House to concur therein.

The bill to define the boundaries of the county of Brazoria, was taken up on its third reading.

On motion of Mr. Hardiman, the rule was suspended, and he offered an amendment, relating to the line between Matagorda County and Brazoria: lost.

Mr. Hardiman, then moved to postpone indefinitely: lost.

The bill was read a third time by its caption, and, The Ayes and Noes being called for, on its final passage, the vote stood thus:

Ayes—Messrs. Baker, Brennan, Clark, Douglass, Grigsby, Jones of Austin, Jones of Brazoria, Jack, Lewis, McKinney, Patton, Pierpont, Rusk, Rowlett, Thompson and Thornton—16.

Noes—Messrs. English, Gant, Hardiman, Linn, and Menifee—5: passed.

On motion of Mr. Jones, of Brazoria, the joint resolution for the relief of Colonel D. F. Weymouth, was taken up on its second reading.

On motion of Mr. Patton, the claim "No. 6, for enlisting 448 men, at \$4 each, amounting to \$1792," was stricken out.

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

Leave was granted Colonel Weymouth to withdraw the documents rejected.

The bill defining the boundaries of the county of San Augustine, was taken up as amended by the Senate, and amendment concurred in.

On motion, the House adjourned till 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The House met, no quorum appearing, the House adjourned to to-morrow, 10 o'clock, A. M.

WEDNESDAY, 10 O'CLOCK, A. M., Dec. 13, 1837.

The House met pursuant to adjournment.

Prayer by the Reverend Mr. McGowan.

The journal of the preceding day being read,

A communication was received from Mr. Tarrant, resigning his seat as a member from Red River, which was accepted,

On motion of Mr. Patton, and the Clerk instructed to inform the President of the vacancy.

Mr. Baker, from the Committee on County Boundaries, reported a bill to define the boundaries of the county of Jefferson; read a first time, and,

On Mr. Branch's motion, the rule was suspended, and the bill read a second and third time and passed.

A message from the Senate was received, informing the House that they had passed a joint resolution directing the Auditor to respect the accounts of G. W. Poe, late Paymaster General.

A joint resolution establishing permanently the seat of Government.

A joint resolution for the government of the Auditor in certain cases.

A joint resolution incorporating the town of Columbia.

An act supplementary to an act for paying the army and navy.

An act supplementary to an act to raise a revenue by direct tax.

A bill to regulate the power of the several courts in certain cases.

A joint resolution providing for the appointment of auctioneers.

A substitute for the bill to raise a revenue by impost duties.

A joint resolution appointing a committee to confer on the bill defining the boundaries of Liberty County.

A joint resolution appointing a committee to confer on the bill defining the boundaries of Mina County.

An act to create a Justice of the peace and a Constable for Galveston Island.

That they had concurred in an act to incorporate certain towns therein named.

An act to incorporate the Texas Steam Mill Company.

An act to authorize the Clerks of the several courts to appoint deputies.

"A bill granting bounty lands to those who were in the battle of San Jacinto.

"A substitute to an act to encourage the navigation of the Gulf by steam.

"An act to authorize the District Judges to hold special terms in certain cases.

And that they had disagreed to the amendment of the House to the bill for the relief of D. F. Weymouth.

The bill relating to attachments was taken up on a third reading, and passed.

Mr. Gant, from the committee to whom was referred the bill authorizing the County Courts to grant divorces, reported a substitute for the same.

The bill making provisions for persons disabled, permanently, in the the service of the Republic, as amended by the Senate, was taken up, and the names of Alexander Abrams, John Thoms, and Washington Lomas, were added to the first amendment, and the amendment as amended was adopted.

The second amendment was concurred in.

On the third amendment, giving to Col. Neill "two leagues of land."

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

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Clark, Douglass, English, Grigsby, Hardiman, Hill, Jones of Austin, Linn, Lewis, Pierpont, Rusk, Rowlett, Sutherland, and Thornton—19.

**NOES**—Messrs. Gant, Lumpkin, Menifee, M'Kinney, Patton, and Ponton—6: adopted.

On Mr. Rusk's motion, the vote was reconsidered, and the words "and all others provided for in the provisions of this act" inserted, and the amendment, as amended, was adopted.

A message was received from the Senate requesting of the House the vouchers of certain bills; and that they had passed a joint resolution for the relief A. A. Chapman, and requested the House to concur therein.

The joint resolution for the relief of D. F. Weymouth, was taken up, on Mr. Thompson's motion, and laid on the table.

The bill from the Senate to incorporate a National Bank was taken up and read a first time, and,

On motion of Mr. Rowe, postponed till the first of May next.

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

**AYES**—Messrs. Speaker, Baker, Burleson, Brennan, Clark, English, Grigsby, Hill, Jones of Austin, Linn, Lewis, Lumpkin, Menifee, Pierpont, Rowlett, Thompson and Thornton—17.

**NOES**—Messrs. Branch, Douglass, Gant, Hardiman, Patton, Ponton, Rusk and Sutherland—8: adopted.

The joint resolution from the Senate to fix, permanently, the seat of government, was taken up, and,

On motion of Mr. Thompson, indefinitely postponed.

The bill from the Senate supplementary to an act to raise a revenue by direct taxation was taken up, and read a first time.

Mr. Baker, from the Committee on County Boundaries, reported a bill to define the boundaries of the county of Bahia: read a first time.

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

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

**AYES**—Messrs. Baker, Branch, Burleson, English, Hill, Lewis, M'Kinney, Patton, Pierpont, Rowlett, Sutherland and Thornton—12.

**NOES**—Messrs. Brennan, Clark, Douglass, Grigsby, Gant, Hardiman, Linn, Lumpkin, Menifee and Ponton—10: passed.

The bill from the Senate creating a Justice of the Peace, and a Constable, for the Island of Galveston, was read a first time, and,

On motion of Mr. Jones of Brazoria, the rule was suspended, and the bill placed on its second reading.

On motion of Mr. Jones, of Austin, the bill was referred to a select committee of two: Messrs. Jones of Brazoria and Baker were appointed said committee.

A message was received from the Senate informing the House that they had passed an act authorizing the President to appoint Chief Justices; and a joint resolution requiring the Auditor to audit the pay certificates of the late Paymaster-General, G. W. Poe, and other paymasters, and requested the House to concur therein.

The substitute of the Senate to the bill to raise a revenue by impost duties, was taken up and read a first time, and,

On motion of Mr. Branch, the rule was suspended, and the bill placed on its second reading,

Mr. Douglass moved to strike out "10 per cent" on cotton goods.

The Ayes and Noes being called for, the vote stood thus:  
**Ayes**—Messrs. Baker, Branch, Douglass, English, Jones of Austin, Lewis, M'Kinney, Pierpont, Rowlett, Thompson and Thornton—11.

**Noes**—Messrs. Speaker, Burleson, Brenan, Grigsby, Gant, Hardiman, Hill, Jones of Brazoria, Linn, Lumpkin, Menifee Ponton and Sutherland—13: lost.

Mr. Jones, of Brazoria, moved to strike out all but the latter clause of the second section.

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

**Ayes**—Messrs. Hill, Jones of Austin, Patton and Rowlett—4.

**Noes**—Messrs. Speaker, Baker, Branch, Brenan, Douglass, English, Grigsby, Gant, Hardiman, Linn, Lewis, Lumpkin, Menifee, M'Kinney, Pierpont, Ponton, Rusk, Sutherland, Thompson and Thornton—20: lost.

On motion of Mr. Rusk, the bill was referred to a committee of two, to report to-morrow:

Messrs. Rusk and Sutherland were appointed said committee.

On motion of Mr. Burleson, the resolutions of the Senate appointing a committee of conference on the bill defining the boundaries of the counties of Mina, and Liberty, were adopted:

Messrs. Burleson, Hill and Jones of Brazoria were appointed the committee on the bill defining the boundaries of the county of Mina, and,

Messrs. Branch, Jones of Austin and Jack were appointed the committee on the bill defining the boundaries of the county of Liberty.

A message was received from the Senate informing the House that they had concurred in the bill for the relief of F. W. Thornton.

On motion of Mr. Rowe the House adjourned till 4 o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The joint resolution from the Senate for the relief of A. A. Chapinan was read a first time.

The bill from the Senate to regulate the proceedings of the several Courts in certain cases: read a first time.

An act supplementary to an act to pay the officers and soldiers of the Army and Navy: read a first time, and,

On Mr. Gant's motion, the rule was suspended, and the bill read a second and third time and passed.

Mr. Baker, from the committee to whom was referred the bill to create a Justice of the Peace, and Constable, for Galveston Island, reported the same as amended, which was adopted, and,

On Mr. Branch's motion, the rule was suspended, and the bill read a second and third time, and passed.

On motion of Mr. Rusk, the rule was suspended, and leave given to him to introduce a joint resolution for the relief of Erastus Smith: read a first time, and,

On Mr. Baker's motion, the rule was suspended, and the bill placed on a second reading.

On Mr. Hill's motion, the words "\$1,000, per annum during the war, and \$500, per annum afterwards" were inserted.

On Mr. Rusk's motion, the words "during the life of his wife or children" were inserted, and the rule was suspended, and the bill read a third time.

The Ayes and Noes being called for, the vote stood thus:  
**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Clark, Douglass, English, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Linn, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, and Thornton—24.

**NOES**—None: passed.

The title is "a joint resolution for the relief of the family of Erastus Smith."

Mr. Jones, of Austin, from the Naval Committee to whom was referred the petition of the pursers in the Navy, reported that, in their opinion, the existing laws provided fully for the pay of those officers, and recommended the reference of the report of the Committee to a select committee: report concurred in, and,



Messrs. Menifee and Rusk were appointed said committee.

The bill from the Senate, to incorporate the town of Columbia, was read a first time, and the rule was suspended, and the bill placed on its second reading.

On Mr. Rusk's motion, the words "and other towns" were stricken out, and the rule was suspended, and the bill read a third time and passed.

The joint resolution from the Senate, requiring the Auditor to respect the acts of G. W. Poe, was read a first time, and the rule suspended, and the bill placed on its second reading.

On motion of Mr. \_\_\_\_\_, the word "official" was substituted for "legal," and "late Paymaster" stricken out, and "while acting in the capacity of Paymaster-General" inserted, the rule was suspended, and the bill read a third time.

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

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Douglass, English, Grigsby, Jones of Austin, Linn, Ponton, Rusk, Rowlett, Sutherland and Thornton—15.

**NOES**—Messrs. Clark, Gant, Hardiman, Hill, Jack, Lumpkin, Menifee, M'Kinney, Patton and Pierpont—10: passed.

The bill from the Senate for the appointing of auctioneers; read a first time.

The joint resolution from the Senate, authorizing the President to appoint Chief Justices, was taken up, and Mr. Branch moved to reject.

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

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Clark, Douglass, English, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Lumpkin, Menifee, McKinney, Patton, Pierpont, Ponton, Rowlett, Sutherland—22.

**NOES**—Messrs. Jack, Linn and Thornton—3: rejected.

The joint resolution, requiring the Auditor to audit the pay certificates issued by the late Paymaster General, G. W. Poe, from the Senate, was taken up, and,

On motion, rejected.

The bill from the Senate to disband the army, was read a first time, and the rule suspended, and the bill placed on its second reading; the words "by proclamation,"

On Mr. Gant's motion, was inserted in the first section.

On motion of Mr. Jones, of Brazoria, the second section was stricken out.

On Mr. Jack's motion, the last section was stricken out.

On Mr. Jack's motion, the words "and discharge all the officers and soldiers connected with the standing army," were added to the first section.

On motion of Mr. Jack, the bill was referred to a select committee, to report to-morrow;

Messrs. Jack, Patton and Branch, were appointed said committee.

A message was received from the Senate, informing the House, that they had passed an act to require the President to appoint commissioners to assess damages by Mexicans, &c.; and that they had concurred in the joint resolution for the relief of John Forbes; and the bill to define the boundaries of the county of Jefferson; the bill to define the boundaries of the county of Mina, as amended; that they had passed a joint resolution for the relief of Arthur Robertson; and had concurred in the joint resolution for the relief of S. S. Curtis; and the joint resolution for the relief of C. C. Dewitt.

Mr. Patton offered the following resolution, which was adopted; that a committee of two be appointed to invite the Senate to join the House at 11 o'clock, on Saturday, for the purpose of electing Chief Justices of the counties where vacancies of that office exist:

Messrs. Jones, of Austin, and Menifée, were the committee appointed.

The bill to define the boundaries of the county of Mina, was taken up as amended by the Joint Committee, and amendment concurred in.

The joint resolution for the relief of Arthur Robertson, was taken up and read a first time.

The joint resolution requiring the President to appoint commissioners to assess damages, &c., was read a first time, and,

On motion of Mr. English, rejected.

The joint resolution from the Senate, respecting coun-

ty surveyors, was taken up on its second reading, and, on motion, the rule was suspended, and the bill read a third time and passed.

On motion of Mr. Jack, the rule was suspended, and the bill for the relief of Arthur Robertson, was taken up on its second reading,

On Mr. Hill's motion, the words "half of" were inserted before "the pay."

Mr. Branch moved to insert "W. F. Gray:" lost: the rule was suspended, and the bill read a third time, and,

The Ayes and Noes being called for on its final passage, the vote stood thus :

**AYES**—Messrs. Baker, Hardiman, Jones of Brazoria, Jack, Linn and Thornton—6.

**NOES**—Messrs. Speaker, Branch, Brennan, Clark, Douglass, English, Gant, Grigsby, Hill, Jones of Austin, Lumpkin, McKinney, Pierpont, Ponton, Rowlett and Sutherland—16 : lost.

On motion of Mr. Thornton the House adjourned till ten o'clock to-morrow morning.

THURSDAY, 10 O'CLOCK, Dec. 14, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Rutter.

The journal of the preceding day being read,

Mr. Patton, from the Select Committee, to whom was referred the bill from the Senate, to disband the army, reported a substitute for the same, which was,

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

Mr. Branch moved to reconsider the vote on the joint resolution, for the relief of Arthur Robertson.

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

**AYES**—Messrs. Baker, Branch, Burleson, English, Gazley, Grigsby, Gant, Hardiman, Jones of Austin, Jones of Brazoria, Linn, Menifee, McKinney, Rusk, Rowlett and Thornton—16.

**NOES**—Messrs. Brennan, Douglass, Hill, Lumpkin, Patton, Ponton and Sutherland—7 : reconsidered.

A message from the Senate was received informing the House, that they had concurred in a joint resolution for the relief of Thomas G. McGhee; and a joint resolu-

tion for the relief of Antonio De La Garza; and an act to amend the several laws relating to the Post Office Department; an act to provide for the publication of the laws and journals; and a joint resolution to incorporate the City of Houston, and other towns therein named; and had amended the act to provide for the taking of testimony by interrogatories; an act making provisions for persons permanently disabled in the service of the country; and had passed an act for the relief of Samuel Williams; and an act to have purchased arms, ammunition and provisions; and request the House to concur therein.

Mr. Baker, Chairman of Committee on Enrolled Bills, reported the following bills as examined, and found correctly enrolled, viz:

The joint resolution for the relief of Anson Jones; an act to clear out the rivers Attoyac, Angelina and Neches; an act to create the county of Fort Bend; the bill to regulate the proceedings of the several courts in certain cases, was taken up, and read a third time and passed.

The act to provide for taking testimony by interrogatories, amended by the Senate, was taken up and amendment concurred in.

The bill making provisions for persons permanently disabled, was taken up as amended by the Senate.

Mr. Branch moved that the House recede from the amendment, objected to by the Senate, giving two leagues to all who were disabled.

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

**AYES**—Messrs. Speaker, Baker, Branch, Brennan, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, McKinney, Pierpont, Ponton and Thompson—22.

**NOES**—Messrs. Burleson, Patton, Rusk, Rowlett, Sutherland and Thornton—6: adopted.

Mr. Branch moved to disagree to the amendment of the Senate.

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

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brennan, Douglass, English, Grigsby, Gant, Hardiman, Jones of Brazoria, Jack, Lumpkin, Menifee, McKinney,

Patton, Pierpont, Ponton, Rusk, Rowlett and Sutherland—21.

Noss—Messrs. Clark, Gazley, Hill, Jones of Austin, Lina, Thomson and Thornton—7: adopted.

A communication was read from the chief clerk, Francis R. Lubbock, resigning the office, which was, on motion, received.

Mr. Jones, of Austin, moved that the House proceed forthwith to fill the vacancy.

On Mr. Rusk's motion, it was laid on the table till 3 o'clock.

The joint resolution from the Senate to have purchased arms and munitions of war was taken up and read a first time, and the rule was suspended, and the bill placed on its second reading.

On motion of Mr. Patton the word "arms" was stricken out.

On motion of Mr. Jack, all the section after the words "shall lose no time in having purchased the requisite arms, munitions, &c., were stricken out.

On motion of Mr. Jones, of Brazoria, the word "President," was stricken out, and "Secretary of War" inserted.

Mr. Gazley moved to insert suitable buildings to provide, &c., &c.: lost.

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

A message was received from the Senate informing the House that they had passed an act to establish a friendly and commercial intercourse with the frontier Indians; and a substitute to the bill authorizing persons to dispose of property by will; and a substitute to the act to incorporate the towns of Richmond, and San Felipe, and others; and had passed a joint resolution for the relief of John A. Wharton; and an act amending the several judiciary laws.

The joint resolution from the Senate, for the relief of Samuel Williams, was read a first time.

The act from the Senate to establish a friendly and commercial intercourse with the frontier Indians, was taken up, and,

On motion of Mr. Patton, the bill was rejected.

The joint resolution for the relief of John J. Linn was taken up on its second reading.

On Mr. Sutherland's motion, the words "First Auditor" were stricken out, and "Second Auditor" inserted; and, the words "on his filing with the Second Auditor sufficient vouchers" inserted.

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

The joint resolution for the relief of F. W. Thornton was taken up on a second reading.

On motion of Mr. Rusk, the words "First Auditor" were stricken out, and "Treasurer" inserted, and the rule was suspended, and the bill read a third time, and passed.

On motion of Mr. Rusk, the Committee on Claims and Accounts were instructed to act on the papers, &c., of A. J. Yates, which the clerk was instructed to furnish to them the same from the unfinished business of the former session.

The bill authorizing the County Courts to grant divorces, was taken up, and,

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

The joint resolution from the Senate to appoint auctioneers was taken up, and,

On motion of Mr. Patton, indefinitely postponed.

On motion of Mr. Patton, the bill making an appropriation to pay certain drafts, was taken up on a second reading, and,

On his motion, "\$70,000" was stricken out, and "\$75,000" inserted.

The remainder of the section after the word "the" was stricken out.

On motion of Mr. Jones, of Brazoria, and "for the special liabilities of the government" inserted.

Mr. Branch moved to postpone the bill to the 1st day of May next.

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

AYES—Messrs. Branch, Burleson, Clark, Douglass, Grigsby, Gant, Hill, Jack, Lumpkin, M'Kinney, Pierpont, Ponton, Rowlett and Thompson—14.

NOES—Messrs. Baker, Brennan, English, Gazley, Hardiman, Jones of Austin, Jones of Brazoria, Linn,

Menifee, Patton, Rusk, and Sutherland—12: postponed.

A message was received from the Senate informing the House that they had passed a joint resolution for the relief of N. T. Byers; a joint resolution for the relief of M. A. Beremendi; an act establishing a port of entry at the west end of Galveston Island, and requesting the House to concur therein.

And that they had concurred in the amendment to the bill to create a Justice of the Peace, and Constable, for the Island of Galveston; the joint resolution from the Senate, for the relief of John F. Kemper, was taken up on its second reading, and,

On motion of Mr. Baker, referred to the Committee on Claims and Accounts.

On motion of Mr. Thompson, the House adjourned till 3 o'clock p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The bill, amended by the Senate, incorporating the towns of Richmond, San Felipe, and others, and,

On motion of Mr. Jones, Austin, the amendment was disagreed to.

On motion of Mr. Rusk, the resolution relating to the election of a Chief Clerk, of the House, was taken up, and,

On his motion, laid on the table till to-morrow morning.

The substitute from the Senate to the act to authorize persons to dispose of their property, by will, was taken up, and Mr. Jack offered a substitute to the same.

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

**AYES**—Messrs. Speaker, Baker, Burleson, Brenan, Clark, Douglass, Gazley, Grigsby, Hardiman, Jones of Austin, Jones of Brazoria, Jack, Linn, Lewis, Lumpkin, Menifee, Patton, Rusk, Rowlett, Sutherland and Thornton—21.

**NOES**—Messrs. Branch, Gant, Hill, M'Kinney, Pierpont and Ponton—6: adopted.

A message was received from the Senate informing the House that they had passed a joint resolution for

the raising of companies of videttes; and a joint resolution making an appropriation for the rent of the Capitol, for one year, and requesting the House to concur therein.

On motion of Mr. Rowlett, the rule was suspended, and he introduced a joint resolution to have established a mail route; read a first time.

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

The title is "a joint resolution authorizing the Postmaster-General to establish a mail route.

Mr. Jones, of Austin, from the select committee to whom was referred the petition of the pursers of the Navy, reported that they had the same under consideration, and agreed in the report made by the Committee on Naval Affairs.

Mr. Gant moved to suspend the rule to enable him to introduce a joint resolution to extend the time allowed the Secretary of War to discharge the officers and soldiers, now on furlough: lost.

On motion of Mr. Burleson, the rule was suspended, and he introduced an act entitled "an act to incorporate the town of Mina:" read a first time.

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

The bill from the Senate to amend the Judiciary Laws was taken up and read a first time.

The joint resolution from the Senate for the relief of John A. Wharton, was taken up and read a first time.

The rule was suspended, on motion of Mr. Patton, and the bill placed on its second reading.

Mr. Wharton's petition was read to the House and the rule suspended, and the bill read a third time, and passed.

The joint resolution from the Senate for the relief of N. T. Byers was taken up and read a first time.

The bill from the Senate to establish a port of entry at the west end of Galveston Island was taken up and read a first time.

On motion of Mr. Branch, the bill was postponed till the first of May next.

A message was received from the President, by his private Secretary, Mr. Henriques, covering the Land.



Bill, and containing his disapproval of the same: the Land Bill was reconsidered, and the question taken on its final passage, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Branch, Burleson, Brenan, Clark, Douglass, English, Grigsby, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lewis, Lumpkin, Menifee, McKinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland, Thompson and Thornton—26.

**NOES**—Messrs. Gant and Hardiman—2: passed.

The House then adjourned till 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

The joint resolution making an appropriation for the rent of the Capitol was taken up and read a first time, and on the rule being suspended, the bill was placed on its second reading, and was amended by inserting "Government" in lieu of "Congress;" and striking out "are" and inserting "is;" and the words "in advance" were stricken out.

The joint resolution from the Senate for the relief of M. A. Beremendi was taken up, and read a first time.

The House adjourned, on motion of Mr. Pierpont, till 9 o'clock to-morrow morning.

FRIDAY, DEC. 15, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Ryter.

The journal of the preceding day being read,

Mr. Rusk moved to take up the resolution for the election of Chief-Clerk: adopted.

Mr. Rusk nominated Mr. Eldridge and Mr. Sturges.

Mr. Patton nominated J. W. Scott.

Mr. Hill and Mr. Jack were appointed tellers, and,

The ballot being counted, Mr. Sturges had 16 votes; Mr. Eldridge had 5 votes; and Mr. Scott had 4 votes whereupon, the Speaker declared Mr. Sturges duly elected Chief-Clerk of the House.

Leave was granted Mr. Rusk to withdraw the papers of Huddy & Lusk.

Mr. Baker, chairman of the Committee on Enrolled Bills, reported the following, as examined and found correctly enrolled, viz :

"A joint resolution for the relief of S. Hatch.

"An act to require the District Judges to reside within their Districts, and for other purposes.

"A joint resolution locating permanently the seat of justice of Brazoria county.

"An act defining the boundaries of the county of Jackson.

"A joint resolution for the relief of F. W. Thornton.

"An act to authorize the Judges of the District Court to hold special terms in certain cases therein named.

"A joint resolution to incorporate certain towns therein named.

"A joint resolution for the relief of Col. John Forbes.

"An act for the relief of Stillman S. Curtis.

"An act to define the boundaries of the county of Jefferson.

"An act to define the boundaries of the county of Mina.

"A joint resolution for the relief C. C. DeWitt.

"An act to authorize the Clerks of the several Courts to appoint deputies, &c.

"An act to provide for taking testimony by interrogatories.

"An act to encourage the Navigation of the Gulf by steam."

The joint resolution for the relief of M. A. Beremendi was taken up and read a second time, and,

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

Messrs. Rusk and Patton were appointed a committee to invite the Senate to meet the House at 3 o'clock, p. m., for the purpose of electing the officers contemplated by the Land Bill, and for the election of Chief Justices.

Mr. Baker, chairman of the Committee on County Boundaries, reported a bill to define the boundaries of the county of San Patricio: read a first time, and the rule was suspended, and the bill read a second and third time, and passed.

On motion of Mr. Jack, a committee of two were ap-

pointed to inform the Senate that the House had rejected the bill authorizing the President to appoint Chief Justices.

Messrs. Jack and Thornton were appointed said committee.

The joint resolution relating to Consulates was taken up on its second reading.

On Mr. Jones, of Brazoria, motion the following words were added to the resolution: "That no Consul of this Republic shall be allowed to charge any fees for passports, or certificates of character or intentions;" the rule was suspended, and the bill read a third time and passed.

The joint resolution from the Senate for the relief of Samuel Williams was taken up on its second reading, and the rule was suspended, and the bill read a third time and passed.

The bill amending the Judiciary Laws, from the Senate, was taken up on its second reading.

On motion of Mr. Rusk, the 8th and 11th sections were stricken out, and the rule was suspended and the bill read a third time and passed.

The substitute from the Senate to the bill to raise a revenue by direct tax was taken up on its second reading.

Mr. Jack moved to amend the third section by adding "and that it shall not be necessary to appraise property sold under execution, &c.:" lost.

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

The Ayes and Noes being called for on the final passage of the bill, the vote stood thus:

**AYES**—Messrs. Speaker, Baker, Branch, Brennan, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Jack, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Patton and Sutherland—22.

**NOES**—Messrs. Burleson, Linn, Rowlett, Thornton and Thompson—5: passed.

The joint resolution from the Senate for the government of the Auditor, in certain cases, was taken up on its second reading, and,

On motion of Mr. Thompson, postponed till the first of May next.

The bill from the Senate to raise companies of Vindettes was taken up on its second reading.

Mr. Thornton moved to postpone it till the first of May.

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

**AYES**—Messrs. Jones of Austin, Lumpkin, M'Kinney, Thompson and Thornton—5.

**NOES**—Messrs. Baker, Branch, Burleson, Brenan, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Hill, Jones of Brazoria, Jack, Linn, Menifee, Patton, Pierpont, Ponton, Rusk, Rowlett and Sutherland—22: lost.

On motion of Mr. Rowlett the words "and one company between the heads of Trinity and Caney" were inserted.

Mr. Rusk moved to refer it to the Committee on Indian Affairs.

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

**AYES**—Messrs. Speaker, Baker, Branch, Grigsby, Gant, Jones of Austin, Lumpkin, M'Kinney, Rusk, Thompson and Thornton—11.

**NOES**—Messrs. Burleson, Brenan, Clark, Douglass, English, Gazley, Hardiman, Hill, Jack, Linn, Menifee, Patton, Pierpont, Ponton, Rowlett and Sutherland—16: lost.

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

The substitute to the bill from the Senate to disband the army was taken up on its second reading.

Mr. Rusk offered a substitute.

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

**AYES**—Messrs. Speaker, Baker, Brenan, Clark, Douglass, English, Grigsby, Gant, Hardiman, Jones of Brazoria, Linn, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Ponton, Rusk, Sutherland, Thompson and Thornton—21.

**NOES**—Messrs. Branch, Burleson, Hill, Jones of Austin and Jack—5: adopted.

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

The joint resolution for the relief of D. F. Weymouth was taken up as amended by the Senate.

Mr. Thompson moved that the House recede from the amendment.

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

AYES—Messrs. Clark, Douglass, Jones of Austin, Jones of Brazoria, Lumpkin, Pierpont and Thompson—7.

NOES—Messrs. Speaker, Branch, Brenan, Grigsby, Gant, Hardiman, Hill, Jack, Linn, Menifee, M'Kinney, Patton, Ponton, Rowlett, Sutherland and Thonton—16: lost.

On motion of the House adjourned till 3 o'clock, p. m.  
THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The joint resolution from the Senate for the relief of N. T. Byers was taken up and read second time.

Mr. Jack, from the committee appointed to inform the Senate of the rejection of the bill to authorize the President to appoint Chief Justices, reported that they had performed that duty.

The joint resolution for the relief of A. A. Chapman, was taken up and read a second time.

The joint resolution to have translated certain laws, &c., was taken up on its second reading.

On motion of Mr. Rusk the following proviso was added: "Provided that such expense shall not exceed \$300 annually."

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

A committee of Messrs. Everitt and \_\_\_\_\_, were received from the Senate, informing the House that the the Senate, in consequence of the press of business now before them, would suggest to the House to postpone the election of the officers under the Land Bill; and to elect Chief Justices, &c. &c., until Tuesday next, and hoped the House would concur therein.

A message was received from the Senate informing the House that they had concurred in the bill to establish a mail route; and that the bill amending the several acts relating to public lands, &c., vetoed by the President, and reconsidered and passed by a constitutional majority of the House had been reconsidered and unanimously passed by the Senate.

The bill to have compiled the laws, &c., was taken up on its second reading.

On motion of Mr. Jones, the blank was filled with the names of Wm. H. Jack, and D. S. Kaufman, and.

On his motion, that part relating to compensation for the service was stricken out; and the words "such compensation for the same as may hereafter be determined on by Congress, on the completion of the work" inserted.

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

On motion of Mr. Rusk, a committee of two were appointed to inform the Senate that they disagreed to their proposition to postpone certain elections, till Tuesday, and that the House would receive them at 7 o'clock, to elect the officers under the Land Bill: Messrs. Menifee and Sutherland were appointed said committee.

The joint resolution to recall our Minister to the United States was taken up on its second reading.

On motion of Mr. Jones of Brazoria, the words "and also to recall our Consul, at the city of New York, and appoint another in his place," were inserted.

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

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

**AYES**—Messrs. Speaker, Baker, Brenan, Clark, Douglass, English, Grigsby, Gazley, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lewis, Lumpkin, Menifee, M'Kinney, Patton, Pierpont, Rowlett, Sutherland and Thornton—22.

**NOES**—Messrs. Gant, Hardiman and Ponton—3: adopted.

The bill to incorporate the Bank of Nacogdoches was taken up, and,

On motion of Mr. Douglass, postponed till the first of May next.

The bill making an appropriation for the Navy was taken up, and,

On motion of Mr. Patton, postponed till the first of May next.

The bill to provide for filling vacancies in the offices of Chief Justices in certain cases was taken up on its second reading, and the rule was suspended, and the bill read a third time, by its caption.

The Ayes and Noes being called for, on its final passage, the vote stood thus:

**AYES**—Messrs. Baker, Brenan, Clark, Douglass, English, Gazley, Grigsby, Gant, Hardiman, Jones of Austin, Jones of Brazoria, Jack, Linn, Lewis, Lumpkin, M'Kinney, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Thornton—23.

**NOES**—Messrs. Speaker, Branch, Hill and Menifee—4: passed.

The bill authorizing the County Courts to grant divorces was taken up and indefinitely postponed.

The joint resolution providing for the authenticating of deeds was taken up on its second reading, and, on motion, was laid on the table.

A committee was received from the Senate informing the House that they would wait on them at 7 o'clock, this evening, to elect the officers enacted by the Land Bill.

The bill to repeal the charter of the Texas Railroad, Navigation and Banking Company was taken up on its second reading.

Mr. Hill moved to postpone the bill indefinitely.

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

**AYES**—Messrs. Speaker, Baker, Branch, Clark, Gazley, Grigsby, Jones of Brazoria, Jack, Lewis, Lumpkin, Patton, Rusk and Rowlett—13.

**NOES**—Messrs. Brenan, Douglass, English, Gant, Hardiman, Hill, Jones of Austin, Linn, Menifee, M'Kinney, Pierpont, Ponton and Sutherland—13: lost.

Mr. Jack moved to adopt the bill.

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

**AYES**—Messrs. Brenan, Douglass, English, Gant, Hardiman, Hill, Linn, Lumpkin, Menifee, M'Kinney, Sutherland and Thornton—12.

**NOES**—Messrs. Speaker, Baker, Branch, Clark, Gazley, Grigsby, Jones of Austin, Jones of Brazoria, Jack, Lewis, Patton, Pierpont, Ponton, Rusk, and Rowlett—15: lost.

The bill to create the Collectoral District of La Baca was taken up, and,

On motion of Mr. Rusk, postponed till the first of May.

A message was received from the Senate informing the House that they had withdrawn their amendments; and concurred in the bill to define the boundaries of the county of Liberty.

The bill to create the county of Fannin a Senatorial District was taken up and read a second time, the rule was suspended, and the bill read a third time.

Question, shall the bill pass?

The Ayes and Noes being called for, the bill was lost.

On motion of Mr. Rusk the House adjourned till 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

Messrs. Branch and Douglass were appointed a committee to inform the Senate that the House were ready to receive them.

The Senate entered, conducted by their President.

The Speaker of the House explained the manner in which the voting would proceed; the Congress then proceeded to the election of officers under the Land Bill.

The following officers were elected by joint vote of both Houses of Congress, held on this day, at 7 o'clock, p. m.

For the county of Austin, Joseph M'Nutt, President; Martin Allen and Robert Kleyburgh, Commissioners; Hamilton Kleykenburgh, Clerk; and ——— Kenney, Surveyor.

For the county of Brazoria, Edward Waller, President; Theodore Bennett and A. C. Hyde, Commissioners; Thomas H. Blackwell, Clerk; and Wm. H. Hunt, Surveyor.

For the county of Bexar, David Murphy, President; John S. Simpson and John M'Creary, Commissioners; Wm. P. D. Eimore, Clerk; and R. C. Trimble, Surveyor.

For the county of Colorado, Abraham Alley, President; Wm. Daniels and Wm. Thompson, Commissioners; Robert Brotherton, Clerk; and L. S. Hargler, Surveyor.

For the county of Fayette, Reddin Andrews, President; George W. Spier and David Breden, Commission-



ers; N. W. Eastland, Clerk; and Thomas Green, Surveyor.

For the county of Fannin, Bailey English, President; Joseph Murphy and Wm H. Burton, Commissioners; James Staten Baker, Clerk; and Daniel Montague Surveyor.

For the county of Fort Bend, Randall Jones, President; Daniel S. Perry and Hiram Thompson, Commissioners; Wm. H. Poole, Clerk; and Pascal B. Borden, Surveyor.

For the county of Gonzales, Joseph D. Clements, President; James Hodges and Wm. jr. A. Matthews, Commissioners; Samuel Williams, Clerk; and Charles Lockhart, Surveyor.

For the county of Goliad, Wm. P. Patterson, President; M. B. Lewis and Wm. Bromley, Commissioners; Andrew Neill, Clerk; and Richard F. Hord, Surveyor.

For the County of Houston, Stephen Box, President; Elijah Gossett and John Wharham Commissioners; Samuel G. Wells, Clerk; and Geo. Aldridge, Surveyor.

For the county of Harrisburg, Benj. F. Smith, President; Wm. P. Harris and James S. Holman, Commissioners; R. D. Johnson, Clerk; and G. W. Patrick, Surveyor.

For the county of Jefferson, Claibourn West, President; John Bollinger and Her. Williams, Commissioners; Joseph P. Paloifer, Clerk; and Andrew Smith, Surveyor.

For the county of Jasper, G. W. Smith, President; John Bevil and Thomas B. Hufing, Commissioners; Robert A. Fennell, Clerk; and Martin B. Lewis, Surveyor.

For the county of Jackson, Patrick Usher, President; Francis W. White and John Andrews, Jr., Commissioners; John S. Meniffee, Clerk; and Thomas Simons, Surveyor.

For the county of Liberty, D. G. Coit, President; Hugh B. Johnson and Henry W. Farley, Commissioners; Geo. W. Niles, Clerk; Franklin Harden, Surveyor.

For the county of Montgomery, E. Collard, President; W. B. Bowen and Jesse Parker, Commissioners; R. B. Goodridge, Clerk; and Wm. Robinson, Surveyor.

For the county of Mina, Samuel P. Patton, President;

Josiah Wellberger and Moses Gay, Commissioners; Russell B. Craft, Clerk; and Bartlett Sims, Surveyor.

For the county of Milam, A. B. Fleury, President; David M'Candliss and ——— Bell, Commissioners; E. L. Stickney, Clerk; Thomas A. Graves, Surveyor.

For the county of Matagorda, Samuel D. Brigham, President; Hamilton L. Cook and Thomas Jamison, Commissioners; D. C. Cadey, Clerk; and E. R. Wightman, Surveyor.

For the county of Nacogdoches, David Rusk, President; Wm. Hart and Adolphus Stern, Commissioners; K. H. Mews, Clerk; and W. A. Ferris, Surveyor.

For the county of Robertson, Thos. Dillard, President; James Dunn and Leander Hart, Commissioners; A. L. M'Coy, Clerk; Augustus W. Cook, Surveyor.

For the county of Red River, Mansel W. Mathews, President; James Latimore and David Lane, Commissioners; Benj. Gooch, Clerk; and Jefferson Milam, Surveyor.

For the county of Refugio, James C. Allen, President; Martin Power and Walter Lambert, Commissioners; Richard Roman, Clerk; and Reuben Roberts, Surveyor.

For the county of San Patricio, Mark Donaldson, President; Michael Hailey and Benj. Auldum, Commissioners; J. P. January, Clerk; and John Buchanan, Surveyor.

For the county of Sabine, John Boyd, President; Martin D. White and John H. M'Cray, Commissioners; W. H. Harris, Clerk; Harman Frayer, Surveyor.

For the county of Shelby, Geo. English, President; Willis H. Landrum and George Butler, Commissioners; L. W. Edwards, Clerk; and Richard Hooper, Surveyor.

For the county of San Augustine, Alexander Horton, President; J. D. Thomas and Nathaniel Hunter, Commissioners; John C. Brook, Clerk; John M'Gowan, Surveyor.

For the county of Victoria, Edward Linn, President; John M'Henry and Arthur Burns, Commissioners; Oscar Farish, Clerk; and James Carr, Surveyor.

For the county of Washington, Stephen R. Roberts, President; Jesse Bartlett and James W. Smith, Commissioners; Prosper Hope, Clerk; and Adolphus Hope, Surveyor.

The election having been got through with, the House adjourned until to-morrow morning 10 o'clock.

SATURDAY, 10 O'CLOCK, A. M., Dec. 16, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M'Gowan.

The journal of the preceding day being read,

A committee from the Senate was received, informing the House that they would meet them at 11 o'clock, for the purpose of electing Chief Justices.

A message was received from the Senate informing the House that they disagreed to the amendment of the House to the bill to disband the army, and insists on the original resolution.

Mr. Baker, chairman of the Committee on Enrolled Bills, reported that they had examined the following bills, and found them correctly enrolled, viz:

A joint resolution for the relief of M. A. De La Garza.

A joint resolution requiring the Auditor to audit the claim of Thomas G. McGhee.

An act to authorize attachments to issue in certain cases therein named.

An act to incorporate the City of Houston, and other towns therein named.

An act to provide for the publication of the laws and journals of the Republic of Texas.

A communication was received from W. F. Gray, asking compensation for certain services, &c.

On motion of Mr. Jones, of Brazoria, the Speaker was authorized to give a certificate for the amount of the claim to Colonel Gray, under a resolution of the House at the close of the first Congress.

A message was received from the Senate informing the House that they had amended the bill to incorporate the Houston, Brazos and Colorado Railroad Company, and had amended the title of the joint resolution for appointing a committee to compile a judicial code of laws &c., and requested the House to concur therein.

The Senate entered, conducted by their President *pro tem*, and were seated.

The Congress then proceeded to elect Chief Justices to fill the vacancies existing.

The following persons were then elected :

For Bexar, Wm. Henry Dangerfield; Brazoria, W. P. Scott; Colorado, W. J. E. Herd; Fayette, Andrew Rabb; Fannin, J. G. Joett; Fort Bend, Wiley Martin; Goliad, W. L. Hunter; Houston, Isaac Parker; Jefferson, Henry Millard; Mina, L. C. Cunningham; Matagorda, St. Clair D. Gervais; Robertson, Francis Slaughter; Red River, Edmund H. Tarrant; Refugio, James C. Allen; Sabine, Francis L. Gaines; San Augustine, R. H. Foote; Victoria, John Hayes; Montgomery, Jesse Grimes; the elections being over, the Senate, at the instance of their President, retired.

Mr. Rusk, from the committee to whom was referred the tariff bill, reported the same with an amendment, which was adopted, and report concurred in.

The bill to disband the army, was taken up from the Senate, and,

Mr. Branch, moved to recede from the amendment of the House.

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

**AYES**—Messrs. Branch, Hill, Jones of Austin, Jones of Brazoria, Jack, Menifee and McKinney—7.

**NOES**—Messrs. Speaker, Baker, Burleson, Brenan, Clark, Douglass, English, Grigsby, Hardiman, Lumpkin, Patton, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Thompson—17: lost.

A message from the Senate was received, informing the House that they had concurred in the bill to incorporate the Brazoria Insurance Company; the joint resolution to have translated certain laws into the Castilian language; an act to provide for the appointing of Chief Justices in certain cases; and had passed a substitute for the Militia Bill, and a supplement to the same; a joint resolution for the relief of D. S. Kaufman and W. F. Gray; and the substitute to the bill to authorize persons to dispose of property by will, had been concurred in; also a joint resolution for the purchase of munitions of war; and had adopted the addition to the act requiring

the Auditor to respect the acts of G. W. Poe, late Pay-Master General; and refused to strike out, and had passed an act to render legitimate, certain illegitimate children therein named; and had concurred in the amendments to the bill making provisions for those permanently disabled in the service of the country; and the tariff bill; a joint resolution relating to consulates; and had adopted a substitute to the joint resolution for the relief of the family of Erastus Smith, deceased.

On motion of Mr. Rusk, a committee of conference was appointed to act jointly with a similar committee from the Senate, on the bill to disband the army.

Messrs. Rusk, Patton and Pierpont, were appointed the committee on the part of the House.

A message was received from the Senate, informing the House that they had appointed Messrs. Horton, Dunn and Somerville a Committee of Conference, to act with a similar committee from the House, on the bill to disband the army; and had concurred in the amendment of the House to the joint resolution for the relief of D. F. Weymouth.

The substitute from the Senate, to the Militia Bill, was taken up and read.

Mr. Jack moved to strike out the second and third sections, and insert the following, as section second:

The militia of Texas shall be divided into four brigades, each to be commanded by a brigadier general, to be elected in the same manner as the major general, and when a vacancy shall hereafter occur, he shall be elected by the officers of his brigade. All that portion of the country west of the Brazos shall constitute one brigade; all between the Brazos and Trinity rivers, shall constitute a brigade; all between the Trinity and Sabine one brigade; all north of the Sabine, and up Red River, one brigade.

Mr. Gant moved to strike out "by joint vote of both Houses of Congress: lost.

Mr. Gant called for the Ayes and Noes.

The Speaker, (Mr. Branch,) decided it out of order to call, after the question had been decided.

Mr. Gant appealed from the Speaker's decision.

The question being put to the House, was decided in favor of the Speaker's decision.

The question was then taken on Mr. Branch's amendment, and the amendment adopted; and the substitute as amended, adopted.

The House then adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The joint resolution for the relief of Dugald Brown, was taken up on its second reading, and,

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

The substitute to the joint resolution of the Senate, for the relief of the family of Erastus Smith, was taken up and \$250 stricken out, and \$500 inserted, on motion of Mr. Rusk, and the substitute as amended, adopted.

Mr. Rusk, from the Committee of Conference, on the bill to disband the army, reported a substitute to the same, which was adopted, and the report concurred in.

A message from the Senate was received, informing the House that they had concurred in the bill amending the judiciary laws; and the bill to incorporate the town of Mina; and had passed a joint resolution for the relief of James Collinworth; and a joint resolution for the relief of the commissioners to the United States.

The bill to incorporate the Houston, Brazos and Colorado Rail Road Company, was taken up and amendment concurred in.

An act from the Senate to render legitimate certain illegitimate children therein named, was taken up and read a first time, and the rule suspended, and the bill read a second and third time, and passed.

The joint resolution from the Senate, requiring the Auditor to respect the acts of G. W. Poe, late Paymaster General, was taken up, and,

On motion of Mr. Thompson, the amendment of the House receded from.

The joint resolution to raise companies of Videttes, was taken up on a second reading, the rule suspended, and the bill read a third time, and lost.

A joint resolution requiring the Auditor to settle the accounts of W. T. Brannam, was taken up and read a third time and passed.

The joint resolution received from the Senate, for the

relief of D. S. Kaufman and W. F. Gray, was taken up and read a first time, and,

On motion of Mr. Thompson, postponed indefinitely.

A message was received from the Senate, informing the House that they had concurred in the amendment to the joint resolution for the relief of the family of Erastus Smith.

The following joint resolutions from the Senate were taken up, and read a first time:

A joint resolution for the relief of James Collinsworth; a joint resolution for the relief of the commissioners to the United States.

The joint resolution for the relief of A. A. Chapman, was taken up, and,

On motion of Mr. Patton, postponed to the first May.

A message was received from the Senate, informing the House that they had passed a joint resolution for the relief of Kitty McKoy, which originated in the House; the joint resolution for the relief of John Garrett was taken up, and,

On motion of Mr. Thompson, postponed to first May.

The joint resolution for the relief of Arthur Robertson, from the Senate, was taken up on its third reading, and,

The Ayes and Noes being called for on its final passage, the vote stood thus:

**AYES**—Messrs. Baker, Douglass, Gant, Hardiman, Jones of Brazoria, Linn, Menifee, McKinney, Patton, Pierpont and Rusk—11.

**NOES**—Messrs. Speaker, Branch, Burleson, Brenan, Clark, English, Grigsby, Hill, Jones of Austin, Lumpkin, Ponton, Rowlett, Sutherland, Thompson and Thornton—15: lost.

The rule was suspended, and, Mr. Jones, of Brazoria, introduced a supplement to the bill to appoint a board of Medical Censors, read a first time, and rule suspended, and read a second and third time.

The Ayes and Noes being called for on its final passage, the vote stood thus:

**AYES**—Messrs. Baker, Brenan, Clark, Douglass, English, Hill, Jones of Austin, Jones of Brazoria, Linn, Lumpkin, Patton, Rusk and Rowlett—13.

**NOES**—Messrs. Speaker, Branch, Burleson, Grigsby,

Gant, Hardiman, Jack, Menifee, McKinney, Pierpont, Ponton and Sutherland—12: passed.

On Mr. Rusk's motion, the joint resolution for the relief of James Collensworth, was taken up. He moved to strike out \$2500 and insert \$3000.

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

**AYES**—Messrs. Baker, Branch, Burleson, Douglass, Grigsby, Hardiman, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Patton, Pierpont, Rusk, Rowlett and Thornton—17.

**NOES**—Messrs. Brenan, English, Gant, Hill, Menifee, McKinney, Ponton, Sutherland and Thompson—9: adopted.

The rule was then suspended; and bill read a third time.

The Ayes and Noes being called for on its final passage, the vote stood thus:

**AYES**—Messrs. Baker, Branch, Burleson, Clark, Douglass, Grigsby, Hardiman, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Patton, Pierpont, Rusk, Rowlett and Thornton—17.

**NOES**—Messrs. Brenan, English, Gant, Hill, Menifee, McKinney, Ponton, Sutherland and Thompson—9: passed.

The joint resolution for the relief of N. T. Byers, was taken up, and postponed to the first of May.

The resolution to adjourn, was taken up on second reading,

On motion of Mr. Thompson, the fifteenth December, was stricken out, and eighteenth December, inserted, and,

On motion of Mr. Patton, the first of March was stricken out, and the first Monday in May inserted, and,

The Ayes and Noes being called for on its final passage, the vote stood thus:

**AYES**—Messrs. Speaker, Burleson, Brenan, Clark, Douglass, English, Grigsby, Gant, Hardiman, Hill, Jones of Austin, Jones of Brazoria, Jack, Linn, Lumpkin, Menifee, McKinney, Pierpont, Ponton, Rusk, Rowlett, Sutherland and Thornton—23.

**NOES**—Messrs. Baker, Branch, Patton and Thompson—4: passed.



The bill to appoint a Superintendent to the Public Buildings;

A bill for the relief of Walker and Barton;

And a joint resolution to provide for the authentication of deeds;

A joint resolution allowing pay to Commissioners;

A joint resolution relating to Probate Courts; and,

A joint resolution allowing pay to the Secretary of Legation, were taken up and postponed to first May.

The House then adjourned to 7 o'clock.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

A message was received from the Senate, informing the House that they had concurred in the amendment to the joint resolution for the relief of James Collinsworth; and a joint resolution for any person on filing in the office of Secretary of War, &c.; and also to drive in estrays; and hoped the House would concur therein; a supplement to an act supplementary to the bill to reorganize the army; and a joint resolution relating to the appointing of an additional agent to effect a loan; and requesting the House to concur therein.

The joint resolution relating to the appointing of an additional commissioner, was taken up and read a first time.

Mr. Thompson moved to postpone it indefinitely: lost.

The supplement to the militia bill was taken up,

Mr. Thompson moved to postpone it indefinitely: lost. The rule was suspended and the bill read a third time.

The Ayes and Noes being called on its final passage, the vote stood thus:

AYES—Messrs. Baker, Branch, Clark, Douglass, English, Gant, Hardiman, Jones of Austin, Jack, Linn, Pierpont and Sutherland—12.

NOES—Messrs. Speaker, Burleson, Brenan, Grigsby, Hill, Jones of Brazoria, Lewis, Lumpkin, Menifee, McKinney, Rusk, Rowlett, Thompson and Thornton—14: lost.

A message was received from the Senate, informing the House that they had concurred in the joint resolution for the relief of A. R. Bodman; a joint resolution for the relief of John J. Linn; a joint resolution for the relief of F. W. Thornton.

On motion of Mr. Menifee, the House proceeded to elect a committee of three, under the joint resolution of Congress, to appoint committees to select a site for the seat of Government.

Mr. Linn and Mr. Gant were appointed tellers, and the House proceeded to ballot for the same, and Messrs. Jack, Sutherland and Lumpkin were elected the committee of the House.

A message was received from the Senate, informing the House that they had appointed Messrs. Somerville and Burton a committee to contract for certain printing, &c.; and had appointed Messrs. Barnett and Rains their committee to select a location for the Seat of Government.

The joint resolution from the Senate, appointing a committee to contract for printing the laws of Coahuila and Texas, was taken up and read a first time, and rule suspended and read a second time, and amended by adding, and the laws of a general nature passed by the Congress, and the journals of both Houses of Congress, and also the laws of the General Council, composed of two from the Senate and three from the House.

On Mr. Rusk's motion, a committee of three was appointed to draft a bill for the organization of the militia.

Messrs. Rusk, Rowlett and Menifee were appointed the committee.

On motion of Mr. English, the House adjourned to Monday at 10 o'clock.

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MONDAY, 10 O'CLOCK A. M. Dec. 18th, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. McGowan.

The reading of the journal was dispensed with.

Mr. Rusk, from the committee to whom was referred the duty of reporting a bill for organizing the militia: reported.

A bill which was read a first time and the rule suspended, and read a second and third time and passed.

The Ayes and Noes being called for, on its final passage, the vote stood thus:

AYES—Messrs. Speaker, Brenan, Grigsby, Gant, Jones of Austin, Jones of Brazoria, Linn, Lewis, Lumpkin, Menifee, M'Kinney, Pierpont, Rusk, Thompson and Thornton—15.

NOES—Messrs. Baker, Branch, Burleson, Clark, Douglass, Hardiman, Jack, Patton and Rowlett—9: passed. Leave of absence was granted Messrs. English, Clark and Sutherland for remainder of the session.

The Committee on Enrolled Bills, reported the following, as examined and found correctly enrolled:

An act supplementary to an act entitled an act to organize the militia of the Republic.

An act granting lands to those who were in the battle of San Jacinto and other battles.

An act to authorize the Postmaster General to establish a Post Route.

An act to amend the several laws regulating the Post Office Department.

An act to incorporate the Steam Sawmill Company.

An act to define the boundaries of the county of Liberty.

A joint resolution for the relief of John J. Linn.

A joint resolution for appointing two legal gentlemen to compile a Judicial Code of Laws for the Republic of Texas.

Mr. Brennan moved to reconsider the bill to raise a company of Videttes: lost.

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

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

A message from the Senate was received, informing the House that they had amended the resolution to adjourn, by inserting the "20th instant, and the second Monday in April," and requested the House to concur therein.

The following communication was received from the President, enclosing a letter from John F. Kemper, which was read, and referred to the Committee on Military Affairs, to report at 7 o'clock:

EXECUTIVE DEPARTMENT, }

REPUBLIC OF TEXAS, }

City of Houston, Dec. 18th, 1837.

To the Hon. House of Representatives of Texas,

GENTLEMEN—I have the honor of communicating the latest intelligence in the enclosed document, from the western frontier, which arrived by express late on the evening of the 16th instant. The Executive solicits the advice of the Hon. House of Representatives, as he can

arrive at no conclusion, owing to the general confusion which has hung over that frontier.

\* \* SAM HOUSTON.

Mr. Jones, of Austin, introduced a joint resolution to have cisterns provided for the use of the Capitol; read a first time, and rule suspended; read a second and third time and passed.

The resolution to adjourn was taken up and the amendments of the Senate concurred in.

A message was received from the Senate, informing the House that they had passed an act to change the name of Mina county and town to that of Bastrop, which was taken up, read a third time and concurred in.

Mr. Jones, of Brazoria, moved the following: that the Enrolling Clerk of the House be authorized to procure a suitable book, in which to record the journals of the extra and present session of this Congress, &c. &c.—: adopted.

Messrs. Jones, of Brazoria, and Baker were appointed a committee to wait on the Senate and request their attendance to elect Medical Censors.

The Senate entered, and the Congress then elected the following gentlemen:

For Red River, Isaac Jones; Nacogdoches, R. A. Irion; Harrisburgh and Liberty, Ashbel Smith; Washington, Asa Hoxey; Milam, George W. Hill; Brazoria, J. McNeil Stewart; Matagorda, Jackson and Victoria, Albert M. Levy; Mina and Gonzales, Thomas Anderson; Austin and Colorado, Joel Johnson; San Patricio, J. P. January; Bexar, H. Bissell.

The Senate retired, and the House adjourned until 7 o'clock.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment,

A communication was received from Mr. Gazley, and read.

A message was received from the committee of the Senate informing the House that they had determined to adhere to their resolution to adjourn on the 20th.

A message was received from the President, returning the Militia Bill, with a communication:

EXECUTIVE DEPARTMENT, }  
 REPUBLIC OF TEXAS. }

City of Houston Dec. 18, 1837.

To the honorable, the Speaker, and  
 members of the House of Representatives,

GENTLEMEN—It is with great reluctance that I am constrained to exercise the constitutional privilege of returning the act entitled "an act to organize the Militia of this Republic;" but the following reasons induce me to the step.

I do conceive that the Adjutant-General of the Republic is a member of the staff of the President, and is so esteemed by all free governments, so far as the last law went, in relation to the appointment and duties of the Adjutant-General, there is no reasonable objection. The modifications by the supplement have certainly given him no additional efficiency, but they are calculated to produce conflicts and destroy harmony. All orders to an army should pass from the President through the Adjutant-General.

The proper organization of the Militia would have been consummated under the last law, had Congress made any appropriation adequate to the completion of its organization.

Not one dollar was placed at the disposition of the Executive. An Adjutant-General was appointed who would have effected every thing desired, but he had neither means of transportation nor subsistence, while in the exercise of his various duties. The Executive does not object to the organization proposed in the supplemental bill so far as it embraces the election of a Major and Brigadier-General, nor does he hesitate in accordance with the most anxious solicitude expressed by the Congress for the organization of the Militia, but previous to his approving the supplement he cannot assent to any views that will exclude the nomination of the Adjutant-General by the Executive, and ratification by the Senate, and the appropriation of such an amount of money as will ensure an object so desirable, as giving the greatest efficiency to the Militia of the country.

The Executive has always regarded it as the bulwark of a nation of freemen, and as such he estimates them in the present vote of the supplemental bill.

These views are most respectfully submitted to the consideration of the honorable House of Representatives, all impediments of the execution of the former bill arose from the want of a suitable appropriation, there not being a cent in the Treasury.

SAM HOUSTON.

A message was received from the Senate informing the House that they were about to go into secret session, and that the doors would be thrown open to receive any message the House might wish to make.

Mr. Rusk, from the Committee to whom was referred the message of the President relating to the letter of J. F. Kemper, reported.

The Committee on Military Affairs to whom was referred the message of his Excellency, the President, conveying a letter from John F. Kemper, and others, in relation to the advance of two hundred Mexican cavalry to San Prtricio, and asking the advice of this House, has had the same under consideration and ask leave to report:

"That whether the cavalry mentioned in the letter be a detached party, or an advance guard of an invading army, is a matter of great uncertainty, but in matters of this kind if error be committed it is greatly to be hoped that the error should be found on the safe side, and in energetic and active preparations to meet the enemy upon our frontier, and not again await their devastation, much to the injury of the interior of our country: if the militia are organized we are decidedly of the opinion that there are stout hearts and strong arms enough amongst them to meet and drive back the enemies of our common country.

"And this committee would recommend that some responsible individual be forthwith despatched to make purchases of powder and lead, in order to enable us to give our foes a genteel reception.

THOS. J. RUSK,

*Chairman.*

The report was unanimously adopted.

Mr. Branch asked to reconsider the bill entitled "an act entitled an act to organize the Militia of this Republic.

The Ayes and Noes being called for, on its final passage, the vote stood, Ayes 20, Noes 4: and the bill passed.

Mr. Baker, chairman of the Committee on Enrolled Bills, reported that the Committee on Enrolled Bills have examined the following bills and resolutions, viz:

"An act relating to the pay and allowance of the officers and soldiers of the army.

"An act authorizing persons to dispose of property by will.

"An act making provisions for persons who have been permanently disabled in the service of Texas.

"A joint resolution for the relief of the family of Erastus Smith.

"An act to incorporate the Brazoria Insurance Company.

"A joint resolution requiring the Auditor to audit the accounts of Col. Weymouth.

"A joint resolution for the relief of A. R. Bodman.

"An act to define the boundaries of the county of Red River.

"A joint resolution to translate the Laws of the Republic into the Castillian language.

"A joint resolution for the relief of F. W. Thornton.

"An act to provide for the appointment of Chief Justices, in cases of vacancy.

"A joint resolution for the relief of H. C. Hudson.

"A joint resolution relative to Consulates.

"An act to incorporate the town of Mina.

"A joint resolution for the relief widow of Kitty M'Coy.

"A joint resolution to amend the act entitled an act to raise a revenue by impost duties.

"A joint resolution altering the name of the county and town of Mina."

And find the same correctly enrolled.

JOSEPH BAKER.

*Chairman.*

A joint resolution from the Senate to authorize persons to drive in cattle, mules, &c., &c., postponed till the first of May.

The joint resolution to discharge the officers and soldiers of the army and Navy, was,

On motion of Mr. Jones, of Brazoria, indefinitely postponed.

The joint resolution relating to allowing officers of the Navy payment while under orders, was,

On motion of Mr. Rusk, postponed till the first of May.

The joint resolution to appoint an additional Commissioner to effect a loan.

Mr. Hill moved to postpone the bill till the first of May. (Expunged.)

Mr. Jones, of Brazoria, moved that the Secretary of State be charged with the care of the Capitol, and that he be authorized to employ a suitable person to attend to the same, the rule was suspended and the bill adopted.

A message was received from the Senate informing the House that they had passed an act relative to the Militia, vetoed by the President, passed unanimously by the House.

A committee of Messrs. Rowe and Jones were appointed to inform the Senate that they were ready to go into an election of officers under the Militia Bill.

A committee from the Senate to inform the House that they are ready.

The Senate met the House in joint session to elect the officers under the act entitled an act supplemental to an act entitled an act to organize the Militia of this Republic, vetoed by the President, and passed by a unanimous vote of the Senate, and constitutional majority of the House of Representatives, on the 18th day of December, 1837.

The Senate entered and were seated.

The Congress then proceeded to elect the officers contemplated under the Militia Bill.

*Major General*—Thomas J. Rusk.

*First Brigade*—E. Burleson, District west of the Brazos.

*Second Brigade*—Mosley Baker, District between the Brazos and Trinity.

*Third Brigade*—Kesley H. Douglass, District east of Trinity.

*Fourth Brigade*—John H. Dyer, District east of, and up Red River.

*Adjutant General*—Hugh B. M'Leod.

The Senate then retired.



Mr. Rusk moved that Mr. Sturges be sworn in as Chief Clerk.

Mr. Menifee moved the appointment of a committee of two to inform the Senate that this House cannot agree to adjourn on Monday:

Messrs. Menifee and Thompson were appointed said committee.

A committee was received from the Senate informing the House that they concurred in their resolution to adjourn on the 20th.

Mr. Menifee moved, as he had performed the duty assigned him, to adjourn till 10 o'clock.

A committee was received from the Senate informing the House that they deemed it important to remain a day longer, and requested that the committee of conference should meet and arrange the time of adjournment.

Messrs. Rusk, Thompson and Jack, appointed the committee of conference, have come to the conclusion to adjourn to-morrow at 12 o'clock; concurred in.

Messrs. Jack and Patton were appointed a committee to inform the President that the House would adjourn at 12 o'clock to-morrow.

On motion of Mr. Baker, the House adjourned, till 11 o'clock to-morrow morning.

#### TUESDAY, Dec. 19, 1837.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Ruter.

The journal of the preceding day being read.

Mr. Douglass, from the Committee on Claims and Accounts, reported in favor of allowing Capt. Kemper pay as armorer, which was concurred in.

On motion of Mr. Rusk, Capt. Kemper had leave to withdraw his papers.

On motion of Mr. Jack, a vote of thanks was tendered to the Speaker for the able and impartial manner in which he had performed his duties.

Mr. Jones, of Austin, offered a resolution that the sergeant-at-arms be authorized to take charge of the furniture of the House of Representatives, which resolution was adopted.

Mr. Rusk offered a joint resolution to pay Sam Williams in the promissory notes of the Government. Read a first time; the rule was suspended, and the joint resolution read a second and third time and passed.

A message was received from the Senate, repealing the standing rules of both Houses, declaring that no bill shall be handed to the President on the last day of the Session.

On motion of Mr. Jack, all persons who had papers in possession of the Clerk of the House, had leave to withdraw them.

A committee of Messrs. Burton and Horton, from the Senate, informed the House, that the Senate would be ready to meet the House and adjourn at 12 o'clock.

Messrs. Jack and Patton were appointed a committee on the part of the House, to inform the President that the Congress was ready to receive any communication he might have to make.

The Senate were informed that the House were ready to receive them, and hear the communication from the President.

A message was received from the Senate informing the House that they had concurred in a joint resolution for the relief of Sam Williams.

The Senate then entered the Hall of the House of Representatives, and were seated. The rolls of both Houses being called, a quorum of each House were present.

The President then entered, escorted by the Joint Committee, and delivered an address to the two Houses.

The Senate retired to their Hall, at the instance of their President.

The joint resolution from the Senate, relating to preventing bills on the last day of the session, was concurred in.

Messrs. Branch and Thornton were appointed a committee to inform the Senate, that they were now ready to adjourn.

A like committee was received from the Senate, informing the House that they had no further business on hand, and were also ready to adjourn.

On motion of Mr. Jack, the Speaker then adjourned the House of Representatives to the second Monday in April next.