

JOURNALS

OF THE

S E N A T E ,

OF THE

CALLLED SESSION OF CONGRESS CONVENEED AT
THE CITY OF HOUSTON, ON THE 25TH
DAY OF SEPTEMBER, 1837;

AND OF THE

REGULAR SESSION, ON THE SIXTH DAY
OF NOVEMBER, 1837.

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HOUSTON:

NATIONAL BANNER OFFICE—NILES & CO., PRINTERS.

1838.

REPORT

OF THE

PROCEEDINGS OF THE SENATE.

Agreeably to the Proclamation of His Excellency the President, the Senate met in the Senate Chamber at the City of Houston.

On motion of Mr. Wilson, Mr. Everitt was called to the Chair, and Arthur Robertson was appointed Secretary pro tem.

There not being a quorum present, on motion of Mr. Augustin, the Senate adjourned till to-morrow 10 o'clock, A. M.

ARTHUR ROBERTSON,

Sec'ry. pro tem.

SEPTEMBER 26th, 1837.

The Senate met pursuant to adjournment. The roll being called, but eight members were found to be present; there not being a quorum, on motion of Mr. Robertson, the Senate adjourned till three o'clock P. M.

A. ROBERTSON,

Sec'ry. pro tem.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment; the roll was called, and no quorum being present, the Senate adjourned until to-morrow 10 o'clock, A. M.

A. ROBERTSON,

Sec'ry. pro tem.

SEPT. 27th, 1837.

The Senate met pursuant to adjournment; a quorum

being present, the Senate proceeded to the election of a President pro tem.

Mr. Wharton nominated Mr. Everitt, and the question being put, Mr. Everitt was elected without opposition, and Messrs. Barnett and Raines were appointed to conduct him to the Chair.

The President pro tem. then addressed the Senate at some length in acknowledgment of the honor conferred upon him.

The following officers were then chosen—viz :

Arthur Robertson, Chief Secretary.
Manasseh Sevey, Assistant Secretary.
Oscar Farrish, Engrossing Clerk.
E. L. Stickney, Enrolling Clerk.
A. M. Tompkins, Reporter.
N. T. Byers, Sergeant-at-Arms.

James G. Wilkinson, Door-Keeper, and were sworn by the President, pro tem.

The following Senators then took the oath prescribed by law—viz :

Mr. Barnett, from Washington;
Mr. Burton, from Nacogdoches;
Mr. Raines, from Shelby and Sabine;
M. Green, from Bexar; and
Mr. Wharton, from Brazoria.

On motion of Mr. Wharton, a committee was appointed to wait on the House of Representatives to inform them that the Senate was organized, and ready to proceed to business.

Messrs. Wharton and Augustin were appointed said committee.

Mr. Barnett offered a joint resolution to appoint a committee, to act in conjunction with one from the House of Representatives, to wait on the President, and inform him that the two Houses of Congress were organized and ready to receive any communication he might have to make.

The resolution received a first reading, and the rules being suspended, it was read a second and third time and adopted.

Messrs. Branch and Gazley, a committee from the House, announced that the House was organized and

ready to proceed to business,—having chosen the following officers—viz:

Joseph Rowe, Speaker ;
John M. Shreve, Chief Clerk ;
Francis R. Lubbock, Assistant Clerk ;
Thomas Green, Engrossing Clerk ;
G. G. Stratton, Sergeant-at-Arms ;
Solomon Johnson, Door-Keeper ;

Also, that the House had concurred in the joint resolution to appoint a committee to wait on the President, and have appointed on the part of the House of Representatives, Messrs. Gant of Washington, Jones of Brazoria, and Thompson of San Augustine, said committee.

On motion of Mr. Robertson, the Senate then adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment ; a quorum not being present, the Sergeant-at-Arms was sent in search of absent members.

A quorum being present, Mr. Barnett, from the joint committee appointed to wait upon the President, reported that His Excellency the President requested leave, in consequence of his own, and his private Secretary's ill health, to delay his communication until to-morrow 10 o'clock, A. M.

On motion of Mr. Barnett, a committee of Privileges and Elections was appointed by the President pro tem., consisting of Messrs. Barnett, Raines and Augustin.

On motion of Mr. Barnett, a committee was appointed to solicit a Clergyman to perform the duty of Chaplain of the Senate for the ensuing session : Messrs. Barnett, Burton, and Green, were appointed said committee.

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

SEPT. 28th, 1837.

The Senate met pursuant to adjournment ; the journals were read and approved.

A petition was presented from the inhabitants of Nacogdoches respecting locating and surveying lands, and was referred to the committee on public lands.

The President nominated the following standing committees :

Committee on Foreign Relations : Messrs. Wharton, Barton and Everitt.

Finance : Messrs. Green, Lester and Robertson.

Military Affairs : Messrs. Burton, Green and Augustin.

Naval Affairs : Messrs. Wilson, Raines and Robertson.

Public Lands : Messrs. Barnett, Horton and Wharton.

Some communications were received from the Secretary of State, and were referred, on motion of Mr. Wharton, to the committee on Privileges and Elections.

Mr. Barnett, Chairman of the Committee on Privileges and Elections, to which were referred the credentials of new members, reported in favor of Messrs. Raines, Burton, Wharton and Barnett,—but that the committee were not satisfied of the constitutionality of the election of Mr. T. J. Green from Bexar.

On motion of Mr. Wharton, the report was adopted.

Mr. Robertson introduced a resolution to appoint a committee to take charge of the rooms in the Capitol, over the Senate Chamber, which was adopted ; and Messrs. Robertson, Augustin and Lester, were appointed said committee.

Mr. Augustin introduced a joint resolution to authorize the Attorney-General to purchase, under certain restrictions, digests of the acts of the United States Congress, and of the several States, as far as practicable ; also, of Coahuila and Texas ; and any other law books which may be deemed necessary for the use of the Government ; read a first time and laid on the table.

Mr. Barnett, from the special committee to solicit a clergyman to perform the duties of chaplain, reported that Mr. Matthews had consented to act on condition that his services would not be required for ten days, in consequence of ill health,—and the report was accepted.

A petition was presented from Messrs. Hood and Alsbury, respecting the election of Mr. Green from Bexar.

On motion of Mr. Wharton, it was referred to the committee on Privileges and Elections.

On nomination, by the President, Messrs. Augustin, Dunn and Wilson, were appointed a standing committee on contingent expenses, and Messrs. Burton, Wilson and Wharton, committee on engrossed bills.

A message was received from His Excellency the President of the Republic, by his private secretary, Mr. Henriques, stating the object of convening Congress, and was read by the Secretary of the Senate.

On motion of Mr. Wharton, so much of the President's message as relates to foreign affairs was referred to the Committee on Foreign Relations, and so much as related to the land law was referred to the Committee on Public Lands.

On motion of Mr. Wharton, five hundred copies of the President's Message were ordered to be printed.

Mr. Wharton, at his own request, was excused from the committee on public lands.

On nomination by the President, Messrs. Barnett, Burton and Robertson, were appointed a committee on printing.

Mr. Wharton introduced a resolution requesting the Secretary of State to communicate to the committee on foreign relations, as much of the correspondence on certain subjects, between this government and the United States, as would be consistent with the public interest—adopted.

Mr. Green introduced a resolution, to instruct the committee on Finance to call upon the Secretary of the Treasury for information connected with his department—adopted.

Mr. Wilson introduced a resolution requiring the Secretary of the Navy to furnish the committee on Naval Affairs with information connected with his department—adopted.

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

SEPT. 29th, 1837.

The Senate met pursuant to adjournment; the journals were read and approved.

Mr. Green presented certain documents relative to the election of the Senator from Bexar; and on motion of the

same gentleman, they were referred to the committee on Privileges and Elections.

Mr. Wharton informed the Senate that the committee on foreign relations would report to-morrow.

Mr. Burton, chairman of the committee on printing, presented their report—which was received.

A document concerning elections was received from the Secretary of State, and referred to the committee on Privileges and Elections.

The rules for the government of the Senate were read by the Secretary.

On motion of Mr. Wharton, the rules for the government of the Senate were referred, for revision, to a special committee, and Messrs. Wharton, Burton and Barnett were appointed said committee.

The President then nominated the following standing committees—viz :

On Indian Affairs: Messrs. Burton, Green and Robertson.

Claims and Accounts: Messrs. Horton, Lester, Barnett.

Judiciary: Horton, Raines and Wharton.
Roads, Ferries and Bridges: Raines, Barnett, Lester.

On motion of Mr. Green, the Senate went into secret session.

The doors being opened, the resolution instructing the Attorney-General to purchase certain books for the use of the Government was read a second time.

Mr. Wharton introduced a joint resolution suspending the operation of the law passed last session for the opening of the land office—read a first time, and the rules being suspended, it was read a second and third time, and passed unanimously.

On nomination by Mr. Barnett, the President pro tem was appointed to fill the vacancy in the committee on Public Lands, occasioned by the resignation of Mr. Wharton; and on nomination by Mr. Robertson, Mr. Burton was added to said committee.

Mr. Burton introduced a resolution authorizing the committee on Military Affairs to call upon the Secretary of War for information concerning his department; read a first time.

Mr. Wilson moved a suspension of the rule; upon which Mr. Burton, at the request of the President, took

the chair, and Mr. Wilson's motion being put was negatived.

The President then resumed his seat.

A joint resolution was received from the House respecting rules for the government of Congress; concurred in, and referred to the special committee, to which were referred the rules for the government of the Senate.

At the request of the President pro tem. Mr. Raines took the Chair.

On resuming the chair, the President nominated Messrs. Barnett, Augustin and Lester, the standing committee on County Boundaries.

Mr. Burton introduced a resolution authorizing the committee on Indian Affairs to call upon the President of the Republic, and the Secretary of State, for information: read first time, and laid on the table.

On motion of Mr. Wharton, the committee on Printing, was instructed to have 500 copies of each number of the Telegraph distributed equally to the Senators during the session.

On motion of Mr. Wharton, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

A substitute for the Bill respecting the opening of the land office, which had been sent to the House for concurrence, was received and adopted.

A joint resolution was received from the House appointing a committee to act, in conjunction with one from the Senate, to enquire into the expediency of selecting a permanent location for the Seat of Government; which was concurred in, and Messrs. Lester, Raines and Wharton were appointed said committee on the part of the Senate.

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

SEPTEMBER 30th, 1837.

The Senate met pursuant to adjournment, the journals were read and approved.

The Senate then went into secret session.

The doors being opened, Mr. Barnett presented a petition from N. T. Byers, and P. M. Mercer, and on motion of same gentleman, it was referred to the committee on Claims and Accounts.

Mr. Wilson, chairman of committee on Naval Affairs, reported by a communication from the Secretary of the Navy, which on motion of Mr. Wharton, was laid on the table.

Mr. Burton introduced a resolution appointing a committee to wait on the President of the Republic, and make inquiries, respecting the Navy Department.

On motion of Mr. Wharton, the rules were suspended, and the resolution was adopted. Messrs. Burton and Wilson were appointed said committee.

Mr. Wharton introduced a resolution admitting certain persons, therein designated, within the bar of the Senate; laid on the table.

Mr. Burton, chairman of the committee on printing, presented a communication from Messrs. Cruger and Moore, public printers, which on motion of Mr. Wharton, was referred to the committee on printing.

On motion of Mr. Barnett, the President of the Senate was added to the committee on Claims and Accounts.

Mr. Barnett then took the chair.

Mr. Wharton, chairman of the special committee, to which were referred the rules for the government of the senate, reported, and on motion of same gentleman, the rules were read by sections.

Mr. Wharton moved an amendment to section 7th, and the motion being put, was lost.

On motion of Mr. Everitt, the following addition was made to section 8th—viz:

“And for every failure to attend the Senate at the hour of adjournment, they shall be fined one dollar, to be collected of the delinquent by the Sergeant-at-Arms, who shall be entitled to the fine.”

On motion of Mr. Wharton, the word “gallery” in section 18th was struck out and the words “Senate-chamber” substituted.

On motion of Mr. Wharton, section 25th was struck out.

On motion of Mr. Wharton, the word “one” in section

30th was struck out, and the word "eleven" substituted.

On motion of Mr. Everitt, the following addition was made to section 39th—viz :

"And in all cases of removal of the injunction of secrecy, remarks on personal reputation are and shall be forever excepted, unless unanimously, and expressly otherwise ordered by the Senate."

On motion of Mr. Everitt, the following section was added to the rules of the Senate :

"The above named rules are hereby adopted by the Senate, and Jefferson's Manual is adopted as a book of reference for the explanation of the above and other rules, or when the above rules are silent."

On motion of Mr. Everitt, one hundred copies of the above rules were ordered to be printed.

Mr. Wharton introduced a joint resolution appointing a special committee to suggest amendments to the constitution : read first time.

Mr. Wilson introduced a joint resolution appointing a committee to enquire into the expediency of establishing the office of Interpreter, and appointing a Translator for the General Land Office : read first time.

The order of the day was then taken up.

The joint resolution providing for the purchase of books for the use of Government was read a third time, and passed.

The resolution instructing the committee on Indian Affairs, to call upon the President and Secretary of State for information, was taken up on its second reading and adopted.

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

OCTOBER 2nd, 1387.

The Senate met pursuant to adjournment ; there being no quorum present on account of the illness of Mr. Green.

On motion of Mr. Wharton, the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment ; there not

being a quorum present, the Senate adjourned till to-morrow 10 o'clock, A. M.

OCTOBER 3rd, 1837.

The Senate met pursuant to adjournment; there no being a quorum present on account of the continued illness of Mr. Green, on motion of Mr. Wharton, the Senate adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment. A message was received from the House, stating that the House consented to the Senate's adjourning to the residence of Mr. Green, and no quorum being present, on motion of Mr. Wharton, the Senate adjourned immediately to Mr. Green's residence.

On meeting at Mr. Green's room, a quorum being present, Mr. Wharton, Chairman of Committee on Foreign Relations, to which was referred so much of the President's message as related to the Northern and Eastern boundary line of this Republic, reported.

On motion of Mr. Wilson, the rules were suspended, and it was read a second time by its caption.

On motion of Mr. Wilson, 100 copies were ordered to be printed.

Mr. Wilson, Chairman of Committee on Naval Affairs, submitted a report; read a first time.

A message was received from His Excellency the President, requesting leave to delay his communication concerning Hon. S. R. Fisher; referred to the Committee on Naval Affairs.

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

OCTOBER 4th, 1837.

The Senate met pursuant to adjournment: no quorum present.

On motion of Mr. Wharton, the Senate went into secret-session.

On the doors being opened, the Sergeant-at-Arms was ordered to proceed in search of the absent Senators from Matagorda and San Patricio; and Mr. John Hadnought

was appointed assistant Sargeant-at-Arms during his absence.

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

OCTOBER 5th, 1837.

The Senate met pursuant to adjournment.

Mr. John Hallnought, the Assistant Sargeant-at-Arms, was sworn; there not being a quorum on account of the continued indisposition of Mr. Green, on motion of Mr. Robertson, the Senate adjourned till to-morrow 10 o'clock, A. M.

OCTOBER 6th, 1837.

The Senate met pursuant to adjournment; no quorum present, in consequence of the sickness of Mr. Green.

A message was sent to the House requesting leave to adjourn to the residence of any sick member, or members, whenever the Senate might deem it expedient so to do: which request was granted by the House.

On motion of Mr. Wharton, the Senate adjourned to the residence of Mr. Green.

The Senate having met pursuant to adjournment, at the room of Mr. Green from Bexar, Mr. Burton, from the Committee on Indian Affairs, stated that in consequence of the indisposition of His Excellency the President they were unable to report.

Mr. Burton introduced a resolution, that a committee of two be appointed to request his Excellency to communicate to the Senate, respecting Indian and Naval Affairs.

The committee, Messrs. Barton and Augustin, having proceeded forthwith to wait upon his Excellency, reported, that in consequence of indisposition he was unable at present to communicate.

Mr. Burton submitted a resolution instructing the President to place the Hon. S. R. Fisher in full exercise of his duties, as Secretary of the Navy, until the charges and specifications of his Excellency are made: read first time, and, on motion of Mr. Wharton, read a second time and unanimously adopted.

ORDER OF THE DAY.

The report of Committee for the disposition of rooms in the Capitol was read a first time.

Report of Naval Committee was read a second time, and the report referred to the Naval Committee.

Mr. Burton moved to clothe the Naval Committee with power to send for persons, and papers: adopted.

A resolution to admit certain persons within the Bar of the Senate, was read a second time and adopted.

A resolution appointing a committee to suggest amendments to the Constitution, was read a second time, and ordered to be engrossed.

A resolution to appoint a committee to enquire into the expediency of appointing an Interpreter and Translator of languages, to be connected with the General Land Office, was read a second time and adopted.

Committee, Messrs. Wilson, Robertson and Wharton.

Mr. Wharton submitted a resolution to authorize the Chairman of the Committee on Printing to take as many or few papers, as he thought proper: adopted.

On motion of Mr. Raines, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Burton offered a resolution appointing a committee to wait on the President, to request him to make the expected communications concerning the Navy Department, and Indian Affairs, which was adopted, and Messrs. Burton and Augustin were appointed said committee.

Mr. Burton introduced a resolution instructing His Excellency to reinstate the Hon. S. R. Fisher in the exercise of his official duties, which was adopted.

Mr. Wilson, Chairman of Committee on Naval Affairs, submitted a report accompanying an act for the purchase of two armed brigs, which was read and re-committed to the Committee on Naval Affairs.

On motion, Messrs. Everitt, Wharton, and Burton, were added to said committee.

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

OCTOBER 7th, 1837.

The Senate met pursuant to adjournment.

The report of the Naval Committee was received and laid on the table till called up.

On motion, Mr. Wharton was added to the Committee on Public Lands.

Mr. Everitt moved that a committee be appointed to draft a land bill forthwith, and to ask the co-operation of the Committee on Public Lands of the House of Representatives, and the rules being suspended, it passed.

Mr. Everitt introduced a resolution that the President furnish the Senate with a list of officers, both civil and military, their respective pay, &c.; the rules being suspended, it passed.

The orders of the day were then taken up.

The report of the Committee on Foreign Relations was put upon its second reading, and, on motion, it was ordered to be engrossed for a third reading.

The resolution, appointing a committee to suggest amendments to the Constitution, passed.

An act to define the boundaries of the county of Shelby was referred to Committee on County Boundaries.

The Senate went into secret-session.

The doors being opened, a message was received from the House enclosing a resolution with a memorial from James S. Holman, with accompanying documents, likewise a Bill for the relief of Cruger & Moore.

The resolution appointing a committee to take into consideration J. S. Holman's memorial, was read a first time.

The Bill for the relief of Cruger & Moore was read a first time, and the rules being suspended, it passed.

On motion to adjourn till 10 o'clock to-morrow, the ayes and noes were called—

Ayes—4.

Noes—6: lost.

The Senate then adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The roll being called, Messrs. Burton, Wilson, Barnett, and Wharton were found to be absent. The Secretary was instructed to read their names after roll-call on Monday morning, and mention their absence.

The Senate then adjourned till Monday morning 10 o'clock.

MONDAY, October 9th, 1837.

The Senate met pursuant to adjournment, and there being no quorum present, adjourned till to-morrow 10 o'clock, A. M.

OCTOBER 9th, 1837.

The Senate met pursuant to adjournment; no quorum present.

Mr. Wilson in the Chair.

On motion of Mr. Everitt, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment; no quorum present.

The Senate adjourned till to-morrow 10 o'clock A. M.

OCTOBER 11th, 1837.

The Senate met pursuant to adjournment; there being no quorum, the President of the Senate appointed Messrs. Wilson, Wharton, Lester, Burton, and Raines a committee to act in conjunction with one from the House, on the memorial of James S. Holman.

The President also appointed Messrs. Lester and Augustin, Enrolling Committee.

On motion of Mr. Wharton, the Senate adjourned till 11 o'clock, to the room of Mr. Green.

ELEVEN O'CLOCK.

The Senate met pursuant to adjournment, at Mr. Green's room.

A message, with sundry resolutions, was received from the House.

Mr. Lester, Chairman of the Joint Committee, to which was referred the selecting of a permanent Seat of Government, reported by a resolution, to appoint joint committees to make the necessary arrangements for the same : laid on the table.

An act from the House respecting the appointment of Aliens to Office was read a first time.

A joint resolution respecting the signing of the Promissory Notes of the Government was read—the rules being suspended, it was read a second time.

Mr. Barnett then took the Chair, and said resolution having been amended by a resolution of Mr. Everitt, and the rules being suspended, was read a third time and adopted unanimously.

Mr. Everitt then resumed the Chair.

An act from the House respecting laws for the government of the corporation of San Augustine, and incorporating the town of Shelbyville was read and laid on the table.

The Orders of the Day were then taken up.

The report of the Special Committee respecting the disposal of the rooms in the Capitol was read a second time, and adopted.

The report of the Committee on Foreign Relations, consisting of Resolutions concerning the Northern and Eastern boundary line was read a third time and adopted.

On motion of Mr. Wharton, the report of the Naval Committee was again taken up and re-referred to the same Special Committee.

The Senate then went into secret-session.

The doors being opened, on motion of Mr. Robertson, the Senate adjourned till to-morrow 10 o'clock, A. M.

OCTOBER 12th, 1887.

The Senate met pursuant to adjournment.

Mr. Horton, Senator from Matagorda, appeared and took his seat.

The Senate went into secret-session.

The Doors being opened, Mr. Wharton presented the petitions of Captain Williams, and Messrs. Byers and

Mercer, which were referred to the Committee on Claims and Accounts.

Mr. Burton, Chairman of Committee on Indian Affairs, presented a report, on which the Senate went into secret-session.

The Doors being opened, a message was received from the House, asking a concurrence of the Senate to an act regulating Elections.

Mr. Wilson, Chairman of Special Committee, to which was referred the resolution enquiring into the expediency of creating the Office of Interpreter to the General Land Office, reported by a bill, which was read a first time, and laid on the table.

The bill from the House regulating Elections, was then read and laid on the table.

The Orders of the Day were then taken up.

The bill respecting the appointment of Aliens to Office was read a second time.

Mr. Wharton offered an amendment, which was adopted, and the bill was ordered to be engrossed for a third reading.

The President of the Senate appointed Messrs. Wharton, Horton, and Burton, a committee to suggest amendments to the Constitution.

The report of the committee to locate the Seat of Government was read a second time.

Mr. Horton took the Chair.

Mr. Robertson offered an amendment which was adopted.

Mr. Everitt offered an amendment which was adopted.

A message was received from the House informing the Senate, that the resolution appointing a committee to suggest amendments to the Constitution was concurred in.

On motion of Mr. Everitt, the bill for locating the Seat of Government was laid on the table.

An act to incorporate the town of Shelbyville, and regulating other corporations, was read a second time.

Mr. Wilson offered an amendment which was adopted, and the bill was ordered to be engrossed for a third reading.

The Sergeant-at-Arms, who had been dispatched in

search of absent Senators on the fourth, reported, and his report was received.

Mr. Wharton offered a resolution, allowing the Houston Franklin Debating Society the use of the Senate Chamber, which was adopted.

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

OCTOBER 13th, 1837.

The Senate met pursuant to adjournment.

The Journals were read and approved.

A resolution was introduced by Mr. Wharton authorizing a conference between the Naval Committees of the two Houses.

On motion of the same gentleman, the rules were suspended, and the resolution was adopted and sent to the House for concurrence.

Col. Seguin was invited to take a seat within the bar of the Senate.

The Orders of the Day were then taken up.

The bill incorporating the town of Shelbyville, and regulating other corporations, was read a third time, and on motion of Mr. Wharton, was referred to the Committee on the Judiciary.

The bill respecting the appointment of Aliens to Office was read a third time and passed.

The report of the committee to which was referred the locating of a permanent Seat of Government, was read a second time and ordered to be engrossed for a third reading.

The bill regulating Elections was taken up on its second reading, and read by sections.

Mr. Horton offered amendment to section 12th, which was adopted.

A message was received from the House, with the preamble of the bill providing for the signing of the Promissory Notes of Government, which had been mislaid.

Mr. Wharton offered an amendment to section 10th of the bill regulating Elections, which was adopted, and the bill was ordered to be engrossed for a third reading.

The act establishing an Interpreter's office was taken up on its second reading.

On motion of Mr. Wharton, the blank in section third was filled with the words "twenty-five hundred."

On motion of Mr. Wharton the bill was laid on the table till called up.

Mr. Horton then was called to the Chair.

Mr. Everitt introduced a resolution authorizing the Land Commissioners to send for all papers, &c., connected with the Land Office,—which was received.

On motion of Mr. Everitt, the Senate adjourned till tomorrow 10 o'clock, A. M.

OCTOBER 14th, 1837.

The Senate met pursuant to adjournment.

Mr. Burton presented a petition from the inhabitants of the county of Houston, which was read, and on motion of same gentleman referred to the Committee on the Judiciary.

Mr. Wharton from the Naval Committee, presented a report from the Naval Committee of both Houses, which was read and laid on the table.

Mr. Wilson from the Joint Special Committee, to take into consideration the proposal of James S. Hohman, made a report, which was adopted, and sent to the House for concurrence.

The Orders of the Day were then taken up.

The report of the committee to locate a permanent Seat of Government was taken up on its third reading.

A message was received from the House, informing the Senate that the House had concurred in the resolution authorizing a conference of the Naval Committees of the two Houses,—also, requesting the concurrence of the Senate to the following bills—viz :

A joint resolution appointing Commissioners to select a permanent Seat of Government.

A joint resolution providing for a Hospital ; and a joint resolution instructing the Secretary of War to execute certain duties.

The report of the committee of the Senate providing for the location of a permanent Seat of Government, which was under consideration when the message was received, was laid on the table ; and the joint resolution from the House on the same subject was taken up, read,

and laid on the table; and the report of the committee of the Senate on that subject was again taken up, adopted, and sent to the House for concurrence.

A joint resolution from the House providing for a Hospital was read, and the rules being suspended, it was concurred in.

The joint resolution from the House, instructing the Secretary of War to execute certain duties, was read first time.

The resolution authorizing the Commissioner of the General Land Office, to send for papers, &c., connected with the Land Office, was taken up on its second reading.

Mr. Wilson was called to the chair.

A communication was received from the Secretary of the Treasury.

A motion being made ordering the resolution authorizing the Commissioners of the General Land Office to send for papers, &c., to lie on the table.

Mr. Everitt called for the ayes and noes—which stood as follows :

Ayes—Messrs. Augustin, Burton, Raines and Robertson.

Noes—Messrs. President, Barnett, Horton, Lester, Wharton, and Wilson.

The motion being lost, it was ordered to be engrossed for a third reading.

The President of the Senate then resumed the Chair.

The communication from the Secretary of the Treasury was read, and referred to the Committee on Finance, with instructions to have as many copies printed as they might think proper, and to report as soon as practicable.

On motion of Mr. Wharton, Mr. Horton was added to the Committee on Finance.

On motion of Mr. Wilson, the Senate adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The bill regulating Elections was taken up on its third reading, and passed.

Mr. Wharton introduced some resolutions respecting the granting of Letters of Marque and Reprisal, which were read and laid on the table.

Mr. Wharton introduced a resolution making provisions for taking the census of the Republic, which was read and laid on the table.

The President added Mr. Wharton to the Committee on Finance.

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

MONDAY, October 16th, 1837.

The Senate met pursuant to adjournment.

The Journals were read and approved.

On motion of Mr. Burton, the report of the Committee on Indian Affairs was taken up, and the Senate went into secret-session.

The Doors were opened, and a message was received from the House informing the Senate, that the House had concurred in the resolution appointing Commissioners to locate a permanent Seat of Government, and asking the concurrence of the Senate to a bill authorizing the Secretary of War to grant discharges, and requiring the President to re-call all officers, and soldiers, on furlough.

Mr. Wharton introduced a bill for organizing the Militia, which was read a first time.

The Orders of the Day were then taken up.

The joint resolution, instructing the Secretary of War to execute certain duties, was read a second time.

A communication was received from the Secretary of the Treasury.

The joint resolution providing for the taking of the census was read a second time, and ordered to be engrossed for a third reading.

The joint resolution respecting the granting of Letters of Marque and Reprisal was taken up on its second reading, amended, and ordered to be engrossed for a third reading.

The joint resolution of the House, appointing Commissioners to locate a permanent Seat of Government, was taken up on its second reading, and laid on the table till called up.

The bill regulating Elections was brought back from the House, with objections to the amendments of the Senate.

The act authorizing the Commissioners of the Land Office to send for certain papers, &c., was read a third time, and passed.

The communication from the Secretary of the Treasury was read and referred to the Committee on Finance, with instructions to report as soon as practicable.

On motion of Mr. Wharton, the President pro tem. of the Senate, and Mr. Burton, were added to the Committee on Finance.

Mr. Wharton introduced a resolution, requesting a conference of the Committees on Finance of the two Houses, which passed.

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

OCTOBER 17th, 1837.

The Senate met pursuant to adjournment.

The Journals were read and approved.

Mr. Horton, Chairman of the Committee on the Judiciary, to which was referred the bill incorporating the town of Shelbyville, and regulating other corporations, reported the bill with an additional section, which was received and laid on the table.

ORDERS OF THE DAY.

The bill regulating Elections, which had been returned from the House, with objections to the amendments of the Senate, was taken up, and the first amendments stricken out, and the third adhered to.

The joint resolution, instructing the Secretary of War to execute certain duties, was taken up on its third reading, and passed.

The joint resolution making provision for taking the census was taken up, on its third reading, and passed.

The joint resolution respecting the granting of Letters of Marque and Reprisal was taken up on its third reading, and passed.

The joint resolution organizing the Militia was taken

up on its second reading, and referred to the Committee on Military Affairs.

The act authorizing the Secretary of War to grant discharges, and requiring the President to recall all officers and soldiers on furlough, was read a second time, and referred to the Committee on Military Affairs.

On motion of Mr. Burton, Mr. Wharton was added to the Committee on Military Affairs.

Mr. Wharton introduced an act supplementary to an act excluding Aliens from Office, which was read, and laid on the table.

On motion of Mr. Wharton, the joint resolution appointing Commissioners to locate a permanent Seat of Government was called up, and referred to the Special Committee with instructions.

Mr. Horton presented a petition from Colonel D. F. Weymouth, which was received, and referred to the Committee on Claims and Accounts.

Mr. Burton introduced a resolution requesting the President to inform the Congress of the appointment of civil officers made during the recess of the same, which was read and laid on the table.

On motion of Mr. Wharton, the Senate adjourned till to-morrow at 10 o'clock, A. M.

OCTOBER 18th, 1837.

The Senate met pursuant to adjournment.

The Journals were read and approved.

Mr. Wharton presented a report from the Post Master General.

Messrs. Wharton, Barnett, and Burton were appointed a Standing Committee on Post Offices and Post Roads, and said report was referred to that committee with instructions.

Mr. Wharton from the Committee on Finance, presented a report, accompanied with enactments, which was read, and, on motion of the same gentleman, one hundred copies were ordered to be printed.

A message was received from the House, informing the Senate that the House adhered to their disagreement

to the amendment of the Senate made to the Bill regulating Elections, and had appointed Messrs. Sutherland, Hardiman, Linn and Menifee a committee of Conference to act in conjunction with one of the Senate on the subject.

Mr. Barnett, Chairman of the committee on Privileges and Elections, to which were referred the election certificates of Hon. Mr. Green, from Bexar, reported that they had agreed to refer the whole matter to the Senate, which was received; and, on motion of Mr. Wharton, it was laid on the table as the special order of the day for to-morrow.

Mr. Wharton presented an additional rule respecting the admission of counsel in case of contested elections, which was laid on the table.

The Orders of the Day were then taken up.

Messrs. Horton, Barnett and Raines were appointed a committee of Conference to act on the Bill regulating Elections.

The Bill incorporating the Town of Shelbyville, and regulating other Corporations, was read a third time and passed.

The Act, Supplementary to an Act, excluding Aliens from Office was taken up on its second reading, and the Senate went into a quasi committee.

Mr. Horton in the Chair, and the Bill was ordered to be engrossed for a third reading.

The Resolution requesting the President to notify the Senate of the appointment of civil officers, made during the recess of Congress was read a second time—amended, and adopted.

Mr. Everitt introduced a Joint Resolution repealing the Act imposing a Direct Tax, which was read a first time, and the Rules being suspended, it was read a second time and amended.

Mr. Everitt introduced a Resolution authorizing the Secretary of the Treasury to issue the Promissory Notes of the Government, which was read the first time and laid on the table.

Mr. Everitt introduced a Resolution, instructing the Hon. S. R. Fisher immediately to resume his duties as Secretary of the Navy.

The President of the Senate resumed his seat.

Mr. Lester was called to the Chair.

His Excellency, the President of the Republic, came into the Senate Chamber, and was invited to take the Chair.

On motion of Mr. Horton, the subject under discussion was deferred.

His Excellency, having stated that he had called merely to pay his respects to the Senate, retired, and the President of the Senate resumed his seat.

The Resolution instructing the Hon. S. R. Fisher to resume his duties was again taken up, and the Ayes and Noes being called on, the adoption of it stood as follows:

Ayes—Messrs. President, Augustin, Burton, Green, Lester and Robertson—6.

Noes—Messrs. Barnet, Horton, Raines, Wharton and Wilson—5.

So the Resolution was accordingly adopted.

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

OCTOBER 19, 1837.

The Senate met pursuant to adjournment; the Journals were read and approved.

Mr. Augustin presented a petition from Col. A. Hutton, which was read and referred to the committee on Claims and Accounts.

Mr. Burton, Chairman of the committee on Military Affairs, to which was referred the Bill authorizing the Secretary of War to grant Discharges, and requiring the recall of all Officers and Soldiers on furlough, reported the Bill without amendments, and it passed to its third reading.

Mr. Wharton presented a petition from the Stockholders of the Texas Rail Road, Navigation and Banking Company, which was referred to a Joint Special Committee consisting, on the part of the Senate, of Messrs. Horton, Burton and Barnett.

Mr. Wilson introduced a Joint Resolution to appoint an Overseer to take care of the Capitol, which was read and laid on the table.

Mr. Wharton, Chairman of the committee on Post-Offices and Post-Roads, to which was referred the com-

munication of the Postmaster-General, presented a Report, accompanied with Resolutions, which was read and laid on the table.

ORDERS OF THE DAY.

The consideration of the legality of the election of the Hon. T. J. Green, from Bexar, being the Special Order of the Day :

On motion of Mr. Wharton, the Order of the Day was so far suspended, as to allow the action of the Senate on the Resolution introducing an additional Rule for the government of the Senate, respecting the admission of Counsel in cases of Contested Elections, which was accordingly taken up, and Mr. Horton was called to the Chair.

On motion of Mr. Everitt, the Ayes and Noes were called on the adoption of the additional Rule, and stood as follows :

Ayes—Messrs. Augustin, Burton, Raines and Wharton—4.

Noes—Messrs. President, Barnett, Horton, Lester, Robertson and Wilson—6.

So the Resolution was rejected.

Mr. Wilson moved, that counsel be admitted in the case of Mr. Green.

The President of the Senate, considering the motion out of order, refused to put it, upon which Mr. Wharton appealed to the decision of the Chair, and it was decided by the Senate that the Chair was in error.

Mr. Wharton renewed the motion to admit counsel in the present case; and the Ayes and Noes being called, stood as follows :

Ayes—Messrs. Augustin, Barnett, Burton, Raines, Robertson, Wharton and Wilson—7.

Noes—Messrs. President, Horton and Lester—3.

So the motion was carried.

The President pro tem. of the Senate entered his protest against the same.

The Report of the committee on Privileges and Elections, referring the case of Mr. Green to the Senate, was accordingly taken up.

Mr. Barnett introduced a Resolution, declaring the Seat of Senator from Bexar vacant, and requesting the

On motion of Mr. Wharton, the Senate adjourned until 3 o'clock, P. M.
President of the Republic to issue his proclamation for a new election.

A message was received from the House informing the Senate, that the House had appointed a Joint Special Committee of Conference consisting of Messrs. Branch, Jones and Rusk, to take into consideration the Land Bill now before the House, and requested a like appointment on the part of the Senate.

The Documents concerning the election of Mr. Green were read, and Mr. Rusk, counsel for Mr. Green, addressed the Senate at some length, during which, His Excellency the President came into the Senate Chamber, and was invited to take the Chair.

At the conclusion of Mr. Rusk's remarks His Excellency retired, and the President of the Senate resumed his seat.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The debate on Mr. Barnett's Resolution, declaring vacant the seat of Senator from Bexar was continued.

Mr. Lester was called to the Chair.

The President resumed his seat, and

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

OCTOBER 20, 1837.

The Senate met pursuant to adjournment; the Journals were read and approved.

A message was received from the House informing the Senate, that the House still adhered to their disagreement to the amendments of the Senate in the Bill Regulating Elections.

The Resolution from the House requesting a committee of Conference, on the part of the Senate, to act on the Land Bill now before the House was taken up, and the Senate refused to appoint a committee.

ORDERS OF THE DAY.

The Resolution declaring the seat of Senator from Bexar vacant, was taken up.

A message was received from the House informing the Senate, that the House had concurred, without amendments, in the Resolution respecting the granting Letters of Marque and Reprisal, and that they had disagreed to the amendment of the Senate to the Bill incorporating the Town of Shelbyville, and regulating other Corporations.

The Ayes and Noes on the Resolution declaring the seat of Senator from Bexar vacant being taken, stood as follows:

Ayes—Messrs. President, Augustin, Barnett, Horton, Lester, Raines, Robertson, Wharton and Wilson—9.

Noes—Mr. Burton—1; and the Resolution was adopted.

Mr. Burton entered his protest against the passage of said Resolution, and gave his reasons for voting in the negative as follows, viz:

I give my vote in the negative of the question because, I believe that the declaration of intention of Citizenship made, and actually claimed fifteen months since as shown in evidence before the Senate, and which declaration was additionally proved by the fact of General Green's having represented the county of Bexar in the Congress of this Republic for the last twelve months,—was consummated by the fact of General Green's visit to Bexar in September last.

That that consummation does cover that requisition in law which makes the intention and fact necessary to Citizenship, and that the Citizenship, in this case, does commence from the publicity of the intention, more especially as his disfranchisement, so far as municipal privileges are concerned, in every county of the Republic except Bexar, has been notorious for the last fifteen months.

The Senate, I conceive to be the judges of the letter and spirit of the Constitution in cases of contested or disputed seats in their body.

And a yet further reason for my vote in the negative may be formed in the words of "Coke on Lyttleton," when speaking of the English Constitution:

"The circumstances of a case worketh much in the strictly construing of an instrument."

For these reasons, as well as others, and because that

I believe that, in doubtful cases, it is our duty to lean to the side of the people, I enter my solemn protest against the decision of the Senate in this case, and confidently appeal to God, my country, and posterity for the correctness of my decision.

I. W. BURTON.

The Senate went into secret session.

The doors being opened,

On motion of Mr. Raines, the Senate adjourned till tomorrow 10 o'clock, A. M.

OCTOBER 21, 1837.

The Senate met pursuant to adjournment.

A message was received from the House, informing the Senate that the House had passed a Joint Resolution, making an allowance to Wm. S. Hendricks.

Mr. Wharton moved a re-consideration of the Resolution passed yesterday, declaring the seat of Senator from Bexar vacant; and the Ayes and Noes being called, stood as follows, viz:

Ayes—Messrs. Burton and Wharton—2.

Noes—Messrs. President, Augustin, Barnett, Horton, Lester, Raines, Robertson and Wilson—8; and the motion was lost.

ORDERS OF THE DAY.

The Joint Resolution from the House, granting an allowance to Wm. S. Hendricks was taken up and read, and the Rules being suspended, it was read a second time and referred to the committee on Claims and Accounts.

The Bill regulating Elections, which was again returned from the House with objections to the amendments of the Senate, was taken up, and the Senate receded from their amendment.

The Resolution excluding Aliens from Office was taken up on its third reading, and laid on the table as the Special Order of the Day for Monday.

The Resolution to suspend the Act for Direct Taxation was read a third time and adopted.

The Bill authorizing the Secretary of War to grant Discharges, and requesting the President to recall all Officers and Soldiers on Furlough was taken up on its second reading, and referred to the committee on Military Affairs.

The Resolution requiring the Secretary of the Treasury to issue the Promissory Notes of Government was read a second time.

Mr. Burton was called to the Chair, and the Rules being suspended, the Resolution was read a third time—amended, and adopted.

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

MONDAY, OCTOBER 23, 1837.

The Senate met pursuant to adjournment; the Journals were read and approved.

A communication was received from General T. J. Chambers, which was read and referred to the committee on Military Affairs.

On motion of Mr. Wharton, a committee was elected by the Senate to enquire into the expediency and power of Congress to remove the Seat of Government.

Messrs. Burton, Wharton and Augustin were chosen said committee.

Mr. Wharton introduced a Resolution respecting the unsettled accounts of Col. A. Huston, which was adopted.

Mr. Horton introduced a Joint Resolution, appointing a committee to act in conjunction with one from the House, to determine upon a proper reception of the Hon. A. Labranche, Charge d'Affaires from the United States of North America, and

Messrs. Wharton, Horton and Everitt were appointed said committee.

ORDERS OF THE DAY.

The Special Order of the Day, viz:

The Bill excluding Aliens from office was taken up—amended, and passed.

The Act regulating the Rates of Postage was taken up on its second reading.

A message was received from the House, informing the Senate that the House had concurred in the Resolution appointing a committee to determine upon a proper reception of the Hon. A. Labranche, and had appointed Messrs. Gazley, Thompson and Branch said committee.

The Act regulating the Rates of Postage was amended, and ordered to be engrossed for a third reading.

On motion of Mr. Horton, the Report of the committee on the Land Bill was made the Special Order of the day to-morrow.

The Resolution making an allowance to Wm. S. Hendricks was reported by the committee on Claims and Accounts, to which it had been referred, without amendments, and passed.

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

OCTOBER 24, 1837.

The Senate met pursuant to adjournment; the Journals were read and approved.

Mr. Wharton, from the Joint Special Committee to wait upon the Hon. A. Labranche, presented a report which was read and adopted.

An invitation was received from the House, for the Senate to attend in the Representative Hall at 12 o'clock, to receive the Hon. A. Labranche, which was accepted.

ORDERS OF THE DAY.

The Report of the committee on the Land Bill being the Special Order of the day was taken up, and postponed as the Special Order of the day for to-morrow.

A message was received from the House, covering a Resolution, requesting a convention of the two Houses to ballot for five Commissioners to locate a permanent Seat of Government, and the Rules being suspended, it passed with amendments.

On motion of Mr. Wharton, the Senate adjourned till half past 11 o'clock.

HALF-PAST 11 O'CLOCK, A. M.

The Senate met pursuant to adjournment.

On motion of Mr. Wharton, the Senate adjourned to the Representatives' Hall, to receive Mr. Labranche in a committee of the Whole.

Mr. Labranche, on his arrival at the Capitol, was conducted into the Hall by Messrs. Horton and Gazley, from the Joint Committee appointed for that purpose, and was addressed at some length by Mr. Wharton, from the same Joint Committee, to which

Mr. Labranche made a reply and retired.

On motion, Mr. Burton was appointed, on the part of the Senate, to request of Mr. Labranche and Wharton, copies of their addresses for publication.

The Senate then returned to the Senate Chamber, and,

On motion of Mr. Wharton, adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

A message was received from the House, asking the concurrence of the Senate in an Act passed by the House, providing for auditing the Contingent Expenses of Congress; also, in a Joint Resolution appointing a Joint Committee to fix the rent of the Capitol; they having appointed Messrs. Patton, Rusk and Sutherland on said committee.

A message was received from the House, informing the Senate, that the House was ready to proceed to the election of Commissioners to locate a permanent seat of Government; whereupon, the Senate adjourned to the Representatives' Hall, and the two Houses went into the election of said Commissioners by joint ballot, and,

Messrs. M'Gee, Burton, Christman, Schuylock and Green were elected.

The Senate then returned to their Hall, and,

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

OCTOBER 25, 1837.

The Senate met pursuant to adjournment.

Several Senators being sick there was not a quorum, and,

On motion of Mr. Robertson, the Senate adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Hon. John Dunn, Senator from Refugio, San Patricio and Goliad appeared, was sworn, and took his seat.

The Hon. Messrs. Barnett, Horton, Raines and Wharton being absent, there was not a quorum; and,

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

OCTOBER 26, 1837.

The Senate met pursuant to adjournment.

The President of the Senate being absent,

Mr. Horton was called to the Chair.

Messrs. Barnett and Wharton being absent on account of ill health, the

Senate, on the arrival of the President, adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment, and, no quorum being present, adjourned till to-morrow 10 o'clock, A. M.

OCTOBER 27, 1837.

The Senate met pursuant to adjournment; the Journals were read and approved.

Mr. Robertson presented a petition from a portion of the citizens of the county of Milam, praying for a new county, which was read and referred to the committee on County Boundaries.

Mr. Burton, Chairman of Committee on Military Affairs, reported the Bill authorizing the Secretary of War to grant Discharges, which was read and amended, and the Rules being suspended, it was read a third time and passed.

Mr. Burton, Chairman of the committee to enquire into the expediency of removing the Seat of Government, presented a Report, which was laid on the table.

Mr. Horton presented a petition from John Garrett, which was referred, with its accompanying documents, to the committee on Claims and Accounts.

Mr. Lester, Chairman of the committee on Enrolled Bills, reported the following Bills as having been presented to His Excellency, the President:

"A Joint Resolution suspending the opening of the Land Office,"—Approved by His Excellency.

"A Joint Resolution making an Appropriation for the Public Printer,"—Approved.

"A Joint Resolution appropriating money for the Hospital,"—Approved.

"A Joint Resolution authorizing Wm. G. Cooke to sign the Promissory Notes of the Government,"—Approved.

"An Act precluding Aliens from being appointed to Office,"—Approved.

"A Joint Resolution locating permanently the Seat of Government,"—Approved.

"A Joint Resolution requiring the Secretary of War to execute certain duties, as required by the Land Law passed in June, 1837,"—Vetoed.

"A Joint Resolution in regard to granting Letters of Marque and Reprisal,"—Approved.

"A Bill entitled an Act regulating Elections,"—Approved.

"A Joint Resolution making an Appropriation to Wm. S. Hendricks,"—Approved.

A message was received from the House, informing the Senate that the Bill requiring the Secretary of War to execute certain duties, which had been vetoed by the President, had passed the House by a constitutional majority; also, that they had passed a Resolution appointing a committee to enquire into the expediency of recalling the Agent for selling Land Scrip in the United States, in which the concurrence of the Senate was requested; also, that they had concurred in the Bill respecting the granting Letters of Marque and Reprisal.

The Veto of the President to the Resolution requiring the Secretary of War to execute certain duties, was read, and the Yeas and Nays being called on the passage of the Resolution, it was unanimously adopted.

On motion of Mr. Wharton, the Land Committee was instructed to enquire into the expediency of changing the form of Land Scrip.

The Joint Resolution from the House, enquiring into the expediency of recalling the Agent for selling Land Scrip in the United States, was read a first time and laid on the table.

ORDERS OF THE DAY.

The Joint Resolution appointing a committee to fix the Seat of the Capital, received from the House on Wednesday, was concurred in by the Senate, and,

Messrs. Horton, Dunn and Raines were appointed said committee.

The Bill incorporating the Town of Shelbyville and regulating other Corporations, which had been returned from the House with objections to the amendments of the Senate, was read, and the amendments receded from.

The Act, from the House, providing for auditing the Contingent Expenses of Congress, was read a first time and laid on the table.

The Resolution appointing an Overseer to take charge of the Capitol was taken up on its second reading, and, the Rules being suspended, it passed.

The Act making an Appropriation for the Post-Office Department was taken up on its third reading, and passed.

A message was received from His Excellency the President, respecting the Hon. S. Rhodes Fisher, which was read and laid on the table till called up.

The Senate, on motion of Mr. Burton, went into secret session.

The doors being opened,

The Act authorizing the Secretary of the Treasury to issue Drafts to the amount of one million of dollars was taken up on its second reading, and read section by section.

Mr. Robertson moved to strike out, in the first section, the word "one," and insert "three."

On motion of Mr. Wharton, the Senate adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment; there was no quorum present in consequence of the illness of several members, and,

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

OCTOBER 28, 1837.

The Senate met pursuant to adjournment.

Mr. Augustin from the committee on County Boundaries, to which was referred the petition of the Citizens of

Milam, reported in favor of the petition by bill laid on the table.

Mr. Wharton, Chairman of the Committee on the Judiciary, to which was referred the petition of the citizens of Houston County, presented a report, which was read and adopted.

ORDERS OF THE DAY.

The bill authorizing the Secretary of the Treasury to issue drafts to the amount of one million of Dollars, which was under consideration when the Senate adjourned yesterday morning, was taken up on Mr. Robertson's motion to strike out "one" and insert "three."

Mr. Lester was called to the Chair.

Mr. Robertson moved to lay the bill on the table, and the yeas and nays being called stood as follows :

Yeas—Messrs. Augustin, Lester, Raines, Robertson, and Wilson—5.

Nays—Messrs. President, Burton, Dunn, Horton, and Wharton—5 : lost.

On motion of Mr. Everitt, the previous question on striking out was taken up.

A message was received from the House asking the concurrence of the Senate in an act regulating proceedings before Justices of the Peace.

The ayes and noes being called, on striking out, stood as follows :

Ayes—Messrs. Augustin, Robertson, and Wilson—3.

Noes—Messrs. President, Burton, Dunn, Horton, Lester, Raines, and Wharton—7 : lost; and the first section was adopted without amendments.

Section second was amended and adopted.

Sections third and fourth were adopted without amendments.

Section fifth was struck out, and a substitute adopted.

Mr. Augustin offered an additional section.

On motion of Mr. Wharton, the second section was reconsidered, and Mr. Augustin's additional section was offered as an amendment to it.

The ayes and noes being called stood as follows :

Ayes—Messrs. Augustin, Raines, Robertson, and Wilson—4.

Noes—Messrs. President, Burton, Dunn, Horton,

Lester, and Wharton—6; and the amendment was rejected.

Section second was again taken up, and adopted as first amended.

Mr. Burton offered an additional section which was adopted, and the bill was ordered to be engrossed for a third reading.

An act supplementary to an act consolidating and funding the public debt, was taken up, and read section by section, and no amendments being offered, it was ordered to be engrossed for a third reading.

The act regulating proceedings before Justices of the Peace, which was received from the House, was read, and laid on the table.

The act providing for the contingent expenses of Congress was taken up on its second reading, and ordered to be engrossed for a third reading.

The Joint Resolution, appointing a committee to enquire into the expediency of recalling the agent for selling Scrip in the United States, was read a third time and adopted.

Messrs. Horton, Robertson, and Augustin, were appointed said committee.

The report of the Special Committee appointed to inquire into the expediency of removing the Seat of Government, was taken up on its second reading, amended and adopted.

On motion of Mr. Wharton, the Senate adjourned till Monday morning 10 o'clock.

MONDAY, October 30th, 1837.

The Senate met pursuant to adjournment.

The Journals were read and approved.

The Hon. Richard Ellis, Senator elect from Red river, appeared and presented his credentials—which were read, and referred to the Committee on Privileges and Elections.

Mr. Wharton presented a petition from the citizens of Brazoria, praying for an extra session of the county court; which was read and referred to the Committee on the Judiciary.

On motion of Mr. Wharton, Mr. Burton was appointed to fill the vacancy occasioned by the illness of Mr. Barnett, in the Committee on Privileges and Elections.

Mr. Horton from the Special Committee, to which was referred the proposal of the Stockholders of the Texas Rail Road, Navigation, and Banking Company, reported the proposed enactments without alteration, which were read and laid on the table.

ORDERS OF THE DAY.

On motion of Mr. Wharton, the report of the Navy Committee was called up, and the accompanying resolution was read, and another substituted and ordered to be engrossed for a third reading.

The act regulating proceedings before Justices of the Peace was taken up on its second reading, and ordered to be engrossed for a third reading.

The act reported by the Committee on County Boundaries, on the petition of the citizens of Milam, creating the county of Robertson, was read a second time, and ordered to be engrossed for a third reading.

The act providing for auditing the contingent expenses of Congress was taken up on its third reading, and concurred in.

The act authorizing the Secretary of the Treasury to issue the Promissory Notes of the Government was taken up on its third reading, and made the special order of the day for Wednesday.

The act for consolidating and funding the public debt was taken up, on its third reading, and made the special order of the day for Wednesday.

Mr. Wilson offered a resolution appointing a committee to enquire into the expediency of collecting all documents and papers connected with public affairs, while Texas was under the Mexican Government, which was adopted, and Messrs. Wilson, Dunn, and Raines, were appointed said committee.

Mr. Burton offered a resolution appointing a Special Committee to examine the Books of the Auditor—adopted; and Messrs. Burton, Lester, and Augustin, were appointed said committee.

Mr. Wharton offered a resolution authorizing the Chief Justice of Brazoria to issue writs of election in decid

the Seat of Justice in that county, and the rules being suspended, it passed.

On motion of Mr. Wharton, the resolution reported by the Navy Committee was taken up—the first blank was filled with Five Hundred Dollars, and the second with \$250,000.

On motion of Mr. Robertson, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Raines, Chairman of the Committee on Privileges and Elections, to which were referred the credentials of the Hon. Richard Ellis, reported favorably—and the report was laid on the table.

Mr. Wharton presented a resolution appointing a committee to enquire respecting the laws for the suppression of gambling, which was read and adopted; and Messrs. Wharton, Robertson, and Augustin, were appointed said committee.

On motion of Mr. Wharton, the Senate went into secret session, from whence they adjourned till to-morrow 10 o'clock, A. M.

OCTOBER 31st, 1837.

The Senate met pursuant to adjournment.

The Journals were read and amended.

There being no reports to be made, the Orders of the Day were taken up.

The report of the Committee on Privileges and Elections, to which were referred the credentials of the Hon. Richard Ellis, was taken up, and the Senate went into a committee of the whole.

Mr. Wilson in the Chair.

Mr. Everitt introduced a resolution appointing a Special Committee to enquire more particularly concerning the legality of the election of Mr. Ellis.

A message was received from the House asking the concurrence of the Senate in an act concerning the public archives, which was substituted by the House for one originating in the Senate; also informing the Senate that

the House had concurred in a resolution concerning the Seat of Justice in Brazoria county.

A message was received from the House asking the concurrence of the Senate in an act incorporating the towns of Brazoria, Nacogdoches, and San Felipe de Austin.

The President of the Senate resumed the Chair.

The ayes and noes were called on the adoption of Mr. Everitt's resolution, and stood as follows:

Ayes—Messrs. President, Burton, Dunn, and Wharton—4.

Noes—Messrs. Augustin, Horton, Lester, Raines, Robertson, and Wilson—6; lost.

The ayes and noes were then called on the adoption of the report of the Committee on Privileges and Elections concerning the election of the Hon. R. Ellis, and stood as follows:

Ayes—Messrs. Augustin, Horton, Lester, Raines, Robertson, and Wilson—6.

Noes—Messrs. President, Burton, Dunn, and Wharton—4: adopted.

Mr. Ellis was accordingly sworn and took his seat.

The act regulating proceedings before Justices of the Peace was taken up on its third reading and passed.

The act creating the county of Robertson was taken up on its third reading and passed.

The petition of the Stockholders of the Texas Rail Road, Navigation, and Banking Company, as reported by the committee, was taken up on its third reading, amended, and laid on the table, till one hundred copies could be printed.

The act from the House, incorporating Brazoria and other towns, was read a first time, and laid on the table.

The act from the House concerning the public archives, substituted for one of the Senate, was read a first time, and laid on the table.

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

WEDNESDAY Nov. 1st, 1837.

The Senate met pursuant to adjournment.

The Journals were read and approved.

Mr. Horton, Chairman of the Committee on the Judiciary, to which was referred the petition of the citizens of Brazoria County, praying for an extra session of the county court, reported by a bill granting the petition—which was read a first time and laid on the table.

Mr. Horton, Chairman of the Committee on Claims and Accounts, to which was referred the petition of Samuel Williams, reported that on account of the want of vouchers to many of the claims of Captain Williams, the committee wished to be excused from reporting on them, and begged to lay the petition, with the accompanying documents, before the Senate for their consideration. The report was received, and the petition with its accompanying documents, was taken up by the Senate in a committee of the whole.

A communication was received from the Auditor.

As a mark of respect to the memory of Captain H. L. Thompson, of the Texian Navy; who died this morning, on motion of Mr. Wharton, the Senate adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Wharton presented a protest against the Hon. Richard Ellis taking his seat in the Senate, signed by the members from Brazoria, Jasper and Jefferson, Nacogdoches and San Patricio, Refugio and Goliad, as follows:

The undersigned, Senators from the counties of Nacogdoches, Jasper and Jefferson, Brazoria, Goliad, Refugio and San Patricio, in the exercise of a right guaranteed by the Constitution of this Republic, do hereby most solemnly protest against the vote which admits the Hon. Richard Ellis, as a Senator from the county of Red river: We solemnly protest,

First: on the grounds, that the United States of the North exercise at this moment, actual and exclusive jurisdiction, civil and military, over the county which the Hon. Gentlemen claim to represent. It is then evident

the allegiance of that county, whether voluntary or compulsory, is claimed by a foreign Government, paid to a foreign Government, and could be forced by a foreign Government.

Indeed, it is too evident to admit of argument that, in case of War between the United States of the North and Texas, the military force of the county of Red river could be, and would be, directed against the Republic of Texas. Therefore, until the anomaly, or in other words the impossibility of a "divided allegiance" is explained to us, we solemnly protest against the Hon. Gentleman's right to a seat in the Senate of this Republic.

Secondly: We solemnly protest against said seat, on the ground that the county of Red river has never been organized in accordance with the requisitions of the laws of this Republic; that the election, which resulted in the return of the Hon. Gentleman as Senator, was illegally and improperly conducted; and that his certificate is utterly informal.

Indeed, the names appended to the Hon. Gentleman's certificate, are names of individuals entirely unknown to the laws and Constitution of this Republic.—Such individuals may or may not be in existence for any thing we know, but, granting that they are in existence, and granting further, that they are citizens of this Republic,—yet they are not the individuals authorized and appointed by law to hold elections, and give certificates of membership; nor can we recognize any certificate they may issue, until we previously determine to set at defiance the Constitution and laws of this Republic.

Thirdly: We solemnly protest, on the ground, that we are not fully satisfied that the Hon. Gentleman is a citizen of this Republic. We conceive it quite possible that the running of the line from the thirty-second degree of N. Latitude on the Sabine to Red river, will shew that a large portion of that county, and probably the Hon. Senator's own residence is within the United States of the North.

For these reasons, amongst others, we enter this our solemn protest against the right of the Hon. Richard Ellis to a seat in the Senate of the Republic of Texas; and we claim our constitutional privilege of having it recorded on the Journals of this Senate, that posterity and the

world may know the course we have taken in this matter, and the motives which induced it.

WM. H. WHARTON,
JOHN DUNN,
J. W. BURTON,
S. H. EVERITT.

Mr. Wharton introduced a resolution to appoint a committee to investigate the political condition of Red river county, and the vote being put, it was lost.

The communication from the first Auditor received this morning, was read, and referred to the Committee on Military Affairs.

On motion of Mr. Wharton, Mr. Ellis was added to the Committees on Finance and Judiciary.

On motion of Mr. Horton, the Senate adjourned till tomorrow 10 o'clock, A. M.

NOVEMBER 2nd, 1837.

The Senate met pursuant to adjournment.

On account of the burial of Captain Thompson, the Senate adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Journals were read and approved.

Mr. Wharton introduced an act fixing the salary of the Collector of the Port of Sabine, which was read and laid on the table.

Mr. Wharton, Chairman of the committee to which was referred the resolution respecting the suppression of gambling, reported by a bill, which was read and laid on the table.

A communication was received from the first Auditor.

Mr. Burton, Chairman of the Committee on Military Affairs, to which was referred the communication of the first Auditor respecting the accounts and claims of persons who fell at Goliad, and other places, reported by a bill, which was read and laid on the table.

The communication of the first Auditor, received to

day, was referred to the Committee on Military Affairs.

On motion of Mr. Wharton, the Finance bills, which were the special order of the day, were referred to a Special Committee, consisting of Messrs. Wharton, Burton, Ellis, and Augustin.

The Senate went into secret session.

The Doors being opened, the accounts of Samuel Williams, being the unfinished business of yesterday, were taken up in a committee of the whole.

A message was received from the House informing the Senate that the House had concurred in the bill making an appropriation for the Post Office Department.

The first item of Williams' accounts was rejected, and on motion of Mr. Wharton, the accounts were referred to a special committee consisting of Messrs. Raines, Dunn, and Ellis.

On motion of Mr. Wharton, Mr. Ellis was added to Committee on Foreign Relations.

Mr. Ellis was called to the Chair.

The bill respecting the public archives was taken up on its second reading, and read section by section.

In section first, line eighth, after the word "commissioner" were added the words "on his order."

In section second, all after the words, "after the fine is paid," was stricken out, and the words "to be held at the Seat of Government of this Republic" were inserted in line sixth after the words "district court."

On motion of Mr. Augustin, the Senate adjourned till to-morrow at 10 o'clock, P. M.

NOVEMBER 3rd, 1837.

The Senate met pursuant to adjournment.

The Journals were read and approved.

Mr. Burton requested leave to withdraw the petition of the citizens of Houston county, which was granted.

Mr. Lester, Chairman of the Enrolling Committee, reported the following bills as having been presented to His Excellency, the President—viz :

"A Joint Resolution respecting the granting Letters of Marque and Reprisal."

"A Joint Resolution authorizing the Secretary of War to grant Discharges."

"An Act to incorporate the Town of Shelbyville, and granting further powers to the Corporation of San Augustine and Nacogdoches."

"An Act providing for auditing the Contingent Expenses of both Houses of Congress, and making an Appropriation therefor;" and

"A Joint Resolution requiring the Chief Justice of Brazoria County to issue Writs of Election for the purpose of fixing the Seat of Justice in that county."

Mr. Horton, Chairman of the Committee on Public Lands, presented the Report of the legal representatives of the Empresario Stephen F. Austin, made in accordance with the Resolution passed October 18th, 1836, which was read and laid on the table; accompanied also, with a Resolution tendering the thanks of the Senate to Messrs. J. F. Perry and Henry Austin, for the faithful performance of their duty in making said Report—read and laid on the table.

On motion of Mr. Wharton, one hundred copies were ordered to be printed; it was also ordered, together with the Report of the Committee on Foreign Relations, to be printed in the Telegraph.

Mr. Wharton, Chairman of the Special Committee, to which were referred the Finance Bills, reported the Act authorizing the Secretary of the Treasury to issue Treasury Drafts with amendments, and the Act for consolidating and funding the Public Debt without amendments, and the Report was received, and the Bills laid on the table.

Mr. Burton, Chairman of the Special Committee appointed to examine the Books of the First Auditor, presented a Report, which was read and laid on the table.

Mr. Wharton introduced a Resolution to appoint a Committee to wait on His Excellency the President, and urge the appointment of a Commissioner to settle the Boundary Line between this Republic and the United States of the North; and the Rules being suspended, it was adopted.

Messrs. Ellis and Wharton were appointed said committee.

Mr. Wharton introduced a Resolution, appointing a

committee to enquire into the political condition of Red-River County, which was read and laid on the table.

Mr. Wharton introduced a Resolution, instructing the Committee on Finance to report on the propriety of stopping the issuing of printed Promissory Notes by individuals, which was read and laid on the table.

Mr. Horton, Chairman of the Committee on Claims and Accounts, reported the petition and accounts of D. F. Weymouth, asking leave to submit them to the consideration of the Senate in a Committee of the Whole.

A message was received from the House, informing the Senate that the House had passed a substitute for the Resolution of the Senate, respecting the procuring of Vessels of War for the Republic.

Mr. Horton requested leave to withdraw his Report on the Accounts of D. F. Weymouth, which was granted.

The substitute received from the House, appointing an Agent to purchase Ships of War was read and unanimously concurred in.

ORDERS OF THE DAY.

The Bill respecting the Public Archives, which was under consideration when the Senate adjourned yesterday, was taken up.

In section first, line ninth, "sixty" was stricken out and "ninety" inserted.

In section second "five thousand" was stricken out whenever it occurs, and "twenty thousand" inserted.

In section third, "sixty" was stricken out and "ninety" inserted; also the words, "and upon conviction, the District Attorney shall receive two hundred and fifty dollars in each case for his services," were added.

Mr. Everitt offered an additional section which was adopted, and the Bill was adopted with the amendments.

The Act authorizing an Extra Session of the District Court in Brazoria was taken up, and laid on the table till called up.

The Act fixing the Salary of the Collector of the Port of Sabine was taken up on its second reading, and referred to a Special Committee consisting of

Messrs. Wharton, Everitt, Horton, and Ellis.

The Act, supplementary to an Act to suppress Gambling was taken up on its second reading, the last section

was stricken out and it was ordered to be engrossed for a third reading.

The Act authorizing the Auditor to audit the Accounts of those who fell at Goliad, and other places, was taken up on its second reading, and ordered to be engrossed.

The Act to incorporate the Town of Brazoria was taken up on its second reading, and referred to the Committee on the Judiciary.

On motion of Mr. Robertson, the Senate adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The petition of the Stockholders of the Texas Rail-Road, Navigation and Banking Company, with the accompanying documents, was taken up on its second reading, and laid on the table as the Special Order of the Day for Tuesday next, November 7th.

Mr. Horton, Chairman of the Committee on the Judiciary, to which was referred the Act incorporating the Town of Brazoria, reported the same without amendments, and it was ordered to be engrossed for a third reading.

The Senate then went into secret session.

The doors being opened,

Mr. Wharton introduced a Resolution respecting the unfinished business of the session, and, the Rules being suspended, it passed.

Mr. Wharton introduced a Resolution fixing the time of adjournment of the Session, and informing the House of the same; and, the Rules being suspended, it passed.

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

NOVEMBER 4, 1837.

The Senate met pursuant to adjournment.

The Journals were read—amended, and approved.

Mr. Ellis, Chairman of the Special Committee appointed to wait on His Excellency the President, to urge the appointment of a Commissioner to run the Boundary Line

between this Republic and the United States of the North, reported that His Excellency would make the nomination to the Senate on Thursday next; and the report was received.

Mr. Wharton, Chairman of the Special Committee to which was referred the Resolution fixing the Salary of the Collector of the Port of Sabine, reported the Resolution without amendment; the Report was received, and the Resolution laid on the table.

ORDERS OF THE DAY.

The Act, supplementary to an Act to suppress Gambling, was taken up on its third reading—amended, and passed.

A message was received from the House, through a committee consisting of Messrs. Branch and Gant, informing the Senate that the House had concurred in the Resolution of the Senate to adjourn at 12 o'clock; also, that they had appointed a committee to wait on His Excellency the President, to inform him of the same, and

Messrs. Wharton and Horton were appointed a committee on the part of the Senate, to act in conjunction with said committee of the House.

On motion of Mr. Wharton, Mr. Lester, Chairman of the Enrolling Committee, was instructed to wait upon His Excellency the President, forthwith, to enquire respecting the Bills that had been passed, and submitted to him for approval.

On motion of Mr. Raines, there was a recess of the Senate until the above committees could report.

The committee appointed to wait on His Excellency the President, returned and reported, that His Excellency had no communication to make on this occasion.

Mr. Lester, Chairman of the Enrolling Committee, reported that His Excellency the President, on account of ill health, had not been able to take the Bills which had been passed into consideration, and the Reports were received.

The Act authorizing the Secretary of the Treasury to issue Treasury Drafts was taken up on its third reading, and the Ayes and Noes being called on its passage, stood as follows:

Ayes—Messrs. President, Burton, Duan and Wharton—4.

Noes—Messrs. Augustin, Ellis, Horton, Lester, Raines, Robertson and Wilson—7: lost.

The Act consolidating and funding the Public Debt, was laid on the table till called up.

The Bill authorizing the Auditor to audit the Claims of those who fell at Goliad and other places, was taken up on its third reading and passed.

The Act to incorporate the Town of Brazoria was taken up on its third reading—amended, and passed.

The Report of the committee appointed to examine the Books of the First Auditor, was read a second time and referred to the same committee, with instructions to report.

The Bill, voting the thanks of the Senate to J. F. Perry and Henry Austin, was taken up on its second reading, and adopted.

The Resolution, appointing a committee to investigate the political condition of Red River County, was read a second time and adopted, and Messrs. Ellis, Horton, and Raines were appointed said committee.

On motion of Mr. Horton, the Secretary of the Senate was charged with the care of the Chamber, Papers, &c. of the Senate, until the meeting of the regular annual session of Congress.

On motion of Mr. Wharton, the Senate adjourned
sine die.

S. H. EVERITT,
President pro tem. of the Senate.