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HOUSE OF REPRESENTATIVES

OF THE

SEVENTH CONGRESS

OF THE REPUBLIC OF TEXAS.

Convened at Washington, on the 14th Nov., 1842.

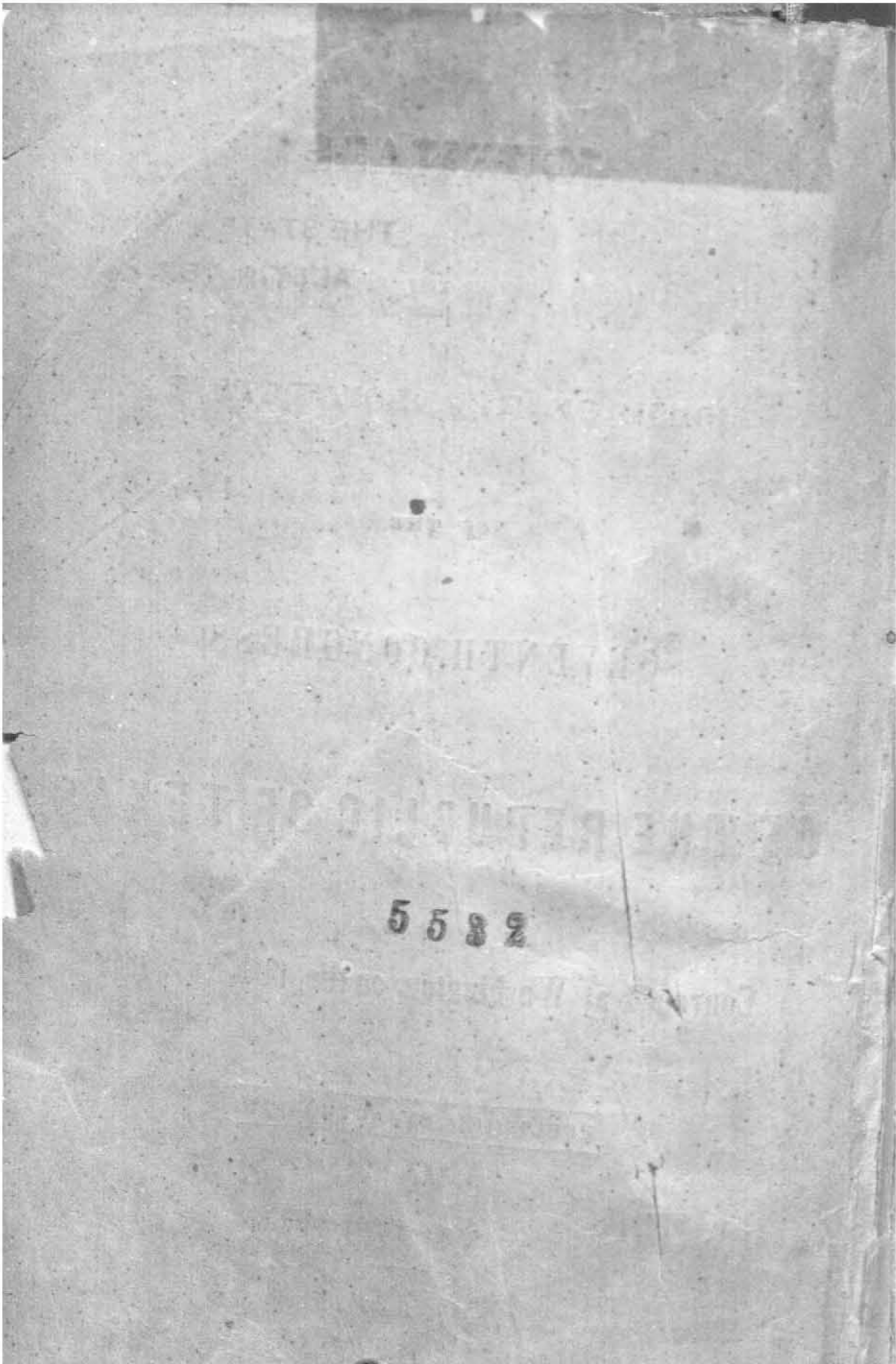
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JOURNALS

OF THE

HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, }  
Washington Nov. 14th, 1842. }

The House of Representatives met in accordance with the Proclamation of His Excellency the President 15th, Oct. 1842.

The Hon. Anson Jones Secretary of State proceeded to organize the House.

The former Chief Clerk Mr. James H. Raymond, officiated as Chief Clerk *pro tem*.

On motion of Mr. Hewett, Wm. Cockburn was appointed Door-keeper *pro tem*.

On motion of Mr. Grimes, S. R. Miller was appointed Sergeant-at Arms *pro tem*.

The Counties being called over, the following members appeared, presented their credentials, took the oath and their seats:

Hon. John Warren,	Brazoria	County.
" Matthias Ward,	Bowie	"
" Isaac Parker,	Houston	"
" Wm. P. Milby,	Liberty	"
" Jesse Grimes,	Montgomery	"
" Wm. F. Sparks,	Nacogdoches	"
" G. W. Hill,	Robertson	"
" N. H. Darnell,	San Augustine	"
" R. Scurry,	San Augustine	"
" Jesse J. Robinson,	Sabine	"
" Wm. M. Hewett,	Shelby	"
" John Dial,	Shelby	"
" R. M. Williamson,	Washington	"

There being no quorum present:

On motion of Mr. Grimes, the House adjourned until tomorrow morning, 10 o'clock.

TUESDAY, Nov. 15th, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called, the following members appeared—presented their credentials—took the oath and their seats:

Hon. Hiram Hanover,	Brazos	County.
“ Robert Peebles,	Fort Bend	“

There being no quorum:

On motion of Mr. Hewett, the House adjourned until tomorrow morning, 10 o'clock.

WEDNESDAY, Nov. 16th, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called, the Hon. Robert L. Whyte, of Harrison County appeared, presented his credentials, took the oath and his seat.

There being no quorum present:

On motion of Mr. Parker, the House adjourned until tomorrow morning, 10 o'clock.

THURSDAY, Nov. 17th, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called, the Hon. Jesse Walling, from the County of Nacogdoches, appeared—presented his credentials—took the oath prescribed by the Constitution and his seat.

There being not a quorum present:

On motion of Mr. Parker the House adjourned until tomorrow morning, 10 o'clock.

FRIDAY, Nov. 18th, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called over, and no additional members to those of yesterday and not a quorum present:

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

SATURDAY, Nov. 19th, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called the Hon. A. M. Lewis, from the County of Colorado appeared—presented his credentials—took the oath and his seat.

There being not a quorum present:

On motion of Mr. Grimes, the House adjourned until Monday next at 3 o'clock P. M.

MONDAY, Nov. 21st, 3, P. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called, the Hon. M. W. Matthews, from the County of Red river, appeared—presented his credentials—took the oath and his seat.

There being no quorum present:

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

THURSDAY, Nov. 22d, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called, and no additional members to those of yesterday—and not a quorum present:

On motion of Mr. Williamson the House adjourned until 3 o'clock P. M.

3 o'clock P. M.

The House met.

The roll of Counties being called, the Hon. Willet Holmes, appeared—presented his credentials—took the oath and his seat.

Not a quorum present:

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

WEDNESDAY, Nov. 23d, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called, the following members appeared—presented their credentials—took the oath and their seats:

Hon. Sidney Shurman,	Harris	County.
" H. M. Potter,	Galveston	"
" Tod Robinson,	Brazoria	"
" S. S. B. Fields,	Fayette	"
" D. Y. Portis,	Austin	"

There being no quorum present:

On motion of Mr. Warren, the House adjourned until 3 o'clock P. M.

3 o'clock P. M.

The House met.

The roll of Counties being called, the following members appeared—presented their credentials—took the oath and their seats:

Hon. Wm. L. Cazneau,	Travis	County.
" Thomas N. Haynes,	Victoria	"
" L. S. Haigler,	San Patricio	"
" Raphael Garza,	Bexar	"
" John Caldwell,	Bastrop	"
" Wm. L. Hunter,	Goliad	"
" James Dennison,	Matagorda	"

A quorum present.

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

THURSDAY, Nov. 24th, 10, A. M.

The House met pursuant to adjournment. The Hon. Secretary of State in the Chair.

The roll of Counties being called, the following members

7  
appeared—presented their credentials—took the oath and  
took their seats:

Hon. J. C. M. Hodge	Fannin	County.
“ Wm. M. Crisp,	Lamar	“

A quorum present.

Mr. Warren was called to the Chair, by the Hon. Secretary of State.

On Motion of Mr. Portis, the House proceeded to its organization, by the election of a Speaker.

Mr. Grimes, nominated N. H. Darnell.

Mr. Portis, nominated G. W. Hill.

Messrs. Portis, Williamson and Robinson of Sabine, were appointed tellers.

Mr. Darnell, received 18 votes.

Mr. Hill, received 14 votes.

Mr. Darnell, having received a majority of all the votes given, was declared duly and constitutionally elected, Speaker of the House of Representatives, for the seventh Congress.

Messrs. Robinson of Brazoria; and Scurry, were appointed a Committee to wait upon the Speaker elect and conduct him to the seat; which was accordingly done.

Whereupon the Speaker arose and addressed the House, returning thanks for the honor conferred upon him.

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

Mr. Parker, nominated Mr. James H. Raymond.

There being no other nomination; Mr. James H. Raymond was declared by the Speaker, duly and constitutionally elected Chief Clerk of the House of Representatives for the seventh Congress of the Republic of Texas.

On motion of Mr. Portis, the House proceeded to the election of an assistant Clerk.

Mr. Grimes, nominated Thomas Henderson.

There being no other nomination; Mr. Henderson was declared by the Speaker, duly and constitutionally elected assistant Clerk of the House of Representatives of the Republic for the seventh Congress.

On motion of Mr. Portis, the House proceeded to the election of an Enrolling Clerk.

Mr. Williamson, nominated Mr. James M. Long.

There being no other nomination; Mr. Long was declared by the Speaker, duly and constitutionally elected Enrolling Clerk of the House of Representatives of the Republic for the seventh Congress.

On a motion of Mr. Portis, the House proceeded to the election of an Engrossing Clerk.

Mr. Warren, nominated Mr. B. F. Hill.

There being no other nomination; Mr. B. F. Hill was declared by the Speaker, duly and constitutionally elected Engrossing Clerk of the House of Representatives of the Republic of Texas for the seventh Congress.

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

Mr. Parker, nominated Mr. R. B. Wallace.

M. Grimes, nominated Mr. S. R. Miller.

Mr. Wallace, received 17 votes.

Mr. Miller, received 16 votes.

Mr. Wallace having received a majority of the votes given, was declared duly and constitutionally elected Sergeant-at-Arms of the House of Representatives for the seventh Congress.

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

Mr. Parker, nominated Mr. Wm. Cockburn.

There being no other nomination; Mr. Wm. Cockburn was declared by the Speaker, duly and constitutionally elected Door-keeper of the House of Representatives for the seventh Congress of the Republic of Texas.

On motion of Mr. Portis, the officers elected were sworn to a faithful performance of duty &c.

On motion of Mr. Parker, a Committee of three was appointed to wait upon the Senate and inform that body that the House was now organized and ready to proceed to business, consisting of Messrs. Parker, Peebles and Caldwell.

On motion of Mr. Cazneau, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

Mr. Hill, moved that the rules of the last session of Congress be adopted for the government of the present session of the House of Representatives, and Jefferson's Manual, in all cases where the rules are silent.

Mr. Robinson of B., moved to amend the motion by adopting the rules printed in 1838—accepted, and motion as amended adopted.

On motion of Mr. Hill, fifty copies of said rules were ordered to be printed.



Mr. Parker offered the following resolution:

“Resolved, That the Speaker of the House of Representatives appoint the following Committees:

On the Judiciary—on Finance—on Public Lands—on the State of the Republic—on Foreign Relations—on Naval Affairs—on Indian Affairs—on Military Affairs—on Retrenchment—on Engrossed Bills—on Enrolled Bills—on Post-offices and Post-roads—on Roads and Bridges—on Privileges and Elections—on Public Printing”—adopted.

On motion of Mr. Robinson of B., the Chief Clerk was instructed to procure chairs, tables &c., for the use of the members of the House of Representatives, to be paid out of the appropriation for the contingent expenses of the seventh Congress.

Mr. Portis offered the following resolution:

“Resolved, That the members elect to the seventh Congress of the Republic of Texas, do now adjourn, and that to meet at the city of Austin, on the first Monday of December next, being the fifth day thereof.”

Mr. Williamson, moved to lay the above resolution on the table until Monday next.

Mr. Warren, moved to amend the motion by laying the resolution on the table until to morrow morning—accepted.

Mr. Scurry, moved that the House adjourn until Monday morning, 10 o'clock.

Mr. Robinson of B., moved a call of the House—carried.

A quorum present.

On motion, a further call was suspended.

The ayes and noes were then called for on the motion to adjourn, and stood as follows:

Ayes—Messrs. Speaker, Dial, Grimes, Hanover, Hewett, Holmes, Matthews, Milby, Parker, Peebles, Robinson of S., Scurry, Sparks, Ward, Walling, Whyte, Williamson, Hodge and Crisp; 19.

Noes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Heigler, Haynes, Hill, Hunter, Lewis, Portis, Potter, Robinson of B. and Warren; 14—carried.

And House adjourned until 10 o'clock, Monday morning.

MONDAY, Nov. 28th, 10, A. M.

The House met pursuant to adjournment.

The roll being called and not a quorum present:

On motion of Mr. Scurry the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met; the roll being called, the following members answered to their names:

Messrs. Speaker, Cazneau, Crisp, Fields, Garza, Hagler, Hanover, Haynes, Hill, Hodge, Holmes, Matthews, Milby, Parker, Peebles, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

There not being a quorum present:

On motion of Mr. Warren, the Sergeant at-Arms was dispatched for absentees.

The Sergeant-at-Arms returned with Messrs. Caldwell, Dennison, Hunter, Potter and Robinson of B., making a quorum.

On motion of Mr. Scurry, the Hon. R. A. Pennall of Jasper County, presented his credentials, took the oath of office and his seat.

Mr. Parker, chairman of the Committee to wait upon the Senate, and inform them that the House of Representatives, was now organized, and ready to proceed to business; reported that the Senate had not yet a quorum.

Mr. Warren, moved the House to adjourn until Thursday morning 10 o'clock.

The ayes and noes were called for on the motion and stood as follows:

Ayes—Messrs. Dennison, Hagler, Hill, Robinson of B. and Warren; 5.

Noes—Messrs. Speaker, Caldwell, Cazneau, Crisp, Fields, Garza, Hanover, Haynes, Hodge, Holmes, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Whyte and Williamson; 24—lost.

On motion of Mr. Warren, the House adjourned until 3 o'clock, to-morrow evening.

TUESDAY, Nov. 29th, 3, P. M.

The House met pursuant to adjournment.  
The roll being called the following members answered to their names:

Messrs. Speaker, Caldwell, Cazneau, Crisp, Dial, Garza, Grimes, Haynes, Hewett, Hodge, Holmes, Hunter, Lewis,

Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present.

On motion of Mr. Caldwell the rule was suspended requiring the Journal to be read.

Mr. Williamson, gave notice that he would present on to-morrow, "A preamble and Resolution relative to the citizen soldiers now in the field."

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

WEDNESDAY, Nov. 30th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dennison, Dial, Fields, Garza, Grimes, Hagler, Hanover, Hanes, Hewitt, Hodge, Holmes, Hunter, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journals of the preceding days were read and adopted.

In accordance with a resolution of the House of Representatives, the Speaker appointed the following standing Committees:

Committee on the Judiciary:—Messrs. Scurry, Lewis, Portis, Robinson of B. and Williamson.

Committee on Finance:—Messrs. Hill, Robinson of S., Walling, Grimes and Caldwell.

Committee on Foreign Relations:—Messrs. Robinson of B., Ward, Dennison, Whyte and Peebles.

Committee on Public Lands:—Messrs. Matthews, Hill, Walling, Fields and Haynes.

Committee on Military Affairs:—Messrs. Sherman, Crisp, Portis, Cazneau and Hewitt.

Committee on Naval Affairs:—Messrs. Potter, Warren, Milby, Hagler, and Pennall.

Committee on Indian Affairs:—Messrs. Hewitt, Hodge, Holmes, Haynes, and Hunter.

Committee on the State of the Republic:—Messrs. Grimes, Caldwell, Williamson, Cazneau and Dial.

Committee on Claims and Accounts:—Messrs. Milby, Hewitt, Hanover, Peebles and Hunter.

Committee on Retrenchment:—Messrs. Robinson of S., Whyte, Peebles, Fields and Haigler.

Committee on Printing:—Messrs. Ward, Garza, Parker, Pennall, and Holmes.

Committee on Roads and Bridges:—Messrs. Dennison, Dial, Lewis, Fields and Hodges.

Committee on County Boundaries:—Messrs. Hunt, Garza, Sparks, Crisp, and Milby.

Committee on Post-Offices and Post-Roads:—Messrs. Caldwell, Ward, Crisp, Cazneau and Hill.

Committee on Privileges and Elections:—Messrs. Portis, Warren, Haynes, Parker, and Potter.

Committee on Engrossed Bills:—Messrs. Lewis, Holmes, Sherman, Dennison and Hanover.

Committee on Enrolled Bills:—Messrs. Parker, Matthews, Sparks, Potter and Scurry.

Mr. Parker, chairman of the Committee to wait upon the Senate, and inform them that the House of Representatives had organized, and are now ready to proceed to business; reported, that the Senate had not yet a quorum.

Mr. Williamson, offered the following preamble and resolution:

“Whereas, the House of Representatives having duly organized, in virtue of the proclamation of the President, under date of Nov. 21st., 1842. And being impressed with the importance of the relative duties incident to the trust confided to them; and whereas, from some cause, the coordinate branch of the Legislative Department of this Government have not as yet organized; and whereas, it is notorious to this body, that the patriotism of many of our fellow citizens, has impelled them to take up arms, and repair to our South Western frontier at their own expense. Therefore, this body, duly appreciating the patriotic motives of its fellow citizens now in the field, do resolve, that it will aid them with its sanction and support, in all the laudable and lawful purposes for which they may have organized.”—Adopted unanimously.

Mr. Robinson of B., offered the following preamble and resolution:

“Whereas, satisfactory information has been received, of the capture and detention by the common enemy, of Wm. E. Jones, representative elect from the County of Gonzales; and Samuel A. Maverick, one of the representatives elect from the County of Bexar, to the seventh Congress; and whereas, but small hopes can be entertained of their speedy release from captivity; and

whereas, it is peculiarly necessary in the present state of affairs, that a full and complete representation of every portion of the Republic should be had; therefore,

Be it resolved by the House of Representatives, that the seats of said Wm. E. Jones, and said Samuel A. Maverick be declared vacant, and that the President be instructed to issue writs of election to supply such vacancies."

On motion, the above resolution was laid on the table.

On motion of Mr. Williamson, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

Mr. Parker, chairman of the Committee to wait upon the Senate, and inform that body, that the House of Representatives had organized, and was ready to proceed to business; reported, duty performed.

A Committee appeared from the Senate, and informed the House that the Senate had organized, and was now ready to proceed to business.

On motion of Mr. Parker, a Committee was appointed, consisting of Messrs. Parker, Crisp and Fields, on the part of the House, to act in conjunction with a like Committee on the part of the Senate, and inform the President, that the two Houses of Congress had organized, and were ready to receive any communications he may have to make.

A Committee appeared from the Senate, and informed the House, that the Senate, had appointed a Committee on the part of the Senate, to act with a like Committee on the part of the House, to wait upon the President, and inform him that the two Houses of Congress had organized, and were now ready to receive any communication he may have to make.

On motion of Mr. Robinson of B., the Chief Clerk was instructed to transmit to the Senate, a list of the officers elect, of the House of Representatives, of the seventh Congress.

On motion of Mr. Warren, the Committee appointed to wait upon the President &c., was granted leave of absence to perform said duty.

Mr. Parker, chairman of the Committee to wait upon the President &c., reported, duty performed, and that he would deliver a message in person, to the two Houses of Congress, to-morrow morning, at half past 10 o'clock.

The following communication was received from the Senate:

SENATE CHAMBER, Nov. 30th., 1842.

*To the Hm. Speaker of the House of Representatives.*

SIR:—Below you will find a list of the officers elect of the Senate, called session of the seventh Congress.

Stephen Z. Hoyle, Secretary.

N. I. Chappell, assistant Secretary.

M. H. Nicholson, Engrossing and Enrolling Clerk.

Thomas Ward, Sergeant-at-Arms.

S. R. Miller, Door-keeper.

Attest.

Stephen Z. Hoyle,  
Secretary Senate.

Respectfully,

EDWARD BURLESON.

President of the Senate.

On motion of Mr. Fields, a Committee was appointed, consisting of Messrs. Fields, Warren and Walling, to wait upon the Senate, and invite that body within the bar of the House of Representatives, to hear the message of the President at half past 10 o'clock, to-morrow morning.

On motion of Mr. Williamson, said Committee was granted leave of absence to perform the duty assigned it. Committee returned and reported, that the Senate was not in session.

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

THURSDAY, Dec. 1st, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Cazneau, Crisp, Dennison, Dial, Fields, Garza, Grimes, Hagler, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Lewis, Mathews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Warren and Whyte.

A quorum present—the Journal of the preceding day was read and adopted.

Mr. Fields, chairman of the Committee to wait upon the Senate, and invite that body within the bar of the House, at half past 10 o'clock, this day, to hear the message of the President; reported duty performed.

A message was received from the Senate, through their Secretary, Mr. Stephen Z. Hoyle, informing the House that the Senate were unable to form a quorum, and therefore could

not attend as a legislative body, but we and no country on the of the Presidents message, as individuals: facilities comparable

On motion of Mr. Warren, a Committee adful resource for sisting of Messrs. Scurry, Warren and Milby, To develop President, and inform him that the two Houses will require are not ready to receive his message.

On motion of Mr. Warren, the House adjourned went. 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

On motion of Mr. Robinson of B., the Committee appointed on yesterday, on the part of the House, to wait upon the President, and inform him that the two Houses of Congress are now organized and ready to receive any communication he may have to make, were again requested to wait upon the Senate, and request the joint action of a like Committee to perform said duty.

On motion, said Committee was granted leave of absence to perform the duty assigned it.

A message was received from the Senate, informing the House, that they had appointed a Committee on the part of the Senate, to act in conjunction with a like Committee of the House, and inform the President that the two Houses of Congress are organized, and ready to receive any communication he may have to make.

Mr. Parker, chairman of the Committee on the part of the House, to wait upon the President &c. Reported, duty performed, and that the President would deliver in person a message to the two Houses of Congress, in twenty-five minutes.

On motion of Mr. Crisp, the Committee appointed on yesterday, to wait upon the Senate, and invite that body within the bar of the House, to receive the message of the President; were again requested to wait upon the Senate, and invite that body to seats within the bar of the House, to receive the message of the President, to be delivered in twenty-five minutes.

On motion, said Committee was granted leave of absence to perform said duty.

Mr. Fields, chairman of the Committee to wait upon the Senate &c. Reported, duty performed.

The Senate appeared headed by their President, who was invited to a seat by the Speaker of the House of Representatives, and the members to seats prepared for them.

His Excellency the President appeared and was invited to a

seat by the President of the Senate and Speaker of the House of Representatives.

The President then arose and delivered the following message to the two Houses of Congress.

EXECUTIVE DEPARTMENT, }  
Washington, Dec. 1st, 1842. }

*Gentlemen of the Senate, and of the House of Representatives:*

Circumstances involving the general interests and condition of the country, have induced an earlier call of the honorable Congress than was anticipated. During our existence as a people, no deliberative body has ever been convened under more interesting and important circumstances; nor do I believe it will ever again devolve on any assembly of men to act upon subjects of more vital importance to their country and mankind.

Since the commencement of legislation in Texas, as a separate and independent power, we find the proceedings of Congress but too frequently characterized by acts of selfishness and partiality. The public good has but too often been disregarded, and the national interests left out of view; and thus, without establishing any general principle or system of legislation, temporary expediency has been substituted for a due consideration of the national good. Under this state of things, it is but too true, that the nation has been gradually declining. Instead of deriving facilities and advantages from the lapse of time, its decline, since the year 1835, to its present point of depression, has been regular and more rapid than perhaps that of any other country on the globe possessing the same natural advantages. From possessing a currency nearly at par, with a circulating medium but little more than half a million, and with a credit unparalleled for a country of its age, we find ourselves in a condition utterly destitute of credit, without a currency, without means and millions in debt. Instead of improving from an increased emigration, the introduction of wealth and the improvement of our social condition, we discover that a want of confidence at home, and distrust abroad are impediments which have to be countervailed, before our prosperity can be advanced.

Very few Congressional enactments, it is believed, will be necessary at least to arrest, if not to produce a remedy for these evils, and place Texas once more in an attitude cheering to the patriot and creating confidence throughout the land. Our external difficulties, if managed with propriety, are of less magni-



value than they have been regarded; and no country on the globe can boast natural advantages and facilities comparable to those of Texas. We possess every needful resource for competency, wealth and national independence. To develop these and convert them to the benefit of the nation will require but little legislation, and that course of policy adapted to this end, should be pursued by the functionaries of the government.

The era of a splendid Government, administered upon a magnificent scale has passed off, and left us all the realities of depression, national calamity and destitution. The lessons of prudence and economy which experience has inculcated, should not be lost, but rendered available, that some of the evils incurred may be remedied, whilst others may be averted.

Although we have an enemy upon our frontier, and are not in a situation to retaliate in such manner as our disposition would urge us to do, and carry war into their territory; yet if our resources are carefully economised and properly employed, we can render their predatory warfare harmless. Instead of permitting ourselves to be excited and irritated, so as to vanquish ourselves by disorderly rallies to the frontiers, we have it in our power to maintain a force sufficient under regular discipline, to secure us against serious aggression and deter the enemy from their repeated incursions. As it has hitherto been, the people have rushed to the frontier upon the first alarm given of the enemy's approach. A want of discipline and subordination, was the consequence; and after consuming the substance of the frontier settlers, they have returned to their homes, leaving behind them an exhausted country; and for the want of order and discipline, having permitted the enemy to escape without chastisement.

When alarms have been given, instead of apprising the Executive, through the Department of War, by express, and giving notice to the several counties, on the frontier, whose duty it was to hold their militia in instant readiness, they have appealed directly to the citizens, and invoked their aid, with whom concert of action could not be expected. The consequence was that the Executive, upon the receipt of this irregular information issued the proper orders, but owing to the delays incident to a want of effective organization in the militia, celerity could not be given to the movements required, and the enemy, after having produced great excitement, effected their retreat. These circumstances caused a campaign to be projected by individuals, not functionaries of the Government, without first having obtained the advice and sanction of the

Executive—they pledging ample supplies for those who should engage in the campaign to the Rio Grande. Whatever the opinions of the Executive under these circumstances may have been; aware that the opinion prevailed that it was practicable, by private means, to conduct a campaign, and having ordered out such of the militia as would have it in their power to reach the frontier before the season would be too far advanced, to meet the emergency which had but recently existed—he determined to give all the aid, efficiency and direction to the patriotic ardor of the people, that the means in his power would permit. But it is impossible that campaigns can be either projected or conducted with success, or advantage to the country unless under the auspices of the Government. Individuals cannot know the situation of our relations, either foreign or domestic. A campaign may be designed by the Government, for the purpose of effecting a particular object, for instance a surprise of the enemy. It may require all the resources of the country—the greatest secrecy, and that the whole force of the country should be in readiness to act in concert so as to effect the design. If individuals assume the right of projecting campaigns, they are liable not only to thwart the designs of the Government, but by a diversion of a portion of its means bring on disaster and ensue the greatest calamities to the country. Indeed, it has not been unfrequent upon the frontier, to project and conduct campaigns without reporting to the proper Department, any fact or circumstance connected with them from beginning to end. Public stores and munitions of war, have also been applied in this way without the sanction, or even knowledge of the Government.

At the commencement of the present administration, it was the earnest desire of the Executive to be enabled by acts of Congress, to maintain a force on the frontier, amounting from one to two hundred men. Could this have been done, he remains satisfied and confirmed in the opinion that the recent calamities, and annoyances upon our frontier, would not have occurred. Less than one fourth of the amount which the incursion of the enemy, has cost the country and the frontier citizens would have sustained the force requisite. Unless something can be done to prevent the system of molestation practised by the enemy, it will cause Texas to subdue herself. If the whole country is to be agitated, and called from their homes at the appearance of a few hundred rancheros, who can make a display on our frontier, and again recross the Rio Grande, before our citizens have left their homes; a few only having rallied in

numbers sufficient to jeopardize themselves without effecting any useful object, we can never hope for security to our frontier, or tranquility to its citizens. If it is impossible to maintain such a regular force as would be adequate with the present means of the Government, it is at least within the power of Congress to enact such laws as will compel the requisite number of militia to be furnished by draft from the counties as will meet the necessities of the frontier. In this way we have the means of giving protection to that interesting portion of our countrymen, who have adventured to the West and South. And the Executive continues to regard it, as he has ever done, of vital importance to the citizens. They have taken their position on the frontier, and sustained themselves under every disadvantage. They have claims upon the sympathies as well as the protection of the country.

No doubt can be now entertained that the prime object of the enemy is to molest our frontiers, and harrass and annoy our seaboard. To use such precautions, as their policy will enjoin upon us; should be equally, the primary object of the honorable Congress. Since the assurance of undoubted character has been given that the enemy are strengthening themselves by water, every means has been employed, and precaution taken to render abortive, any attack which they may make upon our seaboard. The port of Galveston, is now in a condition of defence more efficient than could be expected when we take into view the means placed at the disposition of the Government, and the necessity of relying mainly upon the contributions, and labor of the citizens of that place. Col. George W. Hockley, an officer of skill and great efficiency, was appointed Acting Colonel of Ordnance, by the Executive, and assigned to the duties of Engineer and Ordnance officer, for that station, to continue during the emergency which enforced the necessity of his appointment.

For the want of means, every possible embarrassment, has been presented to the administration. Texas, in truth, presents an anomaly in the history of nations, for no country has ever existed without a currency, nor has any Government ever been administered without means. The transition from a state of things, where unrestricted and unlimited extravagance prevailed, and disbursements were made without appropriations by Congress, to a state of things where we are without means, without appropriations, and without disbursements, is well calculated to bring odium upon the administration of the Government, unless examination is made into the causes which have led

to its situation, and the circumstances which have involved it in its present unfortunate dilemma.

Aware of the attitude in which the country must be placed, the present Executive upon coming into office, recommended such measures of finance as he was satisfied, would to some extent, relieve the existing embarrassments, and eventually extricate the country from its involvements. The system recommended, was not adopted. The issue of Exchequer bills, the representative part of the system was adopted, but the *foundation* of the issue was not regarded. Authority to hypothecate the Cherokee lands, or to make sale of them or any portion thereof, was omitted to be given. The collection of the direct tax, was also postponed for six months after the usual period for its collection; and the Exchequer bills of necessity referred for redemption to imposts and licenses alone. The excitements in the country have prevented importations, and persons owing their license tax, have refused to pay. The process of collection is so tedious that unless some prompt remedy is devised by Congress, it is useless to regard such tax as a source of public revenue. The Exchequer bills, being thus left dependent alone upon import duties for their redemption; no other demand existing for them—depreciated; and at one time were worth in market, but twenty-five cents on the dollar; though the whole amount issued up to this time, is only about one hundred and twenty-five thousand dollars; and the amount now in circulation, cannot by possibility exceed thirty thousand. Had the requisite authority been given for the hypothecation of the Cherokee country for the redemption of these bills, and had the time for the collection of the direct tax not been postponed, and the license tax been collectable, and the ware-housing system been abolished, it is believed a sum more than double the amount of two hundred thousand dollars could have been already brought into the Treasury.

At the extra session in June last; a law was passed authorizing the Executive to have surveyed and brought in o market, four hundred thousand acres of the Cherokee lands; but under such restrictions that they amounted to a prohibition. Competent surveyors, after contracting for the execution of the work, declined its prosecution, having been assured that such hindrances would be interposed as would render their efforts, if not abortive, at least unpleasant. For the purpose of placing this subject at rest in future, and that the country may not be prejudiced any longer in its just interests, there will be laid be-

fore the honorable Congress at an early day, an opinion of the Attorney General, which, for ability, clearness and conclusion must place the question of right in the Government forever at rest, and enable the Congress to adopt such measures as will convert some of the most valuable resources of the nation into means, and have a tendency with other measures, to sustain further issues if needful under the Exchequer law, to an extent double that now authorized to be issued.

It is recommended to the honorable Congress, that a law be passed, prohibiting the circulation within the limits of the Republic, of the notes of all foreign banks, and that all individual and corporation notes intended for circulation as currency, in the Republic be suppressed; and that engraved Exchequer bills of denominations ranging from twelve and a half cents to one dollar, and from one dollar to one hundred dollars, be issued and made receivable for all dues to the Government, except those arising from imports and tonnage; and that these latter be receivable in nothing but gold and silver. That the Exchequers can be sustained in credit by a course of this kind there can be no doubt. Up to this time none of them have been husbanded but for the purpose of paying duties. The demand will be greatly increased, and as soon as the taxes are collectable, they will become an object of procurement. If prudence is observed in their issue, the whole amount now authorized would not be sufficient to pay the direct taxes, and that deficit must be made up in gold and silver. It is impossible under these circumstances, that the money should not be at par from the time that taxes are collectable, as the demand would be greater than the amount in circulation to meet it. According to the amount of circulating medium in the United States, estimating our population at one hundred thousand souls, our circulation ought to be six hundred thousand dollars, or six dollars for each individual. Supposing this data to be correct, a circulating medium of one third of that sum, would from the force of circumstances, sustain itself at par, controlled by the absolute wants of the country. I view the subject of the finances of the nation as of vital importance to its existence; and that they can be sustained in a sound and healthy condition, the Executive entertains not a doubt.

To enforce the collection of the revenue is also of the highest importance. The enactment of laws without their enforcement is of no avail to the country. If resistance is made to the constituted authorities, of what avail are enactments on paper without the means or the power to punish. It is the duty of Con-

gress to enact such laws as will enable the Executive to command the power commensurate to their execution. Resistance to the constituted authorities, and to the laws of the land is one of the most flagrant offences that can be committed against society; and is entitled to no milder appellation than that of sedition or rebellion. The constitution has declared these offences, but has not prescribed a remedy for the punishment of the offenders. That power is delegated to Congress. The attention of the honorable Congress has heretofore been called to it, and salutary enactments requested. They are now again urged as indispensable to the public safety and the execution of the laws. The law has delegated to the President the power to call out the militia to suppress insurrection without giving any definition to the crime; or authorizing the infliction of any adequate punishment. No tribunal is appointed for the trial of the offence. Instances have occurred within the last three years of a character well calculated to enforce a conviction upon the mind of every patriot that the offence should not longer be disregarded or the delinquents unpunished. Our prosperity as a nation depends upon the security of life and property being guaranteed to the peaceful citizen, and the punishment of those who disregard the spirit and letter of our social compact. When men take the laws into their own hands, or undertake to construe the constitution in derogation of the constituted authorities of the land, it manifests a diseased condition of the body politic, and demands of the law making power the prescription of a remedy, whilst the Executive by his oath is bound to enforce it. The punishment of offences ought to be as prompt and summary as the nature of our institutions will admit. The reason is manifest. There are not jails and prisons in the country for the confinement of the accused, nor are the several counties in a situation to pay a tax sufficient to ensure the safe-keeping of culprits.

Our foreign relations have undergone no material change since the last executive communication to the honorable Congress, with the exception of the exchange of ratifications of the treaties with Great Britain. No information has been received in relation to the mediation of that power between Texas and Mexico: it is hoped, however, that before the adjournment of the present session, it will be in the power of the Executive to submit to the honorable Congress, important information, embracing that subject. A treaty of Commerce and Navigation has been negotiated by our Minister, the Hon. James Reily, with the Government of the United States. The treaty not

having yet been received, it will not be within the power of the Executive to submit it to the honorable Senate for their consideration, as early as he anticipated; its arrival, however, is daily expected.

Nothing is better calculated to present the deplorable financial condition of Texas, than the situation of our post-office and mail establishment. For the years 1840 and 1841, not less than one hundred and ninety thousand four hundred and seventy dollars in promissory notes, besides four thousand two hundred and fifty-eight dollars in exchequer bills, were appropriated to sustain the establishment. For the service of the present year, Congress appropriated only five thousand dollars in exchequer bills, without making any allowance for their depreciation; nor did they leave any discretion with the Executive, to sustain this important branch of the Government.— Texas, at this time, furnishes the singular fact, of a government without the means of conveying intelligence, or distributing the laws, throughout the Republic. It is, doubtless, the only community on earth at this time, purporting to be a nation, that is similarly situated. Instead of enquiring into the causes which have produced this state of things, and the reasons which enforce them upon the country, it is imputed to the delinquency of the Administration. It is for Congress to determine whether means can be devised; and if they can, whether they will be employed in sustaining the mail establishment. There is reason to believe, that the proceeds arising from a well-regulated mail establishment, would go far towards defraying the expense incident to its maintenance. The diffusion of general intelligence through a country like ours, subject to frequent causes of excitement on the frontier, is of great importance. The ready circulation of intelligence would prevent much confusion and commotion throughout the country, and enable the Executive to command the means of its defence with some degree of certainty; whereas he has had to rely, alone, upon the procurement of expresses, without the means at his command of even defraying their expenses while in service. When, indeed, he could obtain them at all, they had to rely upon the future ability of the Government for compensation. A free government cannot exist without mails. At the called session in June, the attention of the honorable Congress was most earnestly invoked to this subject, but met with no favorable response; and has, therefore, remained neglected, up to this time, for the want of means; though, with great exertions, some of the principal routes have been partially maintained.

Another subject of some importance in the present crisis, I deem it my duty to present to the honorable Congress. In the month of March last, during the incursion of the enemy, under the provisions of the Constitution, the President felt it his imperative duty to order a removal of the Archives and Heads of Departments from the city of Austin to a place of safety. As to the propriety and necessity of the act, no reasonable doubt could exist. The Constitution declares, that the President and Heads of Departments shall remain and keep their offices at the Seat of Government, unless removed by the permission of Congress, "*or unless in cases of emergency, in time of war, the public interest may require their removal.*" That this emergency did exist to a most palpable extent, is demonstrated by the fact that, for temporary security, the archives were buried, with a view to secure them from injury. The Executive, in accordance with this information, ordered their immediate removal to the city of Houston, as a place of undoubted security. Agents were ordered to provide transportation, so as to effect it with the greatest despatch, and to secure the public arms and stores which were at that point, and which have since sustained much damage, and loss by their non removal. The President considered that he was the sole judge of the emergency requiring their removal. Resistance, however, has been offered and continued, up to the present time. Acts of the most seditious and unauthorized character, have been perpetrated by persons styling themselves the "*Archive Committee,*" positively refusing obedience to the orders of the Executive, and refusing to permit individuals to remove from that place with their effects, unless a passport was granted by some member of said committee. The Executive felt a reluctance to have recourse to such measures as would have enabled him to carry out the provisions of the Constitution. During the late incursion of the Mexicans, the Executive has been informed that a prominent individual made application to collect and select such papers as he deemed of importance, for the purpose of conveying them to a place of safety. The Commissioner of the General Land-Office, anxious to secure the archives in his charge from injury, attempted their removal; but his authority was resisted—the committee proposing to remove them, but, at the same time, to retain a supervision of them, and to designate the point to which they were to be removed; thereby, clearly conceding the insecurity of their present situation, and assuming to themselves the power of resisting the constitutional authorities of the country, and interfering



with the constitutional right and duty of the Executive. The causes which, at first, existed, under the provisions of the Constitution, for the order for their removal by the Executive, still exist with undiminished force. This flagrant violation of all civil rule, inculcates the indispensable necessity of some congressional enactment, for the purpose of suppressing insurrectionary acts towards the authorities of the country. If individuals are permitted to associate themselves into bodies, for the purpose of resisting the Constitution and laws of the country, the laws cease to be operative. The salutary provisions of the Constitution are nugatory, and rebellion and anarchy take their place.

The reasons for the removal of the archives from the city of Austin still existing, it was deemed most proper to convene the Congress at this point. The subject was laid before Congress at the late extra session, and no definitive action took place.— In addition to the fact that the Supreme Court had been, by law, recently removed to the town of Washington, and the removal of the archives to the same place would be attended with no public expense, the Executive regarded it as, in many respects, under existing circumstances, the most eligible, safe, and convenient location for the Seat of Government.

The Executive has been informed, that public arms, and other government property, of much value, and which would be of great convenience in our present circumstances, are distributed in various parts of the country—having been appropriated by individuals to their private use, which they refuse to give up in compliance with the orders of the Government. It is therefore suggested, whether it would not be proper to invest the Executive with authority to enforce the collection of the same, that it may be applied to the public benefit.

While presenting subjects to the consideration of your honorable body of vital importance to the nation, our Indian relations will be entitled to at least secondary estimation. Soon after the commencement of the present administration, the President, anxious to renew that course of policy which he was satisfied could alone give peace and security to the frontiers, availed himself of every means of information upon the subject, and from assurances of the Indians themselves, as well as officers of the United States government employed in the Indian department, he was satisfied that a sincere disposition towards peace was entertained by the Indians. He accordingly dispatched commissioners to the east of Red River (whither the Indians of Texas had generally retired with their families, and

from whence they sent out war parties to the frontiers of Texas,) for the purpose of establishing amicable relations. They met the Indians and entered into negotiations with them, with ulterior arrangements, to meet again on the Brazos at the Waco village as the commissioners understood it, in the month of October last. The commissioners attended, but owing to some cause, the Indians were unable to attend. Some difficulties intervened at the time of the formation of the treaty east of Red River. The principal ground on which it was believed the Comanches would not enter into a treaty, or adventure themselves to a council, arose from the circumstances, attending the unfortunate affair which occurred in Bexar in the spring of 1840, in which they lost many of their principal chiefs; after they had received a solemn invitation to come in and establish friendly relations. It was alledged that they were yet crying for their kindred and that the clouds of sorrow yet rested upon their nation, because their chiefs were no more, and they had not the light of their counsel to point to the path in which they should walk. Other tribes who had been friendly with the colonists of Texas and had always been friendly and commercial with the first settlers of the country, though they had occasion to deplore many circumstances, were nevertheless anxious to return with their women and children to where buffalo were abundant, and where they could obtain subsistence for their families live at peace with the citizens of Texas, and carry on trade, and maintain friendly intercourse. The government of the United States has indicated a willingness to guarantee peace, and maintain the treaty stipulations which may be entered into on the part of the Indians, provided Texas maintains good faith on her part. That friendly relations can be established there is no doubt; and messengers are now out among the various tribes for the purpose of ascertaining the particular reasons why the chiefs of the several tribes did not meet our commissioners at the Waco village, and the Executive will not be remiss in the proper appliance of whatever may contribute to the achievement of an object so truly desirable to the interests of the country. It has not been to him a matter of much astonishment that the chiefs did not attend. The season has been one of unprecedented character. The high waters, the inclemency of the weather, and the range of the buffalo, being further South than is usual at this season of the year, would interpose difficulties to the attendance of the Indians, that seem to be quite satisfactory for their absence. If a treaty is once concluded, and good faith maintained on the part of the people

of Texas, there can be no doubt that friendly relations will be maintained with the Indians. When only a few hundred families existed in the colonies, Texas had friendship and commerce with the border tribes. Those who engaged in the commerce, found it profitable, and but few interruptions took place between the whites and the Indians.

Since then causes have arisen, that have broken off all commerce, and such has been the exasperation of feeling on the part of the Indians, that there was no medium by which they could be approached, unless through tribes resident within the limits of the United States, or the Indian agents of that country.

The fact of all the commerce of the Indians with Texas ceasing, would induce them to seek for a market for the spoils acquired by depredations upon our citizens. This they could readily find at trading houses on the Red River, and with the various tribes in friendship with the United States, who could furnish them articles obtained from United States traders, who would regard it as a fair traffic. The border Indians having secured their wives and children beyond the limits of our territory, were incited to continual outrages on our citizens, and regarded us as irreconcilable enemies to them. Extermination of all Indians within our borders having been denounced by the former Executive upon his coming into office, they viewed every act of hostility on their part as one of retaliation; and their hostility having nothing of interest to counteract or restrain it, has exposed the frontiers of Texas to continual depredations. Let peace once be made with them. Let them realize, that they can obtain such articles as they require within the vicinity of their families and hunting grounds, maintain good faith on our part, and they will at once perceive that their interest is to remain at peace and in commerce with us, that their women and children may remain secure in their wigwams, and renew their agriculture. Their warriors will be changed into hunters, and should they entertain a passion for war, its theatre will be distant from their families, they will find new enemies to make war upon, at least as profitable as Texas, and we shall enjoy the benefits of a lucrative commerce, and become the recipients of the fruits of their enterprise, whilst our citizens will enjoy security, and our frontiers exemption from alarm.

All the information within the control of the Executive will be submitted to the honorable Congress during the progress of the session.

Gentlemen, that your deliberations may be attended with the

most salutary benefits to the country, and that in its present depressed condition it may derive under a munificent providence, essential aid from the exercise of your patriotism and wisdom is my most fervent desire.

SAM. HOUSTON.

Mr. Parker, moved the printing of eight hundred copies of the above message.

Mr. Crisp, moved to amend the motion by ordering the printing of one thousand copies.—Carried and printing ordered.

Mr. Robinson of B., moved to take up "A Resolution declaring the seats of the Hon. Wm. E. Jones of Gonzales County, and the Hon. Samuel A. Maverick of the County of Bexar, vacant &c."—Lost.

On motion of Mr Crisp, the vote just taken was reconsidered, and Resolution taken up; and

On motion of Mr. Robinson of B., said Resolution was laid on the table until 11 o'clock to-morrow morning.

Mr. Mathews, by leave introduced "A Bill providing for the session of the seventh Congress at the town of Washington, in the County of Washington, and for other purposes."—Read 1st time.

Mr. Williamson, moved a suspension of the rule that the bill might be placed on its 2d reading.

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

FRIDAY, Dec. 2d, 10, A. M.

The House met pursuant to adjournment. The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dennison, Dial, Garza, Grimes, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Lewis, Matthews, Milby, Parker, Peebles, P. nall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journal of the preceding day was read and adopted.

The Speaker presented "A memorial of sundry citizens of Galveston and Houston, praying for the repeal of the act regu-

lating tonnage duty," which was read, and referred to the Committee on Finance.

Mr. Grimes, by leave introduced "A Bill to repeal in part an act to provide for the return of surveys, and for the collection of Government dues on land, and for other purposes.—Read 1st time.

Mr. Williamson moved to take up "A Bill providing for the session of the 7th Congress at the Town of Washington in the County of Washington, and for other purposes."

On motion of Mr. Caldwell, a call of the House was made, and Sergeant-at-Arms dispatched for absentees.

Mr. Scurry stated that the Gentleman from Harris, Mr. Sherman, was sick and unable to attend.—Excuse accepted.

The Sergeant-at-Arms having returned, on motion, a further call of the House was suspended.

The motion of Mr. Williamson was then put and carried, and "Bill providing for the session of the seventh Congress at Washington, and for other purposes."—Read 2d time.

Mr. Grimes, moved the Engrossment of the bill. The ayes and noes were called for on the motion, and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Matthews, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Warren, Whyte and Williamson; 19.

Noes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Lewis, Potter, Robinson of B. and Ward; 13.—Carried and bill ordered to be Engrossed.

A message was received from the Senate, informing the House of the appointment of a Committee to contract for the printing of a sufficient number of the Presidents message, and requested the appointment of a like Committee on the part of the House.

On motion of Mr. Robinson of B., "A Resolution declaring the seats of Messrs. Wm. E. Jones of Gonzales County, and Samuel A. Maverick of Bexar County, vacant &c." was taken up. The ayes and noes were called for on its adoption, and stood thus:

Ayes—Messrs. Speaker, Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Hagler, Haynes, Hewitt, Hodge, Holmes, Hunter, Lewis, Matthews, Milby, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Sparks, Ward, Warren and Whyte; 25.

Noes—Messrs. Dial, Grimes, Hanover, Parker, Scurry, Walling and Williamson; 7.—Carried and resolution adopted.

Mr. Robinson of B., moved the printing of three hundred copies of the Attorney General's opinion relative to the Cherokee lands.

Mr. Grimes, moved its reference to the Committee on the Judiciary.—Lost.

The motion of Mr. Robinson of B., was then put.—Carried and printing ordered.

On motion of Mr. Robinson of B., all the documents from the Treasury Department, accompanying the President's message, were referred to the Committee on Finance, with instructions to report those they deem necessary to have printed.

On motion of Mr. Hunter, all the Documents from the Department of War and Marine, were referred to the Committee on Military Affairs, and all those from the Post office Bureau, to the Committee on Post-offices and Post-roads.

Mr. Crisp, moved to suspend during the present session, that part of the 3d rule of the House of Representatives, that requires the Speaker to rise from his seat when he puts a question.

On motion, the rule was suspended which requires the above motion to lay on the table one day for consideration, and the motion of Mr. Crisp, was then put and carried.

On motion of Mr. Robinson of B., the Chief Clerk was instructed to furnish all Foreign Ministers, and the Heads of Departments with a copy of all documents printed by order of the House of Representatives during the present session.

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

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SATURDAY, Dec. 3d, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Cazneau, Crisp, Dennison, Dial, Fields, Garza, Grimes, Hagler, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Lewis, Matthews, Milby, Parker, Pennell, Portis Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren Whyte and Williamson.

A quorum present—the Journal of the preceding day was read and adopted.

Mr. Cazneau presented a memorial from sundry citizens of Travis and Bastrop counties, relative to the Seat of Government, which was read, and referred to the Committee on the State of the Republic.

Mr. Portis presented the petition of Henry Tucker, which was referred to the Committee on the State of the Republic.

On motion of Mr. Warren, the vote taken on yesterday was re-considered—referring the report of the Secretary of War and Marine to the Committee on Military Affairs; and said report was taken up, and read.

Mr. Williamson moved the printing of one hundred copies of the report.

The ayes and noes were called for on the motion and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Fields, Garza, Grimes, Hagler, Hanover, Hewitt, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson—25.

Noes—Messrs. Caldwell, Cazneau, Dennison, Haynes, Hunter, Portis and Whyte: 7.

Carried, and printing ordered.

On motion, the vote taken on yesterday, referring the report from the Post-office Department to the Committee on Post-offices and Post-roads, was re-considered; and report taken up and read.

Mr. Warren moved the printing of one hundred copies of said report.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Speaker, Dial, Hanover, Hewitt, Holmes, Lewis, Matthews, Milby, Pennall, Robinson of B., Robinson of S., Scurry, Sparks, Warren and Williamson: 15.

Noes—Messrs. Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Grimes, Hagler, Haynes, Hodge, Hunter, Parker, Portis, Walling, Ward and White: 16. Lost.

Mr. Cazneau offered the following resolution, to wit:

*Resolved*, That the House of Representatives will, with the consent of the Senate, adjourn, to meet in regular session, at the city of Austin, the capital of the Republic, on the first Monday in this month: it being the time and place designated by law, for said session."

Mr. Portis moved the adoption of said resolution.

Mr. Warren called the gentleman to order; and contended that, under the rules of the House, the resolution would have

to lay upon the table one day, for consideration, before it could be disposed of.

The resolution requiring the concurrence of the Senate, the Speaker decided that the motion of Mr. Portis was out of order.

Mr. Robinson of B., gave notice that he would, at some future time, appeal from the decision of the Chair.

On motion of Mr. Scurry, the rule was suspended, requiring the resolution to lay on the table one day for consideration.

Mr. Portis moved the adoption of the resolution, and supported the motion.

Mr. Hagler, by permission of Mr. Portis; moved the House adjourn until 3 o'clock.

Mr. Williamson moved a call of the House.

Carried, and Sergeant-at-Arms despatched for absentees.

Mr. Williamson moved to suspend a further call of the House. Lost.

The Sergeant-at-Arms returned, and reported that Mr. Sherman was too unwell to attend, and Mr. Hill was absent from town.

Mr. Hewitt moved that the Sergeant-at-Arms be despatched for Mr. Hill, of Robinson county; and that the House continue in session until he return. Lost.

On motion of Mr. Parker, a further call of the House was suspended.

Mr. Parker moved the House adjourn until 3 o'clock P. M.

The ayes and noes were then called for on the motion and stood as follows:

Ayes—Messrs. Speaker, Caldwell, Cazneau, Crisp, Dennison, Dial, Fields, Garza, Hagler, Haynes, Hewitt, Hodge, Holmes, Hunter, Lewis, Parker, Pennall, Portis and Whyte—19.

Noes—Messrs. Gaines, Hanover, Matthews, Milby, Peebles, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson—14.

Carried, and House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The question on the adoption of the resolution under consideration, was again supported by Mr. Portis.

Mr. Williamson offered the following as a substitute for the resolution of Mr. Cazneau, to wit:



*Resolved*, That the House of Representatives, with the concurrence of the Senate, will adjourn at 5 o'clock P. M., inst., to meet at this place on Monday morning the 5th of the present month, at 10 o'clock."

The question on its adoption, as a substitute, was supported by Messrs. Williamson, Sparks, and Scurry; and opposed by Messrs. Portis, Caldwell, Fields, and Lewis.

Mr. Williamson withdrew his substitute, for the resolution under consideration.

Mr. Caldwell moved the previous question.

The question, "Shall the main question be now put?" was put; and the ayes and noes were called for on the motion, and stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Lewis, Portis, Potter, Robinson of B., and Ward—14.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Matthews, Milby, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—17. Lost.

Mr. Williamson then offered the following, as a substitute for the resolution of Mr. Cazneau, to wit:

*Resolved*, That the House of Representatives, with the concurrence of the Senate, will adjourn at 12 o'clock M., tomorrow, to meet at this place on Monday mornin the 5th of the present month, at 10 o'clock."

On motion of Mr. Cazneau, a call of the House was made, and the Sergeant-at-Arms despatched for absent members.

The Sergeant-at-Arms returned, and reported that Mr. Sherman was too unwell to attend, and Mr. Hill was not in town.

Mr. Parker moved to suspend a further call of the House.

Lost.

On motion of Mr. Grimes, a further call of the House was suspended.

Mr. Potter moved the House adjourn until 10 o'clock tomorrow morning.

The ayes and noes were called for on the motion, and stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Portis, Potter, and Robinson of B.—14.

Noes—Messrs. Speaker Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, and Williamson—21. Lost.

On motion of Mr. Williamson, the rule was suspended, requiring members to be present when the question was put, to entitle them to a vote; and Messrs. Williamson, Potter, and Portis, were appointed a committee to wait upon Mr. Sherman, and receive his vote on the adoption of the substitute of Mr. Williamson.

Mr. Potter offered the following, as an amendment to the substitute of Mr. Williamson, to wit:

"*Be it Resolved*, That the House of Representatives, with the concurrence of the Senate, will adjourn until the 1st Monday in March; and that both Houses of Congress then organize, and proceed, forthwith, to the West, and join the army, in the expedition over the Rio Grande; and that the President of the Republic, General Sam. Houston, be invited to take command of the expedition."

The ayes and noes were called for, on its adoption, and stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Portis, Potter and Robinson of B.,—12.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson—21.

Lost, and amendment rejected.

Mr. Portis moved the House adjourn until 9 o'clock to-morrow morning.

Lost.

Mr. Robinson, of B., moved to strike out the words "this place," and insert "Nacogdoches."

The ayes and noes were called for on the motion, and stood thus:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Hunter, Portis and Robinson of B.,—10.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, White and Williamson—22.

Lost.

Mr. Cazneau moved to strike out the words "this place" and insert "Galveston." Lost.

Mr. Portis then moved to strike out the words "the" and insert "San Felipe".

Lost.

The ayes and noes were then called for, on the adoption of the substitute, and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Matthews, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Warren, Whyte and Williamson—19.

Noes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Lewis, Portis, Potter, Robinson of B., and Ward—14.

Carried, and substitute adopted.

Mr. Hunter moved the House adjourn until 9 o'clock to-morrow morning. Lost.

Mr. Caldwell moved the House adjourn until 10 o'clock to-morrow morning.

The ayes and noes were called for, on the motion, and stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Lewis, Peebles, Portis, Potter, Robinson of B., and Whyte—15.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Matthews, Milby, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson—18.  
Lost.

Mr. Parker then moved the adoption of the resolution.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Matthews, Milby, Parker, Peebles, Pennall, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—19.

Noes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Lewis, Portis, Potter, Ward, and Whyte—14.

Carried and resolution adopted.

Mr. Robinson, of B., gave notice, that he would move a reconsideration of the vote just taken.

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

SUNDAY, Dec. 4th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Caldwell, Crisp, Dennison, Dial, Fields, Grimes, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Matthews, Milby, Parker, Peebles, Portis, Potter, Robinson of B., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journals of the preceding day were read and adopted.

Mr. Warren, moved a re-consideration of the vote adopting the Resolution adjourning the present session of Congress &c.

Mr. Portis, moved a call of the House—Carried.

A quorum present

On motion, a further call was suspended.

On motion of Mr. Portis, the rule was suspended, requiring members to be present when the question is put to entitle them to a vote; and

On motion, Messrs. Portis, Grimes and Ward, were appointed a Committee to wait upon Messrs. Sherman and Peebles, and receive their votes upon the motion for a re-consideration.

The ayes and noes were called for on the motion to re-consider the vote adopting the resolution to adjourn the present session, and stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Holmes, Hunter, Lewis, Portis, Potter, Robinson of B. and Ward; 14.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Matthews, Milby, Parker, Pennal, Robinson of S., Scurry, Sparks, Walling, Warren, Whyte, and Williamson; 18.  
Carried.

On motion of Mr. Warren, the Clerk was instructed to transmit said resolution to the Senate.

Mr. Caldwell, moved that the House adjourn—Lost.

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

MONDAY, Dec. 5th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names:

Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

There not being a quorum present:

The Sergeant-at-Arms was despatched for absentees. He returned and reported that Mr. Sherman was too unwell to attend, and there was no other member in town.

On motion of Mr. Williamson the House adjourned until 3 o'clock P. M.

3 o'clock P. M.

The House met—roll called—and not a quorum present:

On motion of Mr. Robinson of B., the House adjourned until 11 o'clock to-morrow morning.

TUESDAY, Dec. 6th, 11, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

There not being a quorum present, the Sergeant-at-Arms was despatched for absentees. He returned and reported that Mr. Portis was in town but refused to attend.

Mr. Hill, moved that the members of the House of Representatives of the seventh Congress, now meet, pursuant to the proclamation of the President, bearing date the 21st day of Nov.

1842; and that the Clerk commence a new journal, by stating, in addition to the above, that the Speaker of the House appeared and took his seat; also, naming the officers of the House of Representatives of the seventh Congress, and enrolling the names of the members present—Lost.

The Hon. Nathan Halbert, of Jefferson County, presented his credentials, took the oath and his seat.

Mr. Whyte moved that the House adjourn until 10 o'clock, to-morrow morning—Lost.

On motion of Mr. Robinson of S., the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—and not a quorum present.

Mr. Hewitt, stated that Mr. Dial was unwell, and asked to be excused from attendance unless he would form a quorum—Excuse accepted.

Mr. Ward informed the House, that Mr. Whyte was too unwell to attend—Excused.

Mr. Potter, stated that Mr. Robinson of B. was unwell, and could not attend owing to the inclemency of the weather—Excused from attendance.

Mr. Williamson, moved the House adjourned until 10 o'clock to-morrow morning. Lost.

Mr. Williamson, moved the House adjourn until 9 o'clock to-morrow morning. Lost.

On motion of Mr. Crisp, the vote was re-considered refusing to adopt the motion of Mr. Hill.

Mr. Warren moved the House adjourn until 11 o'clock to-morrow morning. Lost.

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

WEDNESDAY, Dec. 7th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

There not being a quorum present:

The Sergeant-at-Arms was dispatched for absentees. He returned and reported that Messrs. Milby and Sherman, were too unwell to attend, and that Mr. Purvis would attend so soon as his presence would form a quorum. No other members in town.

Mr. Hill, moved to take up the motion made by himself on yesterday. Carried.

Mr. Crisp, moved a call of the House. Lost.

Mr. Hewitt, moved that the House adjourn until 3 o'clock, P. M. Lost.

The ayes and noes were called for on the motion of Mr. Hill, and stood as follows:

Ayes--Messrs. Speaker, Crisp, Halbert, Hanover, Hill, Hodge, Holmes, Matthews, Peebles, Pennall, Potter, Ward, Warren and Whyte; 14.

Noes--Messrs. Dial, Lewis, Parker, Robinson of S., Scurry, Sparks, Walling and Williamson; 8.

Carried and motion adopted.

Messrs. Grimes and Hewitt were excused from voting.

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#### WEDNESDAY, Dec. 7th, 1842.

On motion of Mr. Hill, the House of Representatives met pursuant to the Proclamation of the President, bearing date the 21st Nov. 1842.

The Hon. N. H. Darnell, Speaker of the House of Representatives, seventh Congress, appeared and took his seat.

The roll being called, the following members were present and answered to their names:

Messrs. Speaker, Crisp, Grimes, Halbert, Hanover, Hill, Hodge, Holmes, Matthews, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

The names of the Counties were then called, when Messrs.

Wm. M. Hewitt and John Dial of Shelby County, and Mr. A. M. Lewis of Colorado County answered.

Mr. James H. Raymond, Chief Clerk.

Mr. Thomas Henderson, Assistant Clerk.

Mr. Benjamin F. Hill, Engrossing Clerk.

Mr. James M. Long, Enrolling Clerk.

Mr. R. B. Wallace, Sergeant-at-Arms.

Mr. Wm. Cockburn, Door keeper.

Officers of the seventh Congress, were in attendance and ready to perform their several duties.

On motion of Mr. Hill, the Sergeant-at-Arms was furnished with a list of the absent members, and instructed to report tomorrow morning at 10 o'clock.

On motion of Mr. Hill, the House adjourned until tomorrow morning, 10 o'clock.

THURSDAY, Dec. 5th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

There not being a quorum present, the Sergeant-at-Arms was dispatched for absent members. He returned accompanied by Mr. Sherman, making a quorum.

The Journals of the 4th, 5th, 6th, and 7th, were read and adopted.

Mr. Matthews presented the petition of Messrs. Hughes, Cambell and Moore, which was referred to the Committee on Public Lands.

Mr. Crisp presented the petition of Daniel Draper, which was referred to the Committee on Public Lands.

Mr. Matthews, moved to reconsider the vote adopting the motion of Mr. Hill on yesterday.

Mr. Grimes, moved the House adjourn until 3 o'clock, P. M. Lost.



On motion of Mr. Williamson, the motion of Mr. Matthews was laid on the table.

Mr. Potter moved a call of the House.

Lost.

On motion of Mr. Parker, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met--roll called and not a quorum present.

The Sergeant-at-Arms was dispatched for absent members. He returned and reported that Mr. Sherman was too unwell to attend. Mr. Portis appeared making a quorum.

Mr. Sparks offered the following resolution.

"*Resolved*, That the standing Committees of the called session of the 7th Congress, shall constitute and compose the standing Committees of the present regular session."

Adopted.

The Committee on Engrossed Bills, made the following report.

COMMITTEE ROOM, Dec. 3d, 1842.

*To the Hon. N. H. Darnell, Speaker of the House of Representatives.*

The Committee on Engrossed Bills have examined a bill to be entitled "An Act, providing for the session of the seventh Congress at Washington, and for other purposes;" and find the same correctly Engrossed.

A. M. LEWIS, Chairman.

On motion of Mr. Scurry, the above report was laid on the table.

Mr. Sparks offered the following resolution.

"*Resolved*, That the House of Representatives, with the concurrence of the Senate, do now adjourn until the 20th inst." Dec. 8th, 1842.

Mr. Portis, moved to suspend the rule requiring the above resolution to lay on the table one day for consideration.

Lost, and resolution laid on the table.

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

FRIDAY, Dec. 9th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S. Scurry, Sparks, Walling, Ward, Warren Whyte and Williamson.

Not a quorum present.

The Sergeant-at-Arms was dispatched for absent members. He returned and reported that Mr. Sherman was unwell, but would attend if his presence would form a quorum. No other members in town.

Mr. Warren, moved that the Sergeant-at-Arms be dispatched for Mr. Robinson of B.

Mr. Scurry, moved to amend by inserting, with a warrant of arrest.

Accepted, and carried.

Mr. Crisp, moved a reconsideration of the vote just taken.

Lost.

On motion of Mr. Matthews, the vote was re considered, refusing to re-consider.

The vote was then re-considered, dispatching the Sergeant-at-Arms with a warrant of arrest.

Mr. Robinson of B., appeared and answered to his name.

Mr. Crisp, moved a call of the House.

Carried, and Sergeant-at-Arms dispatched for Mr. Sherman.

Mr. Robinson of B., moved to suspend a further call.

Lost.

Mr. Sherman appeared and answered to his name.

On motion of Mr. Crisp, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The Journal of the preceding day was read and adopted.

The Secretary of the Senate, informed the House that the Senate had organized in regular session, and were now ready to proceed to business.

Mr. Lewis, moved to take up the motion of Mr. Matthews, made on yesterday to re-consider the vote adopting the motion of Mr. Hill.

Lost.

On motion of Mr. Crisp, the Chief Clerk of the House, was instructed to inform the Senate, that the House of Representatives is now organized in regular session, and ready to proceed to business.

Mr. Crisp, presented a memorial of sundry citizens of Lamar county, for the relief of William Baley, which was referred to the Committee on Finance.

Mr. Parker, presented the petition of Jacob Tator, which was referred to the Committee on Public Lands.

Mr. Lewis, presented the petition of sundry Germans, which was referred to the Committee on Public Lands.

Mr. Scurry, by leave introduced "A Bill to repeal the Tariff, and to declare the ports of Texas free." Read a 1st time.

Mr. Matthews, by leave introduced "A Bill, making appropriations for the expenses of the called session of the seventh Congress." Read a 1st time.

Mr. Matthews, moved a suspension of the rule requiring a bill to be read three several days.

The ayes and noes were called for on the motion and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Hanover, Hewitt, Hodge, Lewis, Matthews, Milby, Pennall, Robinson of S., Walling, Warren, Whyte and Williamson; 15.

Noes—Messrs. Grimes, Halbert, Hill, Holmes, Parker, Peebles, Potter, Robinson of B. Scurry, Sherman, Sparks and Ward; 12.

It requiring two thirds to suspend a rule the motion was lost.

Mr. Parker, by leave introduced "A Joint Resolution, repealing in part a joint resolution, entitled a joint resolution, relating to elections for the depopulated districts, approved June 5th 1837." Read 1st time.

Mr. Lewis, moved the rejection of said bill, which was supported by Messrs. Lewis, Crisp, Matthews, Robinson of B., Warren, Potter and Hill; and opposed by Mr. Parker.

The ayes and noes were called for on the motion.

There not being a quorum present,

On motion of Mr. Lewis, a call of the House was made, and Sergeant-at-Arms dispatched for absent members. He returned and a quorum present.

On motion, a further call was suspended.

The ayes and noes were then called for on the motion to reject the bill, and stood thus:

Ayes—Messrs. Speaker, Crisp, Dial, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Ward, Warren, Whyte and Williamson: 25.

Noes—Messrs. Grimes and Parker; 2.

Carried.

Mr. Grimes, by leave introduced "A Bill, to repeal in part an act, to provide for the return of surveys, for the collection of Government dues on land, and for other purposes." Read 1st time.

On motion of Mr. Robinson of B., rule suspended, and bill read 2d time; and

On motion was referred to the Committee on Public Lands, with instructions to report to-morrow.

Mr. Lewis, moved that a special Committee be appointed, with instructions to draw up a bill for the protection of the Western frontier.

Mr. Robinson of B., moved to amend the motion, by requesting the Speaker to appoint members, in lieu of the absent members of the Military Committee, and that said Committee be instructed to draft a bill for the protection of the Western frontier.

Accepted, and motion carried.

On motion of Mr. Hill, Mr. Robinson of B., was added to the Committee on Finance.

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

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SATURDAY, Dec. 10th, 10, A. M.

The House met pursuant to adjournment. The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Halbert, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journal of the preceding day was read and adopted.

Mr. Robinson, of B., presented the following communication, to wit:

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

SIR:—I request, through you, to transmit to the House of Representatives, this my resignation as a member of the seventh Congress of the Republic.

Yours, respectfully,

(Signed,)

JNO. CALDWELL.

On motion of Mr. Robinson of B., the above communication was ordered to be transmitted to the State Department.

Mr. Halbert presented the memorial of sundry citizens of Jefferson county, for the relief of Wm. Ashworth, and others, which was referred to the Committee on the State of the Republic.

The Committee on Public Lands made the following report, to wit:

COMMITTEE-ROOM,  
December 10th, 1842. }

*To the Hon. N. H. Darnell,*

*Speaker of the House of Representatives.*

The Committee on Public Lands, to which was referred "A Bill to repeal, in part, 'An Act to provide for the return of surveys, for the collection of government dues on lands, and for other purposes,'" have had the same under consideration, and beg leave to report a substitute therefor, and recommend its passage.

M. W. MATTHEWS, Chairman.

Which report was received, and bill laid on the table, to come up among the orders of the day.

Mr. Williamson offered the following resolution, to wit:

"Resolved, That the Committee on Military Affairs be instructed to take into consideration the propriety and necessity of an adequate system of frontier protection, or defence; and that they report by bill, or otherwise, as early as practicable, to this House."

Adopted.

On motion of Mr. Robinson, of B., the House then proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY.

"A Bill to repeal the Tariff, and to declare the ports of Texas free." Read a 2d time.

Mr. Robinson of B., moved its reference to the Committee on Finance.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Grimes, Halbert, Hanover, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Peebles, Potter, Robinson of B., Sherman, Ward, Warren and Williamson—16.

Noes—Messrs. Speaker, Crisp, Dial, Hewitt, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling and Whyte—11.

Carried, and bill referred to the Finance Committee.

“A Bill making appropriations for the expenses of the called session of the seventh Congress.” Read a 2d time.

On motion of Mr. Williamson, that part relating to “1st session” was stricken out; and, on motion, the bill was referred to the Committee on Finance, with instructions to report on Monday morning 10 o'clock.

“A Bill to repeal, in part, ‘An Act to provide for the return of surveys, for the collection of government dues on land, and for other purposes,’” was taken up, and substitute of the Committee on Public Lands adopted.

Mr. Scurry moved to strike out “1844,” and insert “1846,” in 1st section.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Holmes, Lewis, Matthews, Parker, Robinson of B., Robinson of S., Scurry, Sherman, Sparks and Walling—17.

Noes—Messrs. Halbert, Hill, Milby, Peebles, Pennall, Potter, Ward, Warren, Whyte and Williamson—10.

Carried.

Mr. Williamson moved the House adjourn until 10 o'clock Monday morning. Lost.

Mr. Hill moved the House adjourn until 9 o'clock Monday morning. Lost.

Mr. Warren moved the House adjourn until 11 o'clock Monday morning. Lost.

Mr. Lewis, by leave, introduced “A Bill to repeal an act entitled ‘An Act to regulate the collection of Impost Duties,’” approved 23d July, 1842. Read a 1st time.

Mr. Scurry moved the House adjourn until 3 o'clock P. M.

Mr. Robinson of B., moved the House adjourn until 9 o'clock Monday morning. Lost.

Mr. Warren moved the House adjourn until 10 o'clock Monday morning. Lost.

Mr. Robinson of B., moved the House adjourn until half after 9 o'clock, Monday morning. Lost.

Mr. Hill offered the following resolution, to wit:

"*Resolved*, That the House of Representatives will not consider of any petition for divorce during the present session of Congress."

Laid on the table one day for consideration.

On motion of Mr. Robinson of B., the House adjourned until 10 o'clock, Monday morning.

MONDAY, Dec. 12th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names.

Messrs. Speaker, Crisp, Dial, Grimes; Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Ward, Warren, White and Williamson.

There being no quorum present:

On motion of Mr. Matthews, the roll of counties was called, and the Hon. J. W. Bower of Refugio county, presented his credentials and took the oath of office and his seat.

A quorum present.

The journal of Saturday last was read and adopted.

Mr. Parker, presented the petition of Elizabeth Washburn, Armsted Bennet and others, which was referred to the Committee on Public Lands.

Mr. Grimes, presented the petition of R. G. Green, which was referred to the Committee on Public Lands.

Mr. Crisp, presented the petition of Wm. Barker, which was, on motion of Mr. Robinson of B., laid on the table until called up.

Mr. Williamson, presented the petition of W. L. Herring, which was referred to the Committee on the State of the Republic.

Mr. Sparks, presented the petition of Wm. L. and Martha A. Smyth; also, the petition of Nathaniel Killaugh, which were referred to the Committee on the State of the Republic.

Mr. Sherman, presented the petition of George S. Stratten, which was referred to the Committee on the State of the Republic.

Mr. Robinson of S., presented the petition of Narcissa Prensall, which was referred to the Committee on the State of the Republic.

Mr. Dial presented the petition of Helen Moorman; also, the petition of Abigail B. Kendall, which were referred to the Committee on the State of the Republic.

The Committee on Engrosed Bills, Mr. Lewis chairman, reported, that they had examined and found correct "A Bill to repeal in part an act to provide for the return of surveys, for the collection of Government dues on land, and for other purposes."

Report adopted.

The Committee on Finance, G. W. Hill chairman, to whom was referred the petition of Wm. Baley, reported the same back to the House, and recommended that the prayer of the petitioner be not granted.

Report adopted.

Also, the following report:

COMMITTEE-ROOM,  
December 12th, 1842. }

To the Hon. N. H. Darnell,

*Speaker of the House of Representatives.*

The Committee on Finance, have had under consideration "A Bill, making appropriations for the expenses of the seventh Congress," and have instructed me to report a substitute, transferring a certain appropriation as contingent fund for the seventh Congress, believing that the other appropriations contemplated in said bill, may more properly be made in a *general* appropriation bill, after the Committee and the Congress shall determine, from a more thorough examination of our resources, upon a financial policy for the succeeding year.

G. W. HILL, chairman.

Which report was received, and bill laid on the table to come up among the orders of the day.

Mr. Matthews, offered the following resolution:

"Resolved, That the Committee on the Judiciary be directed to enquire into the expediency of reinstating the Judicial counties in conformity to the Constitution, as determined by the Supreme Court, and to report thereon as soon as practicable."

Adopted.

Mr. Hill offered the following resolution:

"Resolved, That the President be requested to furnish to this



House, such information as he may possess, relative to the probability of a future invasion of our territory by a foreign enemy, and such correspondence as may be at his command on that subject."

On motion of Mr. Warren, the rule was suspended requiring the above resolution to lay on the table one day for consideration.

Mr. Robinson of B., offered the following amendment, *to wit*:  
Add, "if in his view compatible with the public interest."

Adopted, and resolution as amended adopted:

Mr. Milby, by leave introduced "A Joint Resolution for the relief Wm. B. Williamson. Read 1st time.

Mr. Hill offered the following resolution:

"*Resolved*, That the Committee on Retrenchment, be instructed to inquire into, and report to this House as early as practicable, what amount will be necessary to appropriate, to sustain upon the most economical and efficient plan, during the year 1843—the following Departments of Government.

The Treasury Department. The State Department. The Office of Attorney General. And the General Land-Office.

Adopted.

A message was received from the Senate, informing the House that they had adopted "A Resolution to adjourn *sine die* on the 2d of January."

Mr. Hill offered the following resolution:

"*Resolved*, That the Committee on Naval Affairs be instructed to enquire into the expediency of keeping our Navy afloat, and report to this House as early as practicable, what amount it will be necessary for the Congress to appropriate for that purpose."

Adopted.

Mr. Williamson, by leave introduced "A Bill, more effectually to quiet and protect the possession of personal property, and to prevent the taking thereof by fraud or violence. Read 1st time.

Mr. Williamson, by leave introduced "A Bill, concerning the removal of the Archives and property belonging to the Republic, to the town of Washington." Read 1st time.

On motion of Mr. Parker, the House proceeded to dispose of the business on the Speaker's table and to the

#### ORDERS OF THE DAY

On motion of Mr. Grimes, "A Resolution declaring that the

House will not consider of any petition for divorce during the present session," was taken up and rejected.

"A Bill, to repeal in part an act, to provide for the return of surveys, for the collection of Government dues on land, and for other purposes." Read 3d time.

The ayes and noes were called for, on its passage, and stood thus:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Holmes, Lewis, Matthews, Milby, Parker, Pennall, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, and Williamson—20.

Noes—Messrs. Bower, Halbert, Hill, Peebles, Potter, Ward, Warren and Whyte—8.

Carried, and bill finally passed.

"A Bill, making appropriations for the expenses of the seventh Congress," was taken up and substitute of the Committee on Finance adopted; and

On motion, bill ordered to be Engrossed.

"A Bill, to repeal an act, entitled an act, to regulate the collection of impost duties, approved July 23d, 1842." Read 2d time, and referred to the Committee on Finance.

A Resolution, for the adjournment of Congress "*sine die*." January 2d. Read 1st time.

Mr. Crisp, by leave introduced "A Bill to designate the Southern boundary of Lamar county, and for other purposes." Read 1st time.

Mr. Crisp, moved the suspension of the rule requiring bills to be read three several times.

Lost.

Mr. Potter, moved that the vacancies existing in the Committee on Naval Affairs be filled by the Speaker.

Carried.

On motion of Mr. Matthews, the vacancies existing in the Committee on Public Lands were filled by the addition of Messrs. Scurry, Potter and Bower.

On motion of Mr. Robinson of S., Messrs. Hewitt and Pennall were added to the Committee on Retrenchment.

On motion of Mr. Matthews, Mr. Walling was substituted in the place of Mr. Crisp, on the Committee on Military Affairs.

On motion of Mr. Milby, Mr. Ward was added to the Committee on Claims and Accounts.

On motion of Mr. Robinson of B., Mr. Bower was added to the Committee on Military Affairs.

On motion of Mr. Sparks, Messrs. Hanover and Lewis were added to the Committee on County Boundaries.

On Motion of Mr. Robinson of B., Mr. Halbert was added to the Committee on the State of the Republic; also, to the Committee on Retrenchment.

On motion of Mr. Hill, Mr. Holmes was granted leave of absence for a few days.

On motion of Mr. Matthews, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

The Committee on Engrossed Bills, made the following report.

COMMITTEE-ROOM, Dec. 12th 1842.

To the Hon. N. H. Darnell,

*Speaker of the House of Representatives.*

The Committee on Engrossed Bills, have examined "A Bill, transferring an unexpended appropriation for the contingent expenses of the seventh Congress," and find the same correctly Engrossed.

(Signed,)

A. M. LEWIS,  
Chairman.

Report adopted.

Mr. Lewis, by leave introduced "A Bill, to alter the time of holding the District Courts in the County of Matagorda." Read 1st time.

Mr. Williamson, moved the appointment of a Committee to confer with a like Committee on the part of the Senate, to contract for the printing of the laws of the seventh Congress, and the journals of the same.

Carried; and

On motion, the Committee on Public Printing was appointed said Committee.

Mr. Matthews offered the following resolution:

"Resolved, That the Committee on Public Printing, be required to have printed, for the use of the members of the House, three hundred copies of the report of the Chief Clerk of the Post-office Bureau, and the tabular statement thereto annexed."

Mr. Williamson, moved to strike out "House," and insert "seventh Congress."

Accepted.

On motion of Mr. Scurry, the above resolution was laid on the table.

Mr. Hanover, presented the petition of Newton and Ruth Cook, which was referred to the Committee on the State of the Republic.

Mr. Williamson, offered the following resolution:

"*Resolved*, That the President be requested to furnish this House, with the copies of official reports from the Army now in the field, together with copies of the orders under which they have organized."

Laid on the table one day for consideration.

Mr. Hill offered the following resolution.

"*Resolved*, That the Committee on Post-offices and Post-roads, be instructed to enquire into the expediency of transporting the mail on the several routes as now established by law within the Republic; of changing those routes so as to send a weekly mail from the seat of Government, to each county in the Republic, with a semi-weekly mail from the seat of Government to Galveston; also, of establishing a general weekly route from East to West, via. seat of Government, and permitting the citizens to transport the mail weekly, by subscription, from said general route, to the different counties; to enquire what amount it will be necessary for Congress to appropriate in addition to the probable amount of postage, to carry into effect each of the foregoing systems, and report the result of their deliberations to this House as early as practicable."

Adopted.

Mr. Warren, moved the House adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Pennall, presented the petition of Sinah Curtis, which was referred to the Committee on the State of the Republic.

Mr. Hill, moved the House adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Matthews moved to take up the report of the Chief Clerk of the Post-office Bureau.

Lost.

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

TUESDAY, Dec. 13th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sherman, Sparks, Walling, Ward, Warren, Whyte and Williamson.

There not being a quorum present, the Sergeant-at-Arms was dispatched for absent members.

He returned, and reported that Messrs. Bower and Robinson, of B., were not in town.

On motion of Mr. Warren, the Sergeant-at-Arms was dispatched, to request the attendance of Messrs. Bower and Robinson, of B.

On motion of Mr. Williamson, the vote just taken was reconsidered; and Mr. Warren, then, withdrew his motion.

Mr. Robinson, of B., appeared and answered to his name.

On motion of Mr. Williamson, a call of the House was made, and Sergeant-at-Arms dispatched for absent members.

He returned, accompanied by Mr. Bower.

A quorum present.

On motion of Mr. Hill, a further call of the House was suspended.

The Journal of the preceding day was read and adopted.

Mr. Grimes presented the petition and claims of A. Taylor, which were referred to the Committee on Claims and Accounts.

Mr. Grimes presented the petition of Fred. Elm and Martha Elm; also, the petition of Mary Ann Boyer; also, the petition of Lucinda Strother—which were referred to the Committee on the State of the Republic.

Mr. Sherman presented the petition of Susan Dorson, which was referred to the Committee on the State of the Republic.

Mr. Hill presented the petition of Missouri Jane Wagner, which was referred to the Committee on the State of the Republic.

Mr. Williamson presented the petition of Sylvia and six children, and Sylvia their mother, which was referred to the Committee on the State of the Republic.

The Committee on Retrenchment made the following report:

COMMITTEE-ROOM, Dec. 13th, 1842.

To the Hon. N. H. Drnell,

*Speaker of the House of Representatives.*

In obedience to a resolution; instructing the Committee on Retrenchment to enquire into, and report, what amount will be necessary to appropriate, to sustain, upon the most economical and efficient plan, during the year 1843, the following departments, viz:—Treasury Department, State Department, Office of Attorney-General, and General Land-Office.

The Committee beg leave to report, that they have examined into the subject embraced in the resolution, and are of opinion that the sum of \$3,450 will be necessary for the Treasury Department, viz:—For the Secretary, \$1,500; Chief Clerk, \$750; Assistant Clerk, \$700; Contingent Expenses, \$500.

That the State Department will require the sum of \$7,600, viz:—For the Secretary, \$1,500; Chief Clerk, \$750; Assistant Clerk, \$700; Contingent Expenses, \$1,600.

For the General Post-Office Bureau, one Chief Clerk, \$750; one Assistant Clerk, \$700; Contingent Fund, \$300.

For Attorney-General, \$1,000; Contingent Fund for his office, \$300.

As the Commissioner of the General Land-Office is not here, your committee have no means of determining the amount necessary for that Department; but are of opinion, judging from the past, that the sum of \$6,950 will be required, viz: for Commissioner, \$1,500; one Draftsman, \$700; one Chief Clerk, \$700; for Assistant Clerks, \$3,000; for a Contingent Fund, \$1,000; making, in all, the sum of \$18,000. All of which is respectfully submitted.

(Signed)

JESSE J. ROBINSON,

Chairman.

On motion of Mr. Hill, the above report was referred to the Committee on Finance; and the Committee on Retrenchment was discharged from a further consideration of the resolution.

The Committee on Public Lands, M. W. Matthews, Chairman, to whom was referred the petition of J. C. Evendburg, F. Ernst, and others; also, the petition of Jacob Tator; also, the petition of Samuel Hughes, E. H. Campbell, and James Moore, reported by bills; which reports were received, and the several bills read 1st time.

The Committee on Public Lands, M. W. Matthews, Chairman, to whom was referred the petition of R. G. Green, reported that they had carefully examined the same, and are of opinion that the claim is not sufficiently substantiated to justify a favor-

able report thereon; your Committee, therefore, beg to be discharged from a further consideration of the subject.

Report adopted.

Mr. Lewis offered the following resolution, to wit:

“*Resolved*, That the Committee on the Judiciary be instructed to so alter the criminal law, as to define for what crimes persons shall be sent to the penitentiary; and that they report by bill, or otherwise.”

Adopted.

Mr. Crisp, by leave, introduced “A Bill to amend ‘An Act granting land to Emigrants.’” Read a 1st time.

Mr. Whyte offered the following resolution, to wit:

“*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of limiting, and restricting the provisions of an act to detect fraudulent land certificates, and to provide for the issuing patents to legal claimants, to the term of one year, from, and after, the first day of January, 1843.”

Adopted.

Mr. Hanover, by leave, introduced “A bill to define the boundaries of Brazos county.”

Read a 1st time.

Mr. Hodge, by leave, introduced “A Bill supplementary to ‘An Act reguluating the duties of Probate Courts, and the settlement of Successions.’”

Read a 1st time.

Mr. Peebles, by leave, introduced “A Bill to repeal, in part, ‘An Act concerning Executions.’” Read a 1st time.

On motion of Mr. Scurry, Messrs. Potter, and Robinson of S., were added to the Committee on the Judiciary.

On motion of Mr. Crisp, Messrs. Whyte and Warren were added to the Committee on Post-offices and Post-roads.

On motion of Mr. Parker, the House then proceeded to dispose of the business on the Speaker’s table, and to the

#### ORDERS OF THE DAY.

“A Resolution to adjourn, ‘*sine die*,’ the 2d January,” was taken up.

Mr. Sherman moved to lay the resolution on the table.

Lost.

Mr. Potter moved to strike out “2d January,” and insert “16th instant.”

Mr. Scurry called for a division of the question.

The question to strike out was put and lost.

The question was then put, and resolution adopted.

"A Resolution, requesting information from the President, relative to the organization of the Army, &c." Adopted.

"A Bill to designate the Southern Boundary of Lamar County, and for other purposes." Read a 2d time, and referred to the Committee on County Boundaries.

"A Bill concerning the removal of the Archives, and property belonging to the Republic, to the town of Washington." Read a 2d time.

Mr. Sherman moved to lay the bill on the table.

On motion of Mr. Bower, a call of the House was made.

A quorum present.

On motion of Mr. Robinson, of S., a further call of the House was suspended.

The ayes and noes were then called for on the motion to lay on the table, and stood as follows:

Ayes—Messrs. Bower, Halbert, Hill, Lewis, Matthews, Potter, Robinson, of B., Sherman and Ward—9.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hodge, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Warren, Whyte and Williamson.—18.

Lost.

Mr. Potter moved to lay the bill on the table until the 26th inst.; which was supported by Messrs. Potter, Lewis, Crisp, and Matthews; and opposed by Messrs. Scurry, Williamson, Darnell, and Parker.

The ayes and noes were called for on the motion, and stood thus:

Ayes—Messrs. Bower, Crisp, Halbert, Hanover, Hill, Hodge, Lewis, Matthews, Peebles, Potter, Robinson of B., Sherman, Ward and Warren—14.

Noes—Messrs. Speaker, Dial, Grimes, Hewitt, Milby, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Whyte and Williamson—13.

Carried, and bill laid on the table until the 26th inst.

On motion of Mr. Robinson of B., the House adjourned until 3 o'clock, P. M.

3 o'clock P. M.

The House met—roll called—and a quorum present.

The House proceeded to business.



Mr. Robinson, of B., presented the petition of Robert Peebles, which was referred to the Committee on Public Lands.

Mr. Scurry presented a memorial from the members of the bar of the fifth, sixth, and seventh judicial districts, which was referred to the Committee on the Judiciary.

Mr. Matthews presented the petition of sundry citizens of Red River and Lamar counties, in favor of C. Cannon, which was referred to the Committee on the Judiciary.

Mr. Ward presented the petition of Jonathan Bird.

Mr. Matthews moved its reference to the Committee on the State of the Republic Lost; and,

On motion of Mr. Grimes, said petition was referred to the Committee on Public Lands.

Mr. Ward presented the petition of the heirs of Daniel McKinney, which was referred to the Committee on Public Lands.

Mr. Williamson moved to re-consider the vote adopting a resolution to adjourn "*sine die*," January 2d.

On motion of Mr. Hill, said motion was laid on the table until called up.

Mr. Ward, by leave, introduced "A bill supplementary to 'An Act to divide the county of Red River; and to create and establish the counties of Bowie and Lamar.'"

Read a 1st time.

Mr. Williamson moved to suspend the rule, that the bill might be read a 2d time, and referred.

Lost.

Mr. Potter, by leave, introduced a "A Bill to amend 'An Act for the election of Sheriffs, Coroners, and Constables.'"

Read a 1st time.

Mr. Robinson, of B., offered the following resolution, to wit:

"*Resolved*, That the Committee on the Judiciary be instructed, to enquire into the propriety of so re-organizing the judicial districts, that no inconvenience may result from the captivity of the Judge of the 4th District; and that they report by bill, or otherwise."

Adopted.

Mr. Potter offered the following resolution to wit:

"*Be it resolved*, That the Executive be requested to lay before the House of Representatives, all of the facts relative to the present situation of the Navy, now in his possession."

Laid on the table one day for consideration.

Mr. Warren moved a re-consideration of the vote, laying "A Bill concerning the removal of Archives, &c." on the table until the 26th inst.

On motion of Mr. Hill, said motion was laid on the table until called up.

Mr. Williamson, offered the following resolution to wit:

"*Resolved*, That the members of the House of Representatives, now present, will continue in attendance, at the hours of adjournment, from day to day, until the business is disposed of."

Laid on the table one day for consideration.

On motion of Mr. Hill, the House proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

"A Bill, transferring an unexpended appropriation for the Contingent Expenses of the 7th Congress,"

Read 3d time, and passed.

"A Bill, more effectually to quiet and protect the possession of personal property, and to prevent the taking thereof by fraud or violence."

Read a 2d time, and referred to the Committee on the Judiciary.

"A Bill to alter the time of holding the District Court in the county of Matagorda."

Read 2d time, and referred to the Committee on the Judiciary.

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

WEDNESDAY, Dec. 14th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members were present and answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial; Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present, the journal of the preceding day was read and adopted.

On motion of Mr. Scurry, Mr. Lewis was granted leave of absence until monday next.

Mr. Potter, presented the petition of R. Bache, which was referred to the Committee on Claims and Accounts.

Mr. Parker, presented the petition of Medissa Allsbury, which was referred to the Committee on the State of the Republic.

The Committee on Public Lands, Mr. Matthews chairman, to whom was referred the petition of Elizabeth Washburn, Armsted Bennet and others; reported, by "A Joint Resolution for their relief," which report was received, and bill read 1st time.

The Committee on Claims and Accounts, W. P. Milby chairman, to whom was referred the Claims of Nathan Taylor," reported, that they did not find sufficient evidence of indebtedness by the Government, to authorize the recommendation of the passage of a bill for his relief, they therefore reported the same back to the House, and asked to be discharged from its further consideration.

Mr. Williamson, moved to lay the report on the table, and refer the petition to a select Committee.

Mr. Hill, moved to amend the motion by laying the report on the table, and the petitioner have leave to withdraw his papers.

Mr. Williamson called for a division of the question.

The question to lay the report on the table was put and carried.

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

Mr. Crisp, presented the petition of George W. Wright, which was referred to the Committee on Claims and Accounts.

Mr. Peebles, by leave introduced "A Bill, to amend an Act, the better to define the boundaries of Fort Bend county, and to alter the Southern Boundary of said county. Read 1st time.

Mr. Warren, by leave introduced "A Bill, to quiet marriages in the Republic of Texas." Read 1st time.

On motion of Mr. Hunter, rule suspended, bill read 2d time and referred to the Committee on the State of the Republic.

Mr. Dennison, by leave introduced "A Bill, for the relief of the heirs and assigns of Octavius A. Cook, deceased. Read 1st time.

Mr. Sparks, by leave introduced the following resolution.

"Resolved, by the members of the Senate and House of Representatives of the seventh Congress, That in accordance with the provisions of the 11th section of the general provisions of the Constitution, specifying the manner in which the Constitu-

tion of the Republic of Texas can be amended, we do hereby recommend, and propose the following amendments to said Constitution, viz:

1st. So amend the third section of the first article as to read, "members of the House of Representatives, shall be elected biennially; and shall hold their office for two years from the date of their election."

2d. So amend the eighth section of the first article as to read, "Senators shall be chosen for the term of four years, &c."

3d. So amend section second, article third, as to read, "and all subsequent Presidents shall be elected for four years; and at the expiration of their term of service, to be eligible to re-election."

4th. "And that the regular session of Congress shall be once in two years." Read 1st time, and laid on the table one day for consideration.

Mr. Robinson of S., by leave introduced "A Bill, to amend the Probate law." Read 1st time.

Mr. Dial, by leave introduced "A Bill, amendatory to an act, entitled an act, to amend an act, to raise a revenue by direct taxation approved February 5th, 1842." Read 1st time.

The House then proceeded to dispose of the business on the Speaker's table, and to the

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"A Bill, to amend an act, for the election of Sheriffs, Coroners and Constables," Read a 1st time, and referred to the Committee on the Judiciary.

"A Bill, to amend an act, to divide the county of Red river and create the counties of Bowie and Lamar. Read 2d time, and on motion, referred to the Committee on County Boundaries.

On motion of Mr. Ward, the vote was re-considered referring said bill to the Committee on County Boundaries, and bill ordered to be Engrossed.

"A Resolution relative to the attendance of members at the hours of adjournment," laid on the table until called up.

"A Joint Resolution for the relief of Samuel Hughes, E. H. Cambell and James Moore." Read 2d time, and referred to the Committee on the Judiciary.

"A Resolution requesting information from the President relative to the Navy," was taken up.

Mr. Hill offered the following amendment:

Add "if in his opinion compatible with the public interest."

Adopted, and resolution as amended adopted.

"A Bill to repeal in part an act, concerning Executions." Read a 2d time, and referred to the Committee, on the Judiciary.

"A Bill to amend an act, granting land to Emigrants, approved January 4th, 1841." Read 2d time, and referred to the Committee on Public Lands.

"A Joint Resolution for the relief of Jacob Tator." Read 2d time.

Mr. Robinson of B., offered the following amendment:

Add "Provided that said Jacob Tator shall present to the Commissioner of the General Land Office, satisfactory proof previous to his obtaining a patent, that he has paid all the taxes on the same.

Adopted.

On motion of Mr. Hill, the first part of the first section was transposed, so as to read "Commissioner of the General Land-Office."

On motion bill ordered to be Engrossed.

On motion of Mr. Warren, Mr. Williamson was added to the following Committees

On Retrenchment—on Public Lands and on Naval Affairs.

Mr. Grimes offered the following resolution:

"Resolved, That the Committee on the Judiciary, be required to enquire into the expediency of passing some law on the subject of the confiscation of the estates of traitors and enemies of the Republic, and that they be required to report by bill or otherwise."

Adopted.

Mr. Crisp offered the following resolution:

"Resolved, That the Committee on the State of the Republic take under consideration the disposition that shall be made of the forfeited lands of the Government, and that they report by bill or otherwise."

Adopted.

"A Bill to define the boundaries of Brazos county." Read 2d time, and referred to the Committee on County Boundaries.

On motion of Mr. Hanover, Messrs. Hill and Grimes were added to the Committee on County Boundaries.

"A Bill to incorporate Herman's University," was taken up, and

On motion of Mr. Scurry was laid on the table.

"A Bill for the relief of Wm. B. Williamson." Read 2d time and referred to the Committee on Public Lands.

"A Bill Supplementary to an act, regulating the duties of

Probate Courts, and the settlement of successions," was taken up, and

On motion of Mr. Robinson of B., laid on the table until called up.

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

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THURSDAY, Dec. 15th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names.

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journal of the preceding day was read and adopted.

Mr. Hagler presented the petition of David R. Stout, which was referred to the Committee on the State of the Republic.

Mr. Williamson presented the petition of Anthony B. Hanum, which was referred to the Committee on the State of the Republic.

The Committee on Post-offices and Post-roads, made the following report:

COMMITTEE-ROOM,  
December 15th, 1842. }

To the Hon. N. H. Darnell,

Speaker of the House of Representatives.

Your Committee to whom was referred "A Resolution, instructing them to enquire into the expediency of transporting the mail on the several routes as now established by law," have had the same under examination, and will refer you to the report of the Post-office Department, of the 14th Nov. last, in addition to this, we herewith submit to you the estimate furnished us by the Post-office Department, in which it will be seen, that the transportation of the mail to every county seat in the Republic, will cost \$12,000 per funds per annum, which is not

more than half the amount required for the present system of transportation; we will further state, that on examination we find that the mail can be transported on one main route from San Antonio to Fort English in Fannin county, via Sabine town, and from Washington to Houston, for a sum not more than half that required to send it to all the county seats of the Republic.

(signed,)

M. WARD.

Chairman of Post-office Committee.

On motion of Mr. Hill said report and accompanying statement, was referred to the Committee on Finance.

The Committee on the State of the Republic made the following report:

COMMITTEE-ROOM, }  
December 15th, 1842. }

To the Hon. N. H. Darnell,

*Speaker of the House of Representatives.*

The Committee on the State of the Republic, to whom was referred the petition of Wm. Ashworth and others, have had the subject under consideration, and ask leave to make the following report:

The Committee learn that the petitioners are people of mixed blood, though nearly white. That they emigrated to Texas at an early day. That they are esteemed as good, orderly, industrious persons. That they have sustained the Government in her struggle for Independence, with their property and personal service in the field. That they obtained certificates from the board of Land Commissioners of Jefferson county, for their head right to the lands they would have been entitled to, under the Mexican Government at the time they emigrated; which certificates, the board of Commissioners to investigate fraudulent land claims refused to recommend for patent, but the entire board, together with a number of the respectable citizens of the county of Jefferson, have recommended their claims to the favourable consideration of Congress.

Your Committee without avowing any partiality for this description of population, have instructed me to report the accompanying bill for relief of petitioners, and recommend its passage.

(signed)

JESSE GRIMES.

Chairman.

Which report was received and bill read 1st time.

The Committee on Public Lands; M. W. Matthews chair.

man, to whom was referred "the petition of Robert Peebles," reported by "A Joint Resolution for his relief," which report was received, and joint resolution read a 1st time.

Also, to whom was referred "A Joint Resolution for the relief of Wm. B. Williamson," reported the same back to the House without amendment and recommend its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on county Boundaries Wm. L. Hunter chairman, to whom was referred "A Bill to designate the Southern boundary of Lamar county and for other purposes."

Reported, by way of substitute for the same, and recommended its adoption; which report was received, and bill laid on the table to come up among the orders of the day.

Mr. Potter offered the following resolution:

*Resolved*, That the Executive be authorized and requested, to require the several District Attorneys throughout the Republic, to put in suit all forfeited bonds due at the next term of the District Courts; and

*Be it further resolved*, That ten per cent shall be allowed to each attorney, upon all monies recovered."

Laid on the table one day for consideration.

Mr. Hewitt by leave introduced "A Joint Resolution requiring Land Commissioners to issue certificates for head rights to emigrants &c." Read a 1st time.

Mr. Crisp by leave introduced "A Bill for the relief of Edmund T. Jackson." Read 1st time.

A message was received from the Senate informing the House of the passage of "A Joint Resolution respecting printing;" also, the appointment of Committee to confer with a like Committee on the part of the House, to contract for the printing for the seventh Congress.

Mr. Dennison by leave introduced "A Bill to incorporate the "Matagorda Caney Navigation Company." Read 1st time.

Mr. Walling by leave introduced "A Bill supplementary to an act, to provide for the survey and sale of the Cherokee lands &c." Read 1st time.

Mr. Darnell by leave introduced "A Bill amendatory to an act, supplementary to an act, to raise a revenue by impost duties, approved Feb. 5th 1842. Read 1st time.

Mr. Matthews by leave introduced "A Bill for the establishment of a Patrol."

Mr. Parker by leave introduced "A Joint Resolution, appor-



tioning the Representation between Nacogdoches and Burnett counties." Read 1st time.

Mr. Hanover by leave introduced "A Bill to quiet land titles in the Republic of Texas." Read 1st time.

Mr. Robinson of S. by leave introduced "A Bill, to amend an act, regulating proceedings in Justices Courts."

Read 1st time.

Mr. Sherman, by leave introduced "A Bill, to declare trespass in certain cases larceny."

Read 1st time.

Mr. Scurry, offered the following resolution.

"Resolved, That the Committee on the State of the Republic be directed to enquire into the expediency of establishing a regular system of toll throughout the Republic, and that they report by bill or otherwise."

Adopted.

Mr. Dial, by leave introduced "A Bill, supplementary to an act, to raise a revenue by direct taxation."

Read 1st time.

Also, "A Bill further defining the duties of collectors of direct and licence tax in the Republic."

Read 1st time.

On motion of Mr. Parker, the House proceeded to dispose of the business on the Speakers table, and to the

### ORDERS OF THE DAY

"A Resolution amending the Constitution," was taken up, and on motion was referred to the Committee on the Judiciary.

"A Bill, the better to define the boundary of Fort Bend county."

Read a 2d time, and referred to the Committee on County Boundaries.

"A Bill, to amend the Probate law."

Read a 2d time, and referred to the Committee on the Judiciary.

"A Bill, amendatory to an act, entitled an act, to raise a revenue by direct taxation," approved, Feb. 5th, 1842.

Read 2d time.

Mr. Robinson, of B., moved its reference to the Committee on Finance.

Lost.

Mr. Hill, offered the following additional section:

"Be it further enacted, That from and after the passage of

this act, the direct tax upon lands, shall be one fourth of one per cent, upon the appraised value thereof."

On motion of Mr. Robinson of B., the bill and amendment, was referred to the Committee on Finance.

"A Joint Resolution, for the relief of Elizabeth Washburn, Armsted Bennett, and others."

Read 2d time.

Mr. Robinson of B., offered the following amendment:

"*Provided*, That satisfactory evidence shall be exhibited to the Commissioner of the General Land office, within twelve months after the reopening of the Land-office, that all taxes due on said lands have been fully paid."

Mr. Hill, moved to refer the bill and amendment to the Committee on the Judiciary, with instructions to report whether the individuals mentioned in the bill, have any redress at law.

Mr. Robinson of B., offered the following amendment, to the motion of Mr. Hill.

"And that said Committee be further instructed to enquire whether the opinion of the travelling Board of Land Commissioners can impair the validity of a legal right to land in a Court of Justice."

Rejected.

The ayes and noes were then called for on the adoption of the motion of Mr. Hill, and stood as follows:

Ayes—Messrs. Speaker, Bower, Dial, Grimes, Hagler, Halbert, Hewitt, Hill, Hodge, Hunter, Potter, Sparks, Ward, Warren, Whyte and Williamson: 16.

Noes—Messrs. Crisp, Dennison, Hanover, Haynes, Matthews, Milby, Parker, Peebles, Pennall, Robinson of B., Robinson of S., Scurry, and Walling; 13.

Carried.

"A Bill, for the relief of Octavius A. Cook." Read 2d time.

Mr. Warren, moved its reference to the Committee on the Judiciary. Lost; and

On motion, bill was referred to the Committee on Public Lands.

"A Bill, to designate the Southern Boundary of Lamar county, and for other purposes," was taken up, and substitute of the Committee on County Boundaries adopted, and bill ordered to be Engrossed.

On motion of Mr. Robinson of B., Mr. Hodge, was added to the Committee on Engrossed Bills.

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

FRIDAY, Dec. 16th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Grimes, Hagler, Halbert, Hanover, Hewitt, Hill, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Robinson, of B., Robinson of S., Sherman, Sparks, Scurry, Walling, Ward, Warren, Whyte and Williamson.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Grimes presented the petition of Abigail Lynch, which was referred to the Committee on the State of the Republic.

Mr. Sherman presented the petition of R. C. Ingram, which was referred to the Committee on the State of the Republic.

Mr. Potter, presented the petition of the officers of the Navy, which was referred to the Committee on Naval Affairs.

Mr. Milby presented the memorial of Wm. G. Lewis, which was referred to the Committee on the State of the Republic.

Mr. Haynes presented the petition of Prudence Holdridge, which was referred to the Committee on the State of the Republic.

The Committee on Public Lands, M. W. Matthews, Chairman, to whom was referred "A Bill for the relief of the heirs and assigns of O. A. Cook," reported by a substitute therefor, and recommended its adoption. Which report was received, and bill laid on the table, to come up among the orders of the day.

The Committee on Finance, Tod Robinson, one of the Committee, to whom was referred "A Bill to repeal 'An Act to regulate the collection of Impost Duties,' approved July 23d, 1812, reported the bill back to the House, without amendment, and recommended its passage; which report was received, and bill laid on the table, to come up among the orders of the day.

A message was received from the Senate, informing the House, of the passage of "A Bill to provide for the payment of Assessors of Taxes."

The Committee on Engrassed Bills, Hiram Hanover, one of the committee, reported, that they had examined, and found correct, "A Bill, supplementary to 'An Act to divide the county of Red River; and to create and establish the counties of Bowie and Lamar;'" also, a Joint Resolution for the relief of Jacob Tator;" which report was adopted.

The Committee on the Judiciary, R. Scurry, Chairman, to whom was referred the petition of sundry citizens, in favor of C. Cannon, reported unfavorably on the same, and asked to be discharged from the further consideration of the petition.

Report adopted.

Also, to whom was referred "A Joint Resolution for the relief of Samuel Hughes, E. H. Campbell, and James Moore;" reported that the courts could afford the claimants no relief; they, therefore, reported the joint resolution back to the House, and recommended its passage: also to whom was referred "A Bill to repeal, in part, 'An Act concerning Executions,'" reported by a substitute therefor, and recommended its adoption; which reports were received, and bills laid on the table, to come up among the orders of the day; also, to whom was referred a resolution instructing your Committee to enquire into the expediency of limiting and restricting the provisions of "An Act, supplementary to 'An Act to detect fraudulent Land Certificates,'" &c. &c., reported by "A Bill, supplementary to an act, supplementary to an act to detect fraudulent Land Certificates, and to provide for the issuing Patents to legal claimants;"—which report was received, and bill read a 1st time.

R. M. Williamson, one of the Committee on the Judiciary, to whom was referred a Joint Resolution for the relief of Elizabeth Washburn, Armstead Bennet, and others," reported that the individuals are without redress at law; and, therefore, report it back to the House, recommending the passage of the bill.

Report received, and bill laid on the table, to come up among the orders of the day.

The Committee on the Judiciary made the following report, to wit:

COMMITTEE-ROOM, Dec. 15th 1842.

To the Hon. N. H. Darnell,

Speaker of the House of Representatives.

The Committee on the Judiciary, under a resolution of the Hon. House, directing them to enquire whether certain portions of territory could, constitutionally, be laid off for judicial purposes, after having given the subject their mature deliberation, beg leave to report, that they are of opinion that, for all useful purposes, the Congress, under the Constitution, have the power to lay off such districts of country as they think proper, for judicial purposes. In doing this, your Committee are of opinion that the requisites necessary to constitute a political corporation, should be avoided. The elements necessary to establish a political corporation, are the necessary territory. One hundred inhabi-

tants petitioners; a sheriff, coroner, representative in Congress, clerk, &c. If a part of the requisites necessary to create a political corporation are given, and the rest are not, it is unconstitutional. Your Committee know of no prohibitory provisions in the Constitution, forbidding Congress from directing courts to be held in more than one place in a county; nor to prevent them from compelling the officers of a county, by law, to attend at as many places in a county as Congress may direct. They are, therefore, of opinion, that portions of a county may be laid off for judicial purposes, that will answer all practical and useful purposes, very nearly on the same plan that a portion of Liberty county was laid off, for judicial, and other purposes, by the fourth Congress.

R. SCURRY,

Chairman of Committee.

Which report was, on motion, laid on the table.

The Committee on County Boundaries, Wm. L. Hunter, Chairman, to whom was referred "A Bill to define the boundaries of Brazos County, and for other purposes," reported by a substitute therefor, and recommended its adoption.

Report received, and bill laid on the table, to come up among the orders of the day.

On motion of Mr. Robinson, of B., Mr. Dennison, was added to the Committee on the Judiciary.

Mr. Robinson, of S., by leave, introduced "A Bill, concerning a change of venue." Read a 1st time.

Mr. Walling, by leave, introduced "A Bill, to repeal, in part, and amend 'An Act creating the county of Smith, and for other purposes,'" approved Feb. 5th, 1842.

Read a 1st time.

Mr. Hodge, by leave, introduced "A Bill for the redemption of certain Texian prisoners."

Read a 1st time.

Mr. Ward, by leave, introduced "A Bill, supplementary to 'An Act to provide for the return of surveys, for the collection of government dues on land, and for other purposes.'"

Read 1st time.

Mr. Hanover, by leave, introduced "A Bill to repeal 'An Act granting a donation of land to actual settlers on, or near the Military Road, on the northern frontier.'"

Read a 1st time.

A message was received from the President, through his Private Secretary, Mr. W. D. Miller, which was, on motion of Mr. Robinson, of B., taken up, and read as follows:

EXECUTIVE DEPARTMENT,  
Washington, Dec. 15, 1842.

*To the Honorable, the House of Representatives.*

The Executive has the pleasure to transmit copies of such official reports and orders, under which the present campaign is organized, as are requested, in the resolution of your honorable body, of the 13th instant, embracing an abstract of the force employed, so far as has been reported to the War Department; all of which he submits without any remark, further than the request of your honorable body, that the documents may be read previous to their being referred to any committee.

It is to be regretted, that important information is often communicated to Congress—and, without reading, is referred to committees, where it is, frequently, permitted to slumber until the close of the session; whereby a knowledge of facts is frequently suppressed, which, if known to the Congress, would often give rise to necessary, and highly useful, legislative action. For this reason, the Executive has appended this request to the information desired by the resolution.

(Signed)

SAM. HOUSTON.

On motion, the above communication, and accompanying documents, was referred to the Committee on Military Affairs.

The House then proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY.

"A Joint Resolution, respecting printing."

Read 1st time.

On motion, rule suspended, bill read a 2d time, and referred to the Committee on Public Printing.

"A Bill, supplementary to an act, to divide the county of Red River, and to create the counties of Bowie and Lamar."

Read 3d time, and passed.

"A Joint Resolution, for the relief of Jacob Tator."

Read a 3d time.

The ayes and noes were then called for, on the passage of the bill, and stood as follows:

Ayes—Messrs. Crisp, Dennison, Halbert, Hanover, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Robinson

of B., Robinson of S., Scurry, Sherman, Walling, Ward and Williamson—18.

Noes—Messrs. Speaker, Bower, Dial, Grimes, Hewitt, Hill, Potter, Sparks and Warren; 9.

Carried, and bill finally passed.

“A Bill, to amend an act, regulating proceedings in Justices Courts.”

Read 2d time, and referred to the Committee on the Judiciary.

“A Bill, supplementary to an act, to raise a revenue by direct taxation.”

Read 2d time, and referred to the Committee on Finance.

“A Bill, further defining the duties of collectors of direct and license taxes, in the Republic.

Read 2d time, and referred to the Committee on the State of the Republic.

“A Bill, to quiet land titles in the Republic of Texas.”

Read 2d time, and referred to the Committee on the Judiciary.

“A Bill, to incorporate the Matagorda Caney Navigation Company.”

Read 2d time, and referred to the Committee on Roads and Bridges.

“A Bill, to declare trespass, in certain cases larceny.”

Read 2d time, and referred to the Committee on the Judiciary.

“A Bill, supplementary to an act, to provide for the survey and sale of the Cherokee lands.”

Read 2d time, and referred to the Committee on Public Lands.

“A Bill, for the relief of Edmond T. Jackson.”

Read 2d time.

Mr. Williamson, moved its reference to the Committee on Public Lands.

Lost.

Mr. Robinson of S., moved the indefinite postponement of the bill.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Bower, Dial, Grimes, Hanover, Haynes, Hewitt, Hill, Hodge, Milby, Robinson of S., Sherman, Sparks, Walling and Warren—14.

Noes—Messrs. Speaker, Crisp, Dennison, Halbert, Hunter,

Matthews, Parker, Peebles, Pennall, Potter, Robinson of B., Scurry, Ward, Whyte and Williamson—15.

Motion lost.

Mr. Crisp, moved the Engrossment of the bill.

Mr. Williamson, moved to lay the bill on the table until tomorrow.

Lost.

On motion of Mr. Robinson of B., the bill was laid on the table:

“A Bill, to repeal an act, to regulate the collection of impost duties, approved, July 23d 1842,” was taken up; and

On motion of Mr. Hunter, was laid on the table.

“A Bill, to authorize the Commissioner of the General Land-office, to issue a patent to Robert Peebles.”

Read 2d time.

Mr. Robinson of B., moved its Engrossment.

The ayes and noes were called for on the motion, and stood as follows:

Ayes—Messrs. Speaker, Bower, Crisp, Dennison, Halbert, Hanover, Haynes, Hodge, Matthews, Milby, Parker, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Walling, Ward, Whyte and Williamson—20.

Noes—Messrs. Dial, Grimes, Hewitt, Hill, Hunter, Sherman, Sparks and Warren—8.

Carried, and bill ordered to be Engrossed.

“A Joint Resolution, apportioning the representation between Nacogdoches and Burnet counties.”

Read 2d time, and referred to the Committee on the Judiciary.

Mr. Parker, moved to take up “A Bill, to repeal in part, and amend an act, creating the county of Smith, and for other purposes, approved, Feb. 5th, 1842.”

Lost.

“A Joint Resolution, requiring Land Commissioner to issue certificates for head rights to Emigrants.”

Read 2d time, and referred to the Committee on Public Lands.

“A Resolution, requiring the President to put in suit all forfeited Bonds &c. Read 2d time.

Mr. Robinson of B., offered the following amendment:

“Be it resolved, by the Senate and House of Representatives, &c.

Adopted, and bill referred to the Committee on Finance.]



"A Joint Resolution, for the relief of Wm. B. Williamson, was taken up; and

On motion, was re-committed to the Committee on the Judiciary, with instructions to draft a general bill.

"A Bill, for the relief of Wm. Ashworth, and others."

Read 2d time, and ordered to be Engrossed.

Mr. Hill, moved the House adjourn until 3 o'clock P. M.  
Lost.

"A Bill, for the establishment of a patrol."

Read 2d time, and referred to the Committee on the State of the Republic.

"A Bill, amendatory to an act, supplementary to an act, to raise a revenue by impost duties, approved 5th Feb. 1842."

Read 2d time; and

On motion of Mr. Darnell, was laid on the table until to-morrow.

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

SATURDAY, Dec. 17th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Grimes, Hagler, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Whyte and Williamson.

A quorum present—the Journals of the preceding day were read and adopted.

Mr. Grimes, presented the petition of John Manson, which was referred to the Committee on Claims and Accounts.

The petition of Araminto Schuyler, praying for divorce, addressed to the Speaker of the House of Representatives, was taken up and read.

Mr. Potter, moved its reference to the Committee on the State of the Republic.

Lost.

On motion of Mr. Hunter, the petition was laid on the table.

Mr. Williamson presented the memorial of Wm. J. Jones, which was on motion, referred to a Select Committee, consisting of Messrs. Williamson, Grimes, Parker, Robinson of B., and Matthews.

Jesse J. Robinson, one of the majority of the Committee on Finance, made the following report:

COMMITTEE-ROOM,  
December 17th, 1842. }

To the Hon. N. H. Darnell,

*Speaker of the House of Representatives.*

The Committee on Finance, to whom was referred "A Bill, to repeal the Tariff, and to declare the ports of Texas free," have had the same under consideration, and are divided in opinion respecting the policy of passing said bill into a law. A majority of the Committee are of opinion, that the present mode of raising a revenue, has an unequal operation on the citizens; and that the Government should be sustained on the principles of justice—so as to allow, and compel, every one to contribute to the support of the same, according to his ability and means—which can only be done by the system of direct taxation.

The Committee have seen, with painful anxiety for the removal of the cause, the pernicious effect the present tariff system has had on the commerce, resources, and prosperity, of the country. It hinders emigration—consequently, the introduction of much wealth into the Republic is prevented. It is believed, the population of the country has not increased for, at least, the last two years. President Lamar, in his annual message to Congress in 1840, or '41, informed that body, that the entire population amounted to about one hundred and sixty thousand souls. President Houston, in his message to the present Congress, estimates the population at one hundred thousand.

It is confidently believed, that if the tariff is not repealed—or, at least, greatly modified, the Republic will contain no greater population, even at the expiration of five years from the present time.

It is, now, a remarkable fact, that the products of the country are carried, by the cultivators, into a foreign country for sale, and to find a market! Why is this? Because the tariff system has driven merchants and capital from the eastern portion of the nation. There is but one store, at this time, in all the counties lying upon the Sabine River, and the dry line from

it to Red River—a distance of some three or four hundred miles by land.

Merchants who buy their goods in the United States, cannot pay the duties imposed by the laws of Texas, on bringing them into the country, and sell on terms that would justify the eastern farmers in purchasing them. The consequence is, they carry their cotton, peltry, and other articles of commerce, to Natchitoches, Shreveport, or some other point, where they sell what they had carried into market, and buy their supplies; which are brought in without the payment of duties.

In consequence of the local situation of the Republic, impost duties never can be collected, or tariff laws be enforced. If the country was only accessible by means of shipping and seaports, then such a law might be enforced. The Committee do not justify the course taken, and pursued, by the eastern citizens; but, at the same time, they can devise no means of remedying it.

The people of eastern Texas wish to contribute to the support of the Government; but they want to do so in their own way. They say, substitute a direct tax for the tariff, (or indirect one,) and they will then know what amount they will have to pay, and when such amount will be required; and that they can then prepare to meet the same.

The amount necessary to support the Government, for the year 1843, will not, probably, exceed eighty thousand dollars. Say, then, there are twenty thousand men liable to pay tax; an average sum of four dollars, each, will make up this amount. Would this be oppressive taxation? Surely not.

All honest and honorable inducements should be held out by the Government, to induce people to come among us, with their wealth and property. The more people, the stronger our physical resources against the enemy: the more wealth, the greater the field for our financial operations. Such inducements can only be held out, by throwing open, to the world, the ports, roads, entries, and avenues, to the country; and establishing the magnanimous motto of "Free trade and sailors' rights"—a motto which would reflect credit on the Republic, if inscribed by the lonely star, and shed a lustre over the liberal institutions of the people who glory in living under its protection.

As there exists, now, a heavy tariff in the United States, if restrictions should be taken off of the commerce of the world, by the laws of Texas, things would soon change. The merchants of the United States would find it their interest to buy

goods in Galveston; and if any smuggling should be done on the Sabine, and dry line, it would be by the citizens of the U. States carrying goods into their country from Texas. This conclusion is not visionary; there is nothing improbable in it.

Texas has much territory; she wants many citizens for its cultivation. A territory without population will never make us a great, prosperous, and happy people.

A direct tax would be the means of sustaining a small, limited issue of exchequer money, or notes. Every man in the Republic would then find it worth the same to him as so much coin. When the circulation of the exchequer would be essential all over the country, it would find its way there; and not centre in Houston and Galveston as a nucleus; and be in the power of the merchants there, to fix what value they pleased on it. They would not have the same inducement they now have, to do so.

The Committee do not deem it essential, now, to say in what way, and at what time, a direct tax could, or should be collected. The mode and time could be easily arranged, in a bill for that purpose.

The Committee will assign another reason why the tariff should be repealed; and, although it is last, yet it is not least, namely: they do not believe in the justice and policy of a portion of the citizens laboring under a burthen, which they cannot evade, or shake off; while another portion relieve themselves from it at pleasure. It is but too true, that middle and western Texas contribute mainly to the support of the Government, under the system as it now stands. Eastern Texas wishes to assist in sustaining the financial operations of the country; but are firmly of opinion, they can effect it more to their interest, and to that of the Republic, by a well-regulated direct tax.

If our country could be once more on the road to prosperity, so far from increasing, in future, our direct tax, it might be reduced.

In the above estimate, nothing is allowed for the army and navy. It is thought to be impracticable to keep up the navy; but an army, to some extent, is deemed to be indispensable. Suppose, then, eighty thousand dollars more be appropriated for the support of a small army: the amount of revenue then required, would only be one hundred and sixty thousand dollars; and the amount that each person liable to pay tax, would, on an average, pay, would only be the sum of eight dollars. It is true, many would pay much more than this amount—many would pay less; and, perhaps, some would not pay any

thing: yet the aggregate amount would, undoubtedly, be made up.

The amount heretofore paid our foreign ministers, is not taken into the above calculation: their services, it is believed, will, in future, be dispensed with.

I am, therefore, instructed, on the part of the Committee, to return the bill to the House, without amendment, and recommend its passage.

(Signed)

JESSE J. ROBINSON,  
One of the Committee.

On motion of *Mr. Hill*, the above report was laid on the table until a minority of said Committee make a report.

A message was received from the Senate, informing the House of the passage of "A Bill, to amend an act, entitled an act, regulating sales by judgement, or decree of a Probate Court, or Court of Chancery, approved, Feb. 4th, 1841.

*M. W. Matthews*, chairman of the Committee on Public Lands, to whom was referred the petition of the heirs of Daniel McKinney deceased; reported, by "A Joint Resolution for their relief, which report was received, and joint resolution

Read 1st time.

*Jesse Grimes*, chairman of the Committee on the State of the Republic, to whom was referred "A Resolution, requiring your Committee to enquire into the propriety of a law regulating tolls," have had the same under consideration, and believe it inexpedient to pass any law on the subject, at this time.

On motion of *Mr. Robinson of B.*, the resolution was re-committed to the same Committee, with instructions to report a bill regulating tolls throughout the Republic.

*Mr. Williamson*, moved that the House resolve itself into a Committee of the whole, on the State of the Republic, to draft a bill, regulating tolls throughout the Republic.

On motion of *Mr. Hill*, said motion was laid on the table.

*Mr. Potter*, offered the following resolution:

"Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of a law, for the purpose of granting to landlords a lien upon personal property of tenants, for the security of rents; also, into the best method of perfecting the laws of forcible entry and detainer," and of the trial of the right of property, seized under execution, and report by bill or otherwise."

Adopted.

*Jesse Grimes*, Chairman of the Committee on the State of the

Republic, to whom was referred "A Bill, further defining the duties of collectors of direct and license taxes.

Reported, That the laws now in force, are sufficiently explicit and binding; they therefore return the bill to the House, and ask to be discharged from its further consideration.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on Roads and Bridges, made the following report:

COMMITTEE-ROOM,  
December 16th, 1842. }

To the Hon. N. H. Darnell,

*Speaker of the House of Representatives.*

The Committee to whom was referred "A Bill, to incorporate the Matagorda Caney Navigation Company," beg leave to Report, That they have had said bill under consideration, and that, from the information the Committee has been able to procure, they are of opinion, that the enterprize to be undertaken by the Company, will, if successful, result in great and permanent advantage to the country, and that the interest of the people in that portion of the Republic, will be rapidly advanced by an immediate prosecution of the works contemplated by the bill, and as the execution of works of internal improvement by the Government of the Republic, at present, and for many years to come, is very improbable, if not impossible, this Committee are satisfied, that an act of incorporation, upon such terms as will induce individuals to undertake the work, is the only method by which so desirable an object can be accomplished, the Committee, however, do not desire that any enactment should be made in favor of individuals, which may hereafter become onerous upon the people; the Committee therefore suggest the accompanying amendments to the bill, and with those amendments, would recommend its passage.

(signed,) JAMES DENNISON, Chairman, and  
JOHN DIAL, one of the Committee.

Which report was received, and bill laid on the table, to come up among the orders of the day.

Hiram Hanover, one of the Committee on Engrossed Bills; Reported, That they had examined "A Bill to designate the Southern boundary of Lamar county, and for other purposes;" also, "A Bill, to authorize the Commissioner of the General Land-office, to issue a patent to Robert Peebles;" also, "A Bill,

for the relief of Wm. Ashworth, and others," and find the same correctly Engrossed."

Adopted.

Mr. Hill offered the following resolution:

"*Resolved*, That the Committee on Post-offices and Post-roads, be instructed to report to this House, as early as practicable, a bill, providing for the transportation of the mails from the seat of Government, to the seat of Justice of each county within the Republic."

Rejected.

Mr. Parker, by leave, introduced "A Bill for the regulating of the Judiciary."

Read 1st time.

Mr. Robinson of B., offered the following resolution:

"*Resolved*, That the Committee on Naval Affairs, be instructed to enquire what appropriations have been made for the Navy, since the year 1839; the amount paid, and the mode of its disbursment; also, what amounts have been received by the officers of the Navy, from Tobasco, Yucatan, or other sources, and the manner in which the same has been expended; and that they have power to send for persons, and papers, if in their opinion necessary.

Adopted.

Mr. Walling, by leave, introduced "A Joint Resolution, making it the duty of the Commissioner of the General Land-office, to give certified copies of field notes."

Read 1st time.

Mr. Hanover, offered the following resolution:

"*Be it resolved by the Senate, and House of Representatives*, That, the Joint Committee on Public Printing, be instructed to contract with the editor of the Texian and Brazos Farmer, for the furnishing of members of Congress, with ten copies of said paper weekly, during the present session."

Read 1st time.

Mr. Hanover, moved to suspend the rule requiring the above resolution to lay on the table one day for consideration.

Lost.

Mr. Ward, offered the following resolution:

"*Resolved*, That the Committee on Finance, be instructed to report to this House, how much money can be appropriated for the support of the mails, for the year 1843."

Adopted.

Mr. Walling, by leave, introduced "A Bill, to provide for taking the censuses of this Republic." Read 1st time.

Mr. Hill offered the following resolution:

“Resolved, That the Committee on Indian Affairs, be instructed to enquire into the expediency of passing laws, regulating the establishment of trading houses, and appointing agencies for friendly tribes of Indians, and regulating trade between the latter, and the citizens of Texas, and report by bill or otherwise.”

Adopted.

Mr. Ward, by leave, introduced “A Bill supplementary to an act, entitled an act, to adopt the common law of England, to repeal certain Mexican laws, and to regulate the marital rights of persons.”

Read a 1st time.

Mr. Crisp, by leave, introduced “A Bill, for the election of members of the House of Representatives biennially.”

Read 1st time.

Mr. Scurry moved that the House adjourn until 3 o'clock, P. M.

Lost.

The House then proceeded to dispose of the business on the Speakers table, and to the

### ORDERS OF THE DAY

“A Bill for the relief of Wm. Ashworth, and others.”

Read 3d time.

The ayes and noes were then called for, on its final passage and stood as follows:

Ayes—Messrs. Speaker, Bower, Crisp, Dennison, Dial, Grimes, Halbert, Hanover, Hodge, Matthews, Parker, Peebles, Robinson of B., Robinson of S., Scurry, Walling, Ward and Williamson—18.

Noes—Messrs. Hagler, Haynes, Hewitt, Hill, Hunter, Milby, Potter, Sparks and Warren; 9.

Carried, and bill passed.

“A Bill, to authorize the Commissioner of the General Land-office, to issue a patent to Robert Peebles.”

Read 3d time.

The ayes and noes were called for, on the passage of the bill.

There not being a quorum present:

On motion of Mr. Matthews, a call of the House was made. A quorum present.



On motion, a further call was suspended.

The ayes and noes were then called for on its final passage, and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dennison, Dial, Grimes, Hagler, Halbert, Hanover, Haynes, Hodge, Matthews, Milby, Parker, Potter, Robinson of B., Robinson of S., Scurry, Walling, Ward and Williamson—20.

Noes—Messrs. Bower, Hewitt, Hill, Hunter, Sparks, Warren and Whyte—7.

Carried, and bill passed.

The Committee on the State of the Republic, in accordance with a resolution of the House, reported, "A Bill, regulating tolls."

Read 1st time.

On motion of Mr. Hagler, the House adjourned until 10 o'clock, Monday morning.

MONDAY Dec. 19th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names.

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journal of Saturday last was read and adopted.

M. Ward, Jr. chairman of the Committee on Public Printing, to whom was referred "A Joint Resolution, respecting printing;" Reported, by a substitute therefor, and recommended its adoption.

Which report was received, and bill laid on the table to come up among the orders of the day.

Mr. Williamson, one of the Committee on Public Lands, to whom was referred "A Bill, to amend an act, entitled an act, granting lands to Emigrants;" Reported, by a substitute therefor, and recommended its adoption.

Which report was received, and bill laid on the table, to come up among the orders of the day.

Mr. Williamson, presented the proposals of the proprietors of the town of Washington, and of W. D. C. Hall Jr., accompanied by "A Bill, locating the Seat of Government of the Republic of Texas, at the town of Washington, in the county of Washington."

Read 1st time.

Mr. Milby, by leave, introduced "A Bill, to organize a certain part of the county of Liberty, for Judicial and other purposes."

Read a 1st time.

Mr. Matthews, by leave introduced "A Bill, to divide the county of Red river, for Judicial and other purposes."

Read a 1st time.

Mr. Dial, by leave, introduced "A Bill, to establish a sabbath, or day of rest, throughout the Republic of Texas."

Read 1st time.

Mr. Matthews, by leave, introduced "A Bill, to incorporate the Germanic Emigrating Company."

Read 1st time.

Mr. Hanover, by leave, introduced "A Bill, to amend an act, regulating elections, approved, Feb. 26th, 1837.

Read 1st time.

Mr. Parker, offered the following resolution:

"Resolved, That no new business shall be introduced in the House of Representatives, after the 25th, inst."

Laid on the table one day for consideration.

On motion of Mr. Robinson of B., "A Bill, to repeal an act, regulating the collection of impost duties, approved, July 23d, 1842;" was taken up, and laid among the orders of the day.

On motion of Mr. Robinson of B., the House then proceeded to dispose of the business on the Speakers table, and to the

#### ORDERS OF THE DAY.

On motion of Mr. Dennison, "A Bill, to amend an act, regulating sales by Judgment, or decree of a Probate Court, or Court of Chancery, approved Feb. 4th, 1841;" from the Senate, was taken up; and

Read 1st time.

"A Bill, to repeal an act, to regulate the collection of impost duties, approved, July 23d; 1842;" was taken up on its 2d reading.

M. Potter, moved to lay the bill on the table.

The ayes and noes were called for on the motion, and stood as follows:

Ayes—Messrs. Crisp, Hanover, Haynes, Hill, Hodge, Matthews, Parker, Pennall, Portis, Potter, Scurry, Warren, Whyte and Williamson: 14.

Noes—Messrs. Speaker, Bower, Dennison, Dial, Hagler, Halbert, Hewitt, Hunter, Milby, Peebles, Robinson of B., Robinson of S., Sparks, Welling and Ward; 15.

Motion lost.

Mr. Hunter, moved to lay the bill on the table, and make it the order of the day, for 11 o'clock to-morrow.

Lost.

Mr. Robinson of B., moved the Engrossment of the bill.

The ayes and noes were called for, on the motion, and stood as follows:

Ayes—Messrs. Speaker, Bower, Crisp, Dennison, Dial Hagler, Halbert, Haynes, Hewitt, Hodge, Hunter, Matthews, Milby, Peebles, Parker, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Warren, Ward, Whyte, and Williamson—26.

Noes—Messrs. Hanover, Hill and Portis—3.

Carried, and bill ordered to be Engrossed.

A message was received from the Senate, informing the House, of the passage with amendments, of "A Joint Resolution, supplementary to a joint resolution, granting further time for the payment of Government dues, and the return of field notes, approved, Nov. 27th, 1841."

"A Bill, to designate the Southern boundary of Lamar county."

Read 3d time, and passed.

"A Joint Resolution, making it the duty of the Commissioner of the General Land-office, to give certified copies of field notes."

Read 2d time, and referred to the Committee on Public Lands.

"A Bill, to repeal the tariff, and to declare the ports of Texas free;" was taken up on its 2d reading.

Mr. Scurry moved its Engrossment.

Mr. Hill, moved to make said bill, the special order of the day, for 11 o'clock on Wednesday next, which was supported by Mr. Hill, and opposed by Mr. Scurry.

The ayes and noes were called for on the motion, and stood thus:

Ayes—Messrs. Bower, Crisp, Hagler, Halbert, Haynes, Hill, Hodge, Portis, Potter, Robinson of B., Warren, and Williamson—12.

Noes—Messrs. Speaker, Dial, Hanover, Hewitt, Hunter, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, and Whyte—15.

Lost.

The question then recurred on the Engrossment.

Mr. Potter, moved a call of the House. Carried.

A quorum present.

On motion of Mr. Peebles, a further call was suspended.

Mr. Ward, moved a re-consideration of the vote, refusing to lay the bill on the table until, Wednesday next.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Bower, Crisp, Dennison, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Matthews, Potter, Robinson, of B., Ward, and Warren—15.

Noes—Messrs. Speaker, Dial, Hewitt, Milby, Parker, Peebles, Pennall, Portis, Robinson of S., Scurry, Sparks, Walling, Whyte and Williamson—14.

Carried.

The ayes and noes were then called for, on laying the bill on the table, and making it the special order of the day, for 11 o'clock Wednesday next, and stood as follows:

Ayes—Messrs. Bower, Crisp, Dennison, Hagler, Halbert, Hanover, Hill, Hodge, Hunter, Matthews, Portis, Potter, Robinson of B., Ward, Warren and Williamson—17.

Noes—Messrs. Speaker, Dial, Hewitt, Milby, Parker, Peebles, Pennall, Robinson of S. Scurry, Sparks, Walling, and Whyte—12.

Carried, and bill made the special order for Wednesday 11 o'clock.

"A Bill, for the relief of the heirs and assigns of Octavius A. Cooke," taken up, and substitute of the Committee on Public Lands adopted, and bill ordered to be Engrossed.

"A Joint Resolution, for the relief of Samuel Hughes, E. H. Cambell, and James Moore," was taken up on its 2d reading and ordered to be Engrossed.

"A Bill, to incorporate the Matagorda Caney Navigation Company," was taken up with the following amendments of the Committee on Roads and Bridges:

1st. Amendment, in eighth section, strike out "ten per cent," and insert "three per cent." Rejected.

2d. Amendment, "substitute for section seventh."

Adopted.

3d. Amendment, in section fifth, after the word "rise," insert "or head of the channel."

Adopted.

4th. Amendment, in same section, after the word "up," insert "the channel of." Adopted.

Mr. Dennison, offered the following amendment:

In section 9th, strike out the words "with interest at the rate of ten per cent, per annum thereon, from the time of expenditure."

Adopted, and bill ordered to be Engrossed.

"A Bill, to regulate tolls."

Read 2d time.

On motion of Mr. Scurry, the 1st blank was filled with "one sixth."

2d. Blank was filled with "one eighth; and

3d. Blank was filled with "ten dollars."

Mr. Williamson, moved to lay the bill on the table.

Lost.

On motion, of Mr. Matthews, the vote was re-considered filling the 1st blank with "one sixth."

Mr. Hunter, offered the following amendment:

"*Provided*, The provisions of this act, shall not apply to that portion of the Republic, West of the Colorado."

Rejected.

On motion of Mr. Dennison, the 1st blank was filled with "one fourth."

Mr. Darnell, offered the following additional section:

"*Be it further enacted*, That any owner or owners, of any mill or mills, propelled either by horse or water power, grinding for toll, who shall refuse to grind any grist in such mills, according to the terms received in such mills, shall be subject to the same penalty specified in this bill, and subject to indictment, or presentment by the grand jury."

On motion of Mr. Robinson of B., the words "steam, wind," was inserted before "or water."

On motion of Mr. Robinson of B., the bill and amendments, was referred to the Committee on the Judiciary.

"A Bill, to provide for the payment of assessors of taxes."

Read 1st time.

On motion, rule suspended, and bill

Read 2d time, and referred to the Committee on Finance.

9 A Bill, for the regulation of the Judiciary.

Read 3d time.

Mr. Robinson of S., moved its reference to a Select Committee.

Mr. Hill, moved its reference to the Committee on Indian Affairs.

Mr. Robinson of B., moved to lay the bill on the table until the 1st of August; which was supported by Mr. Potter, and opposed by Mr. Parker.

Carried, and bill laid on the table until the 1st of August.

On motion of Mr. Sparks, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—not a quorum present.

Mr. Robinson of B., stated that there was an important suit on hand, and that three of the members of the House were engaged in the same, either as witnesses, or counsellors, he therefor moved, that the House adjourn until 10 o'clock to-morrow morning.

Lost.

A quorum present.

Mr. Crisp, by leave, introduced "A Bill, to alter the time of holding the District Courts, in the seventh Judicial District, and for other purposes."

Read 1st time.

On motion, rule suspended, and bill

Read 2d time, and referred to the Committee on the Judiciary.

Mr. Williamson, by leave, introduced "A Bill, authorizing the election of a Major General of Texas militia."

Read a 1st time.

Mr. Robinson of B., moved the suspension of the rule requiring bills to be read three several days; which was supported by Mr. Williamson, and opposed by Mr. Matthews.

Motion lost.

Mr. Walling, by leave, introduced "A Bill, authorizing the taking of replevy bonds in certain cases."

Read 1st time.

"A Bill, supplementary to an act, to provide for the return of surveys, for the collection of Government dues on land, &c."

Read a 2d time, and referred to the Committee on the Judiciary.

"A Bill, to repeal in part an act, concerning Executions," was taken up with a substitute of the Committee on the Judiciary."

Mr. Williamson, moved to lay the bill and substitute on the table.

Lost.

Question was then taken, and substitute adopted, and bill ordered to be Engrossed.

"A Joint Resolution, supplementary to a joint resolution, granting further time for the payment of Government dues, and the return of field notes, approved, Nov. 27th, 1841;" was taken up and amendment of the Senate

Adopted.

Mr. Sparks, moved the House adjourned until 9 o'clock, to-morrow morning.

Lost.

On motion of Mr. Williamson, the Assistant Clerk of the House, was granted leave of absence, and the Chief Clerk was authorized to employ a substitute to fill his place.

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

TUESDAY, Dec. 20th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members were present and answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Grimes, Hagler, Halbert, Hanover, Haynes, Hewitt, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Warren, Whyte and Williamson.

A quorum present, the journal of the preceding day was read and adopted.

Mr. Potter presented the petition of David Shelby, which was referred to the Committee on the State of the Republic.

The Committee on the Judiciary made the following report, to wit:

The Committee on the Judiciary, to whom was referred "A Joint Resolution for the relief of Wm. B. Williamson," with instructions to report a bill providing a method by which conditional certificates might be proven up, by the assignees of such certificates, have had the subject under their consideration; and have instructed me to report—that the law does not authorize the transfer of conditional certificates; and, consequently, the assignee of such certificates have neither equitable or legal rights in the same; and that it would be inexpedient, at this time, to pass a law of the character they were instructed to report: they, therefore, report the joint resolution back to the House, and request to be discharged from the further consideration of the subject.

(Signed) **R. SCURRY,**  
Chairman.

Report received, and bill laid on the table, to come up among the orders of the day.

The Committee on the Judiciary, to whom was referred a bill, to be entitled "An Act to amend the law regulating proceedings in Justices Courts," reported the same back to the House, without amendment, and recommend its passage.

(Signed) **JESSE J. ROBINSON,**  
One of the Committee.

Report received, and bill laid on the table, to come up among the orders of the day.

The Committee on the Judiciary made the following report, to wit:

The Committee on the Judiciary, to whom was referred "A Bill to quiet land titles in the Republic of Texas," have had the same under consideration, and beg leave to report the same back to the House, recommending its rejection; as they are of opinion that the law of limitations is sufficiently definite to the subject-matter contemplated in the bill.

**R. SCURRY,**  
Chairman of Committee.

Report received, and bill laid on the table, to come up among the orders of the day.

The Committee on Engrossed Bills reported, that they had



examined a bill to repeal, in part, "An Act concerning Executions;" also a bill to be entitled "An Act for the relief of the assigns of Octavius A. Cook, deceased;" also, an act to repeal "An Act, entitled 'An Act to regulate the collection of Impost Duties,'" approved July 23d, 1842; also, "A Joint Resolution for the relief of Sam'l Hughes, E. H. Campbell, and James Moore," and find the same correctly engrossed.

(Signed) HIRAM HANOVER,  
One of the Committee.

Report adopted.

Mr. Warren presented the petition of D. C. Gilmore, which was referred to the Committee on the State of the Republic.

The Committee on Finance, G. W. Hill, Chairman, reported a bill making an appropriation for the year 1843.

Read a 1st time.

Mr. Robinson of B., offered the following resolution:

*Resolved*, That reports from the committees on Engrossed and Enrolled Bills shall be considered as adopted, without putting the question, unless objection is made.

On motion of Mr. Robinson, of B., the rule was suspended, requiring resolutions to lay on the table one day.

Resolution read a 2d time, and adopted.

Mr. Scurry, introduced the following resolution:

*Resolved*, that the Committee on Foreign Relations be directed to enquire into the expediency of annexing the Republic of Texas to the United States of America; and report thereon, as soon as practicable."

Resolution, on motion, adopted.

Mr. Warren, by leave, introduced a bill to be entitled "An Act to authorize the several County Courts to raise a revenue by license on Public Ferries."

Read a 1st time.

The Select Committee, R. M. Williamson, Chairman, to whom was referred the memorial of the Hon. Wm. J. Jones, reported a bill for his relief, and recommended its passage.

Report received, and bill read 1st time.

On motion of Mr. Williamson, rule suspended, and bill read a 2d time,

On motion of Mr. Robinson, of B. rule further suspended, bill read a 3d time, and passed.

Mr. Hill, by leave, introduced "An Act to amend 'An Act securing Patent-rights to Inventors.'"

Read 1st time.

Mr. Hill, by leave, introduced "An Act authorizing an additional compensation to be paid to certain officers of the Civil List."

Read 1st time.

On motion of Mr. Robinson of S., the House then proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

A Bill, to amend an act entitled "An Act regulating Sales by judgment or decree of a Probate Court, or Court of Chancery," approved February 4th, 1841.

Read 2d time, and, on motion of Mr. Dennison, referred to the Committee on the Judiciary.

A Bill to repeal, in part, "An Act concerning Executions."

Read 3d time, and passed.

A Bill, to be entitled "An Act for the relief of the assignees of Octavius A. Cook."

Read 3d time, and passed.

A message was received from the Senate, informing the House of the passage of "A Joint Resolution authorizing the President to take command of the Army."

"An Act to repeal an act entitled 'An Act to regulate the collection of Impost Duties.'"

Read a 3d time.

Mr. Hunter moved to lay the bill on the table; which motion was supported by Messrs. Hill, Matthews and Darnell; and opposed by Messrs. Robinson, of B., and Parker.

The ayes and noes being called for on the motion, stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Halbert, Hanover, Hewitt, Hill, Hodge, Hunter, Matthews, Parker, Pennall, Portis, Scurry, Sparks, Walling, Warren and Williamson—19.

Noes—Messrs. Bower, Dennison, Grimes, Hagler, Haynes, Milby, Peebles, Robinson of B., Robinson of S., and Ward, 11.

Carried, and bill laid on the table.

"Joint Resolution for the relief of Sam'l Hughes, E. H. Campbell, and James Moore."

Read 3d time, and passed.

"A Bill authorizing the election of a Major-General of Texas Militia."

Read 2d time.

Mr. Portis offered the following amendment:

Insert, after "joint ballot," the words, "whose term of service shall continue for the term of eight months, from and after the election;" also the following additional section, viz:

*"Be it further enacted,* That it shall be the duty of the chief justices of each county in the Republic, at the time of publishing the regular annual election, on the first Monday of September next, to advertize and open a poll for the election of a Major-General, whose term of office shall be four years; and that the person receiving the highest number of votes shall be duly commissioned by the President."

Which amendment was supported by Messrs. Portis and Dennison, and opposed by Mr. Scurry.

Mr. Matthews moved the bill be referred to the Committee on Military Affairs.

Lost.

Mr. Hill moved to lay the bill, and amendments, upon the table.

Carried, and bill laid upon the table.

"A Bill to authorize the taking of Replevy Bonds in certain cases."

Read a 2d time, and, on motion of Mr. Potter, referred to the Committee on the Judiciary.

"A Bill, to incorporate the German Emigrating Company."

Read 2d time, and referred to the Committee on the State of the Republic.

"A Bill, to amend 'An Act regulating Elections,' approved Oct. 26th, 1837."

Read 2d time, and, on motion, referred to the Committee on Privileges and Elections.

A bill, to be entitled "An Act to divide the county of Red River for judicial purposes."

Read a 2d time, and referred to a select committee, consisting of Messrs. Robinson of B., Milby, Potter, Parker, Matthews, Portis and Walling.

"A Bill to establish a Sabbath, or day of rest, in the Republic of Texas."

Read 2d time, and referred to the Committee on the State of the Republic.

A bill to be entitled "An Act to organize a certain part of the county of Liberty for judicial and other purposes."

Read a 2d time, and referred to a select committee, consisting of Messrs. Robinson of B., Milby, Potter, Parker, Matthews, Portis and Walling.

The Committee on Public Printing made the following report, to wit :

WASHINGTON, Dec. 19, 1842.

To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.

The Committee, to whom was referred a "Joint Resolution, which originated in the Senate, requiring a concurrence of a majority of a joint committee of both houses, to contract for public printing, have had the same under consideration, and have instructed me to recommend its indefinite postponement; and to report a substitute therefor.

(Signed) M. WARD, Jr.,  
Chairman.

Report adopted.

Mr. Robinson, of B., moved to adjourn until 3 o'clock.

Lost.

A bill to amend "An Act granting Land to Emigrants," approved January 4th, 1841, together with a substitute reported by the Committee on Public Lands, was taken up on its 2d reading.

Mr. Crisp moved the House adjourn until 3 o'clock, P. M.  
Carried.

3 o'clock, P. M.

The House met—roll called—quorum present.

"A Bill, to amend an act entitled 'An Act granting land to Emigrants,'" &c., still under consideration.

Question on the adoption of the substitute of the Committee on Public Lands.

Supported by Messrs. Matthews and Crisp, and opposed by Messrs. Potter, Scurry, Warren and Sparks.

Mr. Scurry moved the indefinite postponement of the bill and substitute.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Bower, Dennison, Fields, Hagler, Haynes, Hill, Milby, Portis, Potter, Scurry, Sparks and Warren—12.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hancock—12.

ver, Hewitt, Hodge, Hunter, Matthews, Parker, Pennall, Robinson of B., Robinson of S., Walling, Ward, Whyte and Williamson—18.

Motion lost.

Mr Crisp moved to lay the bill and substitute on the table.

Lost.

Mr. Parker moved the adoption of the substitute.

Mr. Robinson, of B., offered the following amendment to the substitute, to wit:

*“Be it further enacted, That all persons who shall emigrate, and shall settle west of the Colorado, shall be entitled to 1280 acres of land.”*

Adopted.

The ayes and noes were then called for, on the adoption of the substitute, as amended, and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Hunter, Matthews, Robinson of B., Robinson of S., Walling, Ward, Whyte and Williamson—18.

Noes—Messrs. Bower, Dennison, Fields, Milby, Parker, Pennall, Portis, Potter, Scurry, Sparks, and Warren—11.

Substitute adopted.

Mr. Hill offered the following amendment to the amendment of Mr. Robinson of B.:

Insert, after “Colorado,” “or north of the San Antonio Road.”

Adopted.

Mr. Portis moved the following additional amendment:

Insert, after the word “road,” or “county of Austin.”

Adopted.

Mr. Hill moved to strike out the enacting clause.

Mr. Sparks moved the House adjourn until 10 o'clock tomorrow morning.

Lost.

The ayes and noes being called for on the motion of Mr. Hill, to strike out the enacting clause, stood as follows:

Ayes—Messrs. Speaker, Dennison, Fields, Grimes, Hanover, Haynes, Hewitt, Hill, Hunter, Milby, Pennall, Portis, Potter, Scurry, Sparks, and Warren—16.

Noes—Messrs. Bower, Crisp, Crisp, Dial, Halbert, Hodge, Matthews, Parker, Robinson of B., Robinson of S. Walling, Ward, Whyte and Williamson—13.

Carried.

The Committee on Engrossed Bills, made the following report:

HOUSE OF REPRESENTATIVES, }  
December 20th, 1842. }

To the Hon. N. H. Drnell,

*Speaker of the House of Representatives.*

The Committee on Engrossed Bills have examined a bill to be entitled "An Act to incorporate the Matagorda Caney Navigation Company," and find the same correctly engrossed.

(Signed)

HIRAM HANOVER,  
One of the Committee.

Report adopted.

Mr. Hunter, by leave, introduced a "Joint Resolution for the relief of Messrs. Neighbors and Rivers."

Read 1st time.

On motion, rule suspended, resolution read a 2d time, and referred to the Committee on Post-offices and Post-roads.

Mr. Scurry, by leave, introduced a bill, to be entitled "An Act to promote the progress of useful arts, and to repeal all acts, and parts of acts, heretofore made for that purpose,"

Read 1st time.

On motion, rule suspended, bill read a 2d time, and referred to the Committee on the State of the Republic.

On motion of Mr. Hewitt, Messrs. Hill, Scurry and Matthews were added to the Committee on Indian Affairs.

The Committee on Enrolled Bills made the following report, to wit:

HOUSE OF REPRESENTATIVES, }  
December 20th, 1842. }

To the Hon. N. H. Darnell,

*Speaker of the House of Representatives.*

The Committee on Enrolled Bills have examined a "Joint Resolution, supplementary to a "Joint Resolution, granting further time for the payment of Government Dues, and the return of Field-notes," approved November 27th, 1841," and find the same correctly enrolled.

The same having been signed by the Speaker of the House, and the President of the Senate, was, this day, presented to his Excellency the President, for his approval.

(Signed)

ISAAC PARKER,  
Chairman.

Report adopted.

On motion of Mr. Potter, Messrs. Robinson, of B., and Scurry, were added to the Committee on Naval Affairs.

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

WEDNESDAY, Dec. 21st, 1842.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hewitt, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennal, Portis, Potter, Robinson of B., Robinson of S., Scurry, Walling, Ward, Warren and Whyte.

A quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr Warren, Messrs. Crisp and Ward were added to the Select Committee on Judicial counties.

The petition of A. B. Shelby, was presented by Mr. Williamson; and

On motion, was referred to a Select Committee composed of Messrs. Williamson, Walling, Robinson of B., Crisp and Peebles.

The petition of Thruston M. Taylor, was presented by Mr. Potter; and

On motion, was referred to a Select Committee composed of Messrs. Williamson, Walling, Robinson of B., Crisp and Peebles.

The petition of the citizens of Burnet county, was presented by Mr. Parker; and

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

The Committee on the Judiciary made the following reports:

The Committee on the Judiciary to whom was referred "A Bill, to authorize the taking of Replevy Bonds, in certain cases," have had the same under their consideration, and are of opinion, that provisions of the bill are unconstitutional; and its objects

are impolitic and inexpedient, they therefore recommend its indefinite postponement.

(Signed)

R. SCURRY,  
Chairman.

Which report was received, and bill laid on the table to come up among the orders of the day.

Also, the following report:

The Committee on the Judiciary, to whom was referred, "A Bill, to amend an act, regulating probate sales, &c." beg leave to report, that the Committee have had the said bill under consideration, and report the same back to the House, and recommend its passage without amendment.

(Signed)

JAMES DENNISON.  
One of the Committee.

Which report was received, and bill laid on the table to come up among the orders of the day.

Also, the following:

The Committee on the Judiciary, to whom was referred "A Bill, to be entitled an act, to amend the Probate Law," have had the same under consideration, and are of opinion, that the amendments proposed in said bill should be enacted into a law. The committee therefore return the bill to the House without amendment, and recommend its passage.

(Signed)

JESSE J. ROBINSON.  
One of the Committee.

Which report was received, and bill laid upon the table to come up among the orders of the day.

Also, the following:

The Committee on the Judiciary to whom was referred, "A Bill supplementary to an act, entitled an act, to provide for the return of surveys, for the collection of Government dues on lands and for other purposes," have had the same under consideration and have made an amendment thereto, and annexed it to the bill, which is herewith returned to the House, and its passage as amended, recommended by the Committee.

(Signed)

J. J. ROBINSON.  
One of the Committee.

Which report was received, and bill laid upon the table to come up among the orders of the day.



The Committee on Public Lands, M. W. Matthews chairman, to whom was referred "A Joint Resolution, requiring the Board of Land Commissioners of each county in this Republic, to issue land certificates to Emigrants for head rights &c." reported a substitute for the same, and recommended its passage.

Report received, and bill laid upon the table to come up among the orders of the day.

The Committee on Public Lands, made the following report:

The Committee on Public Lands, to whom was referred the petition of Jonathon Bird, have had the same under consideration, and ask leave to report the same back to the House, and recommend its reference to the Committee on Military Affairs.

(Signed)

M. W. MATTHEWS.

Chairman.

Which report was adopted.

A Select Committee, made the following report:

The Select Committee, to whom was referred "A Bill, to organize a certain part of Liberty county for Judicial purposes," after giving the bill due consideration, report the same back to the House, and recommend its passage.

(Signed)

TOD ROBINSON,

Chairman.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

Also, the following:

The Select Committee, to whom was referred, "A Bill, to divide the County of Red river, for Judicial and other purposes, have had the same under consideration, and ask leave to report the same back to the House with sundry amendments, and recommend its passage.

(Signed)

TOD ROBINSON.

Chairman.

Which report was received, and bill laid upon the table to come up among the the orders of the day.

Mr. Peebles, by leave, introduced "A Bill, concerning fees of Sheriffs and Constables,"

Read 1st time.

Mr. Warren, by leave, introduced "A Joint Resolution, granting a league of land, to John L. Sydner, P. G. Street and J. V. Singer, owners of the Steam-boat Mustang.

Read 1st time.

The Committee on Privileges and Elections, D. Y. Portis, Chairman, to whom was referred "A Bill, to amend an act,

regulating elections &c." reported, by a substitute, and recommended its passage.

Which report was received, and bill laid on the table, to come up among the orders of the day.

Mr. Portis, by leave, introduced "A Bill, entitled an act, to amend the attachment laws of the Republic of Texas."

Read 1st time.

Mr. White, by leave, introduced "A Bill, to be entitled an act, to alter in part, and define the Northern boundary line of the county of Harrison.

Read a 1st time.

Mr. Portis, by leave, introduced "A Bill, to be entitled an act, to amend the Judiciary laws of the Republic of Texas."

Read 1st time.

Mr. Ward, by leave, introduced "A Bill, to be entitled an act, supplementary to an act, to incorporate and establish the College of De Kalb"

On motion of Mr. Scurry, the House proceeded to dispose of the business on the Speakers table, and to the

#### ORDERS OF THE DAY.

"A Bill, to repeal the Tariff, and to declare the ports of Texas free," being the special order of the day, was taken up and read 2d time.

Question on the Engrossment of the bill.

Mr. Potter, moved a call of the House. Carried.

And Sergeant-at-Arms dispatched for absent members.

The Sargeant-at-Arms returned with Messrs. Sparks, Hill and Haynes.

Mr. Dennison, moved to suspend a further call of the House. Lost.

On motion of Mr. Potter, a further call of the House was suspended.

The ayes and noes were called for, on the Engrossment of the bill, and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dennison, Dial, Hewitt, Hill, Hodge, Matthews, Parker, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward Whyte and Williamson—19.

Noes—Messrs. Bower, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hunter, Milby, Peebles, Potter, Sherman and Warren—13.

Carried, and bill ordered to be Engrossed.

Mr. Hill, moved a re-consideration of the vote, and presented the report of a minority of the Committee on Finance.

Mr. Williamson, moved the motion for a re-consideration lay on the table.

Carried.

The report of the Minority of the Committee on Finance was read; and

On motion of Mr. Warren, the report was laid on the table.

On motion of Mr. Robinson of B., the motion to re-consider was made the special order of the day for 11 o'clock on Friday next.

Mr. Warren moved the re-consideration of the vote, striking out the enacting clause of "A Bill, granting land to Emigrants &c."

Mr. Hunter, moved to lay said motion on the table.

Carried.

"A Bill, to amend an act, securing patent rights to inventors."

Read 2d time, and referred to the Committee on the State of the Republic.

"A Bill, to be entitled an act, authorizing an additional compensation to certain officers of the civil list.

Read 2d time; and

On motion of Mr. Dennison, was referred to the Committee on Retrenchment.

"A Bill, to authorize the several County Courts to raise a revenue, by a license on public ferries."

Read 2d time.

Mr. Matthews, moved its reference to the Committee on the Judiciary.

Lost.

On motion of Mr. Warren, the bill was referred to the Committee on Roads and Bridges.

A message was received from the Senate, informing the House of the passage of a substitute for "A Bill, to be entitled an act regulating the Navy agency;" also,

"A Joint Resolution, requiring the President to order an election for Major General."

Mr. Scurry, offered the following resolution:

"Resolved, That the Committee on Roads and Bridge, be hereafter known by the name of the Committee on Internal Improvements.

On motion of Mr. Scurry, the rule was suspended, requiring

resolutions to lay on the table one day for consideration, and resolution adopted.

"A Bill, to incorporate the Matagorda Caney Navigation Company,"

Read 3d time.

Mr. Dennison, moved the bill be re-committed to the Committee on Internal Improvements.

Carried.

"A Bill, to define the boundaries of Brazos County, &c.

Read 2d time.

Mr. Grimes, moved to lay the bill on the table.

Lost.

A message was received from the Senate, informing the House of the passage of a bill, for the relief of Wm. J. Jones."

Mr. Crisp, moved that the bill to define the boundaries of Brazos county, &c." be referred to a select Committee.

Carried.

Mr. Portis, moved the House adjourn until 10 o'clock, to-morrow morning.

Lost.

Mr. Hill, by leave introduced "A Bill, to amend an act, regulating the coasting trade, and enrollment of vessels, passed January 4th, 1841, and to regulate and proportion tonnage duty, and fees of collectors.

Read 1st time.

On motion, rule suspended, bill read 2d time, and referred to the Committee on Finance.

Mr. Walling moved to take up "A Bill, to repeal in part, and amend an act, creating the county of Smith."

Carried.

Bill read 2d time, and referred to the Committee on the Judiciary.

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

THURSDAY, Dec. 22d, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members were present and answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Fields, Grimes, Halbert, Hanover, Haynes, Hewitt, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Potis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Waid, Warren and Williamson.

A quorum present, the journal of the preceeding day was read and adopted.

The Committee on the State of the Republic, Jesse Grimes, Chairman, to whom was referred the memorial of Henry Tucker, a free man of colour; reported the same back to the House, with "A Joint Resolution for his relief." Read 1st time.

The Committee on Internal Improvements made the following report:

The Committee on Internal Improvement, to whom was referred "A Bill, to incorporate the Matagorda Caney Navigation Company, beg leave to report the same back to the House, with an amendment.

(Signed)

J. DENNISON,  
Chairman.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on Enrolled Bills, Isaac Parker, Chairman, reported, that they had examined "An Act, for the relief of Wm. J. Jones," and find the same correctly enrolled; the same having been signed by the Speaker of the House of Representatives, and the President of the Senate, was presented to His Excellency the President, for his approval, on the 21st inst.

Report adopted.

A Select Committee made the following report:

A Select Committee, to whom was refered the memorial of the Hon. A. B. Shelby, have had the same under consideration, and believing that the claim is just, recommend a special appropriation for the payment thereof, and said appropriation to be included in the general appropriation bill.

[Signed]

R. M. WILLIAMSON,  
Chairman.

Which report was adopted.

The Speaker appointed Messrs. Robinson of B., Walling, Peebles, Dial and Halbert, as a Select Committee, to whom was referred "A Bill, to define the boundaries of Brazos county, and for other purposes."

Mr. Crisp, by leave, introduced "A Bill, to be entitled an act, to increase the salary of the Attorney General."

Read 1st time.

A message was received from His Excellency the President, and

On motion of Mr. Robinson, of B., the House went into secret session, for the purpose of taking the same under consideration, after some time being spent therein the doors were opened.

Mr. Crisp, moved that the House adjourn until 3 o'clock P. M.

Lost.

Mr. Robinson of B., moved that the House adjourn until Monday morning at 10 o'clock.

Lost.

Mr. Potter, moved the House adjourn until Monday morning at 11 o'clock.

Lost.

Mr. Crisp, moved the House adjourn until 3 o'clock this evening.

Carried.

3 o'clock, P. M.

The House met—and a quorum being present.

The House proceeded to business.

A message was received from the Senate, informing the House of the passage of "A Bill, to be entitled an act, supplementary to an act, entitled an act, to divide the county of Red river, and to create and establish the counties of Bowie and Lamar; also,

"A Bill, to be entitled an act, to designate the southern boundary of Lamar county, and for other purposes;" also,

"A Bill, to be entitled an act, to amend the existing laws in relation to proceedings in Courts of Probate;" also,

"A Bill, to be entitled an act, to exempt certain articles therein named from impost duties;" also,

"A Bill, to be entitled an act, to legalize the proceedings of the fall term [1842] of the District Court of Bexar county;" also,

"A Joint Resolution, for the relief of J. Pinkney Henderson;" also, with an amendment,

"A Bill, to be entitled an act, transferring an unexpended appropriation, for the contingent expences of the seventh Congress."

On motion of Mr. Williamson, the House then proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

A communication having been received from His Excellency the President:

On motion of Mr. Williamson, the same was ordered to lay on the table for one hour.

Mr. Hunter, by leave, introduced "The Petition of Wm. B. Goodman," which was read, and referred to the Committee on Claims and Accounts.

Mr. Hunter, by leave, introduced a bill to be entitled "An Act to amend the several laws regulating the Post-office Department."

Read 2d time.

Mr. Crisp moved the suspension of the rule, requiring bills to lay on the table one day.

Carried.

Bill read a 2d time, and referred to the Committee on Post-offices and Roads, with instructions to report to-morrow.

On motion of Mr. Milby, "A Bill, to organize a part of Liberty County for judicial, and other purposes," was taken up on its 2d reading.

Question on the engrossment of the bill.

Carried, and bill ordered to be Engrossed.

"A Bill, making an appropriation for the year 1843," was taken up, and read a 2d time.

Mr. Robinson, of B., moved the House go into a Committee of the Whole upon the said bill.

Carried.

Mr. Robinson, of B., was called to the Chair; and, after some time spent therein, the Committee arose, reported progress, and begged leave to sit again, to-morrow morning at 11 o'clock.

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

FRIDAY, Dec. 23d, 10, A. M.

The roll being called, the following members answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Fields, Hagler, Halbert, Hanover, Hewitt, Hill, Hodge, Hunter, Matthews, Milby, Parker, Peebles, Pennal, Portis, Robinson of B., Robinson of S., Scurry, Walling, Ward, Warren Whyte and Williamson.

A quorum present.

The Journal of the preceding day was read and adopted.

The Committee on the Judiciary made the following report, to wit:

COMMITTEE-ROOM, Dec. 23d, 1842.

*To the Hon. N. H. Darnell,*

*Speaker of the House of Representatives.*

The Judiciary Committee, to whom was referred a bill to repeal, in part, and amend an act creating the county of Smith, have had the same under consideration, and have instructed me to report—

The sixth section of the schedule of the Constitution apportionments and fixes the representation of the several counties in existence, at the time of its formation; and designates the period at which an alteration may be made in their representation. Until the first enumeration, this section apportions to the precinct or county of Nacogdoches, two representatives.—It is, therefore, submitted, that the alteration proposed by the bill under consideration, (to divide the representation of Nacogdoches between Nacogdoches and the county of Smith) is in direct violation of the aforementioned provision of the Constitution.

At the same time that your Committee feel bound to recommend the indefinite postponement of the bill under consideration, on account of its contemplated violation of the Constitution, they have had under consideration, and have instructed me to report a bill, which they believe to be free from such objections; whilst it secures to the citizens of those territories, all the convenience, in the administration of justice, anticipated by those who have petitioned for their formation.

The Committee have hesitated long in recommending to the honorable Congress, the formation of these counties; which



must, necessarily, add to the number of judges, and, consequently, increase the appropriation for that department of the Government; yet, when they look to the immensely preponderating importance which the speedy administration of civil and criminal jurisprudence should exercise over the consideration of this body, they cannot hesitate in recommending every measure which will, at all, facilitate its consummation. The distance which some of the citizens, in the territories mentioned, reside from their different county-seats, as they are now organized, amounts, if not to a denial of justice, to a very onerous and oppressive administration of it. And whilst the Committee have extended all the facilities which they believed a correct interpretation of the Constitution will enable them to do, they regret that it is not in their power to afford them all the advantages of regularly organized counties.

The Committee cannot but acquiesce in the justice and propriety of the decision of the Supreme Court, in reference to the judicial county of Ward; and they have endeavored to frame the accompanying bill, so as to secure the advantage, and avoid the error.

DAVID Y. PORTIS.

From the Judiciary Committee.

Report received, and bill laid on the table, to come up among the orders of the day.

The Committee on Finance made the following report, viz:

The Committee on Finance have had under consideration, "A Bill supplementary to 'An Act to raise a revenue by direct taxation,'" and have, particularly, instructed me to report the same back to the House, and recommend that it be permitted to slumber, without further action, until the 4th of July next.

G. W. HILL,

Chairman.

Report received, and bill laid on the table, to come up among the orders of the day.

Also the following:

The Committee on Finance, to whom was referred "A Joint Resolution requiring the President to put in suit all forfeited bonds," &c., have had the same under consideration, and instructed me to report the same back to the House, and recommend that it be laid on the table without further action.

(Signed)

G. W. HILL,

Chairman.

Report received, and bill laid on the table, to come up among the orders of the day.

Also, the following:

The Committee on Finance, to whom was referred "A Bill to provide for the payment of Assessors," have had the same under consideration; and have instructed me to report the same back to the House, with an amendment, and recommend its passage.

(Signed)

G. W. HILL,  
Chairman.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Finance, G. W. Hill, Chairman, to whom was referred "An Act, amendatory to an act entitled 'An Act to amend an act to raise a Revenue by Direct Taxation,' approved 5th February, 1842," reported the same back to the House, with amendments, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

Also, the following:

The Committee on Finance, to whom was referred "A Bill to amend 'An Act regulating the Coasting Trade, and enrolment of vessels,' passed 4th January 1841, and to regulate and proportion Tonage Duty, and collection of Fees," with accompanying documents, have had the same under consideration; and have instructed me to report the bill back to the House, with amendments, and recommend its passage.

(Signed)

G. W. HILL,  
Chairman.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on the Judiciary made the following report, to wit:

The Committee on the Judiciary, to whom was referred "A Bill to amend 'An Act for the election of Sheriffs, Coroners, and Constables,'" report the same back to the House, and recommend its passage.

(Signed)

H. N. POTTER,  
One of the Committee.

Which report was received, and bill laid on the table to come up among the orders of the day.

Also, the following:

The Committee on the Judiciary, to whom was referred "A

Bill, to be entitled "An Act to declare trespass, in certain cases, larceny," report the same back to the House, and recommend its passage.

(Signed) H. N. POTTER,  
One of the Committee.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

The Committee on Post-offices and Post-roads, M. Ward, Chairman, to whom was referred "A Bill to amend the several laws regulating the Post-office Department," reported the same back to the House, with an amendment, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Select Committee, Tod Robinson, Chairman, to whom was referred "A Bill, to define the boundaries of Brazos County, and for other purposes," reported the same back to the House, and recommended it to be laid on the table; there being no data before them, to enable them to act in the matter.

Report received, and bill laid upon the table, to come up among the orders of the day.

Mr. Matthews, by leave, introduced a bill, to be entitled "An Act authorizing the Secretary of the Treasury to issue change notes, and for other purposes."

Read 1st time.

Mr. Hodge, by leave, introduced a bill to be entitled "An Act legalizing the location of the County Site of Fannin County."

Read 1st time.

Mr. Dial, by leave, introduced a bill, to be entitled "An Act, to render efficient, the protection of the Western Frontier."

Read 1st time.

Mr. Parker, by leave, introduced a bill, to be entitled "An Act appropriating four leagues of land to Trinity College."

Read a 1st time.

Mr. Fields offered the following resolution, to wit:

*Resolved, by the House of Representatives, That the President and Heads of Departments be required to furnish this House, with an account of the manner in which they have disbursed the contingent funds appropriated for their several departments, the sixth and last Congress.*

Laid on the table one day for consideration.

Mr. Potter, by leave, introduced a bill, to be entitled "An Act more effectually to suppress rioting and insurrectionary as-

semblies, calculated to prevent the due execution or administration of the law."

Read 1st time.

Mr. Potter moved a suspension of the rule, that the bill might be placed on its 2d reading.

Lost.

Mr. Whyte, by leave, introduced "A Bill, to provide for the location of small tracts of land."

Read 1st time.

Mr. Walling, by leave, introduced "A Bill, to provide for the location of the Seat of Government."

Read 1st time.

Mr. Fields, moved the rejection of the bill.

Mr. Robinson of B., moved to lay the motion on the table.

Carried.

The Select Committee, R. M. Williamson, Chairman, to whom was referred the petition of Thurston M. Taylor, by leave, reported "A Bill, for his relief," and recommended its passage.

Report received, and bill read 1st time.

On motion of Mr. Williamson, the rule was suspended, and bill read 2d time.

Mr. Hill, moved its reference to the Committee on Naval Affairs.

Lost.

On motion of Mr. Hill, the bill was laid upon the table.

On motion of Mr. Matthews, the bill transferring an unexpended appropriation for the contingent expenses of seventh Congress, with amendments from the Senate, was taken up.

The question being taken, first amendment was adopted.

Mr. Dennison, moved to lay the bill with amendments on the table.

Lost.

Question on second amendment.

Mr. Hill, moved to strike out \$7,000, and insert \$4,800.

Carried.

Mr. Robinson of B., moved to lay the bill on the table.

Lost.

Mr. Crisp, moved the House adjourn until 3 o'clock P. M.

Lost.

Mr. Hill, moved to strike out in third amendment, "\$5,000," and insert "\$2,800."

Carried, and amendment adopted.

Mr. Potter, moved that the House adjourn until 3 o'clock, P. M.

Lost.

The Committee on the Judiciary made the following report, to wit:

COMMITTEE-ROOM,

December 23d, 1842. }

*To the Hon. N. H. Darnell,*

*Speaker of the House of Representatives.*

The Committee on the Judiciary, to whom was referred the Joint Resolution, apportioning the representation between Nacogdoches and Burnett counties, together with the memorial from the citizens of Burnett, have had the same under consideration, and have instructed me to report—

The right of the citizens of the Republic of Texas, peaceably, to assemble and petition the Congress to redress any public grievance, or adopt any measures to promote the public convenience, although not guaranteed by the Constitution, is believed, nevertheless, to form an essential element in all republican governments. At the same time that we admit this general theorem, we cannot but regard the abuse of this great privilege as dangerous to the liberties, and subversive of the good order of the Republic. Whilst, then, we have listened, with marked respect, to the representation, made by the citizens of Burnett, of their supposed grievances, we must be permitted to express, to them, the indignation and contempt excited, in our minds, towards them, for seeking a pretext, in a petition to imaginary evils, to heap abuse, and pour their calumny, upon a branch of the Government, the preservation of whose purity, unsullied, even by a suspicion, should be at once the ambition and glory of every true patriot, and good citizen.

The citizens of Burnett, in the memorial now under consideration, have, with a meanness and baseness unworthy of freemen, attempted, indirectly, to compass that which they dared not approach directly. Under the specious guise of a petition to Congress, they have charged the Honorable William B. Ochiltree with subserviency and injustice, in a particular decision, in which they, themselves, admit him to have been sustained by the Supreme Court. If any thing can exceed the stupidity of this charge, it is the unblushing impudence with which it has been directed to the Congress of Texas.

They complain that Judge Ochiltree did not furnish to these savans of Burnett, the authority upon which he based his decision. Their next step, we presume, will be to require him to produce his commission; and then substantiate its genuineness.

This interference, by the citizens of Burnett, deserves from only the severest reprimand; and would have merited, for its authors, at the hands of the Judge, the distinction usually accorded to thieves and felons—a place in the public pillory.— We say to the citizens of Burnett, that the Judge who should so far forget the dignity and independence of his station, as to attempt to explain the principles of his decision to the inhabitants of a county—who should, for a moment, think of conforming his action to suit their whims and caprices—who should ever, for an instant, snuff the popular breeze, and attempt to obey its inspiration, would be justly obnoxious to our odium and severest censure. At the same time, we will not pass this subject without the highest commendation towards Judge Ochiltree, for the firmness of purpose, and integrity of principle, which has enabled him to stem the torrent of abuse and detraction which has driven around him; and to preserve, unblemished, the lofty station which his virtues and independence adorns and honors.

The Committee entertain to the bill which the memorial accompanies, the same constitutional objections which they have already embodied in their report on the establishment of the county of Smith. It is considered unnecessary to repeat them here. The geographical position of the territory asked to be laid off, affords convincing evidence of the necessity which should induce the legislature to extend to its inhabitants, all the facilities in our power, for the administration of justice. The Committee have, therefore, instructed me to report the bill referred, back to the House, and to recommend its indefinite postponement; and to introduce a bill to establish the county of Burnett, for judicial purposes, and to recommend its passage.

D. Y. PORTIS,  
From the Judiciary Committee.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

On motion of Mr. Sparks, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—and a quorum being present.

The House proceeded to business.

A message was received from the Senate, informing the House of the passage of "A Bill, to be entitled an act, to abolish certain offices therein named.

The Committee on Engrossed Bills, made the following report.

The Committee on Engrossed Bills, have examined "An Act, to organize a certain part of Liberty county, for Judicial and other purposes," and find the same correctly engrossed.

(Signed)

**HIRAM HANOVER,**

One of the Committee.

Report adopted.

Mr. Sherman, presented the petition of Edmund J. Felder, which was referred to the Committee on Military Affairs.

Mr. Sherman, presented the petition of David G. Burnet, which was read, and referred to a Select Committee, consisting of Messrs. Sherman, Grimes, Williamson, Warren and Walling.

On motion of Mr. Hunter, the appropriation bill, for the support of the Government for the year 1843, was taken up.

On motion of Mr. Warren, the House resolved itself into a Committee of the whole thereon.

Mr. Robinson of B., was called to the chair, after some time spent therein, the Committee arose, and reported the bill back to the House with sundry amendments, recommending their adoption, and begged to be discharged from the further consideration of the same.

A message was received from the Senate, informing the House, of the rejection of the amendments of the House, to the amendments of the Senate, to "A Bill, transferring an unexpended balance of a certain appropriation, for contingent expenses of seventh Congress;" and that they had appointed a Committee of Conference thereon, and requested the appointment of a like Committee on the part of the House.

On motion, Messrs. Williamson, Matthews, Peebles, Parker and Potter, were appointed a Committee of Conference on the part of the House.

On motion of Mr. Robinson of B., leave of absence was granted to Mr. Peebles.

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

SATURDAY, Dec. 24th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Crisp, Dial, Grimes, Hagler, Halbert, Haynes, Hewitt, Hill, Hodge, Holmes, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journal of the preceding day was read and adopted.

Mr. Parker, presented the petition of Josiah G. Beatty, which was referred to the Committee on Claims and Accounts.

The Committee on Enrolled Bills, made the following report, to wit:

The Committee on Enrolled Bills, have examined "An act, supplementary to an act, entitled an act, to divide the county of Red river, and to create and establish the counties of Bowie and Lamar;" also,

"An Act, to designate the southern boundary of Lamar county and for other purposes," and find the same correctly Enrolled. The same having been signed by the Speaker of the House of Representatives, and President pro tem. of the Senate, was this day presented to His Excellency the President, for his approval.

(Signed) ISAAC PARKER,  
Chairman.

Report adopted.

The Committee on Military affairs, D. Y. Portis, one of the



Committee, to whom was referred the petition of Jonathan Bird, reported the same back to the House, and recommended its indefinite postponement.

Which report was received, and petition laid upon the table.

A message was received from the Senate, informing the House of the passage of a bill, to be entitled "An Act, to authorize John McMullen, to order the election of county officers, in the county of Bexar, and for other purposes;" also,

Of the rejection of "A Bill, for the relief of the assigns of Octavius A. Cooke."

Mr. Parker, by leave, introduced "A Bill, to be entitled an act, to provide an additional method for proving, or acknowledging letters of attorney."

Read 1st time.

Mr. Robinson of S., by leave, introduced "A Bill to be entitled an act, to define in part the duties of Grand Juries."

Read 1st time,

The Committee of conference R. M. Williamson, Chairman on part of the House, to whom was referred "A Bill, transferring certain appropriations therein named, reported the same back to the House, with sundry amendments, and recommended their adoption.

Which report was received, and bill laid on the table to come up among the orders of the day.

On motion of Mr. Matthews, the bill was taken up, and the amendments of the Committee adopted.

Mr. Parker moved the reading of the bill, with amendments.

Lost.

On motion of Mr. Robinson of B., the House proceeded to dispose of the business on the Speakers table, and to the

#### ORDERS OF THE DAY:

On motion of Mr. Robinson, of S., "A Bill, for the relief of J. Pinckney Henderson, was taken up; and

Read 1st time.

On motion of Mr. Robinson of S., the rule was suspended, and the bill

Read 2d time.

Mr. Hill, moved the reference of the bill to the Committee on Finance.

The ayes and noes were called for, on the motion, and stood thus:

Ayes—Messrs. Bower, Dennison, Grimes, Halbert, Haynes, Hill, Holmes, Milby, Parker, Pennall, Portis, Robinson of B., Scurry, Sparks and Ward—16.

Noes—Messrs. Speaker, Crisp, Dial, Fields, Hanover, Hunter, Hodge, Potter, Robinson of S., Sherman, Walling, Warren and Williamson—13.

Motion carried.

On motion of Mr. Dennison, "A Bill, incorporating the Matagorda Caney Navigation Company," was taken up, and amendments of Committee on Internal Improvements adopted; and bill ordered to be engrossed.

A message was received from the Senate, informing the House, that they had refused to adopt the amendments of the Committee of Conference, on "A Bill, to be entitled an act, transferring certain unexpended appropriations," and re-committed it to the same Committee, and request the like action on part of the House.

On motion of Mr. Robinson, of B., the vote was reconsidered adopting the report of the Committee of Conference.

On motion of Mr. Robinson of B., the bill was re-committed to the same Committee.

On motion of Mr. Robinson of B., the bill making appropriations for the year 1843, was taken up, with amendments of the Committee of the whole.

1st amendment. For contingent expenses of seventh Congress strike out \$3,000, and insert \$1,000.

On motion of Mr. Matthews, \$1,000 was struck out, and 2,000 inserted; and

Amendment adopted.

2d amendment For contingent expences of State Department, strike out \$500, and insert \$1,600.

Adopted.

3d amendment. For contingent expenses of Post-office Bureau, strike out \$200, and insert \$500.

Adopted.

4th amendment. For transporting mails for the year 1843, strike out \$5,000, and insert \$12,000.

Adopted.

On motion of Mr. Portis, "six Justices" was stricken out, and "seven Judges" inserted.

5th amendment. For pay of Chief Justice and associate Judges, \$14,000.

Mr. Robinson of B., moved an additional amendment, to strike out \$14,000, and insert \$15,000.

Lost, and amendment of Committee adopted.

Question on the adoption of the amendment, appropriating \$500, for contingent expenses of Supreme Court.

Mr. Robinson of B., moved to amend by inserting, "subject to the disposition of the Chief Justice."

Adopted.

The question on the adoption of the amendment, as amended, was then put and carried

Insert, "for printing Laws and Journals of the seventh Congress \$5,000."

Adopted.

Mr. Robinson of B., moved to insert \$40,000, for frontier protection, and defence of the country.

Mr. Potter, moved to amend, by inserting \$100,000.

Lost.

Mr. Bower, offered the following amendment as an additional section.

*"Be it further enacted, That the sum of \$60,000, out of the revenue from impost duties, received at the port of Galveston, and other ports west of that place, be, and the same is hereby set apart and appropriated, for the protection and defence of the frontier from Mexican invasion."*

The ayes and noes being called for on its adoption stood as follows.

Ayes—Messrs. Bower, Fields, Haynes, Hunter, Potter, Robinson of B., Robinson of S., Sherman, Warren and Whyte—10.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Matthews, Milby, Parker, Pennall, Scurry, Sparks, Walling, Ward, and Williamson—19.

Lost and bill laid on the table.

A message was received from the President, through his Private Secretary.

The Committee of Conference, R. M. Williamson, Chairman on the part of the House, to whom was referred "A Bill, transferring certain appropriations therein named, reported the same back to the House, with the following amendments.

Strike out "\$2,000," and insert "\$500," for contingent expenses of Congress."

Strike out "\$5,000," and insert "\$4,300," for payment of members, &c.

Which report was received; and

On motion of Mr. Matthews, the bill was taken up, and the amendments of the Committee adopted.

A message was received from the Senate, informing the House, of their having adopted the amendments made by the Committee of conference, on "A Bill, transferring certain appropriations therein named."

Mr. Williamson, moved the House adjourn until 10 o'clock on Tuesday morning.

The ayes and noes being called for thereon, stood as follows:

Ayes—Messrs. Bower, Fields, Halbert, Haynes, Hunter, Matthews, Portis, Potter, Robinson of B., Sparks and Williamson—11.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hill, Hodge, Holmes, Milby, Parker, Pennall, Robinson of S., Sherman, Scurry, Walling, Ward, Warren and Whyte—19.

Lost.

On motion of Mr. Robinson of B., the message from the President was taken up and read as follows:

EXECUTIVE DEPARTMENT, }  
Washington, Dec. 23, 1842. }

*To the Honorable, the Senate,  
and House of Representatives.*

The President deems it his imperative duty to inform the Honorable Congress, that he has been recently assured, that the different tribes of Indians have in their possession as prisoners, no less than eleven Texians, and that they will be brought to the Waco village at the time set apart for entering into a treaty with them, with the intention, and expectation on the part of the Indians to exchange them for their own people, held by us as prisoners, as well as others held by the Lipan and Toncuhua tribes.

The Executive has ever regarded the reclamation of our prisoners from the Indians, as a matter of the deepest interest, not only to their relatives, but to every humane and generous heart, and he has also believed that it could never be effected unless peace could be restored and established between the people of Texas and the Indians.

The Executive feels confident that the Honorable Congress will not require any incentive that he could offer, to induce them to place in his power the means to perform an act, so well calculated to fill every human heart with pleasure and satisfac-

tion. The Indians being apprised that we hold many of their people, as prisoners, will be induced to retain ours, until they are assured that theirs are all in good faith restored.

The President has not the power or means by law to compel those citizens who hold the Indian prisoners to surrender them to his order so as to enable him to obtain the restoration of ours, to their homes and country, and to give once more to our frontiers peace and tranquillity. The passage of a law with adequate penalties, authorizing him to compel all who may refuse to place the prisoners at his disposal, to give them up subject to his order, and also, to enable him to employ such person or persons, as may be necessary to collect the prisoners and conduct them to the treaty ground, by the time at which the contracting parties may arrive, is respectfully recommended. It is also proper to suggest, that when the prisoners shall have been collected, they should have comfortable clothing and blankets.

Without the necessary appropriation this cannot be done, nor can the services of such persons as will be needful to carry out the objects of the government, be procured unless sufficient means are placed within the control of the President to ensure a reasonable compensation.

#### SAM HOUSTON.

On motion of Mr. Robinson of B., the message was referred to the Committee, on Indian Affairs.

On motion of Mr. Robinson of S., the House adjourned until Monday morning at 10 o'clock.

MONDAY, Dec. 26th, 10, A. M.

The House met pursuant to adjournment.

The Speaker being absent, on motion of Mr. Matthews, Mr. Warren was called to the chair.

The roll being called, the following members were present and answered to their names:

Messrs. Bower, Crisp, Dial, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hewitt, Hodge, Hunter, Lewis, Matthews, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Walling, Ward, Warren and Whyte.

There not being a quorum present:

The Sargeant-at-Arms was dispatched for absent members.

Mr. Potter, moved to adjourn until to-morrow morning 10 o'clock.

• Lost.

Messrs. Cazneau and Dennison, reported themselves.

A quorum present.

Mr. Robinson of B., moved the House adjourn until to-morrow morning 10 o'clock.

Lost.

On motion of Mr. Potter, the House adjourned until to-morrow morning, at half past 9 o'clock.

TUESDAY, Dec. 27th, half past 9, A. M.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names.

Messrs. Speaker, Cazneau, Crisp, Dial, Grimes, Hagler, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Hunter, Lewis, Matthews, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Scurry, Sparks, Walling, Ward and Warren.

A quorum present, the journal of the preceding day was read and adopted.

On motion of Mr. Robinson of B., Mr. Charles Braches, member elect from Gonzales county, presented his credentials, took the oath and his seat.

Mr. Lewis, presented the petitions of James Dickson, Theresa Maria Grimes, and of W. H. Woodley, which were referred to the Committee on the State of the Republic.

Mr. Potter, presented the memorial of E. Kauffman & Co., which was referred to the Finance Committee.

A message was received from the Senate, informing the House of the passage with amendments, of "A Bill, to amend an act, concerning executions, &c." also,

"A Joint Resolution, for the relief of Jacob Tator."

The Committee on Finance, G. W. Hill, Chairman, to whom

was referred "A Bill, for the relief of J. Pinckney Henderson," reported the same back to the House with an amendment, and recommended its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on the State of the Republic, Jesse Grimes, Chairman, to whom was referred "A Bill, to incorporate the German Emigrating Company," reported a substitute therefor, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Post-offices and Post-roads, Mr. Ward, Jr. Chairman, to whom was referred "A Bill, for the relief of Messrs. Neighbors and Rivers," reported a substitute for the same and recommended its passage.

Report received, and bill laid on the table to come up among the orders of the day.

The Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills, have examined "A Bill, to incorporate the Matagorda Caney Navigation Company," and find the same correctly engrossed.

[Signed]

A. M. LEWIS,  
Chairman.

Report adopted.

The Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills, have examined "A Bill, transferring a certain unexpended appropriation, for the contingent expenses of the seventh Congress," and find the same correctly enrolled, the same having been signed by the Speaker of the House of Representatives, and the President of the Senate, was presented to the President for his approval, on the 24th inst.

(Signed)

I. PARKER,  
Chairman.

Report adopted.

Mr. Matthews, by leave, introduced "A Bill, for the relief of the officers and privates, of the Red river minute men."

Read 1st time.

On motion, rule suspended, and bill

Read 2d time, and referred to a Select Committee, consisting of Messrs. Matthews, Warren, Williamson, Whyte and Hanover.

Mr. Lewis, by leave, introduced "A Bill, for the sale of estates of deceased persons without heirs."

Read 1st time.

Also, "A Bill, laying a tax on suits in District Courts."

Read 1st time.

Mr. Robinson of B., offered the following resolution:

"Resolved, That with the concurrence of the Senate, the joint Committee on Public Printing be instructed to enter into negotiations with the several printing offices most convenient to this place, for the printing of the Laws and Journals of the seventh session of Congress, and that they be instructed to give the printing to the office which will execute it on the lowest terms, the printer giving bond and security that the work shall be finished by a certain time, at the discretion of said Committee."

Mr. Robinson of B., moved the suspension of the rule.

Lost; and

Resolution laid on the table one day for consideration.

Mr. Hanover, by leave, introduced "A Bill, supplementary to an act, regulating the fees of office, approved, 18th Jan., 1842."

On motion of Mr. Parker, the House proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY

On motion of Mr. Scurry, the "Bill making appropriations for the support of the Government for 1843," was taken up on its 2d reading.

Mr. Robinson of B., moved to strike out "\$6" as pay of officers of seventh Congress and insert "\$3."

Lost.

Mr. Robinson of B., moved to strike out 29th clause 1st section, appropriating pay for 21 clerks.

Lost.

Mr. Robinson, of B., offered the following amendments to 29th clause, viz:

Insert "for relief of George D. McIntosh, former Secretary of Legation to France, five thousand dollars."

"For salary of Secretary of Legation to the United States, two thousand five hundred dollars."

Adopted.

Mr. Robinson, of B., moved to strike out in section 5th, latter clause, that portion relating to the issuing of small bills.



The ayes and noes were called for on the motion, and stood as follows:

Ayes—Messrs. Cazneau, Haynes, Milby, Portis, Robinson of B., Scurry, Sparks and Ward—8.

Noes—Messrs. Speaker, Bower, Crisp, Fields, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Parker, Pennall, Robinson of S., Walling Warren, Whyte and Williamson—22.

Lost.

Mr. Grimes, moved to amend section 5th, by inserting before "issue" the word "re" so as to read "re-issue."

Mr. Robinson of S., moved to amend Mr. Grimes motion, by inserting after "issue" the words "or re-issue."

Accepted by Mr. Grimes, and amendment as amended rejected.

Mr. Crisp, offered the following amendment:

Insert in section 1st, "for furniture for Presidents house \$2000."

Rejected.

Mr. Cazneau, offered the following amendment:

Insert "for pension of Joseph Cecil for 1842, \$300."

"For pension for Joseph Cecil for 1843, \$300; \$75 to be paid quarterly."

Adopted.

On motion, bill ordered to be Engrossed.

On motion of Mr. Robinson of S., "A Bill, for the relief of J. Pinckney Henderson," was taken up, and amendment of Committee on Finance adopted.

Mr. Hill, moved the indefinite postponement of the bill.

The ayes and noes being called for, on the question, stood as follows:

Ayes—Messrs. Bower, Cazneau, Dennison, Dial, Grimes, Halbert, Haynes, Hill, Holmes, Hunter, Braches, Milby, Portis, Scurry, Sparks, Ward and Whyte—17.

Noes—Messrs. Speaker, Crisp, Fields, Hanover, Hodge, Matthews, Parker, Pennall, Robinson of B., Robinson of S., Walling, Warren and Williamson—13.

Carried.

Mr. Lewis, was excused from voting.

A motion, to reconsider the vote on the Engrossment of "A Bill, to repeal the Tariff, and declare the ports of Texas free," was taken up.

Mr. Hill moved that the motion be laid on the table.

The ayes and noes were called for on the motion and stood thus:

Ayes—Messrs. Bower, Dennison, Fields, Halbert, Hanover, Haynes, Hill, Hodge, Holmes, Hunter, Braches, Milby and Warren—13.

Noes—Messrs. Speaker, Cazneau, Crisp, Dial, Grimes, Lewis, Matthews, Parker, Pennall, Portis, Robinson of S., Scurry, Sparks, Walling, Ward and Whyte—16.

Lost.

The question on the reconsideration, was then put; and

Lost.

On motion of Mr. Hunter, "A Bill, concerning mail routes, &c." was taken up.

On motion of Mr. Hill, the 4th section of the bill was stricken out.

On motion of Mr. Hill, the bill was so amended as to make all the routes weekly, and bill ordered to be engrossed.

On motion of Mr. Scurry, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—and a quorum present.

The House proceeded to business.

Mr. Portis, introduced the following resolution:

*"Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the thanks of Congress be, and the same are hereby tendered to Gen. A. Somervell, and the brave and chivalrous troops under his command, for their gallant descent upon the frontier of Mexico, and for the capture of Lorado, an important Mexican military Post."*

Read 1st time.

Mr. Portis, moved a suspension of the rule.

Lost.

The Select Committee, S. Sherman, Chairman, to whom was referred the petition of David G. Burnet, reported the same back to the House, with a joint resolution for his relief, and recommended its passage."

Report received, and joint resolution read 1st time.

The Committee on Military Affairs, S. Sherman, Chairman,

to whom was referred the petition of E. J. Felder, reported by a joint resolution for his relief.

Report received and joint resolution read 1st time.

On motion of Mr. Matthews, "A Bill, to organize a certain part of Liberty county, for Judicial purposes," was taken up, and

Read 3d time.

The ayes and noes were then called for, on its final passage and stood as follows:

Ayes—Messrs. Bower, Cazneau, Fields, Halbert, Hanover, Haynes, Hodge, Holmes, Hunter, Braches, Matthews, Milby, Parker, Pennall, Portis, Potter, Robinson of S., Sherman, Sparks, Walling, Ward, Whyte and Williamson—23.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hagler, Hewitt, Hill, Scurry and Warren—9.

Passed.

A message was received from the Senate, informing the House of the passage of "A Bill, to provide for collecting and conveying Indian prisoners, to the Waco village."

"A Bill, to incorporate the Matagorda Caney Navigation Company"

Read 3d time.

The ayes and noes being called for on its passage stood as follows:

Ayes—Messrs. Bower, Cazneau, Dennison, Dial, Fields, Hagler, Halbert, Hanover, Haynes, Hill, Holmes, Hunter, Braches, Matthews, Portis, Potter, Robinson of B., Robinson of S., Sherman, Sparks, Ward and Whyte—22.

Noes—Messrs. Speaker, Crisp, Grimes, Hewitt, Hodge, Parker, Pennall, Scurry, Walling, Warren and Williamson—11.

Carried, and bill passed.

"A Bill, to divide the county of Red river for Judicial and other purposes," taken up on its 2d reading; and

On motion of Mr. Williamson, was re-committed to the Special Committee on Judicial counties.

"A Bill, to amend an act, to regulate sales by Judgement, or decree of Probate Court, or Court of Chancery, &c." taken up on its 2d reading; and

On motion of Mr. Williamson, was laid on the table.

On motion of Mr. Lewis, "A Bill, to incorporate Herman University," was taken up and laid among the orders of the day.

"A Joint Resolution, for the relief of Elizabeth Washburn,

Armstead Bennett, and others," was taken up on its 2d reading.

The ayes and noes were called for on its Engrossment and stood thus:

Ayes—Messrs. Bower, Crisp, Halbert, Hanover, Haynes, Hill, Hodge, Holmes, Hunter, Lewis, Matthews, Parker, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Walling, Ward and Williamson—20.

Noes—Messrs. Speaker, Cazneau, Dial, Fields, Hagler, Hewitt, Braches, Potter and Warren—9.

Carried, and bill ordered to be engrossed.

On motion of Mr. Hill, "A Bill, to provide for collecting and conveying Indian prisoners to the Waco village," was taken up, and read 1st time.

On motion, rule suspended, and bill read 2d time; and

On motion, rule further suspended, and bill read 3d time and passed.

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

WEDNESDAY, Dec. 28th, 10 A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Cazneau, Crisp, Dial, Fields, Grimes, Hagler, Hanover, Halbert, Haynes, Hewitt, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present—the Journal of the preceding day was read and adopted.

The Committee on Public Lands, M. W. Matthews, Chairman, to whom was referred a bill, to be entitled "An Act, supplementary to an act, entitled 'An Act to provide for the survey and sale of a portion of the territory formerly occupied by the Cherokee Indians,' approved 23d July, 1842," reported a substitute for the same, and recommended its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on Claims and Accounts, Wm. P. Milby, Chairman, to whom was referred the petition of Nathan Taylor; also, of Taylor & Ramsey; also of George W. Wright; also, of Wm. B. Goodman; reported the same back to the House without action, and asked to be discharged from the further consideration of the same.

Report adopted.

The Committee on Retrenchment, Jesse J. Robinson, Chairman, to whom was referred a bill, to be entitled "An Act authorizing an additional compensation to be paid to certain officers of the Civil List," reported the same back to the House, and recommended its indefinite postponement.

Report received, and bill laid on the table, to come up among the orders of the day.

The Committee on Engrossed Bills, made the following report.

The Committee on Engrossed Bills, have examined a bill, to be entitled "An Act, to repeal the Tariff, and to declare the ports of Texas free;" also,

"An Act to amend the several laws regulating the Post-office Department," and find the same correctly engrossed.

(Signed,)

A. M. LEWIS,  
Chairman.

Report adopted.

On motion of Mr. Potter, the petition of N. Taylor was taken up, and referred to a select committee, composed of Messrs. Potter, Robinson of B., Crisp, Hewitt, and Fields.

Mr. Hunter, by leave, withdrew the papers of W. B. Goodman.

Mr. Crisp, by leave, withdrew the papers of George W. Wright.

Mr. Grimes, by leave, withdrew the papers of D. Shelby.

Mr. Williamson, by leave, introduced "A Bill, to be entitled 'An Act more effectually to protect the Frontier.'"

Read 1st time.

On motion of Mr. Lewis, "A Bill, authorizing John McMullen to order an election for county officers, for the county of Bexar," was taken up, and read 1st time.

On motion of Mr. Lewis, the rule was suspended, and bill read a 2d time.

Mr. Dennison moved, as an amendment, to strike out, in 5th line, "chief," and insert "associate."

Adopted.

On motion of Mr. Hewitt, the rule was further suspended, and bill read 3d time, and passed.

A message was received from the Senate, informing the House, of the passage of a Joint Resolution for the relief of Sam'l Hughes, E. H. Campbell, and Jamss Moore; also, the adoption of the following resolution, viz:

"Resolved, by the Senate, That, with the concurrence of the House of Representatives, the Standing Committee of both houses, on Military Affairs, will act in conjunction, on such propositions as may be submitted to either branch, for frontier protection.

Mr. Sparks moved to take up the motion to re-consider the adoption of the resolution of adjournment *sine die*, on the 2d January.

Lost.

Mr. Williamson moved to take up a bill, to be entitled "An Act more effectually to protect the Frontier."

Carried.

On motion of Mr. Warren, the rule was suspended, and bill read a 2d time, and referred to the Committee on Military Affairs.

The House then proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY

"A Bill, amendatory to 'An Act concerning Executions,'" with amendments from the Senate, was taken up; and 1st amendment, viz:

Amend the caption so as to read—"An Act to amend an act, entitled 'An Act to reduce into one, and amend the several acts concerning Executions,' approved January 27th, 1842," adopted.

Also, in the ninth line, strike out the word "next," and insert "1842."

The ayes and noes being called for, on the adoption of the 2d amendment, stood as follows:

Ayes—Messrs. Speaker, Bower, Dennison, Dial, Grimes, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Holmes, Hun-

ter, Braches, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Ward and Williamson—26.

Noes—Messrs. Cazneau, Crisp, Fields, Lewis, Matthews, Milby, Warren and Whyte—8.

Adopted.

“Joint Resolution, for the relief of Jacob Tator,” was taken up, with amendments of the Senate; and, on motion, the Clerk was instructed to transmit the same back to the Senate, for the engrossment of the amendments.

A bill, to be entitled “An Act to repeal the Tariff, and to declare the Ports of Texas free,” was taken up, and read 3d time.

The question, on the passage of the bill, was supported by Messrs. Darnell, Hewitt, Scurry, Sparks and Lewis; and opposed by Messrs. Hill and Warren.

A message was received from the Senate, informing the House, that the Senate had adopted the amendment of the House, to “A Bill, authorizing John McMullen to order an election for county officers, for the county of Bexar.”

A message was received from His Excellency the President, by his Private Secretary.

On motion of Mr. Warren, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

“A Bill, to be entitled an act, to repeal the Tariff, and declare the ports of Texas Free,” being still up, the question on its passage was supported by Mr. Portis, and opposed by Mr. Potter.

Mr. Warren, moved to lay the bill on the table until tomorrow morning, at 11 o'clock.

Lost.

On motion of Mr. Williamson, the bill was laid upon the table for the space of fifteen minutes.

A message was received from the Senate, informing the House, of the passage of “A Bill, for the relief of Jacob Tator,” with an amendment.

On motion of Mr. Williamson, the resolution received from

the Senate requesting the Military Committee of the House, to act in conjunction with a similar Committee on the part of the Senate, on such propositions as may be submitted to either branch, for frontier protection," was taken up; and

On motion of Mr. Parker, read 3d time, and adopted.

"A Bill, to be entitled an act, to repeal the Tariff, and declare the ports of Texas free," was again taken up.

Mr. Portis, moved the previous question.

The motion, shall the main question be now taken, was put and lost.

On motion of Mr. Potter, the bill was laid upon the table until to-morrow morning at 11 o'clock.

Mr. Portis, moved the re-consideration of the vote taken on the indefinite postponement of a bill for the relief of J. Pinckney Henderson.

Carried.

On motion of Mr. Darnell, the Clerk was instructed to procure the bill from the Senate.

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

THURSDAY, Dec. 29th, 10 A. M.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names.

Messrs. Speaker, Bower, Cazneau, Crisp, Dial, Fields, Grimes, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Hunter, Braches, Lewis, Matthews, Milby, Parker, Portis, Robinson of S., Scurry, Sparks, Walling, Warren, Whyte, and Williamson.

A quorum present, the journal of the preceding day was read and adopted.

Mr. Grimes presented the petitions of Francis E. Franks and Hetty Dickson, which were referred to the Committee on the State of the Republic.

Mr. Williamson presented the petition of Jalitha Ann Santes, which was, also, referred to the Committee on the State of the Republic.



The Committee on Engrossed Bills, made the following report :

The Committee on Engrossed Bills, have examined "An Act making appropriations for the support of the Government for the year 1843;" also, a "Joint Resolution for the relief of Elizabeth Washburn, Armstead Bennet, and others, and find the same correctly engrossed.

[Signed]

A. M. LEWIS,  
Chairman.

Report adopted.

The Select Committee, M. W. Matthews, Chairman, to whom was referred "A Joint Resolution for the relief of Captain William Becknell's company of Minute Men," reported the same back to the House, with a substitute, and recommended its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

Mr. Whyte, by leave, introduced "A Bill to provide for the collection of State and County Taxes on lands, in each county in this Republic."

Read 1st time.

Mr. Lewis, by leave, introduced a bill, to be entitled "An Act to repeal, in part, an act entitled 'An Act regulating the granting and trial of Injunctions; and to empower the Judges of the District Courts to submit issues of facts to a jury, in Chancery Cases.'"

Read 1st time.

On motion of Mr. Parker, the House then proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

On motion of Mr. Parker, the message received from His Excellency the President on yesterday, was taken up and read as follows:

EXECUTIVE DEPARTMENT,  
Washington, Dec. 27, 1842. }

*To the Honorable, the Senate,  
and House of Representatives.*

The Executive herewith transmits to the Honorable Congress, an estimate of the amount required to equip and main-

tain one company of cavalry upon the frontier for one year. It embraces the items deemed indispensable in a well regulated service, and certainly does not overstate the sum which would be required. By reference to similar service in this country heretofore, the accuracy of the estimate will be established; and it will be seen that the sum of \$51,465,92 would be all absorbed. It would also be fair to calculate upon the general estimate, where the service is no better regulated than ours, an additional amount of fifty per cent, to cover contingencies.

Unlike the service of all other countries, we have no Commissariat department; and custom has dispensed with all responsibility in officers of the line, as well as all accountability in officers who have had the disbursement of the public funds. Disobedience on the part of subalterns, and the most flagrant violations of duty, have heretofore received the approbation of Congress. From the nature of our service, it is often impossible to assemble Courts martial for the trial of offenders; and hence it is that delinquents go unpunished, and subordination and discipline come to be totally disregarded. No matter how great the outrage against the rules and laws established for the government of the army—no matter how mutinous and insubordinate and insulting to his immediate commanding officer, the Congress, or Executive, an officer may be; according to the doctrine heretofore proclaimed, he is not to be stricken from the rolls, but, in contempt of all order, and in the face of the soldiery whom he has disgraced, he is to triumph in his defiance. Unless, therefore, power to bestow adequate and certain punishment is acknowledged to exist somewhere, no good can be expected to result to the country from our military expenditures, and the idea of national protection, under such circumstances, becomes supremely ridiculous.

It will be perceived, from the accompanying estimate, that the amount of twenty thousand dollars in exchequer bills, appropriated by last Congress; was totally inadequate to the creation of a force for the protection of the South Western frontier. The Executive deems it useless to attempt an impossibility; and he had no inclination to squander the amount placed at his disposition. Hence it is that a portion of that appropriation has remained subject to the action of the honorable Congress, transferring it to other purposes. Such portions as have been used, were devoted to giving every feasible facility to the attainment of the object intended. No regularly constituted companies were maintained; because that would have been impracticable, but in various other ways, aid, encouragement and support

were extended, resulting either directly or indirectly in promoting the safety of the frontiers. Such portions as may not be required to meet obligations thus incurred, will be held subject to the future action of the honorable Congress.

SAM. HOUSTON.

On motion of Mr. Portis, the above communication, and accompanying documents, were referred to the Committee on Military Affairs.

Mr. Sparks moved to take up the motion to re-consider the vote adopting the resolution to adjourn, *sine die*, on January 2d, 1843.

Mr. Portis moved the previous question.

The motion—shall the main question be now put? was put, and carried.

The main question of the resolution was taken up.

The ayes and noes being called for, on the question, stood as follows:

Ayes—Messrs. Speaker, Bower, Grimes, Hanover, Hewitt, Hill, Holmes, Hunter, Matthews, Parker, Pennall, Robinson of S., Scurry, Sparks, and Walling—15.

Noes—Messrs. Cazneau, Crisp, Dennison, Dial, Fields, Halbert, Haynes, Hodge, Braches, Lewis, Portis, Robinson of B., Sherman, Ward, Warren, Whyte and Williamson—17.

Lost.

On motion of Mr. Grimes, the bill making appropriations for the support of the Government, for the year 1843, was taken up, read 3d time, and passed.

On motion of Mr. Grimes, the Clerk was instructed to transmit the bill to the Senate, forthwith.

On motion of Mr. Hunter, a bill to amend the law regulating the Post-office Department was taken up, read 3d time, and passed.

On motion of Mr. Hunter, the Clerk was instructed to transmit the bill to the Senate, forthwith.

On motion of Mr. Dennison, a bill, to be entitled "An Act to amend 'An Act regulating sales by judgment or decree of a Probate Court, or Court of Chancery,' approved February 4th, 1841," was taken up; and, on motion, referred to a select committee, composed of Messrs. Scurry, Whyte, Hodge, Holmes, and Lewis.

On motion of Mr. Hewitt, a bill, to be entitled "An Act to extend to the Chief Justice, and Associate Justices, the authority to issue Certificates of Head-rights to Emigrants," was ta-

ken up, and substitute of the Committee on Public Lands adopted.

On motion of Mr. Lewis, the bill was re-committed to the Committee on Public Lands.

On motion of Mr. Portis, a bill to be entitled "An Act to organize the County of Burnett, for judicial purposes," was taken up.

Mr. Portis moved the re-committal of the bill, to the Committee on the Judiciary.

Carried.

"A Bill, to be entitled 'An Act to repeal the Tariff, and to declare the Ports of Texas free,' being the special order of the day, was now taken up.

On motion of Mr. Williamson, the bill was laid upon the table.

On motion of Mr. Crisp, a bill, to be entitled "An Act to exempt certain articles, therein named, from impost duties," was taken up, and read 1st time.

On motion of Mr. Darnell, a bill, amendatory to "An Act, supplementary to 'An Act to raise a Revenue by Impost Duties,' approved February 5th, 1842," was taken up, and read a 2d time; and,

On motion of Mr. Williamson, laid upon the table.

On motion of Mr. Crisp, "A Joint Resolution for the relief of J. Pinckney Henderson," was taken up on its 2d reading.

Mr. Dennison moved to amend the 1st section, as follows, to wit:

Strike out after "dollars," and add "in five equal sums, to become due annually."

Lost.

Mr. Hill offered an amendment as an additional section, to wit:

"Be it further Resolved, That the sum of \$10,000 be, and the same is hereby appropriated—to be paid in the same manner as the above, for back-pay, for transporting the mail for the years 1841 and 1842."

Mr. Hill moved to lay the bill on the table.

Lost.

The ayes and noes were then called for, on the adoption of the amendment made by Mr. Hill, and stood as follows:

Ayes—Messrs. Bower, Cazneau, Haynes, Hill, Holmes, Hunter and Scurry—7.

Noes—Messrs. Speaker, Crisp, Dennison, Dial, Fields, Grimes, Hagler, Halbert, Hanover, Hewitt, Hodge, Braches,

Lewis, Matthews, Parker, Pennall, Portis, Robinson of B., Robinson of S., Sherman, Sparks, Walling, Ward, Warren, Whyte and Williamson—26.

Lost.

The ayes and noes being called for, on passing the bill to its 3d reading, stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Fields, Hagler, Hanover, Hewitt, Hodge, Braches, Lewis, Matthews, Parker, Pennall, Portis, Robinson of B., Robinson of S., Sherman, Walling, Whyte and Williamson—20.

Noes—Messrs. Bower, Cazneau, Dennison, Grimes, Halbert, Haynes, Hill, Holmes, Hunter, Scurry, Sparks, Ward and Warren—13.

Carried.

“A Joint Resolution for the relief Jacob Tator,” was taken up, with the following amendment, from the Senate, as an additional section, to wit:

SEC. 2. *Be it further Resolved*, That the Secretary of War be, and he is, hereby, required to issue to Jas. J. Wier, a warrant for three hundred and twenty acres of land, for three months services rendered as a private, under James Bowie, in the Republic of Texas.

Adopted.

“A Joint Resolution for the relief of Elizabeth Washburn, Armsted Bennet, and others.”

Read 3d time.

The ayes and noes being called for, on its passage, stood as follows.

Ayes—Messrs. Crisp, Dial, Fields, Grimes, Halbert, Hanover, Haynes, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Parker, Portis, Robinson of B., Robinson of S., Scurry, Sherman, Walling, Ward, Whyte and Williamson—23.

Noes—Messrs. Bower, Cazneau, Hagler, Hewitt, Sparks and Warren—6.

Carried, and bill passed.

A bill, to be entitled “An Act to declare trespass, in certain cases, larceny,” was taken up on its 2d reading.

Mr. Dennison offered the following amendment, viz:

That the words “take or convey,” and the words “ent or take,” be stricken out, and the words “feloniously take and convey away,” be inserted in their stead.

On motion of Mr. Williamson, the bill was laid upon the table.

“A Bill, to amend ‘An Act regulating Elections,’” was taken

up; and a substitute of the Committee on Privileges and Elections adopted.

Mr. Portis offered an additional section, viz:

*Be it further enacted*, That if any person shall alter any vote, or change any poll of an election, he shall be deemed guilty of forgery; and, on conviction thereof, shall suffer all the pains and penalties attached to said offence.

Adopted.

Also, the following amendment:

Insert, in 3d section, "to compare the polls, except in case of contest; in which case, no ticket shall be compared, except the ticket proven to be illegal."

Mr. Crisp moved to lay the bill on the table.

Lost.

On motion of Mr. Williamson, the bill was referred to a select committee, composed of Messrs. Grimes, Dial and Hunter.

"A Joint Resolution for the honorable discharge, from the army, of E. J. Felder," was read 2d time; and,

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

A bill, to amend "An Act, regulating proceedings in Justices' Courts," was taken up on its 2d reading; and,

On motion of Mr. Robinson, of S., was ordered to be engrossed.

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

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FRIDAY, Dec. 30th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members were present and answered to their names:

Messrs. Speaker, Cazneau, Dial, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Milby, Parker, Pennall, Portis, Robinson of S., Scurry, Sparks, Walling, Ward and Warren.

A quorum being present—the Journal of the preceding day were read and adopted.

Mr. Scurry presented the petition of G. K. Teulon, which was referred to the Committee on Foreign Relations.

The Committee on the Judiciary, Jesse J. Robinson, one of the Committee, to whom was referred a joint resolution appor-tioning the representation between Nacogdoches and Burnet counties, reported the same back to the House with a "substi-tute," and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Finance Committee, G. W. Hill, Chairman, to whom was referred the petition of E. Kauffman, &c., reported the same back to the House, without any action thereon, and asked to be discharged from any further consideration thereon.

Report adopted.

The Committee on Public Lands, M. W. Matthews, Chair-man, to whom was re-committed "A Bill, to be entitled an act, to extend to the Chief and Associate Justices, the authority to issue certificates of headrights to emigrants," report the same back to the House with amendments, and recommend its passage.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

The Committee on Engrossed Bills, made the following re-port:

The Committee on Engrossed Bills, have examined "A Bill, to be entitled an act, regulating proceedings in Justices Courts," and find the same correctly engrossed-

(Signed,)

A. M. LEWIS,  
Chairman.

Report adopted.

The Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills, have examined "An Act, to amend an act, entitled an act, to reduce into one, and amend the several acts, concerning executions," approved January 27th, 1842; also, "A Joint Resolution for the relief of Samuel Hughes, E. H. Campbell, and James Moore;" also,

"A Joint Resolution, for the relief of Jacob Tator," and find the same correctly enrolled. The same having been signed by

the Speaker of the House of Representatives, and the President of the Senate, was presented to His Excellency the President for his approval on the 29th inst.

(Signed)

I. PARKER,  
Chairman.

Report adopted.

The Select Committee, A. M. Lewis, one of the Committee, to whom was referred "A Bill to amend an act, entitled an act, regulating sales by Judgment, or decree of Probate Court or Court of Chancery, approved February 4th 1842," reported the same back to the House with an amendment, and recommended its passage.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

Mr. Haynes, by leave, introduced "A Joint Resolution, for the relief of C. Monod." Read 1st time.

Mr. Portis moved a suspension of the rule. Lost.

The House then proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY

"A Bill, to be entitled "An Act, supplementary to an act, to adopt the Common Law of England, to repeal certain Mexican laws, and to regulate the marital rights of persons."

Read 2d time, and referred to the Committee on the Judiciary.

"A Bill, to amend an act, regulating the coasting trade, and enrollment of vessels, passed, 4th January 1841, and to regulate and proportion tonnage duties and collectors fees."

Read 2d time; and

On motion of Mr Warren the bill was laid upon the table.

A message was received from the Senate, transmitting a communication from His Excellency the President, with accompanying documents.

"A Bill, to amend an act, for the election of Sheriffs, Coroners, and Constables, was taken up on its 2d reading; and

On motion of Mr. Williamson was laid upon the table.

"A Bill, supplementary to an act, to raise a revenue by direct taxation," with amendments from the Committee on Finance, taken up.

Mr. Robinson of B., offered the following amendment, to the amendment of the Committee on Finance, viz: "provided the minimum value be not less than \$1,00 per acre."



Mr. Fields, moved the recommittal of the bill to the Committee on Finance.

Lost.

Mr. Portis, called for the previous question.

The motion, shall the main question now be taken, was put and carried.

The main question being the Engrossment of the bill, was carried and the bill ordered to be engrossed.

"A Bill to provide for the payment of assessors of taxes," was taken up on its 2d reading, and amendment of the Committee on Finance adopted.

The rule suspended, and the bill read 3d time and passed.

"A Joint Resolution, for the relief of Wm. B. Williamson, was taken up on its 2d reading.

The ayes and noes were called for on its Engrossment and stood thus:

Ayes—Messrs. Matthews, Milby, Pennall, Scurry and Williamson—5.

Noes—Messrs. Speaker, Bower, Crisp, Dennison, Dial, Fields, Grimes, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Parker, Portis, Potter Robinson of S., Sherman, Sparks, Walling, Ward and Warren—26.

Lost.

On motion of Mr. Robinson of B., the message of His Excellency the President, received from the Senate, was taken up and read; and

On motion referred to the Committee on Foreign Relations.

On motion of Mr. Matthews, "A Bill, to incorporate the German Emigration Company," was taken up on its 2d reading, with a substitute from the Committee on the State of the Republic,"

Mr. Dennison, offered the following amendment to the substitute."

"Sec. 6. Be it further enacted, That this act may be repealed after five years, from the date of its passage.

Mr. Dennison, then moved to refer the bill to a Select Committee.

On motion of Mr. Williamson, the bill was re-committed to the Committee on the State of the Republic.

Mr. Lewis, moved to take up "A Bill, to abolish the tariff on certain articles therein named."

Lost.

Mr. Crisp, moved to take up the motion to reconsider the

vote on the indefinite postponement of "A Bill, to amend an act, granting land to emigrants."

Lost.

On motion of Mr. Matthews, "A Joint Resolution, for the relief of J Pinckney Henderson," was taken up, and

Read 3d time.

Mr. Darnell, moved a suspension of the rule, for the purpose of introducing an amendment to the bill.

Lost.

The ayes and noes on the passage of the bill were called for and stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Fields, Hagler, Hanover, Hodge, Braches, Lewis, Matthews, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Walling Whyte and Williamson—19.

Noes—Messrs. Bower, Cazneau, Dennison, Grimes, Halbert, Hill, Holmes, Hunter, Scurry, Sparks and Warren—11.

Carried, and bill passed.

On motion of Mr. Robinson of B., the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

"A Bill, to be entitled an act, supplementary to an act, for issuing patents to legal claimants," was taken up.

Read 2d time, and ordered to be Engrossed.

"A Bill, to be entitled an act, authorising an additional compensation to be paid to certain officers of the Civil List, was taken up on its 2d reading.

On motion of Mr. Robinson of B., the preamble was stricken out.

Mr. Portis, moved the indefinite postponement of the bill.

The ayes and noes being called for on the motion, stood as follows:

Ayes—Messrs. Crisp, Grimes, Halbert, Haynes, Holmes, Lewis, Portis, Robinson of S., Scurry, Walling and Whyte—11.

Noes—Messrs. Speaker, Bower, Dial, Hewitt, Hill, Hodge, Braches, Matthews, Milby, Parker, Pennall, Potter, Robinson of B., Sparks, Ward and Warren—16.

Lost.

Mr. Robinson of B., moved the Engrossment of the bill.

Mr. Lewis moved a call of the House.

Carried; and

The Sergeant-at-Arms was dispatched for absent members.

Mr. Crisp, moved a suspension of a further call of the House.

Carried.

On motion of Mr. Robinson of B., the 1st section of the bill was stricken out.

The ayes and noes being then called for, on the Engrossment of the bill, stood as follows:

Ayes—Messrs. Speaker, Bower, Hanover, Haynes, Hill, Matthews, Milby, Pennall, Robinson of B., Sparks and Ward—11.

Noes—Messrs. Crisp, Dial, Grimes, Halbert, Hewitt, Hodge, Holmes, Hunter, Braches, Lewis, Parker, Portis, Potter, Robinson of S., Scurry, Walling Warren and Whyte—18.

Lost.

“A Joint Resolution, for the relief of Neighbors and Rivers,” was taken up on its 2d reading, and the substitute of the Committee on Post-offices and Post-roads.

Adopted.

The ayes and noes being called for, on the Engrossment of the resolution stood as follows.

Ayes—Messrs. Speaker, Bower, Crisp, Dial, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Matthews, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Sherman, Sparks Walling, Ward, Whyte and Williamson—28.

Noes—Messrs. Cazneau, Dennison, Hewitt, Holmes, Lewis, Scurry and Warren—7.

Carried, and resolution ordered to be Engrossed.

Mr. Crisp, moved to take up the motion to re-consider the vote on the indefinite postponement of “A Bill, to amend an act, granting land to Emigrants.”

Lost.

Mr. Potter, moved to take up the motion to re-consider the vote adopting a resolution to adjourn sine die, on the 2nd of January.

Carried.

The ayes and noes being called for, on re-considering the the vote adopting the resolution, stood as follows:

Ayes—Messrs. Speaker, Bower, Cazneau, Crisp, Dennison, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Parker, Pennall,

Portis, Potter, Robinson of B., Robinson of S., Sherman, Sparks, Walling, Ward, Whyte and Williamson—30.

Noes—Messrs. Dial, Hewitt, Milby, Scurry and Warren—5.  
Carried.

Mr. Crisp, moved to lay the resolution on the table.

Lost,

On motion of Mr. Williamson, the 2d of January was stricken out, and 20th inserted.

On motion of Mr. Sparks, Monday was stricken out.

The ayes and noes being called for, on the adoption of the resolution as amended stood as follows:

Ayes—Messrs. Crisp, Dennison, Fields, Hagler, Hanover, Haynes, Hodge, Braches, Lewis, Matthews, Milby, Robinson of S., Sherman, and Williamson—14.

Noes—Messrs. Speaker, Cazneau, Dial, Grimes, Halbert, Hill, Hewitt, Holmes, Hunter, Parker, Pennall, Portis, Potter, Robinson of B., Scurry Sparks, Walling, Ward, Warren and Whyte—20.

Lost.

Mr. Lewis, moved to take up "a bill to abolish the Tariff on certain articles therein named.

Lost.

The Joint Committee on Military Affairs, made the following report:

The Joint Committee on Military Affairs, to whom was referred "A Resolution for the relief of Dr. Edmund J. Felder," have had the same under consideration, and report a substitute for the same, and recommend its passage; also,

"A Bill, to be entitled an act, more effectually to protect the frontier," report the same back with amendments and recommend its passage.

(Signed)

S. SHERMAN,  
Chairman, on the part of the House.

K. H. MUSE,  
Chairman, on the part of the Senate.

Which report was received, and bill laid on the table to come up among the orders of the day.

"A Bill, to be entitled an act, supplementary to an act, to raise a revenue by direct taxation, was taken up on its 2d reading.

Mr. Walling moved to lay the bill on the table.

The ayes and noes called for on the motion, stood as follows.

Ayes—Messrs. Cazneau, Dennison, Fields, Grimes, Hanover, Haynes, Hill, Holmes, Braches, Lewis, Pennall, Potter,

Robinson of B., Robinson of S., Scurry, Sherman, Walling and Warren—18.

Noes—Messrs. Speaker, Crisp, Dial, Halbert, Hewitt, Hodge, Hunter, Matthews, Milby, Parker, Portis, Sparks, Ward, Whyte and Williamson—15.

Carried, and bill laid on the table.

On motion of Mr. Hunter, the Clerk was instructed to deliver to S. L. Jones, the papers relating to the Steam-boats Neptune and New York.

“A Bill, to authorize the taking of Replevy Bonds in certain cases,” was taken up, on its 2d reading; and

On motion, was indefinitely postponed.

“A Bill, to be entitled an act, to amend the Probate Law,” was taken up on its 2d reading.

Mr. Hill, moved to strike out the 4th section.”

Lost.

On motion of Mr. Sherman, the “5th section” was stricken out.

Mr. Hanover, offered the following amendment, as an additional section:

“*Be it further enacted*, That appraisers, and commissioners of partition, for each day they may serve as such, shall be entitled to receive two dollars per day, and no more, any law to the contrary notwithstanding.

Adopted.

Mr. Williamson moved to lay the bill on the table.

Lost.

Mr. Dennison, offered the following amendment as an additional section:

“*Be it further enacted*, That any testator, by his last will may so provide that no other action than the Probate and registration of the will, in any county he may designate shall be had in the probate Courts.”

Adopted.

Mr. Hunter, offered the following amendment, as an additional section:

“*Be it further enacted*, That it shall be the duty of the Probate Judge, to grant letters of administration, on a verbal application, without the necessity of a written petition.”

Rejected.

Mr. Dennison moved the bill, with the amendments, be remitted to the Judiciary Committee.

Lost.

On motion, the bill was ordered to be engrossed.

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

SATURDAY, Dec. 31st, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Crisp, Dennison, Dial, Grimes, Halbert, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward and Williamson.

A quorum present—the Journal of the preceding day was read and adopted.

Mr. Potter, by leave, presented the petition of sundry citizens of Galveston, accompanied by a bill, to be entitled "An Act to amend the several acts organizing Justices' Courts, and defining the powers and jurisdiction of Commissioners of Roads and Revenues, so far as relates to the county of Galveston.

Which bill was read 1st time.

On motion of Mr. Potter, the rule was suspended, and bill read 2d time, and referred to the Committee on the Judiciary.

The Committee on the Judiciary, A. M. Lewis, one of the Committee, to whom was referred a bill to be entitled "An Act the more effectually to quiet and protect the possession of personal property, and to prevent the taking possession thereof by fraud, or violence," reported the same back to the House, with a substitute, and recommended its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on the State of the Republic, Jesse Grimes, Chairman, to whom was referred "A Bill, to incorporate the German Emigrating Company," reported the same back to the House, with amendments, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills, have examined "An Act,

amendatory to an act, entitled 'An Act to raise a revenue by direct taxation,' approved 5th January, 1842;" also,

"An Act, supplementary to 'An Act, supplementary to 'An Act, supplementary to 'An Act to detect fraudulent land certificates, and to provide for the issuing patents to legal claimants;" also,

"A Joint Resolution, for the relief of Messrs. Neighbors and Rivers, and find the same correctly engrossed.

[Signed]

A. M. LEWIS,  
Chairman.

Adopted.

The Select Committee, Jesse Grimes, Chairman, to whom was referred "A Bill, and amendments, to amend 'An Act regulating Elections,'" made the following report, to wit:

WASHINGTON, Dec. 29, 1842.

The Special Committee, to whom was referred "A Bill, and amendments, to amend 'An Act regulating Elections,'" &c., have had the subject under consideration.

They are of opinion that the law is imperfect, but that the bill before them is exceptionable. Numbering the tickets to correspond with the number on the clerk's list, is of doubtful propriety; and your Committee cannot recommend the passage of a bill that would throw in the way of managers of elections, such temptations to evade their oaths, and tend to expose what some electors might wish to be kept secret.

The 4th section provides for remunerating the returning officer of election precincts. This, the Committee think, is proper, if no person can be obtained to carry up the returns without pay.

The 5th section prohibits any person from voting by proxy. This, your Committee believe, is prohibited by the Constitution and laws in existence.

One of the amendments (additional section) provides for the punishment of any person convicted of altering, or defacing, any vote or election return. This is an amendment necessary, if any alteration should be made to the existing law; but your Committee have viewed, with regret, a disposition to too frequently change the existing laws, when such alteration does not amount to an amendment. The law regulating elections was passed in 1837—has been in operation for five years. If it is objectionable, in some of its provisions, it has become known and familiar to the citizens; and your Committee, holding the principle, that a bad law, well understood, is preferable to even a better one, that is less understood by the people;

they, therefore, believe it unnecessary to change it at this time.

With these views, your Committee ask leave to return the bill, and amendments, to the House, and recommend that no further action be had on the subject.

(signed)

JESSE GRIMES.  
Chairman Select Committee.

Which report was received, and bill laid upon the table to come up among the orders of the day.

Mr. Potter presented the memorial of Sundry citizens of Galveston, which was referred to the Committee on Military Affairs.

The Committee on the Judiciary, James Dennison one of the Committee, to whom was referred a bill, to be entitled "An Act regulating Tolls," reported the same back to the House, with a substitute, and recommended its adoption.

Which report was received, and bill laid upon the table to come up among the orders of the day.

Mr. Hanover, by leave, introduced "A Bill, to provide for organizing the militia of the counties of Robertson and Brazos."

Read 1st time.

Mr. Ward, by leave, introduced a bill, to be entitled "An Act to better define the county lines of Bowie and Lamar."

Read 1st time.

On motion of Mr. Crisp, the rule was suspended, bill read 2d time, and referred to a select committee, composed of Mr. Robinson of B., Matthews, Crisp, Ward and Milby.

Mr. Hill offered the following resolution, viz:

"Resolved, That no new business shall be introduced into the House of Representatives, during the present session of Congress, after the 5th day of January next."

Read, and laid upon the table for one day.

Mr. Whyte, by leave, introduced a bill, to be entitled "An Act confirming the location of the Seat of Justice in Harrison County, at the town of Marshal."

Read 1st time; rule suspended, and bill read a 2d time: rule further suspended, bill read a 3d time, and passed.

On motion of Mr. Potter, the House then proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY.

A bill, to be entitled "An Act, amendatory to an act, entitled



An Act to raise a revenue by Direct Taxation." approved February 5th, 1842," was taken up, read a 3d time, and passed.

"A Joint Resolution, for the relief of Messrs. Neighbors and Rivers," was taken up, read a 3d time, and passed.

A message was received from the Senate, informing the House, of the passage of a bill, to be entitled "An Act to authorize the Court of Probate, of any county, to open the succession of Jno. R. Cunningham, deceased."

On motion of Mr. Potter, a bill, to amend "An Act regulating the election of Sheriffs, Coroners, and Constables," was taken up on its 2d reading.

Mr. Portis offered the following amendment, viz:

"Be it further enacted, That, hereafter, constables shall be, and they are hereby, authorized to execute process throughout the county in which they may be elected."

Rejected.

Mr. Potter offered the following amendment, viz:

Insert, after "finish," in 1st section, 5th line, as "deputy Sheriffs," &c.

Rejected.

The ayes and noes being called for, on the engrossment of the bill, stood as follows, viz:

Ayes—Messrs. Halbert, Haynes, Hunter, Matthews, Potter and Scurry—6.

Noes—Messrs. Speaker, Cazneau, Crisp, Dennison, Dial, Fields, Grimes, Hagler, Hanover, Hewitt, Hill, Hodge, Holmes, Braches, Lewis, Parker, Pennall, Portis, Robinson of B., Robinson of S., Sherman, Sparks, Walling, Ward, Warren, Whyte and Williamson—27..

Lost.

On motion of Mr. Sherman, a bill, to be entitled "An Act more effectually to protect the frontier," was taken up, and read 1st time.

On motion of Mr. Cazneau, the rule was suspended, and bill read 2d time.

On motion of Mr. Dennison, the House resolved itself into a Committee of the whole, upon said bill; and Mr. Robinson, of B., was called to the Chair.

After some time spent therein, the Committee arose, reported progress, and asked leave to sit again.

Report adopted.

On motion of Mr. Potter, Mr. Caldwell, of Bastrop, presented his credentials, took the oath and his seat.

On motion of Mr. Lewis, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—and a quorum present.

The House proceeded to business.

On motion of Mr. Williamson, a bill, to be entitled, "An Act to authorize the Court of Probate, of any county, to open the succession of Jno. R. Cunningham, deceased," was taken up, and read 1st time,

On motion of Mr. Williamson, the rule was suspended, bill read 2nd time. Rule further suspended, bill read 3d time, and passed.

Mr. Potter moved the re-consideration of the vote given on the passage of "A Joint Resolution for the relief of J. Pinkney Henderson."

Mr. Dennison moved to lay the motion on the table.

Lost.

Mr. Matthews moved a call of the House.

Lost.

The ayes and noes being called for, on the motion to reconsider the vote on the passage of the bill, stood as follows:

Ayes—Messrs. Cazneau, Dennison, Dial, Halbert, Haynes, Hill, Holmes, Milby, Potter, Scurry, Sparks, Ward and Warren—13.

Noes—Messrs. Speaker, Caldwell, Crisp, Fields, Grimes, Hagler, Hanover, Hodge, Braches, Lewis, Matthews, Parker, Pennall, Portis, Robinson of B., Robinson of S., Sparks, Walling and Williamson—19.

Lost.

Mr. Crisp moved a reconsideration of the vote, refusing to engross the bill, allowing additional compensation to certain officers of the civil list.

On motion of Mr. Robinson, of B., the motion to re-consider was laid upon the table.

On motion of Mr. Parker, the bill for frontier protection was taken up.

On motion of Mr. Parker, the House resolved itself into Committee of the whole, upon the same.

Mr. Parker was called to the Chair.

After some time spent therein, the Committee arose, reported progress, and asked leave to sit again, at 11 o'clock on Monday morning.

Mr. Hill moved to lay the report on the table.

Lost, and report adopted.

On motion of Mr. Matthews, the House adjourned until Monday morning at 10 o'clock.

MONDAY Jan. 2d, 1843, 10, A. M.

The House met pursuant to adjournment. The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Crisp, Dial, Fields, Grimes, Halbert, Haynes, Hewitt, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Milby, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Walling, Warren, Ward, Whyte and Williamson.

A quorum present, the journal of Saturday was read and adopted.

The Committee on the State of the Republic, John Dial, one of the committee, to whom was referred "A Bill to establish a Sabbath throughout the Republic," reported the same back to the House, with a substitute, and recommended its adoption.

Report received, and bill laid on the table, to come up among the orders of the day.

Mr. Crisp, by leave, introduced "A Joint Resolution for opening the papers of the clerk's office of Miller county, Arkansas, now Red River county, Texas."

Read 1st time.

On motion of Mr. Robinson, of B., the rule was suspended, bill read 2d time, and referred to the Committee on the Judiciary.

The Committee on the State of the Republic, Jesse Grimes, Chairman, to whom was referred sundry petitions, praying for divorces, reported the same back to the House, with a bill for their relief, and recommended its passage.

Which report was received, and bill read 1st time.  
The Joint Committee of both Houses, on Public Printing, made the following report, viz :

*To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.*

SIR :—The Joint Committee of both Houses, on Public Printing, to whom was submitted an account for printing for the House, have had the same under consideration ; and from the best information they can obtain, from practical printers, your Committee are of opinion that the following rates are a fair compensation for printing charged for, viz .

<i>Bill charged by Printer.</i>	<i>Amt. allowed by Committee.</i>
Ayes and Noes, bound, \$ 45 00	\$ 24 00
1,000 copies President's Message, - - - 100 00	67 50
50 copies Rules of the H. of R., - - - 72 00	40 00
100 copies of Report of Sec'y of War and Marine, - - - 50 00	32 00
300 copies of Opinion of Attorney General, on Cherokee busi- ness, - - - 70 00	44 00
	<hr/>
\$337 00	\$297 50

Which report was adopted.

On motion of Mr. Potter, "A Bill, divorcing certain persons," was taken up.

On motion of Mr. Potter, the rule was suspended, and bill read a 2d time.

Mr. Potter moved the indefinite postponement of the bill.

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

Ayes—Messrs. Bower, Caldwell, Crisp, Hagler, Hanover, Haynes, Hill, Hodge, Holmes, Hunter, Portis, Potter, Robinson of B., Robinson of S., and Ward—15.

Noes—Messrs. Speaker, Cazneau, Dial, Fields, Grimes, Halbert, Hewitt, Braches, Lewis, Matthews, Milby, Parker, Pennall, Sherman, Sparks, Walling, Warren, Whyte and Williamson—19. Lost.

A message was received from the Senate, transmitting a message from His Excellency the President, with accompanying documents.

On motion of Mr. Robinson, of S., the House then proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

On motion of Mr. Matthews, a bill to be entitled "An Act to incorporate the German Emigrating Company," was taken up on its 2d reading, with amendments from the Committee on the State of the Republic.

1st amendment, 5th section, last line: strike out "emigrant," and insert "head of a family."

Additional section.

*"Be it further enacted,* That this act shall be, and remain in force, for, and during, the term of five years, from and after its passage."

Adopted.

On motion of Mr. Matthews, the bill was laid upon the table.

On motion of Mr. Parker, a bill, to be entitled "An Act, creating the county of Burnet, for judicial purposes," was taken up, and substitute of the committee adopted, and bill ordered to be engrossed.

The Committee on Internal Improvements, J. Dennison, Chairman, to whom was referred "A Bill to authorize the County Courts to raise a revenue by license on public ferries," reported the same back to the House, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

On motion of Mr. Cazneau, a bill to be entitled, "An Act more effectually to protect the frontier," was taken up, with amendments from the Committee on Military Affairs., viz:

In section 1st, fill the blank with the word "two."

In section 3d, strike out "to the Collector;" and insert—"that he has served said tour."

Adopted; and bill ordered to be engrossed.

On motion of Mr. Portis, "A Bill for the protection of the Western and South-western Frontier, was taken up, still on its 2d reading.

On motion of Mr. Potter, the House resolved itself into Committee of the Whole, on the same, Mr. Warren in the Chair.

After some time spent therein, the Committee arose, reported the bill back to the House, with sundry amendments, and recommended their adoption, and the passage of the bill.

On motion of Mr. Hill, the report was laid on the table, and the amendments of the Committee, viz:

1st. Strike out, in 1st section, "October," and insert "January."

2d. Strike out, in 2d section; "9th," and insert "8th."

3d. Strike out, in 2d section, "War," and insert "State."

4th. Proviso to 4th section. *Provided*, however, that he shall be entitled to receive no compensation, unless a thousand, or more, troops shall be in active service."

5th. Strike out, in 6th section, all that relates to drafting men and insert "the first six companies shall be drafted from the third and fourth brigades; and shall serve for six months, from the time they reach their respective places of rendezvous; and that the second six companies shall be drafted from the second and first brigades;" and strike out all, after "brigade," relating to a "tax."

6th. Substitute, for 13th section, "*Be it further enacted*, That all spoil, not the property of citizens of this Republic, captured from the enemy, shall be divided, by the field officers, equally, amongst the captors, without regard to rank; and the property of citizens, on identification, shall be restored to the owners.

7th. Insert, before "Quarter-Master-General," in 14th section, "Quarter-Master, or," were adopted.

Mr. Robinson of B., offered the following amendment to 19th section, insert after "\$50,000," "and all the revenue arising from direct taxes for the fiscal year 1842."

Mr. Portis offered the following as a substitute for Mr. Robinson of B's. amendment, "and all the revenue arising from the direct taxes specially raised by law, for the protection of the frontier." Adopted as a substitute.

The ayes and noes were then called for, on the adoption of the same, as an amendment to the bill, and stood as follows.

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Hagler, Halbert, Haynes, Hunter, Braches, Lewis, Portis, Potter, Robinson of B. and Sherman—15.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hill, Hodge, Holmes, Matthews, Milby, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson—20.

Rejected.

Mr. Portis offered the following additional section:

*“Be it further enacted,* That it shall be, and is hereby made the duty of the President, to reserve, and keep from circulation, of the fifty thousand dollars of Exchequer bills, which, by the general appropriation bill, is the largest amount, which at any time may be put in circulation, the sum of ten thousand dollars, for military purposes, and to carry into effect the provisions of this bill.”

Adopted.

Mr. Parker, offered the following proviso to the 6th section as an amendment:

*“Provided,* That the Captains companies, of the 3d and 4th Brigades, which are situated on the immediate frontier, be, and are hereby exempt from the provisions of this section.”

On motion of Mr. Matthews, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

“Bill, for the protection of the frontier,” up before the House at the adjournment, with the amendments of Mr. Parker.

The ayes and noes were called for on the adoption of the above specified amendment and stood thus:

Ayes—Messrs. Speaker, Bower, Crisp, Dial, Hanover, Haynes, Hodge, Hunter, Lewis, Matthews, Parker, Pennall, Potter, Scurry, Sparks, Walling, Ward and Williamson—18.

Noes—Messrs. Caldwell, Cazneau, Fields, Grimes, Hagler, Holmes, Braches, Milby, Portis, Robinson of S., Sherman, Warren and Whyte—13.

Adopted.

Mr. Williamson, offered the following amendment to the 5th section:

*“Strike out all after “Major” and add “who shall be elected by the companies raised in virtue of the provisions of the 6th*

section of this act, at the place of rendezvous to be designated by the Major General."

Adopted, and bill ordered to be engrossed.

Mr. Portis, by leave, introduced "A Bill, to protect innocence, and prevent fraud."

Read 1st time.

On motion of Mr. Fields, "A Bill, for the relief of Capt. Becknell, and his company of rangers," was taken up, and substitute of the Committee on Military affairs, adopted

Mr. Matthews, offered the following amendment; insert "pro rata out of said appropriation."

Adopted.

Mr. Matthews, moved a suspension of the rule, to place the bill on its 3d-reading.

Lost.

The ayes and noes being called for, on the Engrossment of the bill stood thus.

Ayes—Messrs. Speaker, Bower, Caldwell, Crisp, Dennison, Dial, Fields, Hanover, Hodge, Hunter, Braches, Matthews, Parker, Pennall, Potter, Robinson of S., Sherman, Walling, Warren and Williamson—20.

Noes—Messrs. Cazneau, Grimes, Haynes, Holmes, Lewis, Portis, Scurry and Sparks—8. Carried.

Mr. Sherman, moved to take up "A bill, for the relief of David G. Burnet."

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

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TUESDAY, Jan. 3d, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Crisp, Dennison, Dial, Fields, Grimes, Halbert, Hanover, Haynes, Hodge, Holmes, Hunter, Braches, Matthews, Milby, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.



A quorum present—the Journal of the preceding day was read and adopted.

Mr. Fields, presented the petition of Eliza J. Thornbury, which was referred to a Select Committee, composed of Messrs. Fields, Hunter, Ward, Hill and Williamson.

The Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills, have examined "A Joint Resolution, for the relief of Capt. Wm. Becknell's company;"

Also, "A Bill, to be entitled an act, more effectually to protect the frontier," and find the same correctly engrossed.

(Signed)

JAMES DENNISON.

One of the Committee.

Adopted.

The Committee on the Judiciary, R. Scurry, Chairman, to whom was referred "An Act, to amend the several acts, organizing Justices Courts, and defining the powers and jurisdiction of commissioners of "road and revenues, so far as relates to the county of Galveston."

Reported the same back to the House, and recommended its indefinite postponement.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on Retrenchment, J. J. Robinson, Chairman, reported, "A Bill, to be entitled an act, to abolish certain offices therein named, and for other purposes."

Read 1st time.

Mr. Caldwell, offered the following resolution:

*Resolved, by the House of Representatives, That the President be requested to inform this body what steps he has taken for the removal of the archives during the sitting of the present Congress.*

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

The House then proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY

On motion of Mr. Robinson of B., the message received through the Senate on yesterday, from his Excellency the President was taken up and read; and

On motion of Mr. Grimes, was referred to the Committee on Foreign Relations.

On motion of Mr. Hill, "A Bill, to amend an act, regulating the coasting trade, and enrollment of vessels, passed, 4th January, 1841, and to regulate and proportion tonnage duty, and fees of collectors, was taken up with the amendments made by the Committee on Finance."

On motion of Mr. Williamson, the bill was laid upon the table for one hour.

On motion of Mr. Williamson, "A Bill, to be entitled an act, to repeal the Tarriff, and to declare the ports of Texas free," was taken up, on its 3d and final reading.

Mr. Potter, moved a call of the House.

Carried.

On motion of Mr. Portis, the call of the House was suspended.

Mr. Hanover, moved the previous question.

The motion, shall the main question be now put, was put and carried.

The ayes and noes being called for on the main question, which was the passage of the bill stood as follows.

Ayes—Messrs. Speaker, Caldwell, Cazneau, Crisp, Dennison, Dial, Haynes, Hewitt, Lewis, Parker, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, and Williamson—18.

Noes—Messrs. Bower, Fields, Grimes, Hagler, Halbert, Hanover, Hill, Hodge, Holmes, Hunter, Braches, Matthews, Milby, Potter, Sherman, Ward, Warren and Whyte—18. There being a tie, the passage of the bill was lost.

A message was received from the Senate, informing the House of the passage of "A Bill, to be entitled an act, making appropriations for the support of Government, for the year 1843," also,

"A Bill, to be entitled an act, to provide for the more certain collecting license taxes," and

"A Bill, locating the seat of Government at the town of Washington."

Mr. Parker, moved to take up "A Bill, granting 4 leagues of land to Trinity College."

Lost.

Mr. Sherman, moved to take up "A Joint Resolution, for the relief of David G. Burnet."

Lost.

The Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills, have examined "An Act,

confirming the location of the seat of Justice, of Harrison county, at the town of Marshall;" also,

"An Act, to amend the Probate Law," and find the same correctly engrossed.

(Signed,)

A. M. LEWIS,  
Chairman.

Report adopted.

On motion of Mr. Sparks, "A Bill, to be entitled an act, to exempt certain articles therein named, from Impost duties," was taken up and read 2d time.

Mr. Lewis, moved to strike out all after the enacting clause, and insert the following.

"*Be it enacted*, That there shall be levied and collected, an impost duty of ten per cent ad valorem, and no more."

Mr. Matthews moved the previous question.

Lost.

Mr. Dennison, offered an amendment to the substitute of Mr. Lewis, as follows:

"*Provided*, That original holders of goods, in original packages, heretofore imported, shall be entitled to have returned to them the excess of duties over ten per centum ad valorem, paid on said goods, which excess shall be refunded by the collector of customs in the district where such goods were imported."

Mr. Dennison, moved to refer the bill and amendments to the Committee on Finance.

Lost.

Mr. Crisp, moved to lay the bill, on the table, and make it the special order of the day, at 11 o'clock to-morrow morning.

Lost.

Mr. Hewitt, moved to lay the bill and amendments upon the table.

Lost.

Mr. Robinson of B., moved to refer the bill with amendments to a Select Committee.

Carried.

A message was received from the Senate, requesting the return of "A Bill, locating the seat of Government at Washington."

Request granted.

On motion of Mr. Robinson, of B., "A Bill, to be entitled an act, to amend in part, an act, supplementary to an act, entitled an act to raise a revenue by Impost duties, approved, the 27th, January 1842, supplementary to an act, to raise a revenue by

Impost duties, approved, 5th February 1842, was taken up, and referred to a Select Committee.

Mr. Robinson of B., moved, the Committee be elected by the House.

Carried.

The House then went into an election of said Committee.

Mr. Potter, proposed Mr. Matthews.

Mr. Hunter, proposed Mr. Potter.

Mr. Dennison, proposed Mr. Robinson of B.

Mr. Crisp, proposed Mr. Scurry.

The question being put, the members above mentioned were declared duly elected to serve as said Committee.

Mr. Robinson of B., moved a reconsideration of the vote electing the members of the above mentioned Committee.

Carried.

Mr. Matthews, moved a reconsideration of the vote requiring the House, to appoint said Committee.

On motion of Mr. Hanover, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

The motion of Mr. Matthews, for a re-consideration of the vote requiring the House to elect the Select Committee, on the bills for amending the Tariff; before the House when it adjourned.

Mr. Williamson, moved to lay the motion for re-consideration on the table.

Lost.

And the motion of Mr. Matthews, on re-consideration was carried.

Mr. Matthews, moved the re-consideration of the vote, referring the bill to a Select Committee.

Mr. Fields, moved a call of the House.

Lost.

And motion of Mr. Matthews, to re-consider,

Carried.

Mr. Hunter moved a call of the House.

Carried.

On motion of *Mr. Robinson of B.*, the call of the House was suspended.

On motion of *Mr. Potter*, the vote, re-considering the vote, referring the bill to a Select Committee, was re-considered.

On motion of *Mr. Hunter*, A Bill, to amend an act, regulating the coasting trade, and enrollment of vessels, passed, 4th January 1841, and to regulate and proportion tonnage duty, and collectors fees," with the amendments of the Committee on Finance, was taken up.

*Mr. Potter*, moved to adjourn until to-morrow morning, 10 o'clock.

Lost.

*Mr. Potter*, moved to adjourn until to-morrow morning at 9 o'clock.

Lost.

*Mr. Potter*, moved to adjourn until half past 9 to-morrow morning.

Lost.

*Mr. Potter*, moved to adjourn until 10 o'clock to-morrow morning.

Lost.

*Mr. Potter*, moved to adjourn until to-morrow morning half past 10 o'clock.

Lost.

*Mr. Matthews*, moved to adjourn until 11 o'clock, to-morrow morning.

The ayes and noes were called for on said motion and stood as follows:

Ayes—Messrs. Caldwell, Dennison, Hagler, Haynes, Matthews, Potter, Scurry, Sherman, and Warren—9.

Noes—Messrs. Speaker, Bower, Cazneau, Crisp, Dial, Fields, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Milby, Parker, Pennall, Portis, Robinson of S., Sparks, Walling, Warren and Williamson—25.

Lost.

On motion of *Mr. Hewitt*, the bill and amendments were laid on the table.

*Mr. Whyte*, moved a re-consideration of the vote refusing to pass the bill for repealing the Tariff, and declaring the ports of Texas free.

*Mr. Potter*, moved to lay the motion on the table.

Lost.

*Mr. Potter*, moved to adjourn until 10 o'clock to-morrow morning.

The ayes and noes being called for, stood as follows:

Ayes—Messrs. Caldwell, Dennison, Hunter, Robinson of B. and Scurry—5.

Noes—Messrs. Bower, Cazneau, Crisp, Dial, Fields, Halbert, Hanover, Hewitt, Hill, Hodge, Hunter, Lewis, Milby, Parker, Pennall, Portis, Robinson of S., Walling, Ward, Whyte and Williamson—22.

Lost.

Mr. Potter, moved a call of the House.

Lost.

Mr. Fields, moved a call of the House.

Lost.

Mr. Hunter, moved to lay the motion for re-consideration on the table.

Lost.

Mr. Hill, moved to adjourn until to-morrow morning, at 10 o'clock.

Lost.

Mr. Robinson, of B., moved to adjourn until to-morrow morning at 10 o'clock.

Mr. Cazneau, moved a call of the House.

Carried.

Mr. Portis, moved a suspension of the call of the House.

Lost.

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

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WEDNESDAY, Jan. 4th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names, viz:

Messrs. Speaker, Bower, Crisp, Dial, Grimes, Halbert, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Milby, Parker, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present.

The Journal of the preceding day was read and adopted.

On adjournment yesterday, a call of the House was pending.

On motion of Mr. Hewitt, the call was suspended.

The Committee on the Judiciary, R. Scurry, Chairman, to whom was referred "A Joint Resolution for opening the papers of the clerk's office of Miller county, Arkansas, now, Red River county, Texas," reported the same back to the House, with an amendment, and recommended its passage.

Report received, and bill laid on the table, to come up among the orders of the day.

The Committee on Enrolled Bills, made the following report, to wit:

The Committee on Enrolled Bills, have examined "An Act, making appropriations for the support of the Government for the year 1843," and find the same correctly enrolled.

The same, having been signed by the Speaker of the House, and President of the Senate, was presented to His Excellency the President, for his approval, on the 3d instant.

(Signed) L. PARKER,  
Chairman.

Report adopted.

The motion of Mr. Whyte, to re-consider the vote refusing to pass the "Bill to repeal the Tariff, and declare the Ports of Texas free," was under consideration when the House adjourned.

On motion of Mr. Scurry, a call of the House was made, and Sergeant-at-Arms despatched for absent members.

Sergeant-at-Arms returned, and reported that Messrs. Sherman and Hagler were too unwell to attend.

On motion of Mr. Scurry, a further call was suspended.

On motion of Mr. Potter, a committee, composed of Messrs. Potter, Robinson of S., and Whyte, were appointed to wait on Messrs. Sherman and Hagler, and receive their votes.

Mr. Robinson, of B., moved a suspension of the rule, requiring members to be inside the bar of the House, when voting. Lost.

On motion of Mr. Williamson, the rule was suspended, requiring members to be inside the bar of the House, when voting.

Mr. Warren in the Chair, decided that it would be in order to receive the votes of Mr. Sherman and Mr. Hagler, by proxy.

Mr. Portis appealed from the decision of the Chair.

The question being put, the Chair was sustained in the decision.

The ayes and noes being called for, on re-considering the vote, stood as follows, viz:

Ayes—Messrs. Speaker, Caldwell, Cazneau, Dial, Haynes, Hewitt, Hunter, Lewis, Parker, Pennall, Portis, Robinson of B., Robinson of S., Scurry Sparks, Walling, and Whyte—17.

Noes—Messrs. Bower, Crisp, Dennison, Fields, Grimes, Haggler, Halbert, Hanover, Hill, Hodge, Holmes, Braches, Matthews, Milby, Potter, Sherman, Ward, Warren and Williamson—19.

Lost.

A message was received from the Senate, informing the House, of the passage of a bill, to be entitled "An Act, to amend the several laws regulating the Post-office Department;" also,

A bill, to be entitled "An Act to provide for the establishment, and maintenance of peace; and to regulate friendly intercourse with the Indians;" also,

"A Bill, to provide for the payment of Assessors."

Mr. Portis, by leave, introduced "A Joint Resolution for the relief of the Lamar minute-men."

Read 1st time.

On motion of Mr. Hewitt, a bill, to be entitled "An Act to extend to the Chief Justice, and Associate Justices, the authority to issue certificates of head-rights to Emigrants," was taken up, with the following amendment of the Committee on Public Lands, viz:

Insert, in 7th line, 1st section, after "citizens," "of the 2d, 3d and 4th classes;" which was adopted.

On motion of Mr. Matthews, the rule was suspended, bill read a 3d time, and passed.

The Committee on Engrossed Bills, made the following report, viz:

The Committee on Engrossed Bills have examined a bill, to be entitled "An Act to organize the county of Burnet, for judicial purposes," also,

A bill, to be entitled "An Act for the protection of the Western and South-western Frontier, and for other purposes," and find the same correctly engrossed.

[Signed]

A. M. LEWIS,  
Chairman.

Adopted.

A message was received from the Senate, transmitting a resolution to adjourn *sine die*, on the 10th instant.

On motion of Mr. Robinson, of S., "A Bill, to amend the Probate Laws, was taken up, read 3d time, and passed.



Mr. Parker, by leave, introduced a bill, to be entitled "An Act supplementary to an act, entitled, 'An Act making appropriations for the support of the Government for the year 1843.'" Read 1st time.

On motion of Mr. Parker, the rule was suspended, and bill read 2d time.

On motion of Mr. Portis, the bill was referred to the Committee on Finance.

A message was received from the Senate, informing the House, of their having passed a bill, to be entitled "An Act for the removal of the Archives of the Republic of Texas;" also, "A Bill, to provide for the payment of a balance due members of Congress at the extraordinary session of 1842."

Mr. Hill, by leave, introduced a bill to be entitled "An Act, supplementary to 'An Act, to incorporate the Colorado Mining Company, and other companies for similar purposes,' approved 17th January, 1842."

Read 1st time.

Mr. Williamson, by leave, introduced "A Bill for the relief of A. B. Shelby."

Read 1st time.

Mr. Williamson moved a suspension of the rule.

Lost.

On motion of Mr. Cazneau, a bill, to be entitled "An Act for the protection of the Western and South-western Frontier," was taken up, read 3d time, and passed.

On motion of Mr. Williamson, a bill, to be entitled "An Act more effectually to protect the Frontier," was taken up, and read 3d time.

On motion of Mr. Robinson, of B., the bill was re-committed back to the Committee on Military Affairs.

On motion of Mr. Cazneau, the clerk was directed to transmit to the Senate, a bill, to be entitled, "An Act for the protection of the Western and South-western Frontier."

On motion of Mr. Mathews, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—and a quorum present.  
The House then proceeded to take up the business on the Speaker's table, and to the

## ORDERS OF THE DAY.

On motion of Mr. Warren, "A Bill to authorize the several county courts to raise a revenue by license on Public Ferries," was taken up on its 2d reading.

Mr. Warren moved to fill up the blank in the 2d section, by inserting "ten years."

Lost.

On motion of Mr. Potter, the blank was filled up by inserting "five years."

Mr. Potter moved to strike out the 3d section.

On motion of Mr. Warren, the bill was re-committed to the Committee on Internal Improvements.

A message was received from the Senate, informing the House, of the passage of a bill, with amendments, to be entitled "An Act to amend the several laws regulating the Post-office Department;" also,

"A Bill, passed in secret session, with accompanying documents from His Excellency the President."

Mr. Portis moved to take up the bill, and communications, of the President, received from the Senate, marked secret.

Carried.

On motion of Mr. Matthews, the House went into secret session.

The doors having been opened;

On motion of Mr. Potter, Mr. Cazneau was added to the Committee on Naval Affairs.

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

THURSDAY, Jan. 5th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Cazneau, Caldwell, Crisp, Dennison, Dial,

Garza, Grimes, Halbert; Hanover, Haynes, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Milby, Peebles, Portis, Potter, Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson.

A quorum present.

The Journal of the preceding day was read and adopted.

The Committee on Claims and Accounts, made the following report.

The Committee on Claims and Accounts, to whom was referred the claim of Josiah G. Beaty, have had the same under consideration, and beg leave to report, that we find the Government indebted to him in the sum of one thousand dollars, finding it impossible to meet the demands against the Government, having appropriated all the means of Government, for civil and military purposes, beg leave to report the same back to the House, and ask its indefinite postponement, and the Committee be discharged from the further consideration thereof.

(Signed)

W. N. MILBY,  
Chairman.

Report adopted.

Also, the following report:

The Committee on Claims and Accounts, to whom was referred the claim of John Manson, have had the same under consideration, and beg leave to report, that we find the Government indebted to him in the sum of one hundred and twenty-five dollars, having appropriated all the means of Government, for civil and military purposes, beg leave to report the same back to the House, and ask its indefinite postponement, and the Committee be discharged from the further consideration thereof.

(Signed)

W. P. MILBY,  
Chairman.

Mr. Williamson, moved to lay the report on the table.

Lost, and report adopted.

The Committee on Claims and Accounts, Wm. P. Milby, Chairman, to whom was referred the petition of Richard Buche, reported the same back to the House, without any action taken thereon, and recommend its reference to the Committee on Naval Affairs.

Report adopted.

The Committee on Internal Improvements, J. Dennison, Chairman, to whom was referred "A Bill, to be entitled an act, to authorize the several County Clerks to raise a revenue by license on public ferries," reported the same back to the House with an amendment and recommended its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills, have examined "An Act, to extend to the Chief Justice, and associate Justices, the authority to issue certificates of head-right to emigrants, and find the same correctly engrossed.

[Signed]

A. M. LEWIS,  
Chairman.

Adopted.

Mr. Matthews, by leave introduced "A Bill, to be entitled an act, for the relief of M. F. Jones and S. Highsmith."

Read 1st time.

On motion of Mr. Caldwell, the rule was suspended, bill read 2d time, and referred to the Committee on Post-offices and Post-roads.

The House then proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY

"A Bill, to be entitled and act, to amend the several laws regulating the Post-office department, was taken up with amendments from the Senate, and said amendments adopted.

The Select Committee, S. S. B. Fields, Chairman, to whom was referred the petition of Eliza J. Thornbery, reported the same back to the House, with a bill for her relief, and recommended its passage.

Bill taken up and read 1st time.

"A Bill, to organize the county of Burnet, for Judicial and other purposes, was taken up,

Read 3d time, and passed.

On motion of Mr. Cazneau, Mr. McLeod, the member elect from Bexar, presented his credentials, took the oath and his seat.

"A Joint Resolution, for the relief of Capt. Wm. Becknell's company, was taken up, and read 3d time; and

On motion of Mr. Hill, laid upon the table.

"A Bill, to be entitled an act, to amend the existing laws in relation to proceedings in Courts of Probate," was taken up; and

Read 1st time.

A message was received from the Senate, informing the

House of the passage of "A Joint Resolution, for the relief of minute men."

"A Bill, supplementary to an act, entitled an act, to establish and incorporate the College of De Kalb," was taken up, read 2d time; and

On motion of Mr. Ward, referred to the Committee on Public Lands.

The Military Committee, D. Y. Portis, one of the Committee, to whom was referred, "A Bill, to be entitled an act, more effectually to protect the frontier," reported the same back to the House, with an amendment, and recommended its passage.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

"A Bill, to be entitled an act, to provide for the collection of state and county taxes on lands in each county of this Republic, was read 2d time; and

On motion of Mr. Hunter, referred to the Committee on Finance.

"A Bill, supplementary to an act, entitled an act, to detect fraudulent land certificates."

Read 3d time, and passed.

"A Joint Resolution, requiring the President to put in suit all forfeited bonds," was taken up on its 2d reading, with the report of the Committee on Finance, recommending it to be laid on the table, without further action.

Which report was adopted, and bill laid upon the table.

"A Bill, to be entitled an act, supplementary to an act, to provide for return of surveys, and for the collection of Government dues on lands, &c., was taken up and read 2d time.

The ayes and noes being called for, on the engrossment of the bill, stood as follows, viz:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dial, Garzia, Grimes, Hagler, Halbert, Hewitt, Hill, Hodge, Holmes, Milby, Parker, Peebles, Portis, Robinson of S., Scurry, Sparks, Walling, Ward, Whyte and Williamson—23.

Noes—Messrs. Speaker, Crisp, Dennison, Fields, Hanover, Hunter, Matthews, Pennall, Potter Robinson of B. and Warren—11.

Carried, and bill ordered to be engrossed.

"A Joint Resolution, for the relief of E. J. Felder, with a substitute from the Committee on Military Affairs," was taken up on its 2d reading; substitute adopted, and the bill ordered to be engrossed.

"A Bill, to be entitled an act, creating the county of Smith,

for Judicial purposes," was taken up on its 2d reading, with a substitute from the Committee on the Judiciary, which was adopted.

Mr. Scurry, offered as an amendment to the substitute, to strike out "Smith," and insert "Rusk."

Adopted.

Mr. Robinson of S., moved to strike out in 7th section "ten," and insert "twenty," which was adopted, and the bill ordered to be engrossed.

A message was received from the Senate, informing the House, of having passed "A Bill, to be entitled an act, for the relief of the purchasers of lots in the city of Austin, and upon the city tract adjoining.

"A Bill, to amend the several acts organizing Justices Courts, and defining the powers and jurisdiction of commissioners of roads and revenues, so far as relates to Galveston county," was taken up on its 2d reading; and

On motion, was indefinitely postponed.

"A Bill, to amend an act, entitled 'An Act regulating sales by judgment or decree of a probate court, in court of chancery,' approved February 4th, 1841," was taken up on its 2d reading, and amendments of Select Committee

Adopted.

The ayes and noes being called for, on passing the bill to a 3d reading, stood as follows:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Grimes, Hagler, Hanover, Haynes, Hill, Hunter, Branches, Lewis, Parker, Portis, Potter, Robinson of B., and Scurry—19.

Noes—Messrs. Speaker, Crisp, Dial, Hewitt, Hodge, Holmes, Peebles, Pennall, Robinson of S., Sparks, Walling, Ward, Warren, Whyte and Williamson—15.

Carried.

The Committee on Finance, G. W. Hill, Chairman, to whom was referred a bill, to be entitled "An Act, supplementary to an act, entitled 'An Act, making appropriations for the support of the Government for the year 1843,'" reported the same back to the House, with a substitute, and recommended its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

A message was received from the Senate, informing the House, of the passage of a bill, to be entitled "An Act, to abolish the office of Secretary of Legation, and for other purposes."

A bill, to be entitled "An Act regulating Tolls" was taken up, with a substitute from the Committee on the Judiciary; which was rejected.

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

On motion of Mr. Robinson, of B., the House went into secret session.

After some time spent therein, the doors were thrown open.

Mr. Portis moved the House adjourn until 3 o'clock P. M.

Lost.

A message was received from His Excellency the President, through his Private Secretary.

On motion of Mr. Portis, the message, and accompanying documents, received from His Excellency, were taken up, and read as follows :

EXECUTIVE DEPARTMENT,  
Washington, Jan. 4, 1843.

*To the Honorable, the House of Representatives:*

To the resolution of your honorable body, of yesterday, requesting information, as to what steps have been taken for the removal of the public archives, during the sitting of Congress, the Executive has the pleasure to inform you that no delay.

On the 10th of last month, he addressed Mr. Smith and Capt. Eli Chandler, a commission, empowering them to remove the archives from Austin, where the Congress was then in session, which will be found accompanying this communication marked No. 1. On the same date, he sent them confidential instructions, as to the service assigned them, also, herewith sent, marked No. 2. No. 3, is a letter to Col. Thomas Wm. Ward, Commissioner of the General Land-office, who held the archives of that department, together with the other archives of the Government, in charge. The purport of the instructions, and the communications generally, will be found to contemplate the most judicious manner of securing the public property at Austin. Every precaution, that could be suggested, was given, to render the undertaking successful. The reasons and circumstances attending such a step, have been so often submitted, that it

necessary for the Executive, now, to enter into a minute detail of them.

The original order for the removal, was given at a time when the country was actually invaded; and when every man in Texas, having a knowledge of the facts, acquiesced in the prudence and necessity of such a measure. And, though the emergency seemed to be, temporarily, suspended, it has since recurred; and those who, before, desired a revocation of that order, admitted its necessity a second time. We are liable to a similar recurrence continually.

At the time that these causes arose, the mediation of England with Mexico, for peace and the recognition of our independence, was pending. Since then, that mediation has been rejected; and, through various sources, we have heard threats of invasion by Santa Anna. The attempt we have a right to look for; and if it should not occur, it will be owing to convulsions in Mexico, and circumstances which we probably cannot foresee.

We may anticipate a failure on the part of Mexico, to invade us, because our hopes and wishes are in unison with such anticipations; but if we act wisely, we will make such preparations for security and defence, in the event of invasion, as our means and ability will permit.

Adapted. none but the supine and indifferent will regard, The eyes, a danger that is possible, even though it were a 3d reading.

As taught us, that so long as the archives remain in the event of invasion, a portion of the efficient force, will be diverted from the general mass of to that point for their defence. In such a case

Messrs. finally overpowered and driven back, is not to be feared, if the archives were removed, it would insure the this force with the main body of our militia, to

Carried. The lower parts of the Colorado, if they should not be successfully combated at the Guadaloupe.

Emergency which dictated the removal of the whilst the Congress was in session, it would have been within their province, to have provided for

ity. But as Congress was not in session, it devolved upon the Executive to give the order, and to adopt such measures as might be proper in reference to it, and as all conceived that

A emergency required. He regards every measure which he has adopted, as a continuance of that first order. The House, since has been once in session, since that original order was



given. They forbore to act upon the subject; and subsequently another emergency arose. The Executive's conviction of the propriety of removal has undergone no change; and the Congress, declining to act upon the subject, enforced upon him the necessity of pursuing the course he took, and which he believes in perfect accordance with the past and future interest and policy of the country.

That the archives of the country, in justice to the people of the Republic, should be preserved, no one will pretend to deny. That they never have been safe at Austin, since 1840 at least, all must deduce from facts which have, and which now exist. For the preservation of the persons and lives of the inhabitants of that place, a fortification was, in that year, at great expense constructed around the capitol; and though it gave no security to the archives, and left them exposed, it nevertheless proved the fact most conclusively that it was not a place of safety. For if the inhabitants should have been destroyed, what protection was there for the archives? This too was done at a time when two regular regiments were in the field, and when there were three or four officers of Government to one at the present time, who would have swelled the muster rolls for defence.

Before the rise of the last session of Congress which sat at Austin, the Executive asked for the means of protection for the archives. His application was disregarded; and by law he had no authority to call out a force for that purpose, nor means appropriated for its subsistence, unless in case of actual invasion. In that event it would be too late; and disaster would evince the want of precaution.

Recently, the Executive has derived assurance from a chairman of a late "archive Committee," that there was no safety there for the archives; and he has further been verbally assured, that it would be unnecessary for him to send many waggons for the purpose of their transportation—as one wagon could bring away all their ashes.

A communication of some import, from which I submit an extract, for the information of your honorable body, marked No. 4 will convey to the Congress a dispassionate opinion, formed by an individual upon the ground; and one whose impartiality none may distrust. Disconnected with the Government, his opinions are made up as a patriot, and one whose only wish I should deem to be the prosperity of the country. He urges the precautions which have been taken; and I only regret that the attempt at their removal has not been entirely entirely success-

ful, but has been thwarted by men who could have rendered loyal and perhaps good service to the country, if their chivalry had directed them to companionship with those who have crossed the Rio Grande.

When the late command was sent to Austin for the removal of the archives, the Executive contemplated a sufficient force to have effected that object. The circumstances attending the failure are reported to be, that the command, twenty in number, arrived at Austin on the 30th December, and on the same day placed into three wagons, the boxes containing the most important land papers, furnished them by the Commissioner of the General Land Office. The mob of resistance increased in number, from the time that the object of the visit was known; and before the wagons left the avenue, the arsenal was broken open, and the artillery, charged with grape and canister, was brought up and fired upon the wagons and teams. No damage, however, was done to them; and only two shot are reported to have entered the General Land Office. The company who were authorized to take the archives in charge, continued their march until they arrived at Kinney's, eleven miles from Austin, on their way to Caldwell on the Brazos. They encamped at Kinney's for the remainder of the night; and in the morning found that the malcontents had placed the artillery in advance of them, and represented their numbers at ninety men. Those in charge of the archives, not having sufficient force, left them and returned to their homes—reporting that Capt. Joseph Daniels, attached to the General Land Office, had been shot at several times, but had escaped, leaving his family in Austin. What injury he sustained is unknown. The malcontents also declared to those employed in bringing away the archives, that, on their return to Austin, they would put the Commissioner of the General Land Office, Col. Thomas Wm. Ward, to death; and further declared that if the President had been taken and given up to them, they would freely have surrendered the archives. They are represented to have been in a state of intoxication, and unreserved in their threats of violence against the person and life of the Chief Magistrate of the country.

These are the facts, transmitted in accordance with the call of the House. To offer comments upon them would seem to be an insult to the common sense and good understanding of every member.

A sense of duty to our general constituency, to our national character, and the respect we may hope for from abroad, and for order and self-existence at home, constrain me to believe

that the honorable Congress will adopt such efficient measures, or empower the Executive to do so, as will secure the safety of the archives. Their removal is connected with no individual gratification which the President can feel. He regards the matter as one of purely national import. Their loss would involve the nation in inextricable confusion, injury and expence; and a longer postponement of the action of the Congress can be attended with no other than the most pernicious effects. Those whose interests are identified with transactions under our laws, cannot but feel deep solicitude that the records which constitute the basis and evidence of their rights should be placed beyond the reach of danger and destruction. At least nine tenths of the citizens of the country are thus more or less concerned. Shall their rights be surrendered to the keeping and control of a mob, who have so long openly trodden down the Constitution, and contemned the authorities of the land?

If the archives are not preserved, the blame cannot attach to the Executive. Congress has had, and at this time has, the power to sustain him in the discharge of his trust, and the execution of his duty; and if they are destroyed by any means whatsoever, the evil will then be felt by all; and the questions will then be asked. Why has it come upon us? Could it have been averted? And, by what means? Interest and injury will give a ready answer to every inquiry. If the Mexicans again visit us in forty five days from this time, and the archives survive destruction in the interval, consternation, dismay and disaster may swallow up for the time every other consideration; but a sense of individual misfortune will only be smothered by the general calamity until the country is again redeemed and composed.

The Constitution has devolved upon the Executive, as a public functionary, important duties; and so long as he is responsible for their execution, no threats of personal injury shall ever deter him from the discharge of his exalted trust. Like every other man, personal security may be a desideratum with him; and he might be fond to see society assume that state which would elevate its members above the influence of personal abuse; for this must be desirable to every good citizen. But, if a love of personal security had been the predominant feeling of his life, his present connection with Texas might have been different, and the situation of the country might also have been different in its relations to the civilized world. He has always shown a disregard of personal comfort—of personal privation, and of personal danger, when he believed the interests of his

country and fellow-men were dependent upon his course. If his actions have been creditable to himself, the highest gratification which he enjoys, is the knowledge that they have been beneficial to his fellow citizens. As a reward for these, he desires to see his country established upon a firm basis—its laws respected—sedition put down—society cemented by a sense of moral obligation, and every citizen, whether in public or private station, acquit himself to society as a man. And if the super-added obligation of an oath attaches to his duty, let him redeem the pledge, and stand acquitted of blame to his country and his God. Were he incapable of these feelings, these motives, and a sense of these obligations, he would pity if not despise himself.

SAM. HOUSTON.

On motion of Mr. Scurry, five hundred copies of the above message were ordered to be printed; and

On motion of Mr. Robinson of B., the message and documents were referred to a select Committee, composed of Messrs. Robinson of B., Matthews, Caldwell, Grimes and Williamsion.

A message was received from the Senate, informing the House of the passage of "A Bill, to be entitled an act, to authorize the County Court of Brazoria county to levy a tax for certain purposes."

On motion of Mr. Parker, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

Mr. Lewis, by leave, introduced "A Bill, to be entitled an act, concerning rents."

Read 1st time.

Mr. Portis, by leave, introduced a resolution as follows:  
 "Resolved, That the Secretary of War be required forthwith to furnish this House with an exact statement of the amount of goods and government stores, handed over in February, A. D. 1842, by the late Quarter Master to the War Department, what amount of them have been sold, and what are yet on hand; by what authority they have been sold; If the proceeds of the sale

have been expended in accordance with any appropriation made by law, if so what appropriation.

*"Be it further resolved,* That the Secretary of the Treasury be required forthwith to furnish this House with an exact statement of the manner in which the President has disbursed an appropriation of twenty thousand dollars, placed by the sixth Congress at the disposition of the Executive for frontier protection."

Which was read 1st time.

On motion of Mr. Portis, the rule was suspended requiring resolutions to lay on the table one day for consideration.

The ayes and noes being called for on adopting the resolution stood as follows:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Fields, Garza, Grimes, Hagler, Halbert, Hanover, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Walling, and Ward—28.

Noes—Messrs. Crisp, Dial, Hewitt, Warren and Williamson—5.

Carried.

On motion of Mr. Williamson, "A Bill, to be entitled an act, for the removal of the archives," was taken up; and

Read 1st time.

Mr. Warren, moved a suspension of the rule.

Lost.

On motion of Mr. Robinson of B., Mr. McLeod was added to the Committee on Military Affairs, and Foreign Relations.

On motion of Mr. Robinson of B., Mr. Braches was added to the Committee on the State of the Republic.

"A Bill, to be entitled an act, to establish a sabbath or day of rest throughout the Republic," was taken up on its 2d reading with a substitute from the Committee on the State of the Republic.

Mr. Caldwell, moved to amend the substitute by striking out "1st day," and inserting "Friday."

The ayes and noes being called for, on adopting the amendment to the substitute stood as follows:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Grimes, Hagler, Hill, Matthews, McLeod and Warren—10.

Noes—Messrs. Speaker, Crisp, Dial, Fields, Garza, Halbert, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Braches, Lewis, Milby, Parker, Peebles, Pennall, Portis, Potter, Robinson

of B., Robinson of S., Scurry, Sparks, Walling, Ward and Williamson—27.

Lost.

Mr. Williamson, moved the indefinite postponement of the bill.

The ayes and noes being called for on the postponement, stood as follows:

Ayes—Messrs. Caldwell, Dennison, Fields, Grimes, Hagler, Hanover, Haynes, Hill, Braches, Matthews, Warren and Williamson—12.

Noes—Messrs. Speaker, Bower, Cazneau, Crisp, Dial, Halbert, Hewitt, Hodge, Holmes, Hunter, Lewis, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Robinson, of S., Scurry, Sparks, Walling and Ward—22.

Lost, and bill ordered to be engrossed.

On motion of Mr. Williamson, the rule was suspended, and bill read 3d time.

The ayes and noes being called for on the passage of the bill, stood as follows:

Ayes—Messrs. Speaker, Bower, Crisp, Dial, Halbert, Hewett, Hodge, Holmes, Lewis, Milby, Parker, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling and Ward—20.

Noes—Messrs. Caldwell, Cazneau, Dennison, Fields, Grimes, Hanover, Haynes, Hill, Hunter, Braches, McLeod, Peebles, Warren and Williamson—14.

Carried, and bill passed.

On motion of Mr. Williamson, the Clerk was required to transmit the bill to the Senate forthwith.

“A Bill, to be entitled an act, regulating elections,” with a report from Select Committee, recommending the bill to be laid on the table without further action, was taken up, and the report rejected.

Mr. Hanover, moved a re-committal of the bill to the same Committee.

Lost.

Mr. Portis, offered the following amendment, to the 3d section, insert after “ticket” in 4th line “to compare the polls except in case of contest, in which case no ticket shall be compared, except the ticket proven to be illegal.”

Adopted.

Mr. Hunter, moved to strike out all after the 1st section.

Lost.

Mr. Portis, offered an amendment to 4th section, viz: insert after "Judges" "or Clerks."

Adopted.

Mr. Williamson, moved the indefinite postponement of the bill.

The ayes and noes being called for on the motion, stood as follows:

Ayes—Messrs. Speaker, Bower, Dial, Fields, Grimes, Hagler, Hodge, Holmes, Hunter, Braches, Matthews, McLeod, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—20.

Noes—Messrs. Cazneau, Dennison, Garza, Halbert, Hanover, Haynes, Hewitt, Hill, Lewis, Milby, Parker, Peebles, Portis, Robinson of B. and Ward—15.

Carried.

"A Resolution received from the Senate, to adjourn *sine die*, on Tuesday the 10th inst., was read and laid on the table for one day.

Mr. Potter, by leave, introduced "A Bill, to be entitled an act, supplementary to an act, entitled an act, to amend the several laws regulating the Post-office Department."

Read 1st time.

Mr. Potter, moved a suspension of the rule.

Lost.

"A Bill, to be entitled an act, to quiet land titles in the Republic of Texas," with a report from the Committee on the Judiciary, recommending its indefinite postponement, was taken up.

The ayes and noes being called for, on the adoption of the report, stood as follows:

Ayes—Messrs. Speaker, Bower, Dennison, Dial, Garza, Grimes, Hagler, Haynes, Hewett, Holmes, Braches, Lewis, Peebles, Pennall, Robinson of B., Robinson of S., Scurry, Walling and Williamson—19.

Noes—Messrs. Halbert, Hanover, Hill, Hodge, Hunter, Matthews, Milby, Parker, Portis, Potter, Sparks, Ward and Warren—13.

Carried, and report adopted.

"A Bill, to be entitled an act, supplementary to an act, entitled an act, to provide for the survey and sale of a portion of the territory formerly occupied by the Cherokee Indians, approved, 23d July, 1842, was taken up on its 2d reading, with a substitute from the Committee on Public Lands.

Mr. Robinson of B., moved its re-committal to the Committee on the Judiciary.

Mr. Portis, moved to lay the motion to re-committ on the table, and that it be made the special order of the day, for to-morrow morning, at 11 o'clock.

Carried.

On motion of Mr. Lewis, the bill was laid on the table until 11 o'clock, to-morrow.

"A Bill, to be entitled an act, more effectually to quiet and protect the possession of personal property, and to prevent the taking thereof by fraud or violence," was taken up on its 2d reading, with a substitute from the Committee on the Judiciary.

Substitute adopted.

On motion of Mr. Hunter, the bill was ordered to be engrossed.

On motion of Mr. Hagler, "A Joint Resolution, for the relief of minute men," was taken up and read 1st time; rule suspended, was read a 2d time, and referred to a Select Committee.

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

FRIDAY, Jan. 6th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Crisp, Dennison, Dial, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hewett, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Whyte and Williamson.

A quorum present.

The Journal of the preceding day was read and adopted.

The Committee on the Judiciary, A. M. Lewis, one of the Committee, to whom was referred "A Bill, to be entitled an act, supplementary to an act, to adopt the Common Law of England, to repeal certain Mexican laws, and to regulate the marital



Page 176 missing in original. No missing text. Text is continuous between pages 175 and 177.

rights of persons," reported the same back to the House with a substitute.

Which report was received, and bill laid on the table to come up among the orders of the day.

The Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills, have examined "An Act, to amend the several laws regulating the Post office Department; also,

"A Bill, to be entitled an act, regulating proceeding in Justices Courts," and find the same correctly enrolled, the same having been signed by the Speaker of the House of Representatives, and President of the Senate, was this day laid before His Excellency the President for his approval.

(Signed)

I. PARKER.

Chairman.

Report adopted.

The House then proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY

On motion of Mr. Williamson, "A Bill, to be entitled an act, for the removal of the archives of the Republic of Texas, was taken up.

Read 2d time, and referred to a Select Committee, composed of Messrs. Robinson, of B., Matthews, Caldwell, Grimes, and Williamson.

The Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills, have examined "A Bill, to be entitled an act, creating the county of Rusk for Judicial purposes;" also,

"An Act, supplementary to an act, to provide for the return of surveys, for the collection of Government dues on lands, &c;" also,

"A Joint Resolution, repealing a part of a joint resolution, for the honorable discharge of Dr. E. J. Felder," approved, Jan. 18th 1842, and find the same correctly engrossed.

(Signed)

HIRAM HANOVER,

Chairman.

Report adopted.

A message was received from the Senate, informing the House, of the passage of "A Bill, to be entitled an act, to repeal

in part an act, entitled an act, to create a board of medical censors for the Republic of Texas," also,

"A Bill, passed in secret session, with amendments to the amendments of the House.

On motion of Mr. Fields, "A Bill, to be entitled an act, for the relief of E. J. Thornbery, was taken up, and

Read 2d time.

On motion of Mr. Fields, the rule was suspended, bill read 3d time.

The ayes and noes being called for, on the passage of the bill, stood as follows, viz:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dennison, Dial, Fields, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Pennall, Portis, Potter, Robinson of S., Sherman, Walling, Ward, Warren, Whyte and Williamson—30.

Noes—Messrs. Grimes, Hewitt, Holmes, Parker, Peebles, Scurry and Sparks—7.

Carried, and bill passed.

Mr. Hanover, presented the petition of sundry citizens of the county of Brazos, which was referred to the Committee, on the State of the Republic.

On motion of Mr. Matthews "A Joint Resolution, received from the Senate, to adjourn *sine die*, on the 10th inst," was taken up.

Mr. Crisp, moved to amend by striking out "10th" and inserting "16th."

Mr. Hill, moved to amend amendment, by inserting "Monday the 16th."

Accepted by Mr. Crisp, and motion of Mr. Crisp, Adopted.

On motion of Mr. Cazneau, "A Joint Resolution, for the relief of Thurston M. Taylor, was taken up on its 2d reading.

Mr. Hill, offered a substitute to the joint resolution, which was rejected.

Mr. Walling, moved the engrossment of the joint resolution.

The ayes and noes being called for thereon, stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Crisp, Dennison, Fields, Grimes, Hanover, Haynes, Hunter, Braches, Lewis, Matthews, McLeod, Peebles, Pennall, Portis, Potter, Robinson of B., Sherman, Walling, Warren and Williamson—22.

Noes—Messrs. Speaker, Bower, Dial, Garza, Hewitt, Hill, Hodge, Holmes, Milby, Parker, Scurry and Sparks—12.

Carried, and bill ordered to be engrossed.

On motion of Mr. Potter, the rule was suspended, and bill read 3d time and passed.

Mr. Portis, by leave introduced "A Bill, to be entitled an act, further to amend the Judiciary laws.

Read 3d time.

On motion of Mr. Lewis, the rule was suspended and bill Read 2d time, and

On motion of Mr. Portis, was referred to the Committee on the Judiciary.

On motion of Mr. Sherman, "A Bill, to be entitled an act, to declare trespass in certain cases larceny," was taken up, read a 2d time, and referred to a Select Committee, composed of Messrs. Sherman; McLeod, Peebles, Dial and Crisp.

On motion of Mr. Parker, "A Bill, to be entitled an act, supplementary to an act, making appropriations for the support of the Government for the year 1843," was taken up with a substitute from the Committee on Finance.

On motion of Mr. Parker the substitute was adopted.

Mr. Grimes, offered the following amendment:

"SEC. 2. *Be it further enacted*, That the sum of \$5,000, be, and the same is hereby appropriated for the purpose of erecting fortifications, for the defence of the city and harbor of Galveston; the works to be erected, and the monies applied, under the direction of the Department of War and Marine."

Mr. Warren, offered the following amendment, to the amendment of Mr. Grimes.

By inserting "\$4,000 for Galveston and \$1,000 for Velasco."

Mr. Hunter, moved the bill be recommitted to the Committee on Military Affairs.

Lost.

On motion of Mr. Crisp, the amendments were referred to the Committee on Military Affairs.

Mr. Hunter, moved to lay the bill on the table.

Lost.

On motion of Mr. Portis, the bill was ordered to be engrossed; and

On motion of Cazneau, the rule was suspended, bill read a 3d time and passed.

On motion of Mr. McLeod, "A Bill, to render efficient the protection of the Western frontier, was taken up, and

Read 2d time.

Mr. McLeod, moved the indefinite postponement of the bill.

The ayes and nces being called for on the postponement stood as follows:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dennison, Dial, Hagler, Hanover, Haynes, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Parker, Pennall, Portis, Potter, Robinson, of B., Robinson of S., Sherman, Sparks, Walling, Ward, Warren and Williamson—31.

No—Mr. Scurry—1.

Carried.

A message was received from the Senate, informing the House, of having passed "A Joint Resolution, for the relief of Elizabeth Washburn, Armstead Bennet and others."

Mr. Matthews, moved to adjourn to 3 o'clock.

Lost.

Mr. Warren, moved to take up "A Bill, authorizing the County Courts to levy a tax on public ferries."

On motion of Mr. Matthews, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—and a quorum present.

The House proceeded to business.

Motion of Mr. Warren, to take up "A Bill, authorizing the County Courts to levy a tax on public ferries," still before the House.

Lost.

Mr. Walling, presented the memorial of sundry citizens of Smith county, which was referred to a Select Committee.

On motion of Mr. Walling, "A Bill, to be entitled an act, establishing the county of Rusk, for Judicial and other purposes," was taken up and referred to the same Committee.

A message was received from the Senate, informing the House of having passed with amendments, "A Bill, to be entitled an act, to amend the probate law;" also,

"A Bill, to be entitled an act, amendatory to an act, entitled an act, to amend an act, to raise a revenue by direct taxation, approved, February 5th 1842."

On motion of Mr. Crisp, "A Bill, to be entitled an act, to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with Indians, was taken up.

Read 1st time, and

On motion of Mr. Caldwell, the rule was suspended, bill read 2d time, and

On motion of Mr Sparks, referred to the Committee on Indian Affairs.

The Committee on the Judiciary, R. Scurry, Chairman, to whom was referred "A Bill, to be entitled an act, further to amend the Judiciary laws," reported the same back to the House, and recommended its passage.

Which report was received, and bill laid on the table to come up among the orders of the day.

Mr. Matthews, moved a re-consideration of the vote given on "Resolution for the adjournment of Congress *sine die*, on Monday, the 16th inst."

Lost.

"A Bill, to be entitled an act, for the relief of David G. Burnett," was taken up, and

Read 2d time.

Mr. Portis, moved the engrossment of the bill.

The ayes and noes being called for on the motion, stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Lewis, McLeod, Peebles, Pennall, Portis, Robinson of S., Sherman, and Williamson—18.

Noes—Messrs. Speaker, Dial, Grimes, Hanover, Hewitt, Hill, Hodge, Holmes, Matthews, Milby, Parker, Scurry, Sparks, Walling, Ward and Warren—17.

Carried, and bill ordered to be engrossed.

"A Bill, concerning the removal of the archives, and property belonging to the Republic, to the town of Washington," was taken up and read 2d time.

Mr. Cazneau, moved the reference of the bill to a Select Committee, composed as follows.

Messrs. Robinson of B., Matthews, Caldwell, Williamson and Grimes.

Carried.

A message was received from the Senate, informing the House of their concurrence in the amendment made by the House, to "A Joint Resolution, of both Houses to adjourn *sine die*, on Monday the 16th inst."

"A Bill, to amend the Probate Law," taken up and amendments of the Senate adopted.

"A Bill, to amend an act, entitled an act, regulating sales by Judgement, or decree of a Probate Court or Court of Chancery, approved, Feb. 4th, 1811," was taken up and read a 3d time.

Mr. Williamson, moved the passage of the bill.

The ayes and noes being called for on the passage of the bill, stood as follows:

Ayes—Messrs. Bower, Cazneau, Dennison, Fields, Garza, Hagler, Haynes, Hill, Hunter, Braches, Lewis, Portis and Scurry—13.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Hanover, Hewett, Hodge, Holmes, Matthews, McLeod, Parker, Peebles, Pennall, Potter, Robinson of S., Sparks, Walling, Ward, Warren and Williamson—21.

Lost.

“A Bill, supplementary to an act, entitled an act, adopting the Common Law of England, to repeal certain Mexican laws, and to regulate the marital rights of persons,” was taken up with a substitute from the Committee on the Judiciary, which was adopted, and

On motion of Mr. Scurry, the bill was ordered to be engrossed.

“A Bill, to be entitled an act, to repeal in part an act, entitled an act, to create a board of medical censors for the Republic of Texas.”

Read 1st time.

“A Bill, to be entitled an act, supplementary to an act, entitled an act, to provide for the survey and sale of a portion of the territory formerly occupied by the Cherokee Indians, approved, 23d July, 1842.” was taken up with a substitute from the Committee on Public Lands, on its 2d reading; and

On motion of Mr. Fields, was laid upon the table until tomorrow morning at 11 o'clock.

“A Bill to provide for the payment of a balance due members of Congress at the extra session of 1842.”

Read 1st time.

Mr. Warren, moved the rejection of the bill.

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

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SATURDAY, Jan. 7th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Crisp, Dennison, Dial,

Fields, Garza, Grimes, Hagler, Hanover, Hewett, Hill, Hodge, Holmes, Hunter, Braches, McLeod, Milby, Peebles, Pennall, Portis, Robinson of B., Scurry, Walling, Ward, Warren, Whyte and Williamson.

A quorum present.

The Journal of the preceding day was read and adopted.

The Committee on County Boundaries, Wm. L. Hunter, Chairman, to whom was referred "A Bill, to amend an act, entitled an act, the better to define the boundaries of Fort Bend county," reported the same back to the House with an amendment," and recommended its adoption.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Post-offices and Post-roads, made the following report.

The Committee to whom was referred "A Bill, for the relief of Messrs. Jones and Highsmith, for carrying the mail for the year 1841," have had the same under consideration, and a majority of said Committee deem it inexpedient to make an appropriation for any one claim, unless the finances of the country would justify the payment of all similar claims, and have recommended me to return the same back to the House.

(Signed)

M. WARD,  
Chairman.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Engrossed Bills, made the following report.

The Committee on Engrossed Bills, have examined "A Bill, to be entitled an act, to regulate the actions of replevin and sequestration, and find the same correctly engrossed.

(Signed)

HIRAM HANOVER,  
One of the Committee.

Adopted.

The Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills, have examined "A Joint Resolution, for the relief of Elizabeth Washburn, Armstead Bennett and others;" also,

"An Act, amendatory to an act, entitled an act, to raise a revenue by direct taxation, approved, Feb. 5th, 1842." and find the same correctly enrolled. The same having been signed by the Speaker of the House of Representatives, and President of



the Senate, was this day laid before His Excellency the President for his approval.

[Signed]

ISAAC PARKER,  
Chairman.

Which report was adopted.

The Select Committee, L. S. Hagler, Chairman, to whom was referred "A Joint Resolution for the relief of Minute-men," reported the same back to the House, with amendments, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

A majority of the Select Committee, to whom was referred bills, to be entitled "An Act for the removal of the Archives of the Republic of Texas," made the following report, viz:

The undersigned, members of the Select Committee, to whom was referred "A Bill, to be entitled 'An Act for the removal of the Archives of the Republic of Texas,'" originating in the Senate; also,

"A bill, to be entitled 'An Act concerning the removal of the Archives, and property belonging to the Republic, to the town of Washington,'" originating in the House of Representatives, have had the same under consideration; and, believing that definite action ought to be had and taken on the subject embraced in the two bills, to wit—the removal of the Archives to a place of safety, ask leave to report the bill originating in the Senate, back to the House, without amendments, and recommend its passage.

(signed)

JESSE GRIMES.  
M. W. MATTHEWS.  
R. M. WILLIAMSON.

The following report was made by the minority of the same Committee:

The undersigned members of the Select Committee to whom was referred the "Bills for the removal of the archives of the Government &c." have had the same under consideration, and are fully impressed with the belief, that owing to the great excitement and disturbed state of the public mind upon the subject, it would be impolitic to agitate this subject further at the present time, they would therefore recommend, that the bills so referred be laid upon the table during the present session of Congress.

(Signed)

T. ROBINSON, Chairman.  
JOHN CALDWELL.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

A Select Committee, made the following report:

The Committee to whom was referred "A Bill, entitled an act, supplementary to an act, to divide the county of Red River, and to create and establish the counties of Bowie and Lamar," have had the same under consideration, and return the same back to the House without amendment, and recommend its passage; also,

"A Bill, to be entitled an act, to divide the county of Red River for Judicial and other purposes," a majority of said Committee, recommend that said bill for Judicial purposes be laid upon the table.

(Signed)

W. CRISP,

One of the Committee.

Which report was received, and bills laid upon the table to come up among the orders of the day.

The motion of Mr. Warren, to reject "A Bill, to provide for the payment of a balance due members of Congress at the extra session of 1842," before the House on adjournment yesterday, was withdrawn.

A message was received from the Senate, informing the House of having passed "A Bill, to be entitled an act, confirming the location of the seat of Justice of Harrison county at the town of Marshall," with an amendment; also,

Of having indefinitely postponed "A Bill, to be entitled an act, for the relief of Eliza Jane Thornbery."

The House then proceeded to take up the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

A communication with accompanying documents was received from the State Department and read, and

On motion of Mr. Portis, was referred to the Committee on Foreign Relations.

"A Bill, supplementary to an act, to provide for the survey and sale of the territory formerly occupied by the Cherokee Indians, approved July 23d, 1842," was taken up, with a substitute from the Committee on Public Lands.

Mr. Scurry, moved to lay the bill and substitute on the table.

Lost.

Mr. Parker, offered a substitute for the substitute offered by Committee.

Mr. Williamson, moved the rejection of both substitutes.  
Mr. Portis, moved to amend by rejecting the substitute offered by Mr. Parker.

Accepted by Mr. Williamson.

On motion of Mr. Potter, a call of the House was made, and Sergeant-at-Arms despatched for absent members.

A message was received from the Senate, informing the House of the passage of "A Bill, to incorporate the Texian Emigrating Agricultural and Commercial Company," also,

"A Joint Resolution, to modify an act, granting land to Emigrants," also,

"A Bill, to re-organize the 1st, 2d, 4th, 5th, and 6th, Judicial Districts," also,

"A Bill, supplementary to an act, giving the election of Chief Justices of County Courts to the people," also,

"A Bill, for the compensation of those who made advances for the relief of the Santa Fé prisoners."

Mr. Portis, moved to adjourn until 3 o'clock, P. M.

Lost.

On motion of Mr. Hunter, the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met—the Speaker being absent, Mr. Warren was called to the Chair—roll called—quorum present.

The House proceeded to business.

The motion for the rejection of the substitute offered by Mr. Parker for the Cherokee bill, under consideration when the House adjourned and a call of the House pending.

On motion of Mr. Potter, a further call of the House was suspended.

The question being put, the substitute offered by Mr. Parker, was rejected.

Mr. Potter, then offered the following substitute for the 2d, section of the substitute of the Committee.

SEC. 2. *Be it further enacted,* That any actual settler within the limits of the Cherokee nation, now in possession of land as known and designated by metes and bounds in the treaty with said Indians, shall have a settlers right to the land which he occupied, and after the survey as contemplated in the foregoing section, said settler or settlers, shall, upon application to the

Commissioner of the General Land-office, receive a patent to the quantum of land that their location script calls for, upon payment of the Government price for said land, provided, that the claim is not for more than one league and labor, and further, provided, those that have not location script, shall as settler, receive a patent to six hundred and forty acres upon the same terms."

And also, the following additional section.

"*Be it further enacted*, That the President, be, and he is hereby authorized and required, so soon as practicable to enforce the laws, and carry into effect the above act of Congress."

Mr. Portis, moved to adjourn until Monday morning 10 o'clock.

Lost.

On motion of Mr. Robinson of B., a call of the House was made and Sergeant-at-Arms despatched for absentees.

On motion of Mr. Potter, a further call of the House was suspended.

On motion of Mr. Matthews, the bill under consideration, with all the amendments were laid upon the table.

Mr. Matthews, moved a re-consideration of the vote refusing to pass "A Bill, to amend an act, regulating sales by Judgement, or decree of Probate Court or Court of Chancery, &c."

Mr. Williamson, moved to lay the above motion on the table.

A message was received from the Senate, informing the House of the passage of "A Bill, for the relief of Bexar county."

Also, of

"A Bill, for the relief of Wm. Ashworth and others."

Mr. Robinson of B., moved to adjourn until 10 o'clock Monday, morning.

Lost.

Mr. Williamson, moved to adjourn until half past 9 o'clock Monday morning.

Lost.

Mr. Robinson of B., moved to adjourn until 29 minutes past 9 o'clock Monday morning.

Lost.

Mr. Potter moved to adjourn until 7 o'clock P. M.

Lost.

Mr. Robinson of B., moved the House adjourn until a quarter past 9 o'clock Monday morning.

Lost.

On motion of Mr. Potter, the House adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

The motion of Mr. Williamson, to lay the motion of Mr. Matthews for a re-consideration of the vote on the "bill regulating sales of Probate Courts, &c." before the House when it adjourned.

The question being put, the motion to lay on the table was Lost.

The ayes and noes were then called for on the re-consideration and stood as follows:

Ayes—Messrs: Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Parker, Robinson of B., Sherman, Ward and Whyte—23.

Noes—Messrs. Speaker, Dial, Peebles, Potter, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—10.

Carried, and vote re-considered.

On motion of Mr. Matthews, "A Bill, to authorize the several County Courts to raise a revenue by license on public ferries," was taken up, with a substitute of the Committee on Internal Improvements.

Substitute adopted.

On motion of Mr. Potter, the bill was so amended as to include the county of Galveston.

On motion, the bill was ordered to be engrossed.

On motion of Mr. Potter, rule suspended: bill read 3d time and passed.

The Committee on Military Affairs, Sidney Sherman, chairman, to whom was referred the subject of the defence of Galveston &c." reported "A Bill, for the protection of the sea coast."

Which report was received, and bill read 1st time.

The Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills, have examined "An Act, to amend the Probate law," and find the same correctly enrolled, the same having been signed by the Speaker of the House, and

President of the Senate, was this day presented to the President for his approval.

(Signed) I. PARKER.  
Chairman.

Report adopted.

Mr. Lewis, moved to take up "A Bill, to incorporate Herman University."

Lost.

On motion of Mr. Cazneau, "A Bill, for the protection of the sea coast," was taken up,

On motion of Mr. Potter, rule suspended and bill read 2d time.

Mr. Sparks, moved to strike out "\$7000," in 1st section, and insert "\$4000."

Lost.

Mr. Dennison offered the following amendment to 1st section, add, "and that the sum of one thousand dollars be appropriated to the defence of the pass into Matagorda Bay."

Adopted.

Mr. Warren, offered the following additional section:

"Be it further enacted, That the President of the Republic, be, and is hereby authorized and required to carry the provisions of this act into effect, from and after its passage."

Adopted.

Mr. Peebles, moved to amend the bill so that the appropriations contemplated be drawn from the appropriation of \$50,000 for the defence of the frontier.

Lost, and bill ordered to be engrossed.

On motion, rule further suspended and bill read 3d time.

The ayes and noes were then called for, on its passage and stood as follows, viz:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dennison, Dial, Fields, Garza, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Parker, Peebles, Pennall, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Walling, Ward, Warren and Whyte—33.

Noes—Messrs. Sparks and Williamson—2.

Carried, and bill passed.

On motion of Mr. Parker, "A Bill, to take the census of the Republic," was taken up,

Read 2d time, and referred to the Committee on the State of the Republic.

The Select Committee J. J. Robinson, Chairman, to whom

was referred "A Bill, creating the county of Rusk, for Judicial purposes," reported the same back to the House, with sundry amendments, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Select Committee, S. Sherman, Chairman, to whom was referred "A Bill, to declare trespass in certain cases larceny," reported by a substitute and recommended its passage.

Report received, and bill laid on the table to come up among the orders of the day.

On motion of Mr. Haynes, the House adjourned until 10 o'clock Monday morning.

MONDAY, Jan. 9th, 10, A. M.

The House met pursuant to adjournment.

The roll being called, the following members were present and answered to their names:

Messrs. Speaker, Bower, Caldwell, Crisp, Dennison, Dial, Garza, Grimes, Hanover, Hewett, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Milby, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum present.

The Journal of Saturday was read and adopted.

The Committee on Finance, G. W. Hill, Chairman, to whom to whom was referred a bill, to be entitled "An Act to provide for the more certain collection of State and County Tax," reported by substitute, and recommended its passage.

Which report was received, and substitute adopted.

Mr. Hill moved the engrossment of the bill.

Mr. Hanover offered the following amendment, to wit:

"*Provided*, that it shall be lawful for any person, holding lands, in any other county than that in which he resides, to send an inventory of the same, to the assessor of the county where the land lies, sworn to before the Chief Justice of the county where the owner resides, and certified by the said Chief Justice."

Mr. Caldwell moved the bill, together with its amendments, be re-committed to the Committee on Public Lands.

The ayes and noes being called for, on the motion, stood as follows, to wit:

Ayes—Messrs. Speaker, Bower, Caldwell, Fields, Garza, Grimes, Hanover, Haynes, Hewitt, Holmes, Hunter, Braches, Parker, Peebles, Pennall, Robinson of S., Sparks, Walling and Warren—19.

Noes—Messrs. Crisp, Dennison, Dial, Halbert, Hill, Hodge, Lewis, Matthews, McLeod, Milby, Portis, Potter, Scurry, Ward and Whyte—15.

Carried, and bill re-committed.

The Committee on Indian Affairs made the following report, to wit:

COMMITTEE-ROOM, }  
January 9th, 1843. }

*To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.*

The Committee, to whom was referred a bill, to be entitled "An Act to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians," have had the same under consideration, and report the same back to the House, and recommend its passage.

(Signed) WM. M. HEWITT,  
Chairman.

Which report was received, and bill laid upon the table to come up among the orders of the day.

A Select Committee made the following report, to wit:

COMMITTEE-ROOM, }  
January 9th, 1843. }

*To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.*

The Select Committee, to whom was referred a bill, to be entitled "An Act to exempt certain articles, therein named, from Impost Duties," also,



"A Bill, amendatory to a 'An Act, supplementary to 'An Act, to raise a revenue by Impost Duties,' approved February 5th, 1842," together with the accompanying amendments, have had the same under consideration; and, after careful examination, ask leave to recommend the passage of the bill to be entitled "An Act to exempt certain articles, therein named, from Impost Duties," without amendments; and ask the rejection of the bill, amendatory to "An Act, supplementary to 'An Act to raise a revenue by Impost Duties,' approved February 5th 1842;" and, also, the rejection of the amendments.

(Signed)

M. W. MATTHEWS.

Chairman.

Report received, and bills laid upon the table, to come up among the orders of the day.

On motion of Mr. Scurry, a bill, to be entitled "An Act to reorganize the 1st, 2d, 4th, 5th and 6th Judicial Districts was taken up, and read 1st time.

Mr. Lewis, by leave, introduced a bill, to be entitled "An Act to amend the several laws regulating the Post-office Department."

Read 1st time; rule suspended, bill read a 2d time, and referred to the Committee on Post-offices and Post-roads.

On motion of Mr. Caldwell, the House then proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY.

Mr. Williamson, by leave, offered the following resolution, to wit:

"Resolved, That the principal Clerk of the House of Representatives, be instructed to call upon the Enrolling Clerk of the Senate, for a certified copy of the bill, known by its caption, in the report of the majority of the Select Committee, signed by Jesse Grimes, M. W. Matthews, and R. M. Williamson; which said report is spread upon the journals of this House."

Which resolution was adopted.

Mr. Crisp moved to take up the "Bill supplementary to 'An Act to provide for the survey and sale of the Cherokee Lands.'" Lost.

On motion of Mr. Matthews, a bill, to be entitled "An Act to legalize the proceedings of the fall term (1842) of the District Court of Bexar county," was taken up, and read 1st time,

On motion, rule suspended, and bill read 2d time.

On motion, rule further suspended, bill read a 3d time, and passed.

On motion of Mr. Matthews, "A Bill, supplementary to 'An Act to provide for the survey and sale of the Cherokee lands,'" was taken up.

Question on the adoption of the substitute for 2d section.

Mr. Potter moved a call of the House.

Carried, and Sergeant-at-Arms despatched for absent members.

The Sergeant-at-Arms having returned with absent members;

On motion of Mr. Caldwell, a further call of the House was suspended.

The ayes and noes being called for, on the adoption of the substitute for 2d section, stood as follows, to wit:

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Portis, Potter, Robinson of B., Robinson of S., Sherman and Whyte—24.

Noes—Messrs. Speaker, Dial, Grimes, Hewett, Holmes, Parker, Peebles, Pennall, Scurry, Sparks, Walling, Ward, Warren and Williamson—14.

Carried, and substitute adopted.

Question on the adoption of the additional section.

The ayes and noes being called for, stood as follows, to wit:

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Hagler, Hanover, Haynes, Hill, Hodge, Braches, Lewis, McLeod, Portis, Potter, Robinson of B., and Sherman—18.

Noes—Messrs. Speaker, Dial, Grimes, Halbert, Hewett, Holmes, Hunter, Matthews, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson—20.

Lost, and amendment rejected.

Mr. Hunter moved a re-consideration of the vote rejecting the amendment.

The ayes and noes being called for, on the motion, stood as follows, to wit:

Ayes—Messrs. Bower, Fields, Hagler, Halbert, Hanover, Hill, Hodge, Hunter and Sherman—9.

Noes—Messrs. Speaker, Caldwell, Cazneau, Crisp, Dennison, Dial, Grimes, Haynes, Hewitt, Holmes, Braches, Lewis, Matthews, McLeod, Milby, Parker, Peebles, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson—29. Lost.

Mr. Lewis offered the following amendment to the substitute, to wit:

"Be it further enacted, That the minimum price of the land contemplated, in this act, to be sold, shall be one dollar per acre." Rejected.

Mr. Whyte moved to amend the substitute, by fixing the minimum price on lands, held by actual settlers, at twenty cents per acre.

Mr. Portis offered the following amendment to the amendment of Mr. Whyte, to wit:

"That the minimum price of the land be established at fifty cents; and that the actual settler be allowed his land at twenty cents per acre." Accepted.

A message was received from the Senate, informing the House of the passage of "A Joint Resolution for the relief of persons therein named," on which, all rules had been suspended, and requested a like suspension on the part of the House.

Question on the adoption of the amendment of Mr. Whyte, as amended by Mr. Portis.

Mr. Robinson, of B., moved a division of the question.

Carried.

Question on the adoption of the amendment, fixing the minimum price of lands, to be sold under the provisions of the act to provide for the sale of the Cherokee lands, &c., at fifty cents per acre, was then put, and carried.

Question on the adoption of that portion of the amendment fixing the minimum price of the lands held by actual settlers, at twenty cents per acre.

The ayes and noes being called for, stood as follows, to wit:

Ayes—Messrs. Caldwell, Cazneau, Dial, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Braches, Lewis, McLeod, Milby, Portis, Robinson of S., Sherman, Ward and Whyte—18.

Noes—Messrs. Speaker, Bower, Crisp, Dennison, Fields, Grimes, Hewitt, Holmes, Hunter, Matthews, Parker, Peebles, Pennall, Potter, Scurry, Sparks, Walling, Warren and Williamson—19.

Lost, and amendment rejected.

Mr. Williamson moved the rejection of the substitute as amended.

Mr. Fields moved a call of the House.

Carried, and Sergeant-at-Arms despatched for absent members.

A message was received from the Senate, informing the House of the passage of a bill, to be entitled "An Act, to fix the time and place of holding the Supreme Court;" also,

A bill, to be entitled "An Act for the protection of the Western and South-western frontier, and for other purposes," with an amendment.

Mr. Grimes moved the suspension of a further call of the House. Lost.

On motion of Mr. Matthews, a further call of the House was suspended.

The ayes and noes being called for, on the motion of Mr. Williamson, to reject the substitute, &c., stood as follows, to wit:

Ayes—Messrs. Speaker, Dial, Grimes, Halbert, Haynes, Hewitt, Holmes, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson—17.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Hagler, Hanover, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Portis, Potter, Robinson of B., Sherman and Whyte—21.

Lost.

Mr. Portis moved the previous question on the substitute.

The question—"Shall the main question be now put?" was put and lost.

Mr. Darnell offered the following amendment to the substitute, to wit:

*"Be it further enacted,* That all settlers now residing within the limits of the Cherokee country, as described in this bill, or who have resided within said limits, at any time; and who have cultivated the soil of the same, under a legal survey, shall have a preemption right, under the provisions of this act, at five cents per acre."

Mr. Potter moved a call of the House.

Carried, and Sergeant-at-Arms despatched for absent members.

Mr. Hanover moved the House adjourn until 3 o'clock P. M. Lost.

On motion of Mr. Portis, a further call of the House was suspended.

On motion of Mr. Potter, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met, Mr. Grimes in the Chair,—roll called—a quorum present.

The House proceeded to business.

A message was received from the Senate, informing the House of the passage of the following bills, to wit:

"A Joint Resolution authorizing the Secretary of the Treasury to issue change notes;" also,

A bill, to be entitled "An Act in relation to Post-offices;" also,

A bill, to be entitled "An Act to extend to the Chief Justice and Associate Justices, the authority to issue certificates of head-rights to Emigrants."

On motion of Mr. Williamson, the "Bill, supplementary to 'An Act to provide for the survey and sale of the Cherokee Lands,'" which was under consideration when the House adjourned, was laid upon the table.

On motion of Mr. Williamson, "A Bill for the relief of A. B. Shelby" was taken up, read 2d time, and ordered to be engrossed.

On motion, rule suspended, bill read 3d time, and passed.

Mr. Sherman, by leave, introduced a bill, to be entitled "An Act to amend 'An Act to incorporate the city of Houston, and other cities therein named.'"

Read 1st time.

On motion, rule suspended, and bill read 2d time.

On motion, rule further suspended, bill read third time, and passed.

On motion of Mr. Hill, "A Bill, to be entitled an act, for the removal of the archives of the Republic of Texas," was taken up.

Mr. Caldwell moved the previous question.

The motion shall the main question be now taken, was put and carried.

Mr. Caldwell, moved a call of the House.

Carried, and

Sergeant-at-Arms despatched for absent members.

The Sergeant-at-Arms returned and reported that Mr. Robinson of B., was too unwell to attend, and no other members were to be found.

On motion of Mr. Williamson, a further call of the House was suspended.

On motion of Mr. Williamson, a call of the House was made, and Sergeant-at-Arms again dispatched for absent members.

A message was received from the President, through his private Secretary W. D. Miller.

The Sergeant-at-Arms returned with Mr. Robinson of B., and reported that he was unable to find any others.

Mr. Portis, moved a suspension of a further call of the House.  
Lost.

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

TUESDAY, Jan. 10th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Caldwell, Cazneau, Dennison, Dial, Garza, Grimes, Halbert, Hanover, Hewitt, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Milby, Peebles, Pennall, Potter, Robinson of S., Scurry, Sherman, Walling, Ward, Warren, Whyte and Williamson,

A quorum being present—the Journals of the preceding day were read and adopted.

COMMITTEE ROOM, }  
Jan. 10th, 1843. }

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

The Committee on the Judiciary, to whom was referred, "A Bill, to alter the time of holding the District Courts in the 7th Judicial district, and for other purposes," have had the same under consideration, and have directed me to report a substitute for the original bill, and recommend the passage of the substitute.

(Signed)

R. SCURRY,  
Chairman.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Engrossed Bills, made the following report:

HOUSE OF REPRESENTATIVES, }  
January 10th, 1843. }

*To the Hon. N. H. Darnell,*

*Speaker of the House of Representatives.*

The Committee on Engrossed Bills, have examined "A Bill, to be entitled an act, for the relief of A. B. Shelby," and find the same correctly engrossed.

[Signed]

A. M. LEWIS,  
Chairman,

Which report was adopted.

The Committee on Enrolled Bills, made the following report:

HOUSE OF REPRESENTATIVES, }  
January 10th, 1843. }

To the Hon. N. H. Darnell,

Speaker of the House of Representatives.

The Enrolling Committee have examined and found correct, "A Bill, to be entitled an act, for the relief of Wm. Ashworth and others," the same having been signed by the Speaker of the House, and President of the Senate, was presented to His Excellency the President for his approval, on the 19th inst.

[Signed]

ISAAC PARKER,

Chairman.

Report adopted.

There being a call of the House pending when the House adjourned.

On motion of Mr. Williamson, a further call of the House was suspended.

"A Bill, to provide for the removal of the archives of the Republic of Texas, was under consideration when the House adjourned.

Question on the passage of the bill to its 3d reading.

The ayes and noes being called for thereon, stood as follows:

Ayes—Messrs. Speaker, Dial, Grimes, Hanover, Hewett, Hill, Matthews, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Warren, Whyte and Williamson—18.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hodge, Holmes, Hunter, Braches, Lewis, McLeod, Portis, Potter, Robinson of B., Sherman and Ward—21.

Lost.

Mr. Fields, by leave introduced "A Bill, for the relief of Texian prisoners.

Read 1st time.

On motion, rule suspended, and bill

Read 2d time.

Mr. Hill, moved to strike out all after the 1st section.

Lost.

A message was received from the Senate, informing the House of the passage of "A Bill, to incorporate the Matagorda and Caney Navigation Company."

Mr. Lewis, offered the following amendment to the 2d section:

Insert after "massacre," "or taken prisoners as before mentioned."

Adopted.

Mr. Hill, offered the following amendment to the 2d section: Insert in 5th line after the word "last" "and all others who have been slain by the common enemy of the country since 1836."

The ayes and noes being called for on its adoption, stood as follows:

Ayes—Messrs. Bower, Caldwell, Crisp, Dennison, Hill, Matthews, Parker, Portis, Robinson of S., Scurry, Sparks, Walling, Warren and Whyte—14.

Noes—Messrs. Speaker, Fields, Garzia, Hagler, Halbert, Hanover, Haynes, Hodge, Holmes, Hunter, Braches, Lewis, Milby, Peebles, Pennall, Potter, Sherman, Ward and Williamson—20.

Lost, and amendment rejected.

A message was received from the Senate, informing the House of the passage of "A Bill, making appropriations for the protection of the sea coast."

Mr. Hill, offered the following amendment to the 2d section: Insert after the word "last," "and all those who were taken in the Santa Fé expedition, and yet held prisoners in Mexico."

Mr. Potter, moved the previous question.

The question, shall the main question be now taken, was put and carried.

The main question being the engrossment of the bill

The ayes and noes were called for thereon and stood as follows:

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Dial, Fields, Hagler, Halbert, Hanover, Haynes, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Portis, Potter, Sherman, Whyte and Williamson—22.

Noes—Messrs. Speaker, Garza, Grimes, Hewitt, Hill, Holmes, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward and Warren—16.

Carried, and bill ordered to be engrossed.

Mr. McLeod, moved a further suspension of the rule.

Lost.

On motion of Mr. Cazneau, "A Bill, for the protection of the frontier, &c." was taken up with amendments from the Senate.

On motion of Mr. Caldwell, the amendments of the Senate were concurred in by the House.

On motion of Mr. Scurry, "A Bill, to reorganize certain Judicial Districts," was taken up,



Read a 2d time, and referred to the Committee on the Judiciary.

A message was received from the Senate, informing the House of the passage of "A Bill, supplementary to an act, to detect fraudulent land certificates, &c."

On motion of Mr. Robinson of S., the House proceed to dispose of the business upon the Speakers table and to the

### ORDERS OF THE DAY

On motion of Mr. Cazneau, Mr. Caldwell was added to the Judiciary Committee.

On motion of Mr. Grimes, the communication from the President was taken up, and read as follows:

EXECUTIVE DEPARTMENT, }  
Washington, Jan. 7, 1843. }

*To the Honorable, the House of Representatives:*

Herewith in pursuance of a resolution of your honorable body of the 5th inst. I have the pleasure to transmit a statement of goods, and Government stores, handed over in February 1842, by the late acting Quarter Master General to the War Department, the amount sold, the amount remaining on hand in April last, together with the report of Col. Jacob Snively in reference thereto, and the cause and manner of their disposition. Also, a statement from the Treasury Department, exhibiting the items for which drafts have been made upon the appropriation of last year, for the protection of the frontier.

It will be perceived from the report of Col. Snively, that the articles received from acting Quarter Master General Cazneau, were in a perishable and greatly damaged condition, arising as reported, from neglect and want of care on the part of those, in whose care they had been previously placed.

They consisted principally of fragments, remnants and the refuse of supplies, which remained after the outfit of the Santa Fè expedition, and the supplying of such parties as at various times were fitted out for excursions after Indians, that had been annoying the inhabitants of the city of Austin. The refuse which remained, was injured from the depredations of boys, worms and rats, so as to render them valueless for the public service. The Secretary of War thought it, therefore, advisable to order a survey and sale thereof under the 32d and 47th articles of the army regulations. The first provides for the survey and

sale of damaged stores, and the latter for placing the amount received from such sales, to the appropriation to which it might properly belong.

Under this authority the drafts were drawn by direction of the Secretary of War, for the purchase of supplies, deemed indispensable by him, for the support of the troops, assembled at Austin in March last, to protect that place against expected Mexican attack, which could only be procured for cash, such as beef, meal, flour &c., transporting artillery and supplies to San Antonio, expresses, repairing artillery carriages, &c. &c.

The amount of about \$400 in Exchequer Bills, received from the sale, was paid to Wm. L. Cazneau, as acting Quarter Master General, the only item for which there was no authority of law, and which was not made known to the Executive until the present call brought to light.

During the absence of the archives and the continued commotion in the country, it has been utterly impossible for the Executive, with the means at his command, to obtain the information necessary to the prompt correction of errors and abuses. As has been heretofore communicated to the Congress, the business of the Quarter Master General, and several other officers, is now four years in arrears; and must remain so, until the facilities afforded by Congress, will be such as to enable the Executive to have it brought up, and the accounts of delinquents and defaulting officers settled. The amount of defalcations cannot be less than three hundred thousand dollars, and probably a half million may not cover them.

The statement from the Treasury Department, in answer to a part of the resolution above referred to, will be found to contain items which were connected with the condition of the country—many of them for carrying expresses, owing to the want of mail facilities; and others for the purpose of placing the militia in a state of readiness to act in the most efficient manner, if the country was invaded, as many believed it would be, at various times, since the appropriation was made.

The amount paid for the subsistence of the Indians, and presents to them, accrued principally on account of the Lipans; and the Executive will here remark, that the Lipans were perfectly satisfied; and considered the allowance made them, as an equivalent for the various campaigns in which their warriors had co-operated, at various times, with our troops, under the command of General Burleson, and others.

It will be remarked by your honorable body, that the greatest economy has been exercised in the disbursement of the fund.—

That it was not all immediately appropriated to the protection of the South-western frontier, was owing to the fact, that it was not sufficient, had it all been in par funds, to have supported one full company of infantry, and it is a fact notorious to every man of observation, that unless men on our frontier are well mounted, they are worse than useless. To have equiped and supported a company of cavalry, would have required a sum of more than fifty thousand dollars.

The Executive, under these circumstances believed it much more advisable, and beneficial to the country, that the money should remain in the treasury, than be expended in the attempts to effect a purpose which must prove in the end an utter failure, and disappoint the expectations which it would have inspired.

The Honorable House will also recall the fact to their recollection that the money has been depreciated to a scale never above fifty cents, and for a great portion of the year was worth but thirty cents, and even less, on the dollar. Hoping that our currency would improve and not wishing to injure our finances, the Executive has been constrained from a sense of duty, to act upon principles of economy, for which he shall feel perfectly justified if he can once more see confidence and a sound currency restored to the country.

SAM. HOUSTON.

On motion of Mr. Hunter, the above communication and accompanying documents, were referred to the Committee on Military Affairs.

On motion of Mr. Lewis, "A Bill, to alter the time and place of holding the Supreme Court," was taken up, and  
Read 1st time.

Mr. Lewis, moved, the rejection of the bill.

The ayes and noes being called for on the motion, stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewett, Hill, Hodge, Holmes, Lewis, Matthews, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Warren and Whyte—20.

Noes—Messrs. Bower, Caldwell, Cazneau, Dennison, Garza, Hagler, Haynes, Hunter, Braches, McLeod, Milby, Portis, Potter, Robinson of B., Sherman and Ward—16.

Carried, and bill rejected.

A message was received from the Senate, informing the House of the passage of "A Bill, supplementary to An Act,

making appropriations for the support of the Government for 1843," with amendments.

Mr. McLeod, offered the following resolution:

*"Be it resolved by the Senate, and House of Representatives, That the Executive be requested to furnish this House with information, as to the measures, if any have been taken by him, for the release of Antonio Navarro, a citizen of the Republic, now in imprisonment in Mexico—and copies of the correspondence of this Government, for the purpose of effecting that release, if any such has occurred."*

On motion, the rule was suspended requiring resolutions to lay upon the table one day for consideration; and

Resolution adopted.

On motion of Mr. Scurry, "A Bill, supplementary to An Act, making appropriations for the support of the Government for the year 1843," was taken up with amendments from the Senate.

Mr. Hill, moved that the House disagree to the first amendment of the Senate.

Carried.

On motion, the House concurred in the second amendment of the Senate.

On motion of Mr. Hill, a Committee of Conference, composed of the following named gentlemen, to wit: Messrs. Hill, Matthews, Peebles, Caldwell and Parker, were appointed to confer with a like Committee on the part of the Senate, on the bill supplementary to An Act, making appropriations for the support of Government, &c."

On motion of Mr. Potter, "A Bill, to provide for the survey and sale of the Cherokee Lands, &c.," was taken up,

On motion of Mr. Potter, a call of the House was made, and Sergeant-at-Arms despatched for absent members.

On motion of Mr. Sparks, a further call of the House was suspended.

Question on the adoption of the amendment offered by Mr. Darnell, still under consideration.

The ayes and noes being called for thereon, stood thus, to wit:

Ayes—Messrs. Speaker, Dial, Halbert, Holmes, McLeod, Milby, Parker, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Ward, Warren and Whyte—16.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Hagler, Hanover, Haynes, Hewett, Hill, Hodge, Hunter,

Braches, Lewis, Matthews, Peebles, Pennall, Portis, Potter and Williamson—22.

Lost, and amendment rejected.

A message was received from the Senate, informing the House that the Senate had appointed a Committee of Conference to confer with the Committee on the part of the House, on "A Bill, supplementary to an act, making appropriations for the support of the Government, &c."

Mr. Cazneau, moved the previous question on the adoption of the substitute for the bill providing for the sale of the Cherokee Lands, &c.

The question, shall the main question be now taken, was put, and carried.

The main question being the adoption of the substitute.

The ayes and noes were called for thereon, and stood as follows :

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Hagler, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Portis, Potter and Whyte—20.

Noes—Messrs. Speaker, Dial, Grimes, Halbert, Hewitt, Holmes, Parker, Peebles, Pennall, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward and Warren—18.

Carried, and substitute adopted.

Mr. Parker, offered the following additional section :

*Be it further enacted*, That none of the surveyed or located lands within the aforesaid Cherokee boundary, shall be sectionized or sold, under the provisions of this act, until the money which may have been paid by persons locating said lands shall be refunded with interest thereon."

Mr. Williamson, offered the following, as a substitute for the additional section of Mr. Parker.

*Be it further enacted*, That the President, be, and he is hereby required to exact of the purchasers of the lands in question, the conditions of settlement imposed by the laws of the Republic, on emigrants of this Republic."

Rejected.

A message was received from the Senate, informing the House of the passage of "An Act, amendatory to an act, establishing and incorporating the College of De Kalb." also,

"An Act, to repeal in part an act, to regulate the collection of impost duties."

Mr. Potter, moved the previous question.

The question shall the main question be now taken, was put and lost.

Mr. Williamson, offered the following as an amendment to the amendment of Mr. Parker :

*"Be it further enacted,* That the President shall not be authorized to sell more than one half of the above described lands previous to the meeting of the next Congress."

Rejected.

Mr. Williamson, then offered the following as an amendment to the amendment of Mr. Parker:

*"Be it further enacted,* That the proceeds of the sale of said lands shall be paid into the public treasury by the President of the Republic, on or before the first Monday in December next.

Rejected.

Question on the adoption of the amendment of Mr. Parker.

Mr. Matthews, moved a call of the House.

Carried, and Sergeant-at-Arms despatched for absent members.

On motion of Mr. Cazneau, a further call of the House was suspended.

The ayes and noes being called for on the adoption of the amendment of Mr. Parker, stood as follows:

Ayes—Messrs. Speaker, Dial, Hewett, Holmes, Parker, Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson.—12.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Peebles, Pennall, Portis, Potter, Robinson of B., Sherman, and Whyte—25.

Lost, and amendment rejected.

Mr. Portis, offered the following additional section :

*"Be it further enacted,* That each actual settler, shall be entitled to enter his or her head-right, including his or her improvements, at twelve and a half cents per acre, and that the same shall be paid in, within twelve months from the return of the surveys to the General Land-office."

Mr. Darnell, offered the following as a substitute for the additional section of Mr. Portis.

*"Be it further enacted,* That all settlers now residing within the limits of the Cherokee country, as described in this bill, or who have resided within said limits at any time, and who have cultivated the soil of the same under a legal survey, shall have

a preemption right, under the provisions of the 2d section at ten cents per acre."

The ayes and noes being called for on its adoption stood as follows:

Ayes—Messrs. Speaker, Dial, Halbert, Hewitt, Holmes, Milby, Parker, Robinson of S., Scurry, Sparks, Walling, Ward and Warren.—13

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Grimes, Hagler, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Peebles, Pennell, Portis, Potter, Sherman, Whyte and Williamson—24.

Lost, and amendment rejected.

A message was received from the Senate, informing the House of the passage of "A Bill, for the relief of Wm. Bryan;" also, "A Bill, to incorporate the German Emigrating Company."

Mr. Grimes, offered the following amendment to the amendment of Mr. Portis:

Insert "and all those who have heretofore resided permanently in that country for the term of twelve months, and cultivated to the amount of five acres of land."

The ayes and noes being called for thereon, stood as follows:

Ayes—Messrs. Speaker, Dial, Grimes, Halbert, Holmes, Braches, Lewis, Milby, Parker, Peebles, Robinson of S., Scurry, Sherman, Sparks, Walling, Ward and Warren—17.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Hagler, Hanover, Haynes, Hill, Hodge, Hunter, Matthews, McLeod, Pennall, Portis, Potter, Robinson of B., Whyte and Williamson—20.

Lost, and amendment rejected.

Question on the adoption of the amendment of Mr. Portis, as an additional section, was then taken up and carried.

Mr. Potter, moved the previous question.

The question, shall the main question be now taken, was put and carried.

The main question being the engrossment of the bill, the ayes and noes were called for thereon and stood as follows:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Grimes, Hagler, Halbert, Hanover, Haynes, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Portis, Potter, Robinson of B., Robinson of S., Sherman, Whyte and Williamson—26.

Noes—Messrs. Dial, Hewitt, Hill, Holmes, Parker, Peebles, Pennall, Scurry, Sparks, Walling, Ward and Warren—12.

Carried and bill ordered to be engrossed.

Mr. Hunter, moved a re-consideration of the vote engrossing the bill.

Mr. Williamson, moved to lay the motion for a re-consideration on the table.

Lost.

On motion of Mr. Cazneau, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—not a quorum present.

The Sergeant-at-Arms was despatched for absent members.

The Sergeant-at-Arms returned with absent members—a quorum present.

The House proceeded to business.

A motion to re-consider the vote engrossing the bill "to provide for the survey and sale of the Cherokee lands," was under consideration when the House adjourned.

On motion of Mr. Robinson of B., said motion was laid upon the table.

"An Act, confirming the location of the seat of Justice of Harrison county, at the town of Marshall," with a substitute from the Senate, was taken up.

Mr. Whyte, moved the indefinite postponement of the consideration of the substitute.

Carried.

A message was received from the Senate, informing the House of the passage of "An Act, for the relief of Winchester Doyle and others," also,

"A Joint Resolution, for the relief of H. Castro," on which all rules have been suspended, and requested a like suspension on the part of the House.

On motion of Mr. Hunter, "An Act, to incorporate the "German Emigrating Company," was taken up and read 1st time.

On motion of Mr. Hill, "An Act regulating the coasting trade, proportion of tonnage duties," &c., was taken up, with amendments from the Committee on Finance, and amendments of the Committee rejected.

On motion, rule suspended, and bill read 3d time.



The ayes and noes being called for, on the final passage of the bill, stood as follows, to wit:

Ayes—Messrs. Crisp, Dennison, Fields, Hagler, Halbert, Hill, Hodge, Holmes, Hunter, Braches, Matthews, Peebles, Portis, Potter, Robinson of S., Sherman, Walling and Ward—18.

Noes—Messrs. Speaker, Cazaeau, Dial, Grimes, Hanover, Hewitt, McLeod, Pennall, Scurry, Sparks and Warren—11.

Carried, and bill passed.

On motion of Mr. Hagler, "A Joint Resolution for the relief of Minute-men," with amendments of the Select Committee, was taken up, and amendments adopted.

On motion, rule suspended, bill read 3d time, and passed.

Mr. Sparks moved to take up "A Bill, exempting certain articles therein named from impost duties."

Lost.

On motion of Mr. Hill, "An Act, to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians," was taken up, and read 2d time.

Mr. Grimes moved to amend the 7th section, by inserting the following:

"The places to be designated by the Commissioners, that make the treaty with the Indians, not to exceed twenty-five miles from the places designated in this section."

Adopted.

Mr. Grimes offered the following amendment to the 19th section:

"Strike out all after '\$500.'"

Adopted.

Mr. Hill moved a suspension of the rule, that the bill might be placed on its 3d reading.

Lost.

A message was received from the President, through his Private Secretary, W. D. Miller.

A message was received from the Senate, informing the House, of the passage of "A Bill to amend 'An Act to incorporate the city of Houston,' &c."

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

Read 1st time.

Mr. Warren moved a suspension of the rule. Lost.

On motion of Mr. Caldwell, "A Bill for the relief of Messrs. Highsmith and Jones," was taken up, and read a 2d time.

Mr. Caldwell offered a substitute for the bill, which was adopted.

Mr. Hill, moved to amend by inserting after the word "taxes"  
"at the same rate as Exchequer bills for the same dues."

Adopted.

On motion, rule suspended; bill read 3d time.

The ayes and noes being called for, on the final passage of  
the bill, stood as follows, to wit:

Ayes—Messrs. Speaker, Caldwell, Cazneau, Crisp, Dennison,  
Dial, Fields, Garza, Hagler, Hanover, Haynes, Hunter, Braches,  
Lewis, Matthews, McLeod, Parker, Peebles, Pennall, Portis,  
Potter, Robinson of S., Sherman, Walling, Ward, Warren and  
Whyte—27.

Noes—Messrs. Grimes, Halbert, Hewitt, Hill, Hodge, Holmes,  
Milby, Scurry and Sparks—9.

Carried, and bill passed.

On motion of Mr. Walling, "A Bill, to divide the county of  
Nacogdoches &c." with amendments from the Select Committee,  
was taken up and amendments adopted.

On motion of Mr. Walling, "Jackson" was stricken out, and  
"Henderson" inserted.

On motion, rule suspended; bill read 3d time.

The ayes and noes being called for on the final passage of  
the bill, stood as follows:

Ayes—Messrs. Speaker, Crisp, Dennison, Dial, Fields, Grimes,  
Hagler, Halbert, Hanover, Haynes, Hewitt, Holmes, Hodge,  
Hunter, Braches, Matthews, McLeod, Milby, Peebles, Pennall,  
Robinson of S., Sherman, Sparks, Walling, Ward and Whyte  
—26.

Noes—Messrs. Bower, Cazneau, Garza, Hill, Portis, Scurry  
and Warren—7.

Carried, and bill passed.

"A Bill, to exempt certain articles therein named from im-  
post duties," was taken up; and,

Read 2d time.

Mr. Cazneau, moved to amend by inserting "cotton gins and  
spinning machines."

Adopted.

Mr. Portis moved the previous question.

The question, shall the main question be now taken, was put  
and carried.

Mr. Potter moved a call of the House.

Lost.

The main question being the passage of the bill to a 3d  
reading

The ayes and noes were called for thereon, stood as follows:

Ayes—Messrs. Speaker, Cazneau, Crisp, Dial, Grimes, Halbert, Hanover, Hewitt, Hodge, Matthews, McLeod, Milby, Peebles, Pennall, Portis, Robinson of S., Scurry; Sparks, Walling, Ward and Warren—21.

Noes—Messrs. Caldwell, Dennison, Fields, Hagler, Hill, Holmes, Hunter, Braches, Lewis, Parker, Potter and Sherman—12.

Carried, and bill passed to a 3d reading.

The Committee on Enrolled Bills, made the following report:

HOUSE OF REPRESENTATIVES, }  
January 10th, 1843. }

*To the Hon. N. H. Darnell,*

*Speaker of the House of Representatives.*

The Committee on Enrolled Bills, have examined "An Act, for the protection of the Western and South-western frontier, and for other purposes," and find the same correctly enrolled; the same having been signed by the Speaker of the House and President of the Senate, was this day presented to his Excellency the President for his approval.

[Signed]

ISAAC PARKER,  
Chairman.

On motion of Mr. Fields the President's message was taken up, and read, as follows:

EXECUTIVE DEPARTMENT, }  
Washington, Jan. 10, 1843. }

*To the Honorable, the House of Representatives:*

The duties which have devolved upon the Chief Magistrate of Texas, in relation to the archives of the nation, as well as all other matters touching the administration of the Government, have been discharged with fidelity. If the representatives of the people have failed to sustain him, he feels acquitted of his trust. Whatever of evil may befall the nation from the loss or destruction of its archives, must *fall upon the people*, but not by the agency of their President. The rights of a large community in such an event, would be sacrificed to the clamour or supposed interest of a few, without the hope of any possible advantage to those who have resisted the constitutional authority of the nation, but manifest and incurable injury to the public welfare.

The Executive, having thus far discharged his duty, will use *no further exertions on the subject, but* leave the matter to the *people and their representatives*. He has striven against what he has foreseen, as a great and impending evil—he has not been sustained by a co-ordinate Department—he is discharged from all further agency, and his hands clean of all the consequences, and calamities which may result to Texas as a nation. He believes that they will be heavy, and manifold! Having so often expressed his candid belief, and his hopes, in reference to a matter of so much moment, and enforced by every means in his power, and with an earnestness and honesty, which he deemed his relations to the country required, reasons for providing for the safety of the archives; he now feels constrained to declare and protest to your honorable body, that he can no longer entertain a hope of their safety, nor will he feel it any longer his duty to use any exertions for their preservation.

He hopes that we may not have yet to exclaim in the pathetic language of the sacred volume. "The harvest is past—the summer is ended," and add, 'Texas, is not saved!!!'

SAM. HOUSTON.

On motion of Mr. Cazneau, the above message was referred to the Select Archive Committee.

Mr. Hill, moved the printing of 500 copies of the above message, in connection with other communications on the same subject, ordered to be printed.

Mr. Lewis, moved the House adjourn until 10 o'clock to-morrow morning.

Lost.

On motion of Mr. Potter, the House adjourned until 7 o'clock P. M.

7 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

The motion for the printing of the Presidents message before the House on adjournment.

On motion of Mr. Potter, the motion to print was laid upon the table.

On motion of Mr. Potter "A Bill, to authorize the County

Court of Brazoria county to levy an additional tax for certain purposes," was taken up.

Read 1st time.

On motion,, rules suspended, bill read 2d and 3d times and passed.

Mr. Fields moved a re-consideration of the vote on the passage of the above bill.

Lost.

On motion of Mr. Parker, "A Bill, providing an additional method for proving or acknowledging letters of attorney," was taken up.

Read 2d time.

On motion rule suspended, bill read 3d time and passed.

On motion of Mr. Hewett, "A Bill, to extend to the Chief Justice and associate Justices, the authority to issue certificates of head-rights to emigrants," was taken up with amendments from the Senate.

The question being taken, the 1st and 4th amendments were rejected, and 2d and 3d adopted.

On motion of Mr. Cazneau, "A Joint Resolution, repealing a part of a joint resolution for the honorable discharge of Dr. E. J. Felder," taken up, read 3d time, and passed.

On motion of Mr. Peebles "A Bill, incorporating Herman's University," taken up.

Read 2d time.

On motion of Mr. Fields, the letter "G" was stricken out and "F" inserted before "Herman's."

Mr. Hill, moved to strike out 12th section.

Lost.

Mr. Dennisson, offered the following amendment to 10th section:

Strike out all after "dollars," down to "and the proceeds," and insert "which fines shall be sued for before any Court having competent jurisdiction, and upon judgement, shall be collected as other fines in favor of the Republic."

Adopted.

Mr. Caldwell, offered the following amendment to 9th section, add "for the space of five years." Adopted.

On motion bill ordered to be engrossed.

On motion of Mr. Lewis, rule suspended, bill read 3d time and passed.

Mr. Cazneau, by leave, introduced "A Bill to incorporate the Galveston Orphan Friend's Society."

Read 1st time, rule suspended, and bill read 2d time.

On motion of Mr. Robinson, of B., that portion authorizing the corporation to break, change and alter their seal, was stricken out.

On motion, rule further suspended, bill read 3d time, and passed.

On motion of Mr. Milby, a "Bill for the relief of Henry Tucker," was taken up, read 2d time; and,

On motion of Mr. Parker, the name of "Pleasant Bious" was inserted.

On motion of Mr. Hill, the name of Rutha Simmons was inserted.

On motion of Mr. Cazneau, the name of Henry Lynch was inserted.

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

On motion of Mr. Robinson, of B., "A Bill, to modify the provisions of 'An Act granting land to emigrants,'" was taken up, and read 1st time.

On motion of Mr. Robinson, of B., "A Bill to incorporate the Texian Emigration, Agricultural and Commercial Company," was taken up, and Read 1st time.

On motion of Mr. Robinson, of B., "A Bill, legalizing the location of the Seat of Justice of Fannin county," was taken up, and read 2d time.

On motion, rule suspended, bill read 3d time, and passed.

On motion of Mr. Halbert, "A Bill to amend the existing laws in relation to proceedings in Courts of Probate," was taken up, read 2d time; and,

On motion of Mr. Lewis, referred to the Committee on the Judiciary.

On motion of Mr. Cazneau, "A Bill to declare trespass, in certain cases, larceny," was taken up, and substitute of select committee adopted.

Mr. Hill moved the indefinite postponement of the bill.

Mr. Fields offered the following amendment to 1st section, to wit:

Insert, "that all persons travelling with waggons, or otherwise, shall be privileged to use the necessary portion of timber of the country for their comforts; and that if any individual shall remove timber for the purpose of building, improving their farms, town lots, or for sale, then they shall pay the owner thereof, five times the value of the said timber, and all costs of suit before any court having jurisdiction of the same; and if not able to pay, they shall be guilty of petit larceny."

Mr. Hewitt moved to adjourn until 10 o'clock to-morrow morning.

Lost.

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

WEDNESDAY, Jan. 11th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Crisp, Dennisson, Dial, Fields, Garza, Grimes, Halbert, Hanover, Haynes, Hewitt, Hodge, Holmes, Hunter, Braches, Matthews, Parker, Peebles, Pennall, Portis, Robinson of S., Scurry, Sparks, Walling, Ward and Williamson.

A quorum being present—the Journals of the preceding day were read and adopted.

The Committee on the Judiciary, R. Scurry, Chairman, to whom was referred "A Bill to re-organize the 1st, 2d, 4th, 5th and 6th Judicial Districts," reported the same back to the House, with amendments to the 2d and 5th sections.

Which report was received, and bill laid on the table to come up among the orders of the day.

James Dennisson, one of the Committee on the Judiciary, to whom was referred "A Bill to amend the existing laws in relation to proceedings in Courts of Probate," reported by a substitute therefor, and recommended its adoption.

Which report was received, and bill laid upon the table, to come up among the orders of the day.

The Committee on Indian Affairs, Wm. M. Hewitt, Chairman, to whom was referred a communication from the President, recommending the establishment of trading houses among the friendly tribes of Indians," reported the same back to the House, without any action, as there is now a bill before the House, embracing the subject.

Report adopted.

The Committee on the State of the Republic, made the following report, to wit:

COMMITTEE-ROOM, }  
Jan. 10th, 1843. }

To the Hon. N. H. Darnell,

*Speaker of the House of Representatives.*

The undersigned, members of the Committee on the State of the Republic, to whom was referred "A Bill to provide for taking the Census of the Republic," report the bill back to the House, and recommend its passage.

(Signed)

JESSE GRIMES, Chairman.  
R. M. WILLAMSON.  
JOHN DIAL.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Post-offices and Post-roads, Mr. Ward, Jr. Chairman, to whom was referred "A Bill to amend the several laws regulating the Post-office Department," reported the same back to the House, with an amendment, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

"A Bill to declare trespass, in certain cases, larceny," with an amendment, was under consideration when the House adjourned.

On motion of Mr. Hunter, said bill and amendment was laid on the table.

On motion of Mr. Dennison, "A Bill to amend the existing laws in relation to proceedings in Courts of Probate," was taken up, substitute of the Committee on the Judiciary adopted, and bill passed to a 3d reading.

On motion of Mr. Hunter, the motion to re-consider the vote engrossing the Cherokee bill, was taken up.

The question on the re-consideration was then put, and lost.

On motion of Mr. Ward, "A Bill, supplementary to an act, entitled 'An Act to divide the county of Red River, and to create the counties of Bowie and Lamar,'" was taken up on its 2d reading-

Mr. Crisp moved its engrossment.

The ayes and noes were called for, on the motion, and stood as follows:

Ayes—Messrs. Speaker, Caldwell, Crisp, Dial, Fields, Garza,



Halbert, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Peebles, Pennall, Portis, Potter, Robinson of S., Scurry, Walling, Ward and Williamson—22.

Noes—Messrs. Bower, Dennison, Grimes, Hagler, Hanover, Haynes, Matthews, Parker, Robinson of B., Warren and Whyte—11.

Carried, and bill ordered to be engrossed.

On motion of Mr. Ward, rule suspended, bill read 3d time, and passed.

The Engrossing Committee made the following report:

COMMITTEE-ROOM,  
January 9th, 1843. }

*To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.*

The Committee on Engrossed Bills have examined "A Joint Resolution for the relief of David G. Burnet;" also,

"An Act supplementary to 'An Act to adopt the common law of England, to repeal certain Mexican laws, and to regulate the marital rights of persons;" also,

"A Bill for the relief of Texian Prisoners," and find the same correctly engrossed.

[Signed]

A. M. LEWIS,  
Chairman,

Which report was adopted.

On motion of Mr. Lewis, "A Joint Resolution for the relief of David G. Burnet," was taken up, and read 3d time.

The ayes and noes were called for, on the final passage of the bill, and stood thus:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Braches, Lewis, Matthews, McLeod, Pennall, Portis, Potter, Robinson of B., Sherman and Warren—19.

Noes—Messrs. Speaker; Bower, Crisp, Dial, Grimes, Hanover, Hewitt, Hill, Hodge, Holmes, Parker, Robinson of S., Scurry, Sparks, Walling, Ward, Whyte and Williamson—18.

Carried, and bill passed.

Mr. Potter presented the petition of C. Chamberlain, which was referred to the Committee on the State of the Republic.

Mr. Williamson, by leave, introduced "A Bill, better defining the northern boundary of Austin county, and the southern boundary of Washington county."

Read 1st time.

On motion of Mr. Lewis, "A Bill to divorce certain persons therein named," was taken up, and read a 2d time.

Mr. Warren moved the previous question.

The question—"Shall the main question be now put," was put and carried.

The main question being the engrossment of the bill, the ayes and noes were called for, thereon, and stood thus:

Ayes—Messrs. Speaker, Cazneau, Crisp, Dennison, Dial, Fields, Garza, Grimes, Hagler, Halbert, Haynes, Hodge, Lewis, Matthews, McLeod, Milby, Peebles, Pennall, Sherman, Sparks, Walling, Warren and Whyte—23.

Noes—Messrs. Bower, Caldwell, Hanover, Hewitt, Hill, Holmes, Hunter, Braches, Parker, Portis, Potter, Robinson of S., Scurry and Williamson—14.

Carried, and bill ordered to be Engrossed.

On motion of Mr. Matthews, the House proceeded to dispose of the business on the Speaker's table, and to the

### ORDERS OF THE DAY.

"A Bill to establish friendly intercourse, and trading houses with the Indians."

Read 3d time.

Mr. Scurry moved to suspend the rule, in order to offer an amendment.

Lost.

The ayes and noes being called for on the final passage of the bill, stood as follows:

Ayes—Messrs. Speaker, Bower, Caldwell, Crisp, Dennison, Dial, Grimes, Hagler, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Holmes, Braches, Lewis, Matthews, Milby, Parker, Pennall, Potter, Robinson of S., Scurry, Sherman, Sparks, Walling, Warren and Williamson—29.

Noes—Messrs. Cazneau, Fields, Garza, Hunter, Peebles, Portis and Ward—7.

Carried, and bill passed.

On motion of Mr. Sherman, "A Bill, for the relief of Wm. Bryan," was taken up, and read 1st time.

"A Bill, to exempt certain articles therein named from impost duties,"

Read 3d time.

On motion of Mr. Hill, a call of the House was made—a quorum present.

On motion of Mr. Matthews, a further call of the House was suspended.

Mr. Williamson, moved to suspend the rule prohibiting amendments to bills on their 3d reading.

Lost.

Mr. Portis, moved the previous question.

The question, shall the main question be now put, was put and carried.

The main question being the passage of the bill.

The ayes and noes being called for thereon, stood thus, to wit:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dial, Grimes, Halbert, Hanover, Hewett, Hodge, Hunter, Matthews, McLeod, Milby, Parker, Peebles, Pennall, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson—27.

Noes—Messrs. Dennison, Fields, Garza, Hagler, Haynes, Hill, Holmes, Braches, Lewis, Potter and Sherman—11.

Carried, and bill passed.

On motion of Mr. Dennison, "A Bill, to amend An Act, entitled an act, regulating sales by judgment or decrees of Probate Courts or Courts of Chancery," was taken up and question on its passage pending.

Mr. Williamson, moved to lay said bill on the table.

Lost.

Mr. Warren, moved the previous question.

The question, shall the main question be now put, was put and carried.

The main question being the passage of the bill.

The ayes and noes were called for thereon and stood as follows:

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Hunter, Braches, Lewis, McLeod, Peebles, Portis, Potter, Scurry and Sherman—22.

Noes—Messrs. Speaker, Dial, Hewett, Hodge, Holmes, Milby, Parker, Pennall, Robinson of S., Sparks, Walling, Ward, Warren and Williamson.—14.

Carried, and bill passed.

On motion of Mr. Williamson, the motion to reconsider the vote rejecting "A Bill, authorizing a further compensation to certain officers of the civil list," was taken up, and

The ayes and noes were called for on the re-consideration and stood as follows:

Ayes—Messrs. Speaker, Bower, Dial, Fields, Garza, Hagler, Hanover, Haynes, Hill, Hunter, Braches, Matthews, Milby, Peebles, Pennall, Portis, Potter, Sherman, Walling, Ward, Warren and Williamson—22.

Noes—Messrs. Caldwell, Grimes, Halbert, Hodge, Holmes, Parker, Robinson of S. and Scurry—8.

Carried, and vote re-considered.

Mr. Hill, offered the following amendment :

*"Be it further enacted,* That all clerks in the various Departments, Bureaux and Offices at the seat of Government, shall be allowed in addition to the compensation already allowed them for the year 1842, the sum of \$25 dollars per month in Exchequer bills."

Adopted.

On motion of Mr. Williamson, the vote adopting the above amendment was re-considered.

Mr. Darnell, offered the following amendment :

After the word "offices" insert "except Custom House Clerks."

Adopted.

Mr. Williamson, moved the engrossment of the bill.

The ayes and noes were called for thereon, and stood as follows :

Ayes—Messrs. Speaker, Bower, Crisp, Dennison, Dial, Fields, Garza, Hagler, Hanover, Haynes, Hill, Braches, Lewis, Matthews, McLeod, Milby, Parker, Peebles, Pennall, Portis, Potter Robinson of B., Walling, Ward, Warren and Williamson—26.

Noes—Messrs. Caldwell, Grimes, Halbert, Holmes, Hunter, Robinson of S. and Scurry—7.

Carried, and bill ordered to be engrossed.

On motion of Mr. Dennison, rule suspended, bill read 3d time and passed.

A message was received from the Senate, informing the House of the passage of "A Bill, for the relief of Anson Jones."

Also, "A Bill, for the relief of Sammel Whiting," and insist on their amendment to "A Bill, to extend to Chief Justices and associate Justices, the authority to issue certificates of head-rights to emigrants," and have appointed a Committee of Conference thereon, and request the appointment of a like Commit-

tee on the part of the House, and have rejected the amendment of the House to "A Bill, to exempt certain articles therein named from impost duties."

On motion of Mr. Portis, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

Mr. Williamson, by leave introduced "A Bill, to secure the archives, books, papers and stationary, belonging to the Republic of Texas."

Read 1st time.

On motion of Mr. Portis, "A Bill, to re-organize the 1st, 2d, 4th, 5th and 6th Judicial Districts," was taken up, and amendments of the Committee on the Judiciary adopted.

Mr. Portis, offered a substitute for the 2d section.

Adopted.

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

A message was received from the Senate, informing the House of the concurrence of the Senate in the amendments of the House, to "A Bill, to establish friendly relations with certain Indian tribes, and for the maintainance of peace.

Mr. Grimes offered the following resolution:

"Resolved, That the Chief Clerk of the House of Representatives, be, and he is hereby required to pay unto Thruston M. Taylor and J. F. Stephens, the sum of ——— dollars each, for ten days attendance as witnesses before the Naval Committee, as per certificate of the Chairman, to be paid them out of the contingent appropriations for the expenses of the seventh Congress."

On motion of Mr. Grimes, the blank was filled with "thirty," and resolution adopted.

On motion of Mr. Fields, the House then proceeded to dispose of the business on the Speakers table, and to the

ORDERS OF THE DAY.

A Committee of Conference made the following report :

COMMITTEE-ROOM, }  
January 11th, 1843. }

To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.

The Committee of Conference, appointed to confer upon the difference between the two Houses, on an amendment to "A Bill, to be entitled An Act, supplementary to an act, making appropriations for the support of Government, for the year 1843." having taking the subject under consideration, a majority have agreed to recommend that the House of Representatives recede from their disagreement so far as relates to the appropriation for the arrearages due the members of the sixth Congress, at the extra session. And that the honorable Senate shall recede, so far as relates to the compensation of members of the seventh Congress, and therefore recommend that the section proposed by the Senate be amended, by "striking out nine thousand," and inserting "three thousand seven hundred and fifty one," and strike out all the section after "1842."

(signed)

J. A. GREER,

Chairman, on the part of the Senate.

(signed)

G. W. HILL,

Chairman, on the part of the House.

Mr. Hill moved to lay the bill and report on the table.

Lost.

The ayes and noes being called for on the adoption of the report, stood as follows:

Ayes—Messrs. Speaker, Bower, Caldwell, Crisp, Dennison, Dial, Garza, Hagler, Haynes, Hewitt, Hodge, Braches, Lewis, Matthews, Parker, Peanall, Portis, Sherman, Walling and Williamson—20.

Noes—Messrs. Cazneau, Fields, Grimes, Halbert, Hanover, Hill, Holmes, Hunter, McLeod, Milby, Peebles, Potter, Robinson of B., Robinson of S, Scurry, Sparks, Ward, Warren and Whyte—19.

Carried, and report adopted.

A message was received from the Senate, informing the House of the passage, with amendments, of "A Bill, directing the auditing of the claims for carrying the mail for the year 1841;" also,

"A Bill to incorporate the Galveston Orphan Friend Society;"

and concur in the amendment of the House, to "A Bill to regulate sales by judgment or decree of a Probate Court, or Court of Chancery;" and refuse to concur in the amendments of the House, to "A Joint Resolution for the relief of Minute-men."

A message was received from the President, through his Private Secretary, Mr. W. D. Miller; which was, on motion of Mr. Williamson, taken up and read as follows:

EXECUTIVE DEPARTMENT, }  
Washington, Jan. 11, 1843. }

*To the Honorable, the House of Representatives:*

The Executive hastens to reply to the resolution of your honorable body, of yesterday's date, asking information in relation to the imprisonment of Antonio Navarro, in Mexico, and the measures adopted for his release, &c.

The resolution is the first *official* announcement that the Executive has ever been favored with, of the fact, that the subject of this inquiry is retained as a prisoner in Mexico. His regrets in reference to the disastrous expedition which led to it, have been expressed in various communications, made at different times, which are herewith enclosed, marked Nos. 1, 2 and 3; and which embrace his public correspondence on the subject.

It will be remembered that Congress has never authorized the Executive to adopt any measures, either for the release of the prisoners, or ever made any provision for them. Inasmuch as the late Executive was unauthorized to fit out the expedition, the present Executive did not feel himself justified in placing the country in greater involvement by adopting any measure, but such as his defined powers would sanction.

No. 3, will show that the Executive, so far as he did interfere, acted as an individual, without embarrassment to the Government; and if his efforts contributed, at all, to the release of the prisoners, he derived sufficient gratification from the fact, without promulgating to the world, the means by which it was effected. He has not taken any step, nor has he had any correspondence, of an official character, with the Mexican Government, since the capture of the Santa Fe expedition. The relations between Mexico and Texas, have not been of such a cast as would justify any propositions on the part of the latter. The Executive has not the vanity to believe, after the rejection of two Envoys Extraordinary and Ministers Plenipotentiary, and

the indignities heaped upon our nation, that Santa Anna would have been disposed to conduct a correspondence of a very amicable character. Therefore, he has not essayed to invite the consideration of that Government, to the affairs of Texas.

The Executive seriously deplures the misfortune of our fellow-citizen; and if the honorable Congress will suggest any means by which his sufferings can be alleviated, or his restoration to liberty procured, he will not delay, one moment, in the execution of the plan. He has never had a dollar at his command, for any purpose connected with the Santa Fe prisoners; nor has he ever been notified where Mr. Navarro is incarcerated, or that he has not been liberated,

Had the individual, who was in corporal-command of the expedition, on his return to the Republic, thought proper to have reported to the Government the result of the expedition, it would have presented, at once, in the records of the proper department, the number of those who returned, the number of deaths, and the number and names of absentees, and the cause of absence, and necessarily have apprised the Executive of the condition of Antonio Navarro. Owing to this delinquency, the Government remains without any official intelligence; and could only be dependent upon rumor for any facts which it might desire to obtain, and which would be necessary for its action. Had the individual, whose duty it was, reported every fact, the records of the country would have been more complete; and the narrative would have furnished data which might have proved useful to the country, if it were possible that a similar expedition should ever again be contemplated: though it is presumed, that while the recollection of the recent adventure remains, the Government will neither project nor carry out a similar scheme.

No rational being could suppose that, for this Government to attempt, by any direct means, the procurement of the prisoner's release, it would add to the rigor of his confinement; and, in all human probability, ensure his destruction.

Whatever can be properly done by the Executive, for the mitigation or alleviation of his sufferings, or those of our other valued citizens taken at Bexar, will claim his earnest attention; for he would think poorly of himself, if he did not cherish the most ardent desires for their release, and employ every proper means for their safety and liberation.

SAM. HOUSTON.

On motion of Mr. Williamson, the above message was laid on the table until to-morrow morning.



The Engrossing Committee made the following report:

HOUSE OF REPRESENTATIVES, }  
January 11th, 1843. }

*To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.*

The Committee on Engrossed Bills have examined "A Bill, to authorize the President to bring the Cherokee lands into market," and find the same correctly engrossed.

(Signed)

HIRAM HANOVER,  
One of the Committee.

Which report was adopted.

Mr. Crisp moved to take up the Cherokee bill.

Lost.

Mr. Grimes moved the House adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Robinson, of B., moved the House adjourn until half after 9 o'clock to-morrow morning.

Lost.

Mr. Crisp moved to re-consider the vote rejecting "A Bill, to alter the time and place of holding the Supreme Court."

On motion of Mr. Robinson, of B., said motion was laid on the table until to-morrow morning.

Mr. Scurry moved the House adjourn until 7 o'clock P. M.

Mr. Robinson, of B., moved the House adjourn until 10 o'clock to-morrow morning.

Lost.

On motion of Mr. Robinson of B., the House adjourned until half after 9 o'clock to-morrow morning.

THURSDAY, Jan. 12th, 10 A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dennison, Dial, Garza, Grimes, Hagler, Hanover, Haynes, Hewitt, Hill, Hodge, Holmes, Braches, Matthews, Milby, Parker, Peebles, Portis, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson.

A quorum being present—the Journals of the preceding day were read and adopted.

A message was received from the Senate, informing the House of the passage of "A Bill, to authorize the County Courts of Brazoria and Galveston, to raise a revenue by licence on public ferries," also,

"A Bill, in relation to Clerks and Sheriffs fees," also,

"A Joint Resolution, proposing amendments to the constitution of the Republic."

Mr. Parker, moved to amend the journal of yesterday by inserting the following:

Mr. Lewis, moved to reconsider the vote rejecting "A Bill to remove the archives of the Republic of Texas."

The ayes and noes were called for, on the motion, and stood, as follows:

Ayes—Messrs. Speaker, Dial, Grimes, Hanover, Hewitt, Hill, Lewis, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson—18.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hodge, Holmes, Hunter, Braches, Matthews, McLeod, Milby, Portis, Potter, Robinson of B., and Sherman—21.

Lost, and the journal was then adopted.

The Committee on Public Lands, M. W. Matthews, Chairman, to whom was referred "A Bill, to provide for the more certain collection of direct taxes upon land;" reported the same back to the House with an amendment, and recommended its passage.

Which report was received, and bill laid upon the table to come up among the orders of the day.

Mr. Scurry, offered the following resolution:

"Resolved, That with the concurrence of the Senate, the two Houses of Congress will go into an election for a Surveyor, Register and Receiver, on Monday the 16th inst., to carry out the provisions of an act, passed January 1840 and July 1842, providing for the survey and sale of the Cherokee lands."

Mr. Hill, moved to suspend the rule requiring the above resolution to lay on the table one day for consideration.

Lost.

On motion of Mr. Peebles, "A Bill, directing the auditing of the claims for carrying the mail for the year 1841," with an amendment of the Senate, was taken up.

Mr. Hill, offered the following amendment, to the amendment of the Senate.

"Also, six hundred dollars for carrying the mail for 1839."

Adopted, and amendment of the Senate as amended adopted.

On motion of Mr. Portis, "A Bill, to authorize the President to bring the Cherokee lands into market," was taken up, and read 3d time.

On motion of Mr Potter, a call of the House was made, there being a full House, a further call was suspended.

Mr. Matthews, moved the previous question.

The question, shall the main question be now put, was put and carried.

Mr. Parker, moved a re-consideration of the vote just taken, calling for the previous question, and proceeded to give his reasons for making said motion.

Mr. Hunter, called Mr. Parker to order.

Mr. Robinson of S., in the Chair, decided that the gentleman was in order.

Mr. Portis, appealed from the decision of the Chair.

The question was put, shall the Chair be sustained in its decision.

The ayes and noes were called for thereon, and stood as follows, to wit:

Ayes—Messrs. Speaker, Bower, Dial, Grimes, Halbert, Hewitt, Hill, Holmes, Lewis, Milby, Parker, Peebles, Pennall, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson—22.

Noes—Messrs. Caldwell, Cazneau, Crisp, Dennison, Fields, Hagler, Hanover, Haynes, Hodge, Hunter, Braches, Matthews, McLeod, Portis, Potter, and Sherman—16.

Carried, and Chair sustained; and

Mr. Parker, continued his remarks.

Mr. Scurry, moved the House adjourn until 3 o'clock P. M.

The ayes and noes were called for on the motion and stood thus:

Ayes—Messrs. Speaker, Dial, Grimes, Hill, Holmes, McLeod, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—11.

Noes—Messrs. Bower, Cazneau, Dennison, Garza, Hagler, Halbert, Hanover, Haynes, Hodge, Hunter, Braches, Matthews, Parker, Portis and Ward—15.

Mr. Parker, continued his remarks.

Mr. Potter, arose to a question of order.

Mr. Hill, in the Chair, decided that Mr. Parker was in order, as the motion to reconsider was debatable.

Mr. Potter, appealed from the decision of the Chair.

On motion of Mr. Robinson, of S., a call of the House was made.

Mr. Portis, moved to suspend a further call of the House.

Lost.

Mr. Sparks, moved the House adjourn until 3 o'clock, P. M.

Lost.

There being a full House, a further call was suspended.

On motion of Mr. Scurry, a call of the House was again made. All the members being present a further call was suspended.

The question, shall the Chair be sustained in its decision was then put, and

The ayes and noes were called for thereon, and stood as follows.

Ayes—Messrs. Speaker, Dial, Grimes, Hewitt, Hill, Holmes, Milby, Parker, Peebles, Pennall, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Warren, Whyte and Williamson—19.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Hagler, Halbert, Hanover, Haynes, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Portis, Potter and Sherron—20.

Appeal sustained.

Mr. Sparks, moved the House adjourn until Monday morning 10 o'clock. Lost.

Mr. Sparks, moved the House adjourn until Monday morning 9 o'clock, P. M. Lost.

Mr. Scurry moved the House adjourn until 3 o'clock P. M.

Lost.

Mr. Sparks, moved the House adjourn until 9 o'clock to-morrow morning.

The ayes and noes were called for on the motion and stood thus:

Ayes—Messrs. Speaker, Dial, Parker, Peebles, Robinson of S., Scurry, Sparks, Walling and Warren—9.

Noes—Messrs. Bower, Caldwell, Cazneau, Crisp, Fields, Garza, Grimes, Haigler, Halbert, Hanover, Haynes, Hewitt, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Pennall, Portis, Potter, Robinson of B., Sherman, Ward, Whyte and Williamson—29.

Lost.

Mr. Robinson of B., contended that any motion to adjourn for a longer time than 3 o'clock P. M. was out of order, that time having been put, and lost.

Mr. Hill, in the Chair, decided otherwise.

Mr. Robinson of B., appealed from the decision of the Chair, and the House sustained the appeal.

Mr. Robinson of S., moved the House adjourn until 3 o'clock P. M.

Lost.

The ayes and noes were then called for on the final passage of the bill, and stood thus:

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Fields, Garza, Hagler, Hanover, Haynes, Hill, Hodge, Hunter, Braches, Lewis, Matthews, McLeod, Portis, Potter, Robinson of B. and Sherman—21.

Noes—Messrs. Speaker, Dial, Grimes, Halbert, Hewitt, Holmes, Milby, Parker, Peebles, Robinson of S., Scurry, Sparks, Walling, Ward, Warren and Williamson—16.

Carried, and bill passed.

A message was received from the Senate, informing the House of the rejection of "A Bill, to organize the county of Burnet."

Mr. Portis, offered the following resolution:

"Resolved, That with the concurrence of the Senate, the two Houses of Congress, will go into an election of Major General, on Saturday the 14th inst."

Laid on the table one day for consideration.

Mr. Lewis, moved to take up the motion to reconsider the vote rejecting "A Bill, to alter the time and place of holding the Supreme Court."

On motion of Mr. Crisp, the House adjourned until half past 2 o'clock.

Half past 2 o'clock.

The House met—roll called—quorum present.

The House proceeded to business.

On motion of Mr. Fields, the motion of Mr. Lews, to take up the motion to re-consider the vote rejecting "A Bill, to alter the time and place of holding the Supreme Court," was laid on the table.

A message was received from the Senate, informing the House of the adoption of the report of the Committee of conference on "A Bill, supplementary to an act, making appropriations for the support of Government for the year 1843."

On motion of Mr. Hunter, a Committee of conference was appointed on "A Bill, to authorize the Chief Justices and associate Justices, to issue certificates of head-rights to emigrants," consisting of Messrs. Hewitt, Walling, Peebles, Halbert and Pennall.

The Committee on Foreign Relations, made the following report:

COMMITTEE-ROOM,  
January 12th, 1843. }

To the Hon. N. H. Darnell,  
*Speaker of the House of Representatives.*

The Committee on Foreign Relations, to whom was referred a communication from the Secretary of State, with accompanying documents from Joseph Hume Esq., member of the British Parliament, presenting in the name of Mr. Hume to this House a series of printed reports on the poor laws of England, and a large number of printed parliamentary papers, have the honor to report the following resolutions, for the consideration of the House:

1st. *Resolved*, That the thanks of this House be returned to Joseph Hume Esq., member of the British Parliament, for his very kind and liberal donation to the library of Congress, of copies of the printed reports made to Parliament, on the subject of the "Poor Laws of Great Britain," and a very valuable collection of printed parliamentary papers.

2d. *Resolved*, That this House have seen with great pleasure, the exertions which have been made by Mr. Hume, in favor of "Free Trade," and congratulate him upon the results which are likely to follow, in the future promotion of the welfare of the

civilized world, by the developement of facts, in relation to this interesting subject, by him.

3d. *Resolved*, That the Honorable the Speaker, cause a copy of this resolution to be forwarded through the Department of State, to Mr. Hume."

(Signed)

T. ROBINSON,  
Chairman.

Report, and resolution adopted.

The Committee on Enrolled Bills, I. Parker. Chairman, reported, that they had examined and found correct, the following bills.

A Bill, to be entitled "An Act, to amend an act, to incorporate the city of Houston, and other cities therein named;" also,

A Bill, to be entitled "An Act, to incorporate the Matagorda Caney Navigation Company;" also,

A Bill, to be entitled "An Act, supplementary to an act, to detect fraudulent land certificates, and to provide for the issuing of patents to legal claimants;" also,

A Bill, to be entitled "An Act, to incorporate the Galveston Orphan's Friend Society;" also,

A Bill, to be entitled "An Act, to authorize the County Courts of Brazoria and Galveston, to raise a revenue by license on public ferries;" also,

A Bill, to be entitled "An Act, for the protection of the sea coast;" the same having been signed by the Speaker of the House, and President of the Senate, was presented this day to His Excellency the President, for his approval.

Which report was adopted.

The Joint Committee on Public Printing made the following report:

COMMITTEE-ROOM,  
Jan. 12th, 1843. }

*To the President of the Senate  
and Speaker of the House of Representatives.*

Your Joint Committee on Public Printing, beg leave to submit the accompanying propositions for printing the Laws and Journals of the seventh Congress, and recommend that the two Houses of Congress go into an election for Public Printer, on Friday the 13th inst. at 3 o'clock P. M.

(Signed)

G. A. PATTILLO,  
Chairman on the part of the Senate.

(Signed)

M. WARD, Jr.  
Chairman on the part of the House.

On motion of Mr. Robinson of B., the above report was laid on the table.

On motion of Mr. Fields, "A Bill, for the relief of Texian prisoners captured by Mexicans in the year 1912," was taken up, and read 3d time.

The ayes and noes being called for on the final passage of the bill, stood as follows:

Ayes—Messrs. Bower, Caldwell, Fields, Garza, Halbert, Hanover, Haynes, Hodge, Hunter, Braches, Matthews, Portis, Robinson of B., Robinson of S, Walling, Whyte and Williamson—17.

Noes—Messrs. Speaker, Crisp, Grimes, Hewitt, Hill, Holmes, Milby, Parker, Pennall, Scurry, Sparks and Ward--12.

Carried, and bill passed.

Mr. Portis, by leave introduced "A Joint Resolution, to authorize the Commissioner of General Land-office, to open the General Land-office."

Read 1st time.

Mr. Portis moved to suspend the rule.

Lost.

Mr. Hanover, moved to take up "A Bill, to organize the militia of Brazos and Robertson counties."

Lost.

On motion of Mr. Robinson of B., A Bill, modifying "An Act, granting land to emigrants," was taken up and read 2d time.

Mr. Robinson of B., offered the following amendment to the first section :

Insert after the word "Representatives," "of the Republic of Texas."

Adopted.

On motion of Mr. Hunter, the word "seven" was stricken out; and,

On motion of Mr. Robinson of B., "five" was inserted.

Mr. Scurry, moved to strike out "the preamble."

Lost.

Mr. Williamson, moved to insert the words "provided the Cherokee lands be exempt from the provisions of this act."

The ayes and noes were called for thereon, and stood as follows :

Ayes—Messrs. Speaker, Dennison, Dial, Fields, Garza, Grimes, Halbert, Hanover, Hill, Hodge, Holmes, Hunter, Lewis, Matthews, McLeod, Milby, Parker, Peebles, Pennall, Portis, Potter, Robinson of B., Robinson of S. Scurry, Sherman,



Sparks, Walling, Ward, Warren, Whyte and Williamson—31.  
Noes—Messrs. Bower, Caldwell, Crisp, Hagler, Haynes  
and Braches—6.

Carried, and amendment adopted.

The ayes and noes were called for on passing the bill to a  
3d reading, and stood as follows:

Ayes—Messrs. Speaker, Bower, Cazneau, Dennison, Dial,  
Fields, Garza, Grimes, Hagler, Hanover, Haynes, Hill, Hodge,  
Holmes, Hunter, Braches, Lewis, Matthews, McLeod, Portis,  
Potter, Robinson of B., Sherman and Ward—24.

Noes—Messrs. Crisp, Halbert, Milby, Parker, Peebles, Pen-  
nall, Robinson of S., Scurry, Sparks, Walling, Warren, Whyte  
and Williamson—13.

Carried, and bill passed to a 3d reading.

On motion of Mr. Matthews, "A Bill, to incorporate the  
Texian Emigration, Agricultural and Commercial Company,"  
was taken up, and read 2d time.

On motion of Mr. Hunter, the words "or in notes of specie  
paying banks," was stricken out.

Mr. Williamson, moved to amend by inserting the following:  
"Provided, The Cherokee lands be exempt from the provis-  
ions of this act."

Adopted.

Mr. Hagler, moved the previous question.

The question—"Shall the main question be now put," was  
put and carried.

The main question being the passage of the bill, to a 3d  
reading:

The ayes and noes were called for, thereon, and stood thus:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields,  
Hagler, Holmes, Braches, Matthews, McLeod, Portis, Potter  
and Sherman—13.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Halbert, Han-  
over, Haynes, Hill, Hunter, Lewis, Parker, Peebles, Pennall,  
Robinson of S., Scurry, Walling, Ward, Warren, Whyte and  
Williamson—20.

Lost, and bill rejected.

Mr. Parker, moved to take up "A Bill, to provide for taking  
the census of the Republic."

On motion of Mr. Field, said motion was laid on the table.

On motion of Mr. Hunter, the House went into secret session.

After some time spent therein the doors were again opened.

On motion of Mr. Crisp, Mr. Hodge was granted leave of  
absence for five days.

A message was received from the Senate, informing the House of the passage, with an amendment, of "A Bill, for the relief of Texian prisoners, captured by the Mexicans in the year 1812;" and,

Adopted the amendments of the House to "A Bill, directing the auditing of the claims, for carrying the mail for the year 1841;" and

Adopted the report of the Joint Printing Committee, with an amendment.

On motion of Mr. Crisp, a motion to re-consider the vote rejecting "A Bill, to amend an act granting land to Emigrants," was taken up.

The ayes and noes were then called for on the reconsideration, and stood as follows :

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Hagler, Halbert, Hanover, Haynes, Hodge, Hunter, Braches, Matthews, McLeod, Parker, Portis, Robinson of B., Walling, Ward and Williamson—20.

Noes—Messrs. Speaker, Grimes, Hill, Holmes, Lewis, Milby, Pennall, Robinson of S., Scurry, Sherman, Sparks, Warren and Whyte—13.

Carried, and vote re-considered.

Mr. Hill, moved to lay the bill on the table until Monday next.

Lost.

On motion of Mr. Hunter the bill was laid on the table until 11 o'clock to-morrow.

Mr. Parker, moved to take up "A Bill, to reorganize the 1st, 2d, 3d, 5th and 6th Judicial Districts."

Mr. Robinson of B., moved the House adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Robinson of B., moved the House adjourn until 9 o'clock to-morrow morning.

Lost.

On motion of Mr. Robinson of B., the House adjourned until a quarter after 9 o'clock to morrow morning.

FRIDAY, Jan. 13th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dial, Garza, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Holmes, Hunter, Braches, Matthews, Milby, Parker, Peebles, Pennall, Portis, Robinson of B., Scurry, Sherman, Sparks, Walling, Ward, Warren and Whyte.

A quorum present, the journal of the preceding day was read and adopted.

On motion of Mr. Portis, the House proceeded to dispose of the business on the Speaker's table, and to the

#### ORDERS OF THE DAY.

On motion of Mr. Portis, "A Bill, to re-organize the 1st, 2d, 4th, 5th and 6th Judicial Districts," was taken up, and substitute of Mr. Portis for 4th section adopted, and bill passed to a 3d reading.

On motion of Mr. Sherman, "A Bill, to declare trespass in certain cases larceny," was taken up, and Mr. Fields withdrew his amendment.

Mr. Sherman, moved the engrossment of the bill.

The ayes and noes were called for on the motion, and stood thus:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Hagler, Haynes, Hunter, Braches, McLeod, Portis, Potter, Robinson of B., Sherman and Warren—15.

Noes—Messrs. Speaker, Crisp, Dial, Garza, Grimes, Halbert, Hanover, Hewitt, Hill, Holmes, Lewis, Milby, Peebles, Pennall, Robinson of S., Scurry, Walling, Ward and Whyte—19. Lost, and bill rejected.

On motion of Mr. Cazneau, "A Bill, supplementary to an act, to provide for the return of Surveys, for the collection of Government Dues on land, &c.," was taken up, and read a 3d time.

The ayes and noes were called for on the final passage of the bill, and stood as follows:

Ayes—Messrs. Caldwell, Cazneau, Fields, Hagler, Braches, McLeod, Milby, Peebles, Portis, Potter, Robinson of S., Scurry, Ward, Warren and Whyte—15.

Noes—Messrs. Speaker, Bower, Crisp, Dennison, Dial, Grimes, Halbert, Hanover, Haynes, Hill, Holmes, Hunter, Lewis, Matthews, Pennall, Sherman, Walling and Williamson—18.

Lost, and bill rejected.

Mr. Hanover, moved to re-consider the vote rejecting "A Bill, to incorporate the Texian Emigration, Agricultural and Commercial Company."

On motion of Mr. Potter, said motion was laid on the table until 3 o'clock P. M.

Mr. Potter, moved to take up a motion to re-consider the vote rejecting "A Bill, to alter the time and place of holding the Supreme Court."

On motion of Mr. Lewis, a call of the House was made.

On motion of Mr. Scurry, a further call of the House was suspended.

On motion of Mr. Dennison, a call of the House was again made, a quorum present, on motion a further call was suspended.

The ayes and noes were then called for on the motion to take up the motion to re-consider the vote rejecting "A Bill, to alter the time and place of holding the Supreme Court," and stood thus:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Hanover, Haynes, Hunter, Braches, McLeod, Milby, Peebles, Portis, Potter, Robinson of B., Sherman, Ward, Warren and Whyte—22.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hill, Hewett, Holmes, Lewis, Matthews, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, and Williamson—16.

Carried, and motion taken up.

The ayes and noes were called for on the re-consideration and stood as follows:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Braches, McLeod, Milby, Peebles, Portis, Potter, Robinson of B., Sherman, Ward and Warren—20.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hill, Holmes, Lewis, Matthews, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Whyte and Williamson—18.

Carried, vote re-considered, and bill passed to a 2d reading.

A message was received from the Senate, informing the

House of the passage of "A Bill, to exempt from execution and forced sales the property of certain persons;" also,

"A Bill, to authorize the return of field notes and surveys, and for other purposes," also,

"A Joint Resolution, to distribute the Laws and Journals;" also,

"A Bill, to allow the several District Clerks of the Republic, to issue writs of sequestration;" and

With amendments "A Bill, to organize the county of Burnet, for Judicial purposes;" and

"A Bill, for the relief of A. B. Shelby."

Mr. Robinson of S. moved to take up "A Bill, to exempt certain articles therein named from impost duties," with an amendment of the House rejected by the Senate.

The Speaker decided the motion out of order.

Mr. Scurry, appealed from the decision of the Chair.

On motion of Mr. Potter, a call of the House was made—a quorum present.

On motion a further call was suspended.

The ayes and noes were then called for on the appeal, and stood thus:

Ayes—Messrs. Speaker, Bower, Cazneau, Dennison, Fields, Garza, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Holmes, Hunter, Braches, Milby, Potter, Robinson of B., Sherman and Warren—20.

Noes—Messrs. Crisp, Dial, Lewis, Matthews, McLeod, Parker, Peebles, Pennall, Portis, Robinson of S., Scurry, Sparks, Walling, Ward and Whyte—15.

So the Chair was sustained in its decision.

A message was received from the Senate, informing the House, of the passage of "A Bill," in *secret session*, and have appointed a Committee of Conference on "A Bill, passed in secret session."

Mr. Robinson of S., moved to suspend the rule requiring motions for the reconsideration of a vote to be made within twenty four hours. Lost.

Mr. Matthews, by leave introduced "A Joint Resolution, exempting certain articles from impost duties." Read 1st time.

Mr. Williamson, moved to appoint a Committee of Conference on "A Bill, to exempt certain articles therein named from impost duties."

Mr. Warren in the Chair decided the motion out of order.

On motion of Mr. Cazneau, the vote was re-considered, sustaining the Chair in its decision relative to taking up, "A Bill,

exempting certain articles therein names from impost duties."

Mr. Potter, moved the House adjourn until 3 o'clock P. M.

Lost.

On motion of Mr. Dennison, "A Bill, for the relief of Bexar county," was taken up; and

Read 1st time.

The Committee on Enrolled Bills, made the following report:

HOUSE OF REPRESENTATIVES,

January 13th, 1843. }

To the Hon. N. H. Darnell,

Speaker of the House of Representatives.

The Committee on Enrolled Bills, have examined "An Act, supplementary to an act, making appropriations for the support of the Government for 1843;" also,

"An Act, directing the auditing of the claims for carrying the mail for the years 1841 and 1842," and find them correctly enrolled, said bills having been signed by the Speaker of the House, and President of the Senate, was this day presented to his Excellency the President for his approval.

[Signed]

ISAAC PARKER,

Chairman.

Report adopted.

Mr. Williamson, moved to take up "A Bill, to exempt certain articles therein named from impost duties."

Mr. Fields, moved to lay the motion on the table.

The ayes and noes were called for thereon, and stood as follows, to wit:

Ayes—Messrs. Dennison, Fields, Garza, Halbert, Haynes, Hill, Holmes, Hunter, Braches, Milby, Potter, Robinson of B., Sherman and Warren—14.

Noes—Messrs. Bower, Caldwell, Cazneau, Dial, Grimes, Hagler, Hanover, Lewis, Matthews, Parker, Peebles, Pennall, Portis, Robinson of S., Scurry, Sparks, Walling, Ward, Whyte and Williamson—20.

Motion Lost.

Mr. Williamson, then withdrew his motion to take up said bill; and

On motion of Mr. Williamson, a Committee of Conference was appointed on said bill, consisting of Messrs. Williamson, Matthews, Whyte, Warren and Dennison.

On motion of Mr. Parker, "A Bill, to organize the county of Burnet for Judicial purposes," was taken up, and amendments of the Senate, adopted.

On motion of Mr. Cazneau, "A Bill, to amend existing laws in relation to proceedings in Courts of Probate," was taken up; Read 3d time, and passed.

On motion of Mr. Fields, "A Bill for the relief of Texian prisoners captured by the Mexicans in 1842," was taken up and amendments of the Senate adopted.

On motion of Mr. Williamson, "A Bill, to amend the Judiciary Laws," was taken up, on its 2d reading.

On motion of Mr. Scurry, the 3d and 4th sections were stricken out, and bill ordered to be engrossed.

On motion of Mr. Potter, rule suspended and bill read 3d time.

The ayes and noes being called for on the final passage of the bill, stood as follows:

Ayes—Messrs. Speaker, Bower, Crisp, Dennison, Dial, Grimes, Halbert, Hill, Holmes, Hunter, Braches, Lewis, McLeod, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—23.

Noes—Messrs. Caldwell, Cazneau, Fields, Garza, Hagler, Hanover, Matthews, Milby and Portis—9.

Carried, and bill passed.

On motion of Mr. Cazneau, "A Bill for the relief of purchasers of Austin city and out lots," was taken up; and

Read 1st time.

On motion, rule suspended, and bill read 2d and 3d times, and passed.

Mr. Hill, by leave, introduced "A Bill, supplementary to the several acts, to raise a revenue by direct taxation."

Read a 1st time.

On motion, rule suspended, and bill read 2d time.

Mr. Potter moved a further suspension of the the rule.

On motion of Mr. Crisp, the House adjourned until 3 o'clock P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

A Bill, supplementary to the several acts to raise a revenue

by direct taxation," was under consideration when the House adjourned.

The motion to suspend the rule was put, and lost.

Mr. Hunter, moved the engrossment of the bill.

Mr. Williamson, moved to lay the bill on the table. Lost.

The ayes and noes were then called for, on the engrossment, and stood thus :

Ayes—Messrs. Speaker, Bower, Crisp, Fields, Halbert, Hanover, Hunter, Lewis, Milby, Pennall, Portis, Ward and Whyte—13.

Noes—Messrs. Cazneau, Dial, Grimes, Haynes, Holmes, Braches, Matthews, McLeod, Parker, Peebles, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—16.

Lost, and bill rejected.

On motion of Mr. Parker, "A Bill, to organize the 7th Judicial District," was taken up, and substitute of the Committee on the Judiciary, adopted.

On motion, rule suspended bill read 3d time and passed.

On motion of Mr. Cazneau, "A Bill, to exempt from execution and forced sale the property of certain persons," was taken up; and read 1st time.

On motion, rule suspended, and bill read 2d and 3d times, and passed.

On motion of Mr. Ward, "A Bill, supplementary to an act, to incorporate the De Kalb College," was taken up; and

Read 1st time.

On motion, rule suspended, bill read 2d and 3d times; and Passed.

A message was received from the Senate, informing the House of the passage of "A Bill, declaratory of the law relating to the rights of attorneys-in-fact."

On motion of Mr. Parker, "A Bill, supplementary to 'An Act to incorporate the Trinity College,'" was taken up, and read a 2d time.

On motion, rules suspended, bill read a 3d time, and passed.

On motion of Mr. Hanover, "A Bill to organize the Militia of Robertson and Brazos counties," was taken up, and read a 2d time.

On motion, rule suspended, bill read a 3d time, and passed.

Mr. Williamson offered the following resolution, to wit:

*Whereas*, it is ascertained, by this House, that the Minister, now resident at the city of Mexico, from the United States of America, has rendered high and important services to our fellow-citizens of the Santa Fé expedition; and



*Whereas*, it is equally made known to this House, that this distinguished individual, General Waddy Thompson, was the first to announce on the floor of the councils of his nation, the glorious result of victory on the plains of San Jacinto; and *Whereas*, the joint action of both houses of Congress, in relation to the services of this distinguished individual, cannot now be made known; therefore,

*Be it resolved, by the House of Representatives of the Republic of Texas in Congress assembled*, That they duly appreciate the services of General Waddy Thompson, resident Minister of the United States of America, at the court of Mexico, extended to our fellow-citizens of the Santa Fé expedition, has earned for, and do entitle, him to the thanks of this House.

*Be it further resolved*, That the foregoing preamble and resolution be spread upon the journals of this House; and that a copy of the same be transmitted to the Senate, and to the President of this Republic, with instructions to transmit a copy of the same to General Waddy Thompson.

Mr. McLeod made the following remarks in support of the resolution, which were ordered to be spread upon the journals, to wit:

MR. SPEAKER:—In rising upon the resolution just offered by the gentleman from Washington, to tender the thanks of this honorable body to the Hon. Waddy Thompson, United States Minister to Mexico, I do so, because I believe it to be my duty, not only to General Thompson, but to my comrades, and myself, to bear public testimony to his disinterested and manly exertions in our behalf, but without a hope that I can do justice to those efforts. The recipient of this vote will be but feebly rewarded, by an expression of our gratitude; the consciousness of lofty motive which must ever attend such noble conduct, is a purer reward than any encomium we can bestow.

I also embrace the opportunity to say, that there is another gentleman in Mexico, a native, too, of our father land, to whose uncalculating generosity, we are indebted for the amelioration of our condition, after our release from imprisonment—a man, whose name I would be proud to offer, in connection with that of General Thompson, did I not believe it would be injurious to his commercial interests. I indulge the hope, that the resolution will be, unanimously, adopted.

The question was then taken, and resolution unanimously adopted.

On motion of Mr. Portis, "A Joint Resolution, passing a vote

of 'thanks to General A. Somerville, and the soldiers under his command,' was taken up.

On motion of Mr. Portis, the words "of the Republic of Texas in Congress assembled," were stricken out, and resolution adopted.

On motion of Mr. Lewis, "A Bill, concerning rents," was taken up, and read a 2d time.

On motion, rule suspended, bill read a 3d time, and passed.

On motion of Mr. Portis, "A Bill, to modify the provisions of 'An Act granting land to Emigrants,'" was taken up, and read a 3d time.

The ayes and noes were then called for on the final passage of the bill, and stood thus:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Crisp, Dennison, Dial, Fields, Hagler, Halbert, Hanover, Haynes, Hill, Holmes, Braches, Lewis, Matthews, McLeod, Milby, Portis, Potter, Robinson of B., Sherman, Ward and Warren—25.

Noes—Messrs. Grimes, Hunter, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks and Walling—9.

Carried, and bill passed.

On motion of Mr. Potter, a motion to re-consider the vote rejecting "A Bill to incorporate the Texian Emigration, Agricultural, and Commercial Company," was taken up, and vote re-considered.

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

On motion of Mr. Potter, the House went into secret session.

After some time spent therein, the doors were again opened.

On motion of Mr. Crisp, "A Bill, to amend 'An Act, granting land to Emigrants,'" was taken up.

Mr. McLeod offered the following amendment, to wit:

Add, to 1st section, the following: "reside upon the land designated, according to the provisions of this act."

Adopted.

Mr. Hill moved the reference of the bill to the Committee on Foreign Relations.

Lost.

On motion of Mr. Matthews, the bill was referred to a select committee, consisting of Messrs. Matthews, Fields, Walling, Milby and Hill.

A message was received from the Senate, informing the House of the appointment of a Committee of Conference on "A Bill to exempt certain articles therein named, from Impost

Duties;" also, the adoption of the substitute of the House, for "A Bill to amend the laws regulating proceedings in Probate Courts."

Mr. Scurry moved the House adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Sparks, moved the House adjourn until half after 9 o'clock, to-morrow morning.

Lost.

On motion of Mr. McLeod, the House adjourned until 7 o'clock P. M.

7 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

A message was received from the Senate, informing the House, of the adoption of the report of the Committee of Conference, on a bill passed in secret session; also, transmitting a message from the President, marked "*secret*."

On motion of Mr. Lewis, "A Bill to divorce certain persons therein named," was taken up, and read a 3d time.

Mr. Hunter moved to lay the bill on the table, until August next.

Lost.

Mr. Warren, moved the previous question.

The question, shall the main question be now put, was put and carried.

The main question being the passage of the bill,

The ayes and noes were called for thereon, and stood as follows.

Ayes—Messrs. Speaker, Bower, Cazneau, Dennison, Dial, Garza, Hagler, Halbert, Braches, Lewis, Matthews, McLeod, Milby, Pennall, Sherman, Walling, Warren, Whyte and Williamson—19.

Noes—Messrs. Caldwell, Grimes, Hanover, Hill, Holmes, Hunter, Parker, Peebles, Potter, Robinson of S., Scurry and Ward—12.

Carried, and bill passed.

On motion of Mr. McLeod, "A Bill for the relief of the children of Nimrod Doyle," was taken up, and read 1st time.

On motion, rule suspended, bill read a 2d and 3d times, and passed.

On motion of Mr. Cazneau, "A Bill for the relief of Wm. Bryan," was taken up, and read a 2d time.

On motion, rule suspended, and bill read a 3d time.

The ayes and noes were called for, on the final passage of the bill, and stood thus:

Ayes—Messrs. Speaker, Bower, Cazneau, Crisp, Dennison, Dial, Garza, Hagler, Halbert, Hanover, Hunter, Braches, Lewis, Matthews, McLeod, Peebles, Pennall, Potter, Robinson of S., Sherman, Warren and Williamson—22.

Noes—Messrs. Caldwell, Hill, Holmes, Milby, Parker, Scurry, Walling, Ward and Whyte—9.

Carried, and bill passed.

On motion of Mr. Hanover, "A Bill, supplementary to 'An Act, regulating fees of office,'" was taken up, read a 2d time, and referred to the Committee on the Judiciary.

On motion of Mr. Peebles, "A Bill to abolish certain offices therein named," was taken up, and read a 1st time.

Mr. Matthews moved to take up "A Bill to provide for taking the Census of the Republic."

Lost.

On motion of Mr. Scurry, a Committee of Conference was appointed, on "A Bill to exempt certain articles therein named, from Impost Duties," consisting of Messrs. Williamson, Matthews, Whyte, Warren and Dennison.

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

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SATURDAY, Jan. 14th, 10, A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Caldwell, Crisp, Dial, Garza, Grimes, Halbert, Hanover, Haynes, Hewitt, Holmes, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Parker, Peebles, Pennall, Portis, Robinson of S., Scurry, Sherman, Walling, Ward, Warren and Williamson,

A quorum being present—the Journals of the preceding day were read and adopted.

The Committee on Enrolled Bills, Isaac Parker, Chairman, reported, That they had examined and found correct “A Bill, to be entitled an act, creating the District of Burnet for Judicial purposes.” the same having been signed by the Speaker of the House, and President of the Senate, was this day presented to the President for his approval.

Report adopted.

The Select Committee, M. W. Matthews, Chairman, to whom was referred “A Bill, to amend an act, granting land to emigrants,” reported [the same back to the House, and recommended its rejection, and the passage of a substitute therefor.

Which report was adopted.

On motion of Mr. Manover, the vote just taken, adopting the report was re-considered; and

On motion, the bill and report was re-committed to the same Committee.

A message was received from the Senate, informing the House of the passage of “A Bill, to divorce James B. Crabtree, Rachel Crabtree, and others,” and

Concurrence in the amendment of the House to “A Bill, to modify the provisions of an act, granting land to emigrants.”

Mr. Robinson of S., by leave, introduced “A Bill, to amend An Act, regulating fees of office.”

Read a 1st time.

On motion, rule suspended, and bill read 2d time.

Mr. Portis, offered the following amendment, to wit: and, “That Sheriffs shall receive a milage, for executing all processes, three cents per mile, except for serving the venire.”

Mr. Parker, moved to amend, by inserting after “Sheriffs,” “and Constables.”

Mr. Crisp, offered the following amendment, to the amendment of Mr. Portis:

“Jurors, in Justices Courts, shall be allowed fifty cents, in cases tried by them.”

Adopted.

Mr. Fields, offered the following amendment to Mr. Portes's amendment:

“That the Justices of the Peace, shall only receive twenty five cents, for all writs issued by them.”

Adopted, and amendment of Mr. Portis, as amended, adopted.

On motion, rule suspended, and bill read 3d time.

The ayes and noes were called for on the final passage of the bill, and stood thus :

Ayes—Messrs. Crisp, Fields, Hagler, Halbert, Hanover, Hill, Hunter, Portis and Robinson of S.—9.

Noes—Messrs. Speaker, Bower, Caldwell, Cazneau, Dial, Grimes, Haynes, Hewitt, Holmes, Braches, Lewis, Matthews, Milby, Pennall, Scurry, Walling, Ward and Warren—18.

Lost, and bill rejected.

On motion of Mr. Hagler, "A Bill, to re-organize the 1st 2d 4th, 5th and 6th, Judicial Districts," was taken up; and Read 3d time.

On motion of Mr. Cazneau, a call of the House was made—a quorum present.

A further call of the House was suspended.

The question was then taken, and bill finally passed.

The Select Committee, M. W. Matthews, Chairman, to whom was referred "A Bill, to amend an act, granting land to emigrants," reported by a substitute therefore, and recommended its adoption.

Which report was received; and

On motion of Mr. Matthews, the bill was taken up, and substitute of the Committee adopted.

On motion, rule suspended, and bill read 3d time.

The ayes and noes were called for on its final passage, and stood thus :

Ayes—Messrs. Bower, Cazneau, Crisp, Dennison, Dial, Fields, Garza, Hagler, Halbert, Hanover, Haynes, Hewitt, Holmes, Hunter, Braches, Matthews, McLeod, Parker, Portis, Robinson of S., Walling and Ward—22.

Noes—Messrs. Speaker, Grimes, Hill, Lewis, Milby, Peebles, Pennall, Scurry, Sherman and Warren—10.

Carried, and bill passed.

Mr. Potter, offered the following resolution :

"Resolved, That the Chief Clerk, be authorized to employ an assistant, Enrolling Clerk, during the remainder of the session, and that he shall approve the account of said Clerk, to be paid out of the contingent fund of Congress, at the same per diem pay as the other Clerks, of Congress."

"Resolved further, That the Chief Clerk, be authorized to draw from the contingent fund of the seventh Congress, the sum of twelve dollars and fifty cents, for the payment of Henry Lynch, for services as porter, in bringing water, cleaning rooms, &c., at Austin, during the past year, for the Congress of the Republic of Texas." Adopted.

On motion of Mr. Crisp, "A Bill, to repeal in part an act, to create a board of medical censors, for the Republic of Texas," was taken up; and

Read 2d time.

Mr. Hill, moved its reference to the Committee on the State of the Republic.

Lost, and bill passed to a 3d reading.

A message was received from the Senate, informing the House of the passage of "A Bill, to re-organize the 7th Judicial District;" also,

"A Joint Resolution, for the relief of Henry F. Fisher and Burchard Miller; contractors for the introduction of emigrants; also,

"A Bill, legalizing the location of the seat of Justice of Fanin county," and

With amendment "A Bill, to increase the compensation of certain officers of the civil list," and

Adopted the amendments of the House to "A Bill, to re-organize the 1st, 2d, 4th, 5th and 6th Judicial Districts;" and

The adoption of the report of the Committee of Conference, on "A Bill, to exempt certain article therein named from impost duties."

On motion of Mr. Hewitt, "A Bill, to divorce James B. Crabtree, Rachel Crabtree, and other," was taken up; and

Read 1st time.

On motion, rule suspended, and bill read 2d time.

Mr. Hewitt, offered the following amendment:

After the word "Charlott," insert "Wm. S. Holton and his wife Penelope Holton."

Adopted.

Mr. Crisp, moved to insert after "Holton" "Abiah Dyer,"

Carried.

On motion of Mr. Grimes, the words "Charles Chamberlin from his wife Caroline Chamberlin," were inserted.

Mr. Robinson of S., moved to insert the words "Luke Pressnal from his wife Narcissa Pressnal."

Lost.

On motion, rule suspended, and bill read 3d time.

The ayes and noes were called for on its final passage, and stood as follows:

Ayes—Messrs. Speaker, Bower, Crisp, Fields, Garza, Hagler, Halbert, Haynes, Hewitt, Lewis, McLeod, Milby, Pennall, Sherman, Walling, Warren and Whyte—17.

Noes—Messrs. Dial, Grimes, Hanover, Hunter, Hill, Holmes,

Parker, Portis, Robinson of B., Robinson of S., Scurry and Ward—12.

Carried, and bill passed.

The Committee on Military Affairs made the following report :

COMMITTEE-ROOM,  
January 14th, 1843. }

*To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.*

The Military Committee, to whom was referred the message of his Excellency, dated December 15th, with accompanying documents, have had the same under consideration, and beg leave to report, that the object of the call upon the Executive was for information upon a subject of vital interest to the country; and it would have been earlier acted upon, but for the fact, that the campaign was already in progress. Your committee have delayed, with the hope of receiving farther information from the commander of the army himself, in order to appreciate and fully understand the mutual recriminations which now exist, as shewn by the correspondence between the War Department and the commander of the troops. It is the hope of the Committee, that the army will return with credit from their present campaign, and explain, through their commander, all that is necessary to proper understanding, both of the willingness of the troops to march against the enemy, and of the Executive to aid that patriotic intention.

In answer to the remarks of his Excellency, that important information, communicated to Congress, is often referred to committees, without reading, your Committee beg leave to reply—those remarks are inapplicable to the case in which he makes them. The whole subject was one of enquiry; and your Committee conceive, that in justice to the Executive, to the officer in command of the troops, and to the body of which they (the Committee) are members, that the absent party should be heard, before a decision is made by the House of Representatives, which may affect the character and conduct of men now engaged in the defence of the country, and beyond the reach of communication.

Your Committee cannot conclude this report, without expressing their regret, that the Chief Magistrate should so far forget the dignity of his station, as to attempt to defame a co-



ordinate branch of the Government; and they entertain no doubt that the House of Representatives will reject, with proper indignation, a charge against their integrity, derogatory alike to the character of the country, and the high station of the Chief Magistrate.

(Signed)

SIDNEY SHERMAN,  
Chairman Military Committee.

On motion of Mr. Hill, the above report was laid on the table.

On motion of Mr. McLeod, "A Bill, for the relief of Bexar county," was taken up, Read 2d time, and passed to a 3d reading.

On motion of Mr. Hagler, "A Bill, to incorporate the Texian Emigration Agricultural and Commercial Company," was taken up on its 2d reading.

Mr. Sherman offered an additional section.

Adopted.

Mr. Scurry, moved a call of the House.

Carried.

A quorum being present.

On motion of Mr. Hill, a further call was suspended.

The ayes and noes were called for on passing the bill to a 3d reading, and stood as follows:

Ayes—Messrs. Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Hanover, Haynes, McLeod, Milby, Portis, Potter, Robinson of B, Sherman and Warren.

Noes—Messrs. Speaker, Bower, <sup>read</sup>well, Crisp, Dial, Grimes, Hewitt, Hill, Holmes, Hunter, Braches, Lewis, Matthews, Parker, Peebles, Robinson of E, <sup>read</sup>berry, Sparks, Walling, Ward and Williamson—21.

Lost, and bill rejected.

A message was received from the Senate, informing the House of the passage of "A Bill, for the relief of Thruston M. Taylor;" also,

"A Bill, for the relief of David G. Burnet," also,

"A Bill, to amend the Judiciary Laws."

The Committee on Engrossed Bills, A. M. Lewis, Chairman, Reported, That they had examined and found correct, "A Bill, concerning rents."

Report adopted.

On motion of Mr. Hunter, "A Bill in relation to Post-offices," was taken up, and read 1st time.

On motion, rule suspended, bill read 2d and 3d times, and passed.

On motion of Mr. Hunter, "A Bill, to amend the several acts, regulating the Post-office Department," was taken up, and,

Read 1st time.

On motion, rule suspended, and bill read 2d time.

On motion of Mr. Matthews, the words "also the Chief Clerk of the House of Representatives," was inserted.

On motion, rule further suspended, and bill read 3d time, and Passed.

Mr. Sparks, moved the House adjourn until 3 o'clock P. M.

Lost.

On motion of Mr. Portis, "A Resolution, fixing a day to go into an election for Major General," was taken up.

On motion of Mr. Hunter, the "14th inst." was stricken out, and "16th inst." inserted.

On motion of Mr. Portis, "11 o'clock, A. M.," was inserted, and resolution adopted.

On motion of Mr. Robinson of S., the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

On motion of Mr. Lewis, "A Bill, to amend the several laws regulating the Post-office Department," was taken up, and amendment of Committee on Post-offices and Post-roads rejected.

On motion, rule suspended, bill read 3d time and passed.

On motion of Mr. Portis, the House went into secret session.

After some time spent therein the doors were again opened.

On motion of Mr. Matthews "A Bill, to incorporate the German Emigration Company," was taken up, and read 2d time.

On motion of Mr. Walling, the words "or Indians," were stricken out.

On motion of Mr. Dial, the word "emigrants" was stricken out, and the words "head of a family," was inserted.

On motion of Mr. Hunter the following was added.

"*Provided*, The provisions of this act shall not extend for a longer time than 10 years.

The ayes and noes were called for on passing the bill to a 3d reading, and stood thus:

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Dial, Fields, Hagler, Halbert, Hanover, Hunter, Braches, Matthews, McLeod, Portis, Potter, Robinson of B., Sherman, and Warren—18.

Noes—Messrs. Speaker, Grimes, Hill, Holmes, Milby, Parker, Peebles, Pennall, Robinson of S., Scurry, Sparks, Walling and Ward—13.

Carried, and bill passed to a 3d reading.

A message was received from the Senate, informing the House, of the passage of "A Bill," supplementary to an act, to divide the county of Red River, and creating the counties of Bowie and Lamar," and

With amendments "A Bill, to amend the several laws regulating the Post-office Department," and

Rejected the amendments of the House to "A Bill, to amend the several laws regulating the Post-office Department."

On motion of Mr. Cazneau, the report of the Committee on Military Affairs was taken up.

Mr. Cazneau, moved its adoption.

Mr. Portis, moved the previous question.

The question, shall the main question be now put, was put and carried.

The main question being the adoption of the report:

The ayes and noes were called for thereon, and stood as follows, to wit:

Ayes—Messrs. Caldwell, Cazneau, Dennison, Fields, Hagler, Halbert, Haynes, Holmes, Hunter, Braches, Lewis, McLeod, Portis, Robinson of B., Sherman and Ward—16.

Noes—Messrs. Speaker, Bower, Dial, Grimes, Hanover, Hewitt, Hill, Milby, Parker, Peebles, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—18.

Motion lost.

Mr. Dennison, moved to take up "A Bill, fixing the time and place of holding the Supreme Court."

Lost.

On motion of Mr. Parker, "A Joint Resolution" authorising the President to take command of the army in person, was taken up and read 1st time.

Mr. Portis, by leave introduced "A Bill, to prescribe the manner in which suits shall be tried in which the District Judges may be interested."

Read 1st time.

On motion, rule suspended, bill read a 2d and 3d times and passed.

Mr. Portis, offered the following resolution :

"*Resolved*, That the rule which prevents a bill from being presented to the President on the last day of the session, be, and the same is hereby suspended."

On motion, rule suspended, requiring the above resolution to lay on the table one day for consideration, and

Resolution adopted.

Mr. Hanover, by leave, introduced "A Bill, to repeal in part an act, granting land to actual settlers on or near the military road."

Read 1st time.

On motion, rule suspended, bill read 2d and 3d times and passed.

Mr. Potter, moved to take up "A Bill, to fix the time and place of holding the Supreme Court."

Lost.

Mr. Matthews, moved the re-consideration of the vote, rejecting "A Bill, to incorporating the Texian Emigration Agricultural and Commercial Company,"

Mr. Lewis, moved to lay said motion on the table.

Lost.

The question was then taken; vote re-considered, and bill referred to a Select Committee, consisting of Messrs. Scurry, Lewis, Robinson of B., Crisp and Ward.

On motion of Mr. Portis, "A Bill, for the relief of Henry F. Fisher, and Burchard Miller," was taken up, and read 1st time.

On motion, rule suspended, and bill read 2d and 3d times.

The ayes and noes being called for on the final passage of the bill, stood as follows:

Ayes—Messrs. Speaker, Bower, Cazneau, Crisp, Dial, Fields, Garza, Hagler, Halbert, Hanover, Haynes, Hill, Holmes, Hunter, Braches, Lewis, Matthews, McLeod, Milby, Portis, Robinson of B., Robinson of S., Sherman and Walling—24.

Noes—Messrs. Grimes, Pennall, Scurry, Ward, Warren Whyte and Williamson—7.

Carried, and bill passed.

Mr. Lewis, moved the House adjourn until 3 o'clock P. M. on Monday.

Mr. Hill, moved the House adjourn until 7 o'clock P. M.

Lost.

Mr. Hunter, moved the House adjourn until half past 6 o'clock, P. M.

Lost.

Mr. McLeod, moved, to take up "A Bill, fixing the time and place of holding the Supreme Court."

On motion of Mr. Cazneau, a call of the House was made.

On motion of Mr. Fields, the House adjourned until 7 o'clock P. M.

7 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

A call of the House was pending, when the House adjourned.

On motion of Mr. McLeod, a further call of the House was suspended.

On motion of Mr. Williamson, a call of the House was again made.

Mr. Potter, moved to suspend a further call.

Lost.

Mr. Fields, moved to suspend a further call of the House.

Lost.

Mr. Potter, moved to suspend a further call of the House.

Lost.

All the members being present the Speaker decided the call was suspended.

Mr. Williamson, moved the House adjourn until 10 o'clock, Monday morning.

The ayes and noes were then called for, on the motion, and stood thus:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hill, Holmes, Lewis, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Whyte and Williamson—17.

Noes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Braches, Matthews, McLeod, Milby, Peebles, Pennall, Portis, Potter, Robinson of B., Sherman, Ward and Warren—21.

Motion lost.

Mr. Williamson opposed the motion to take up "A Bill, to fix the time and place of holding the Supreme Court," which was before the House when it adjourned.

Mr. Potter called Mr. Williamson to order.

The Speaker decided the gentleman in order.

Mr. Potter appealed from the decision of the Chair.

Mr. Cazneau moved the previous question on the appeal.

Mr. Lewis moved the House adjourn until 10 o'clock Monday morning.

The ayes and noes were called for on the motion, and stood thus:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hill, Holmes, Lewis, Matthews, Parker, Pennall, Robinson of S., Seurry, Sparks and Walling—14.

Noes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Hunter, Braches, McLeod, Milby, Peebles, Portis, Potter, Robinson of B., Sherman, Ward, Warren and Williamson—20.

Motion lost.

A message was received from the Senate, informing the House, of the passage, with amendments, of "A Joint Resolution for the relief of Messrs. Neighbors and Rivers."

On motion of Mr. Williamson, a call of the House was made.

Mr. Hill moved the House adjourn until 10 o'clock Monday morning.

The ayes and noes were called for on the motion, and stood thus:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hill, Holmes, Lewis, Milby, Parker, Pennall, Robinson of B., Robinson of S., Sparks, Walling, Whyte and Williamson—17.

Noes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Braches, Peebles, Portis, Potter, Sherman, Ward and Warren—18.

Lost.

Mr. Caldwell moved to suspend a further call of the House.

Mr. Robinson, of S., moved the House adjourn until 10 o'clock Monday morning. Lost.

Mr. Williamson, addressing the House on the motion to suspend the call of the House, was called to order by Mr. Warren.

Mr. Robinson, of B., in the chair, decided Mr. Williamson was in order.

Mr. Portis, appealed from the decision of the Chair.

The question, "Shall the Chair be overruled in its decision?" was put.

The ayes and noes were called for thereon, and stood as follows.

Ayes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Braches, McLeod, Peebles, Portis, Potter, Sherman, and Warren—17.

Noes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hill,

Holmes, Lewis, Milby, Parker, Robinson of B., Robinson of S., Scurry, Sparks, Walling, Ward, Whyte and Williamson—18.

So the Chair was sustained in its decision.

Mr. Sparks moved the House adjourn until 10 o'clock Monday morning.

The ayes and noes being called for on the motion, stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hill, Holmes, Lewis, Milby, Parker, Robinson of B., Robinson of S., Sparks, Walling, Whyte and Williamson—17.

Noes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Braches, McLeod, Peebles, Portis, Potter, Sherman, Ward and Warren—19.

Lost.

On motion of Mr. Cazneau, the House adjourned until half after 9 o'clock on Monday morning.

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MONDAY, Jan. 16th, half after 9 A. M.

The House met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Speaker, Bower, Crisp, Dennison, Dial, Fields, Grimes, Hanover, Haynes, Hill, Holmes, Hunter, Braches, Lewis, McLeod, Milby, Parker, Peebles, Pennall, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Warren, Ward and Williamson.

A quorum present, the Journal of the preceding day was read and adopted.

The Committee on the Judiciary Jesse J. Robinson, one of the Committee, to whom was referred "A Bill, supplementary to an act, regulating fees of office," reported the same back to the House, and recommended its indefinite postponement.

Which report was received, and bill laid upon the table to come up among the orders of the day.

The Committee on Military Affairs, S. Sherman, Chairman, reported, the documents in the hands of said Committee, back to the House, without any action on the same.

Report adopted.

The Committee on the State of the Republic, made the following report, to wit:

COMMITTEE-ROOM, }  
Jan. 16th, 1843. }

*To the President of the Senate  
and Speaker of the House of Representatives.*

The Committee on the State of the Republic, to whom was referred the petition of sundry citizens of Brazos county, praying that practising Physicians be restricted to specific compensation for their various services, have had the subject under their consideration. Your Committee can be easily brought to believe, that the avaricious disposition of some physicians, may induce them to make exorbitant charges for their services, but an insuperable difficulty arises, in the minds of your Committee (who are entirely unacquainted with the science of medicine,) in fixing a specific rate of charges, on account of the multifarious services that physicians are required to perform, each varying in the intricacy of the science, of the medicines, and of the labor employed.

Your Committee are persuaded, that the only restriction that can consistantly be placed upon the various physicians, by law, is already provided for, by requiring the verdict of a jury, to assess the charges, and by authorizing the Court to take the testimony of a practising physician, as to the fairness of the charges, for the services alledged.

Your Committee therefore pray to be discharged from the further consideration of the subject.

(Signed)

JESSE GRIMES,  
Chairman.

Report adopted.

The Committee on Engrossed Bills, A. M. Lewis, Chairman, reported, that they had examined, and found correct, "A Bill, to prescribe the manner in which suits shall be tried in which the District Judges may be interested;" also,

"A Bill, donating land to emigrants;" also,

"A Bill, to repeal an act, granting land to actual settlers on the military road."

Report adopted.

The Committee on Enrolled Bills, made the following report:



COMMITTEE-ROOM,  
January 16th, 1843.

To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.

The Committee on Enrolled Bills, have examined and found correctly enrolled the following bills:

"An Act, creating the county of Rusk;" also,

"An Act, concerning rents;" said acts, having been signed by the Speaker of the House of Representatives, and President of the Senate, was this day presented to His Excellency the President for his approval.

(Signed) I. PARKER.

Chairman.

Which report was adopted.

The Select Committee, R. Scurry, Chairman, to whom was referred, "A Bill, to incorporate the Texian Emigration Agricultural and Commercial Company," reported the same back to the House, and recommended it to the action of the Congress, in 1855."

Which report was received, and bill laid upon the table to come up among the orders of the day.

A message was received from the Senate, informing the House, of the passage of "A Bill, creating the county of Rusk;" also,

"A Bill, for the organization of the militia of Robertson and Brazos counties."

A Select Committee made the following report, to wit:

COMMITTEE-ROOM,  
January 16th, 1843.

To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.

The undersigned, members of the Select Committee, to whom was referred the communication of the Executive, in answer to a call of the House, requiring him to furnish information as to what steps have been taken, for the removal of the archives, during the present session of Congress; submit the following statement of their opinions upon the subject embraced in the resolution; and the information communicated by the President.

The intelligence laid before the House by the Executive, exhibits the startling fact, that the country has but just escaped the horrors of a civil war; that citizen has been armed against citizen, and brother against brother, under the auspices of the Executive, at a time when the great conservators of the public weal, the Congress was in session, peaceably discharging their important duties, and in ignorance of the fearful danger which overhung and threatened the country. That such a state of things should ever exist, would be much lamented, but that it should have been excited in the present emergency, when the Government is striving by war to maintain its existence, and at the very time when a patriot band of our countrymen, are gallantly battling in the enemy's country, in defence of the national cause, and in vindication of national honor, is to be deprecated as the most calamitous of evils, which could threaten or befall us. What has given rise to this state of things, demands the solemn investigation of the Representatives of the people.

The undersigned, submit the following facts and opinions, to the candid consideration of the House of Representatives.

The Congress of '38—'39, determined to remove the seat of Government from Houston, the place of its then location, to some scite to be designated by five Commissioners, to be appointed by election in either House. This act of Congress, received the approbation of the then Chief Magistrate, and became a law of the land. The Commissioners were chosen, and the result of their appointment, was the selection of Austin as the seat of Government. Objections were made at the time, to the mode of selection; but the bill containing these provisions, having been sanctioned by the two Houses of Congress, and having received the approval of the Executive, became binding upon every citizen, until reversed by some other Department of the Government, or repealed by some subsequent Legislature. Neither of which has been done; and it is apprehended, that until such action does take place, that law is equally imperative upon the present Chief Magistrate, as if no objection thereto, could be urged or imagined. However this may be, the acts of subsequent Legislatures, in assembling at Austin—in ratifying the acts of the Commissioners—in designating Austin as the seat of Government, and others of a similar character, have entirely removed the force of the objection thus urged. The present Chief Magestrate, influenced by considerations of this character, attended the meetings of Congress at Austin, as one of its members; and as President elect, met the Representatives of the

people at that point, and then, under the solemn obligations of an oath, entered upon the performance of his exalted duties, to administer the Government according to the law and the Constitution.

Immediately however, upon his induction into office, the Executive requested of Congress, the power to order the removal of the archives from that place, if in his opinion, any emergency should render it necessary. This the Congress refused. But the fact of the request having been made, is a full admission, that in his opinion, that without the delegation of the power by Congress, none such existed, and that the law placing them there, could not be repealed by Executive prerogative.

The day after the adjournment of the last Congress, the President left the Capitol of the country, declaring that he would never return to it again. And his subsequent course, has manifested a determination, to adhere with the tenacity of obduracy, to this promise made in an evil hour, though such adherence should plunge the country into a civil war.

The personal conduct and declarations of the Executive, are, in the opinion of the undersigned, matters of importance in this investigation, and a part of the *res gestæ* of this inquiry, as they confidently believe, that it will satisfactorily appear, upon a candid and full review of the whole matter, that his whole conduct upon this exciting question, is dictated by a long, settled, and determined opposition to the present location of the seat of Government, and that the circumstances alledged by him, in justification of his course, furnished not the reasons, but served only as the occasion for the execution of his favorite purpose, by by such extraordinary means.

About the 25th of February, Chief Justice Hemphill, arrived at Austin, and informed the then Secretary of War, Colonel Hockley, that he had received such information at San Antonio, as left no doubt on his mind, that there would be a hostile party of Mexicans at San Antonio, between the 5th and 15th of March; Col. Hockley's reply was, "we expect them, we have for some time believed they were coming," and yet not a single step was taken to meet or repel them, although he had ample time to have thrown a sufficient number of troops into the place, to have protected it, and to have captured the whole invading army. When the news reached Austin, that San Antonio was taken, Col. Hockley reports the same to the President (then at Galveston,) officially, and at the same time writes another letter to him, in which he says, "according to *your expectations* the Mexicans have come—San Antonio is in their

possession—I have caused some of the most important papers of the Government to be buried, so if the enemy or *we* burn they are safe." This expression, (not induced by any thing in the previous part of the correspondence,) "if the enemy or *we* burn," shows that Austin had been destined to destruction, to save it from the capture of the enemy, when that enemy was expected, and no preparation had been made for his reception; and the sad spectacle is presented of the President of the Republic, in anticipation of the immediate descent of the enemy, retiring from the post of danger, and leaving the Capitol of his country unprotected, when his presence and his name, "in itself a host," would have gathered around him for his and its protection, the chivalrous spirits of the land, in force sufficient to have avenged on the rash intruders, the insult of violated national honor.

But the anticipations or hopes of the Executive were alike disappointed, and the developement of the affair, showed it to be but an incursion of a marauding gang of Mexicans. When the affair the President himself so considered it. In his communication to the citizens of Galveston, he expressly alledges that no emergency existed, which would justify him in taking any steps for the defence of the frontier, or the protection of the country, and declined to avail himself of the ardent disposition of the people, to volunteer and march to the West, for its protection.

In a letter to Santa Anna, he speaks in terms of severe reprehension, of the bandit, robber like character of that incursion, and so characterises it. But in a letter to the citizens of Austin, written three days after the latter, he dignifies the visit of the enemy, with the more formal appellation of an invasion, and in his communication to the extraordinary Congress at Houston, he expressly designates it as a "marauding party" varieties of epithets which may easily be accounted for, but cannot be reconciled. But upon the fact of this marauding incursion, the whole necessity for the removal of the archives, and the seat of Government from Austin, together with the late extraordinary transactions are predicated. But we will follow the melancholy and painful history of Executive conduct on this subject still further.

San Antonio was taken on the 5th of March, and the Mexicans retreated with great rapidity, in two or three days thereafter. General Houston's order for the removal of the archives, was received at Austin, about the 17th of March, when there was not a hostile Mexican in the country. Upon hearing that such an order had been received, the citizens of Austin appoint-

ad a Committee to wait upon Col. Hockley, and request him to suspend the execution of the order; assigning as their reason for such request, that the President could not have been apprized of the true condition of things, when he gave it—that he no doubt believed the country was invaded by a large force, and that when he should learn that there was not now a Mexican in the country, he would no doubt rescind the order. To these representations Col. Hockley replied, “that he would not suspend the execution of the order, because he knew, if the President were present, he would cause it to be executed.” He further said that “the President was fully advised of the true condition of things when he gave the order for removal—that the order was not predicated upon any invasion or supposed invasion—that the President had *long since* determined to remove the archives, as he never believed that Austin was the proper place for them.” Upon being asked if he intended to be understood as saying that “the President was determined to remove the archives, in violation of law, and against the opinion so repeatedly expressed by Congress on the subject?” He replied “that Congress had nothing to do with it—that the archives were under the control of the President, and he alone had the right to prescribe the place at which they should be kept—that he would not as Col. of Ordnance have obeyed the order of General Lamar, in removing the arms and ammunition to Austin in the first instance, had he not known, that General Houston, when he came into office, would again have ordered them back.” In the conversation, Col. Hockley admitted the archives were then as safe in Austin, as they had been at any time since they were placed there.

Subsequent to this time, a Committee of the citizens of Austin, waited on General Houston, at the city of Houston, and after representing the true condition of things in the country, requested that the order for the removal might be suspended. He refused, and assigned as his principal reason for doing so, “that as long as the archives should remain at Austin, information of the movements of the enemy, would be taken to that place, instead of being taken directly to him on the sea-board. In consequence of which there were delays in getting information to him—that if intelligence had been taken to him at once, at Galveston, of the foray upon San Antonio, instead of its reaching him through rumour, there would have been no necessity for calling out the militia at that busy season of the year.” This statement, if it means any thing, shows that his anxiety for the removal of the archives, did not arise from his conviction of

their danger at Austin, but simply for the sake of his personal convenience. The Committee of the citizens of Austin might have replied to him. "Had you sir, been at the place at which the Constitution of your country directs you to remain, you would have received the earliest, and most direct information, the capture of San Antonio prevented, and the enemy vanquished, been repulsed from the country or captured. If owing to the absence of the President, that disgrace befall us, let the ignominy rest were it should.

An extra session of Congress was convened by the Proclamation of the President, to meet at the city of Houston, on the 27th of June last. In his communication, addressed by the Executive to both Houses of Congress, he laid before them his opinions of the situation of the country, informed them of the steps he had taken for the removal of the archives, and of its failure, gave his reasons for assembling the Congress at that place, and asked of them to enact such measures as would enable him to effect his cherished object—the removal of the seat of Government. This occurred immediately after the incursion of the Mexicans, and when that occurrence, and its consequences were fresh in the recollection of every member of either branch of the Legislature. The previous Congress, composed of the same members, had held its session at the city of Austin, all knew the circumstances of its situation, and many of the members, in their march in search of the enemy, from which they had just returned, had been some distance West of that point. These circumstances are mentioned, to show that that Congress did not act unadvisedly or ignorantly upon the archive question. Yet this Congress assembled in the midst of the excitement created by the capture of San Antonio, and in full possession of all the facts of the case—this Congress which had at that time been so lavish of its confidence in the Executive, as to bestow upon him in the "war bill" powers too great for him to accept, refuse to justify the act of removal, or to delegate to him authority to carry his wishes into effect. But on the contrary, the Senate passed a resolution, declaring that "no emergency (such as the Constitution contemplates,) existed to justify the removal of the offices of the President and Heads of Departments from the seat of Government." This resolution passed to its third reading in the House of Representatives. It was however not finally acted on, in consequence of the confusion which existed towards the close of the session. The history of that resolution, was a fair and decided expression of both Houses of Congress on the subject, and its ultimate fate is only to be regretted,

in as much as the President has sought to draw therefrom, reasons to justify and sustain his ruinous and inexplicable policy.

On the 14th of November, the President again convened an extraordinary session of Congress, "for reasons satisfactory to himself," to use his own expression at Washington. It may here be remarked, that though the Executive may have the unquestioned power, under the Constitution, to order the removal of the archives, and the Heads of Departments, from the seat of Government, on the happening of such an emergency as is contemplated in the Constitution, once having taken this step, the power of removal is determined, until the happening of a similar emergency, as effecting their safety at the point to which they have been thus removed. The safety of the President and Heads of Department, at the city of Houston, cannot be doubted, and the subsequent order of removal to Washington, was clearly beyond Executive power. The exercise of the discretion once, had ended it, and no authority can be shown, for to authorize the hawking out of the seat of Government, exposing it to public sale, and letting it out to the highest bidder; all the steps which have been since taken, predicated upon the order of removal to Washington, are clearly unconstitutional and contrary to law.

But, says the President, "for reasons deemed satisfactory to myself, I have thought proper to convene an extraordinary session of Congress, to meet at Washington, on the 14th of November." He has, however, deemed it unnecessary to state these reasons to the representatives of the people. In his message to the two houses, he exhibits no state of circumstances which rendered the assembling of Congress, previous to time fixed by law, necessary. No change in the posture of public affairs, but such as were contemplated, had occurred; no great danger was alleged, as threatening or anticipated; no great act of public policy was submitted, as demanding the immediate and prompt action of the legislative department of the Government. Why, then, was this extra session convened? Why was the legislature called together, almost a month earlier than the time fixed by law, to the great expense of the people? The President has not deigned to explain, but has left it to the imaginations of the enquirers to determine; and, with the knowledge of his conduct concerning the removal of the seat of government, it is easy to assign the real cause. It was deemed necessary, by him, in order to effect the ultimate removal.

While the members of Congress were reluctantly assembling

at the place designated, another proclamation is issued, convening the regular session at the same place. This last proclamation must be looked upon as the endeavor of the Executive, to wrest, from Congress, their control over the place of their meeting; and, by priority of claim, forever to exclude the Congress from any jurisdiction over the matter.

Against such usurpation, the undersigned enter their solemn protest—to such claims, they express their unhesitating and indignant opposition. If the President has the exclusive control over the matter, why does the Constitution authorize the two houses to adjourn to any other place than to the one <sup>that</sup> which they are then sitting? Nay, so entirely is the President <sup>vested</sup> divested of control, at such time, over the subject, that, upon <sup>acted</sup> action of Congress thereon, he had not even the control of <sup>acts</sup> veto power; and this is the only subject of legislative action over which this control does not exist. If the Executive's power over this subject, is exclusive of Congress while it is in session, why is it <sup>that</sup> the clause of the Constitution which requires the President and heads of departments to remain at the Seat of Government, makes the exception, when their removal is authorized by the permission of Congress? Could it be made plainer, than by this exception itself, that the framers of the Constitution contemplated, that the whole power over the subject was vested in Congress—if in session; and that it was only delegated to other functionaries of the Government, on the happening of some emergency during a time of war, and during the recess of Congress, of so sudden and threatening a character, that the advice and deliberation of the legislative branch of the Government could not be had thereon. But this danger should be obvious, impending, and undoubted, to justify Executive control over the matter; and the meeting of Congress divests him of all power thereon.

The next act in this sad drama, presents us with the Executive order of the 10th of December, addressed to Captains Smith and Chandler, (persons unknown to the Government, in any official character,) directing them "to remove, or cause to be removed, from the city of Austin, to the town of Washington, all the public archives and government stores there now remaining, of every description whatever." In a confidential communication accompanying this order, Messrs. Smith and Chandler are informed, by the President, of the exasperation of the public mind on the subject of removal; and they are directed to raise an armed body of men, in order that this exasperation may not present any difficulty to the execution of the order.—



These armed forces are to be raised under pretence of an Indian expedition. The number of men to be raised, and the manner of effecting the object, is left entirely to their sound judgment and discretion. Strictest secrecy is enjoined, and they are significantly ordered to "Be prepared to act with efficiency," and "*not to be thwarted in the undertaking.*"

The appointees of the President undertook the execution of the order, with alacrity. Fortunately, however, for the country, notwithstanding the secrecy of the movement, the object was suspected by many who were called upon to join in the enterprise; and it should be stated, for the credit of our countrymen, that as soon as the object became known, these patriotic citizens who had been duped into the enterprise, refused to assist in the execution of the illegal order, or to unite in any undertaking which threatened to produce a civil war, or might lead them to imbrue their hands in the blood of their brethren.—

Most of them returned to their homes, and but about twenty remained, who were willing to endeavor to carry out the orders of the Executive. They proceeded to Austin, obtained some portion of the public property, and commenced their return. They were pursued, however, by a portion of the citizens of Travis—were overtaken, and the archives restored to the place from which they had been taken.

Such is the statement of this transaction, as made by the President; and, from it, the conclusion is irresistible, that the Executive of the nation, and a portion of its citizens, are engaged in a controversy involving important principles; and in which one or the other must be in the wrong. It is to be hoped, that the Congress will act as the pacificator on these disagreements, to ascertain and decide upon which party the blame is to rest—after full investigation of the subject, to "render unto Cæsar the things that are Cæsar's;" and by decided and efficient action, forever to put an end to this unnatural contest.

It remains to examine what weight shall be attached to the reasons urged by the Executive, in defence of the course he has pursued; and how far, in his communication to the House of Representatives, he has been able to sustain himself—by reason, by law, or by authority. The undersigned will confine their attention entirely to the legality and correctness of the order to Messrs. Chandler and Smith, and to a review of the arguments used, by the Executive, in his justification of his measure.

Whatever authority the President may have had, to direct the removal of the archives, and the Heads of Departments, in

the first instance; and however those who refused to yield obedience to that order, might have been looked upon as violators of law, the course which the President has since pursued, has operated to effect an entire change in the position of the contending parties, so that the citizens of Austin can now hold up, for their protection, the broad ægis of the laws; and can successfully claim to be contending in defence of the laws, while the President is exhibited as seeking to obtain improper ends by illegal means. How this change has been brought, we will proceed to show.

The President, in his communication to this body, states that "The original order for their removal [meaning the archives] was given at a time when the country was actually invaded, and when every man in Texas, having a knowledge of the facts, acquiesced in the prudence and necessity of such a measure." This may have been true, in part, but it is equally true that, before the order was received by the officer to whom its execution was committed; the *invasion*, as styled by the language of inflation, had lost its threatening and dreadful character; and it was notoriously understood, that there was not a Mexican within the limits of the country. These facts were known to the officers remaining at the Seat of Government; and if they were not as equally well known to the President, it was because of his absence from the point to which duty called him. It subsequently came to his knowledge, yet still he persisted. But the confidential and constitutional adviser of the Executive, who was directed to superintend the removal, did not enforce, or attempt to enforce, the order, on the grounds alleged by the President; but simply placed it on the footing, that the President willed it, and had long determined to accomplish that end; and that the order was not predicated upon any supposed, or real, invasion of the Mexicans. There is some contradiction here, which it is hopeless to try to reconcile; yet the President says, that "every man in Texas, having a knowledge of the facts, acquiesced in the necessity of the order," owing to the actual invasion of the country by the enemy; whilst the Secretary of War, who was well acquainted with all the facts, and was present where danger ought to have been apprehended, denied the existence of the danger; and asserted that occurrence, now so much magnified, had no influence in determining the conduct of the Executive.

Before, then, the order was executed, the Congress met at Houston. Up to this period, the citizens of Austin had acted wrong: duty required them to yield obedience to the Execu-

tive; but, knowing all the circumstances as well as they did, and the moving causes which actuated the Executive, it would be hard to censure them for their resistance. Congress met at Houston, on the 27th day of June last; and, from that time, the Executive power over the subject matter, was at an end, until the happening of some new emergency during the recess of Congress. That no second emergency has occurred to justify his course, the President admits; inasmuch "as he regards every measure which he has since adopted, as a continuation of that first order."

The Executive farther adds—"Had the emergency which dictated the removal of the archives, arisen whilst the Congress was in session, it would have clearly been within their province to have provided for their security; but as Congress was not in session, it devolved upon the Executive," &c. "Congress has has once been in session, since the original order was given—they forbore to act upon the subject." Such are the statements of the President. His opinion seems to be, that if Congress is in session at the *happening* of an emergency, they have the control over the archives; but that if they are not in session at that particular juncture, they are forever debarred, by the prior claim and occupation of the Executive. / The course which the Congress pursued, at Houston, was a sufficient indication to the Executive, of their disapprobation of his conduct: *they refused to sustain him*. In his message, he asked the legislature for their support and co-operation in this undertaking, and they refused it. He asked them to furnish him with the means to execute his orders; they declined it; and, because they refused, and declined to act upon the subject, as he desired, it was "enforced upon him the necessity of pursuing the course he took." The opinions of the President are decidedly wrong. It required the positive sanction of Congress, to authorize him to take a step further, after their session at Houston; and all of his orders subsequent to that period, if looked on as a continuance of his first order, were illegal, unconstitutional, derogatory to the dignity of the legislative department of the Government, and in violation of the rights of the citizens. The citizens of Austin, since that period, have had the vantage ground in the contest with his Excellency, and he seems disposed to allow them to maintain it.

Whatever may be the correctness of the above views, there is another small matter, which will not escape the attention of the House, or the animadversion of the country. The Constitution provides that "Congress shall call out the militia to enforce the

laws, suppress insurrection, or repel invasion." It further provides that the three Departments of the Government shall be, forever, kept separate and distinct.

Congress had neither exercised this power itself, or delegated the right to another. The act of the Executive, in ordering out a portion of the military force of the country, to execute a law of the legislature, or an order of the Executive, without the sanction of the legislature, is contrary to that Constitution which it is the sworn obligation of the Executive to support, and his primary duty to maintain.

The citizens of Austin, in resisting the armed force despatched by the Executive, to execute his commands, unauthorized as they were, neither acted as a "mob," or were they "in a state of beastly intoxication," as his Excellency chooses to represent them. No, they acted as men—as men who know their rights, their duties; and, knowing, dared maintain them. The lawless mob were composed of the ready tools, and unquestioning agents of the executive will. To defend the archives from the depredations of these lawless men, in their unholy enterprize, undertaken though it were, under the patronage of the Executive, was as much the duty of every patriot citizen of the country, as to protect and defend them from the marauding incursions of the Mexicans under Vasques or Woll. They merit, well, the abuse of the Executive, for thwarting his will; but they deserve the thanks of the country, for their conduct. The archives, and other public documents, are in the custody of the law, and fortified and defended by the stout hearts and strong arms of our citizens; and the sanctity of the deposit should not be violated, either by executive prerogative, or the minions of his power.

If it be remembered, that the order of the President to raise an armed force, was issued on the 10th of December, at the very time when Congress was in session, it would appear that it was intended to add to the injury done to the citizen, and insult to the legislature.

How the President could have fallen into such an error, is the more extraordinary, from the fact that he admits, in his defence, that he had no power to act, as he has done, without the sanction of Congress. He thus speaks on this subject:—"Before the rise of the last session of Congress which sat at Austin, the Executive asked for the means for the protection of the archives—his application was disregarded; and, by law, he had no authority to call out a force for that purpose, nor means appropriated for its subsistence." Yet, without this authority, he

called out such a force, and makes the want of authority so to do, his reason for doing so.

Again, he says—"He is constrained to believe, that the honorable Congress will adopt such efficient measures, or empower the Executive so to do, as will secure the safety of the archives." If it was necessary to have the authority of Congress to take the steps which he has adopted, why did he take those steps without such authority. Congress has, heretofore, and still does believe the archives safer where they are, and as they are, than they would be in the keeping of the Executive; and his endeavors to defeat the designs of Congress by his extraordinary proceedings, is conclusive evidence of the correctness of the opinions of Congress on this subject; and must act as an estoppel to the bestowal of any further confiding, touching the subject matter. It is, then, the opinion of the undersigned, that the act of the Executive, in directing an armed body of men to remove the archives from that point at which the laws had placed them, was contrary to the law and Constitution of the country; and that all persons engaged in the execution of said order, were trespassers and wrong-doers, from the beginning.

The President expatiates, with considerable fervor, upon his own patriotism, and the devotion of the Government officers at Austin, in their late exertions to remove the archives. In these panegyrics, the undersigned cannot concur. They have no encomiums to bestow on the patriotism which dictated these orders, or on the *heroism* which failed in their execution.

It would not in the opinion of the undersigned have been proper for them to have expressed their opinions, relative to the personal danger which may threaten the Chief Magistrate of the Republic, from any of its citizens, had not the frequency of the mention of it by the President, rendered it impossible for it to be passed by, without notice. We state it as our deliberate opinion, that he has no reason to fear personal wrong. We advise him to dismiss his fears. The apprehensions under which he labors are too ill founded for anxiety, and too peurile for pity, and in either case, and in all other cases, it is an object of painful contemplation to see the President of this Republic, and the hero of San Jacinto, manifest in his grave state documents, to a co-ordinate branch of the Government, a trembling fear at the vain threats and idle boastings of any persons whatsoever.

(Signed)

TOD ROBINSON,

JOHN CALDWELL.

Mr. Hewitt, moved the rejection of the above report.

Mr. Cazneau, moved a call of the House.

Carried.

A quorum being present.

On motion, a further call of the House was suspended.

The ayes and noes being called for on the motion to reject, stood as follows:

Ayes—Messrs. Speaker, Crisp, Dial, Grimes, Hanover, Hewitt, Hill, Holmes, Lewis, Matthews, Milby, Parker, Pennall, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—19.

Noes—Messrs. Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Hagler, Halbert, Haynes, Hunter, Braches, McLeod, Peebles, Portis, Potter, Robinson of B., Sherman and Ward—18.

Carried, and bill rejected.

A message was received from the Senate, informing the House of the passage of "A Bill, concerning rents;" also,

"A Bill, to prescribe the manner in which suits shall be tried, in which the District Judges may be interested;" also,

"A Bill, providing an additional method for acknowledging letters of attorney;" also,

"A Joint Resolution, for the honorable discharge of Dr. E. J. Felder."

Mr. Hanover, offered the following resolution:

*"Resolved by the Senate, and House of Representatives, That a joint rule of the two Houses, which prohibits any bill or resolution from being presented to the President for his approval, on the last day of the session, be, and the same is hereby suspended, for the present session."*

Read, and laid on the table.

A call of the House was pending, when the House adjourned, and a motion to suspend the same.

Mr. Scurry, moved the House adjourn.

Lost.

The question was then taken, and a further call of the House was suspended.

Mr. McLeod, by leave, withdrew his motion to take up "A Bill, to fix the time and place of holding the Supreme Court."

A message was received from the President, which was, on motion of Mr. Caldwell, taken up and read as follows:

EXECUTIVE DEPARTMENT, }  
 Washington, Jan. 14, 1843. }

*To the Honorable, the House of Representatives:*

The bill "for the protection of the Western and South-western Frontier, and for other purposes," having been submitted to the Executive, has received his mature and earnest consideration. In the examination of its various provisions, he has been actuated by a sincere disposition to render his co-operation and aid, in advancing any measure which he could believe calculated to give protection to the frontiers of the country. Plans have long been projecting, and the Congress designing and legislating upon schemes which they deemed proper for frontier defence; none of which, however, has yet proved effective.

In May, 1838, a militia law was passed, over the veto of the Executive, divesting him of all military power, and conferring his constitutional rights upon the Major General. All persons familiar with the history of Texas, must be aware, that the period of the operation of that law, was fraught with many disasters to the country. The moneys drawn under its provisions, were squandered by those who have not, even up to the present time, accounted for the sums drawn. The country derived no advantage from it; but, on the contrary, sustained positive loss to its Treasury. The sum of twenty thousand dollars was expended; and additional indebtedness incurred to the amount of many thousand more. But, though the consequences of that measure, so similar to the one under consideration, were so injurious, the Executive feels that he was free from any cause of reproach. To prevent it, he exercised his constitutional prerogative; and by its exercise, discharged what he deemed a sacred duty.

The campaign of General Morehouse up the Brazos, for which ten thousand dollars were appropriated, resulted in nothing beneficial to the country. This, too, was an independent command. The money was expended, never accounted for, and heavy demands are yet suspended against the Government, for supplies procured by him to sustain the troops. The "corn campaign," of 1840, under Major General Felix Huston, cost the Government upwards of an hundred thousand dollars; and resulted in nothing but a purchase and waste of property.

If the Executive, in whose hands the power has been placed, by the Constitution, were to project and carry out campaigns,

and be held strictly accountable to the nation, his responsibility would be such, that, if he wasted the means placed at his disposition, he would be punished for an infraction of the laws, or for transcending his powers. But where officers are made independent of the law; there is no accountability; nor can any benefit result to the country from such a course of policy.

The present bill contemplates the appropriation of fifty thousand dollars, for the support of six companies, of fifty-six men each, without prescribing in what manner they are to be equipped; or whether they shall be mounted, or infantry. A sum adequate for this purpose could not be reduced below three hundred thousand dollars per annum. And whether it would be possible, in the present depreciated state of the currency to procure, with the proposed sum, the necessary ammunition, and such other supplies as would be indispensable for their maintenance, admits of serious doubt, and is believed to be not within the power of the nation. The cost of sugar, coffee, salt and bread-stuffs alone, at points so remote from where they would have to be procured, would render the furnishing of supplies impossible. The Government has not the means of transportation, and could not expect to obtain the teams necessary for that service.

It is to be apprehended, also, if companies are detached so far from the frontier settlements, as the points designated in the bill, on the Rio Frio and at the White House, on the Nueces, that they would be continually liable to surprise, harrassment and imminent peril from the ene<sup>10</sup>. The service would be very laborious; and to guard securely their horses, so as to preserve them against loss, would require a number of men greatly disproportionate to the number of those fit for duty. They would have no fortification, or place of shelter, against the enemy. If attacked by a force from the Rio Grande, they could have no hope of succor; and before they could reach a point on the frontier, if they were to attempt a retreat before a superior force, the probability is that the enemy, on fresh horses, would possess every advantage, and defeat or capture them before they could reach a place of safety.

In the establishment of posts on the frontier, reference should be constantly had to the practicability of maintaining them until probable aid at least, in cases of emergency, could be afforded. The Executive deems the locations proposed as insecure; and, therefore, is compelled to regard this feature in the bill, as unfavorable to the object for which its caption declares it to be designed.



From a knowledge of military operations and requisitions in Texas, the Executive is disposed to believe, that the classification and rendezvous of the troops proposed to be raised, would require several months; if the object could even then be effected. The first requisitions are to be made on the third and fourth brigades. They are so remote from the frontier to be protected, that much time would be required for their preparation and rendezvous, and could not possibly be made available before the time of the probable invasion of the country in the spring. The fact, also, that the troops required would have to provide, for the most part at their own expense, whatever would be necessary while in service, without the hope of any return in the shape of pay, could not but produce much delay. The classification itself, could not possibly take place under one month. After this, notices to those who had been drafted—the necessary preparation for a six or twelve month's campaign, and, if well mounted, the time required to reach our most exposed frontier, would consume from six weeks to two months more. This would bring the period of rendezvous to the middle of March. If useful at any time, it would be previous to that period. For it is fair to presume, from the intelligence we have, that the outposts designed for our troops, will then be occupied by the forces of the enemy. Were the call instant, and men were turning out for the purpose of meeting the enemy entering the country, they could act with more promptitude, and dispense with many things which would be required for a service of six or twelve months; and, hence, our troops could rally, *en masse*, sooner than a requisition of this description could be answered.

On the subject of electing a Major General, the Executive can speak advisedly. More money has passed from the Government, in consequence of their military operations, than has ever been allowed to the present Executive, in three year's service, for the national defences. Generals placed in command independent of the Government, may be beneficial to Texas; but in no other country has it ever been deemed wise to render such officers irresponsible to the Head of the Government. The Constitution declares expressly, that the President shall be Commander-in-Chief of the army. By this, I presume, it is meant that all officers shall receive their direction from him through the War Department; and that they shall be responsible to him for their conduct. Not that he is in person to command the army, but that, by the constitutional and legally appointed officers, his commands are to be executed.

If the country is invaded, is it proper that expresses should

resort to the seat of Government with intelligence; or should they, passing by the seat of Government, have recourse to the Major General who might reside upon the Sabine or Red River; or who might, perchance, be absent from the Republic, and all regular military operations be suspended until his action could be had? Or is it more proper that they should report to the Executive the condition of affairs, and let him make requisition, through the Secretary of War, upon the proper officers, calling for the quota of troops proportioned to the emergency, or, it necessary, ordering out the militia *en masse*? Heretofore, this has been the condition of the country. The suffering citizens have appealed to the Executive, when he could only reply, that Congress, by a constitutional majority, had deprived him of the power of giving them the means of protection and defence; and that they must go to the Major General, to whom Congress had given the money and the men.

Thus was the President deprived of his authority to be useful. But the people, not comprehending fully the truth, nor apprised of the acts of their representatives, denounced the Executive, thus shorn of his rights and deprived of every means, as an enemy to the country. Many of them, even up to the present time, have remained ignorant of the circumstances in which he was placed by the action of Congress. This bill would place him in a similar situation, and make the officer who might be elected Major General, irresponsible to him, and not only that, but responsible to no power on earth.

A provision of the bill requires that the Major General should make reports to the Secretary of War; but, at the same time, he is not held subject to the orders of the same authority. It is, indeed, creating a military Government unknown to the Constitution, and superior to the civil Government itself, by placing the Major General in a situation in which he can defy, not only the President, but all the civil officers of the country.

To enable us to form our conclusions as to the future, we should refer to the experience of the past. If we do so, we cannot but feel assured that nothing beneficial to the country could result from the adoption of the proposed measure.

The Executive cannot see any possible advantage that would result from the election of a Major General at this period. The multiplication of military offices of high command, is calculated to produce schisms and dissension. There are now four Brigadier Generals in the country. It is to be presumed that they feel military emulation and becoming pride of official distinction.

They have been elected by those who are subject to military

command; and if the honorable Congress were to proceed to elect a Major General in any other mode than that in which they have been elected, and thus supersede them in rank, they would think that they had not been fairly dealt by; and that Congress had assumed to themselves a mode of pretermittting their rights. And men acting under the influence of chagrin, seldom afford that cordial co-operation in sustaining either an individual or a measure by which they conceive they have been injured. The effect of the bill would be to supersede all the duties of the Brigadiers—render them nullities, and produce in the organization of our service, endless conflict and confusion.

The bill provides, also, that in the event of vacancy in the office of Major General, the senior Brigadier General shall have command. The same right would be exercised now by the senior Brigadier General, and as the Brigadiers have been regularly created under the law, it would seem unnecessary that an election of Major General, should take place, for no other purpose than to swell the number of general officers. And it is to be presumed, that if the Brigadier who is now in service, were to be elected, it would add no efficiency to the individual, and merely be an increase of rank and title.

If the command contemplated by this bill, were called into service, it would not exceed a number greater than a Major in the line has a right to command. Hence every field officer in Texas, would feel that the honorable Congress, by this bill, had disregarded their claims, and made a special exception in favor of an individual, whom neither the men nor officers of the Republic had any voice in promoting to the command.

It seems almost unnecessary to advert to the additional expense which would accrue to the country from creating such a feature in its military system. The additional expense would be more than one thousand dollars per month—an item which, in our present financial condition, would appear but illy to comport with the interest or ability of the country.

If Congress thinks proper to authorize the raising of a force, and will place means at the disposition of the Executive, they may rest assured that, through proper officers, responsible to the law and governed by military usages, he will execute his duty with economy, system and alacrity.

If the Executive could perceive that the contemplated measure would be attended with any probable benefit to the country, or give to the militia any additional character or efficiency, which it does not otherwise possess, he would feel it is duty and it would afford him satisfaction to approve it. But from expe-

rience, and seven years critical observation of military operations in Texas, and of the evils which have resulted, both to the nation on the score of expence, and from a want of subordination to the authorities of the country, and their causes, he is constrained to believe that he should lead his sanction to no bill which would create an officer above, and irresponsible to the laws and Constitution.

With these objections, he respectfully returns the bill to the House in which it originated, without his signature.

SAM. HOUSTON.

On motion of Mr. Crisp, the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business:

“A Bill, for the protection of the Western and South-western frontier, and for other purposes,” together with the veto of the President, was under consideration when the House adjourned.

On motion of Mr. Hill, said bill and veto message was laid on the table.

Mr. Hill, by leave introduced “A Bill, supplementary to an act, for the protection of the Western and South-western frontier, and for other purposes,” passed<sup>nd</sup> the present session of Congress.

Read 1st time.

On motion, rule suspended, and bill read a 2d time.

Mr. Sparks, moved to amend by inserting, “and the Major General elected by the provisions of this act, shall hold his office for two months only.

Lost.

Mr. Hill offered an amendment, viz: add to 1st section the following, “and shall report regularly to the War Department.”

Adopted.

Mr. Robinson of B., offered the following amendment:

Add to 1st section “and that the Major General have authority to appoint *his staff*, instead of the “general staff,” as provided in the act to which this is a supplement.”

Adopted.

On motion, rule further suspended, and bill read 3d time.

The ayes and noes were called for on the final passage of the bill, and stood thus :

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Dennison, Fields, Garza, Grimes, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Holmes, Hunter, Braches, Lewis, Matthews, Milby, Parker, Peebles, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Walling, Ward, Warren and Williamson—33.

Noes—Messrs. Crisp, Dial, Hewitt and Sparks—4.

Carried, and bill passed.

On motion of Mr. Hanover, a resolution suspending a joint rule of the two Houses," was taken up.

On motion, rule suspended, and resolution adopted.

The Enrolling Committee made the following report :

COMMITTEE-ROOM,  
January 16th, 1843.

To the Hon. N. H. Darnell,

Speaker of the House of Representatives.

The Committee on Enrolled Bills, have examined the following bills and joint resolutions :

"An Act, for the relief of the Texian prisoners captured by the Mexicans during the year 1842;" also,

"An Act, to extend to the Chief Justice and associate Justices, the authority to issue certificates of head-right to emigrants;" also,

"A Joint Resolution, for the relief of David G. Burnet;" also,

"An Act, further to amend the Judiciary Laws;" also,

"An Act, for the relief of Thruston M. Taylor," and find the same correctly enrolled, the same having been signed by the Speaker of the House, and President of the Senate, was this day presented to his Excellency the President for his approval.

(Signed) I. PARKER,  
Chairman.

Report adopted.

On motion of Mr. Warren, "A Bill, to amend the several laws regulating the Post-office Department," was taken up, and amendment of the Senate, adopted.

On motion of Mr. McLeod, "A Bill, for the relief of Bexar county," was taken up.

Read 3d time, and passed.

Mr. Cazneau, offered the following resolution:

"Resolved, That the door-keeper of the House of Representatives, be allowed one dollar per day for cutting wood, furnishing water, &c., to be paid out of the contingent fund of the seventh Congress."

Adopted:

On motion of Mr. Haynes, "A Bill, authorizing an additional compensation to certain officers of the civil list," was taken up, and amendment of the Senate, adopted.

On motion of Mr. Hunter, "A Joint Resolution, for the relief of Messrs. Neighbors and Rivers," was taken up, and amendment of the Senate, adopted.

On motion of Mr. Crisp, "A Bill, for the relief of certain persons therein named," was taken up, and

Read 2d time.

Mr. Hagler, offered the following amendment:

"And the San Patricio minute men."

Mr. Haynes, offered the following amendment, to the amendment of Mr. Hagler:

To Dr. S. N. Haynes for the Western Spy Company, under Capt. Karns."

Adopted.

Mr. Braches offered the following amendment, to the amendment of Mr. Hagler:

"And the same for the minute men at Seguin, in Gonzales, under Capt. James Callehan."

Adopted.

Mr. McLeod, moved to amend Mr. Hagler's amendment, by adding:

"And further to add the Spy Company of Bexar county, under Capt. John Hayes."

Adopted.

Mr. Hill, offered the following amendment, to Mr. Hagler's amendment:

"Add, for the Robertson county minute men, under Capt. E. Chandler, and Milam county minute men, under the command of Capt. G. B. Earth."

Adopted.

Mr. Grimes offered the following amendment, to the amendment of Mr. Hagler; also,

The Montgomery, county minute men, under the command of Capt. Thomas N. B. Greer."

On motion of Mr. Caldwell, the bill and amendments were laid on the table.

On motion of Mr. Hanover, "A Bill, to amend the several laws, regulating the Post-office Department," was taken up, and the House recinded their amendment.

A message was received from the Senate, informing the House of the passage of "A Bill, supplementary to an act, to provide for the protection of the Western and South-western frontier," passed the present session of Congress;" and

Adopted a resolution to suspend the joint rule of the two Houses, prohibiting bills from being presented to the President, on the last day of the session.

On motion of Mr. Caldwell, "A Bill, to provide for the protection of the Western and South-western frontier, and for other purposes," together with the veto thereon, was taken up.

Mr. Portis, moved, the previous question.

The question, shall the main question be now put, was put, and carried.

The main question being the passage of the bill, over the veto.

The ayes and noes were called for thereon, and stood as follows, to wit:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Dennison, Dial, Fields, Garza, Hagler, Halbert, Hanover, Haynes, Hill, Hodge, Holmes, Hunter, Braches, Lewis, McLeod, Milby, Peebles, Portis, Robinson of B., Robinson of S., Scurry, Sherman, Walling, Ward, Warren and Williamson—30.

Noes—Messrs. Crisp, Grimes, Hewitt, Matthews, Parker, Pennall and Sparks—7.

Carried, and bill passed by a constitutional majority.

Mr. Williamson, by leave introduced "A Bill, to regulate actions of replevy and sequestration."

Read 1st time.

On motion of Mr. Hill, "A Bill, to provide for the more certain collection of license taxes," was taken up; and

Read 1st time.

On motion, rule suspended, and bill read 2d and 3d times, and passed.

On motion of Mr. Warren, "A Joint Resolution for the relief of Anson Jones," was taken up and read a 1st time.

Mr. Warren moved a suspension of the rule, requiring bills to be read on three several days.

The ayes and noes were then called for, on the motion, and stood thus:

Ayes—Messrs. Speaker, Fields, Hill, Braches, Lewis, Milby, Peebles, Pennall, Robinson of B., Walling, Warren and Williamson—12.

Noes—Messrs. Bower, Caldwell, Cazneau, Dennison, Dial, Grimes, Hagler, Halbert, Haynes, Holmes, Hunter, McLeod, Potter, Robinson of S., Scurry and Ward—16.

Lost.

On motion of Mr. Hagler, "A Bill to abolish the office of Secretary of Legation," was taken up, and read a 1st time.

On motion of Mr. Haynes, "A Bill for the relief of C. Monod" was taken up, and read a 1st time.

On motion, rule suspended, bill read a 2d time, and ordered to be engrossed.

Mr. Caldwell offered the following resolution, to wit:

"Resolved, That, with the concurrence of the Senate, the two houses of Congress will proceed, forthwith, to the election of a Major General of Militia."

Mr. Fields moved to amend, by inserting—"and Public Printer."

Adopted.

The ayes and noes were then called for, on the adoption of the resolution as amended, and stood thus:

Ayes—Messrs. Speaker, Bower, Caldwell, Cazneau, Dennison, Dial, Fields, Garza, Hagler, Halbert, Haynes, Hodge, Hunter, Braches, Lewis, McLeod, Milby, Peebles, Potter, Robinson of B., Robinson of S., Scurry, Walling and Ward—24.

Noes—Messrs. Grimes, Hewitt, Hill, Pennall, Sparks and Warren—6.

Carried, and resolution adopted.

The Enrolling Committee made the following report:

COMMITTEE-ROOM,  
January 16th, 1843. }

To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.

The Committee on Enrolled Bills have examined, and find<sup>d</sup> correctly enrolled, the following bills, to wit:

"An Act for organizing the militia of the counties of Robertson and Brazos;" also,

"An Act, authorizing an additional compensation to be paid to certain officers of the civil list;" also,

"An Act, supplementary to 'An Act, for the protection of the Western and South-western Frontier;" also,

"A Joint Resolution, for the relief of Messrs. Neighbors and Rivers;" also,



"An Act, to amend the several laws regulating the Post-office Department."

Said acts, having been signed by the Speaker of the House of Representatives and President of the Senate, were presented to His Excellency the President, on this day, for his approval.

(Signed) ISAAC PARKER,  
Chairman.

Report adopted.

A message was received from the Senate, informing the House of the passage, by a constitutional vote, over the veto of the President, "A Bill for the protection of the Western and South-western Frontier, and for other purposes;" also, of the adoption of the resolution to go into the election of a public printer, and, also, of a major-general; and of the following nominations, viz:

For Major-General of Militia—Thomas J. Rusk.

For Public Printer—Sam. Whiting, Thos. Johnson, and S. E. Powers.

Nominations now being in order—

Mr. McLeod nominated Thos. J. Rusk for the office of Major-General of Militia.

Mr. Williamson nominated Jas. R. Cook for said office.

On motion, the Clerk was instructed to transmit the above nominations to the Senate.

On motion of Mr. Caldwell, a committee was appointed to wait upon the Senate, and invite that body within the bar of the House, for the purpose of going into the above-named elections, consisting of Messrs. Caldwell, Haynes and Walling.

Committee returned, and reported duty performed.

The Senate appeared, took their seats, and the two Houses proceeded, jointly, to the election of a Major-General of Militia.

Those members of the House voting for Thos. J. Rusk, were Messrs. Speaker, Bower, Caldwell, Dennison, Dial, Hagler, Halbert, Hanover, Hewitt, Hill, Hodge, Hunter, Braches, Lewis, McLeod, Milby, Parker, Peebles, Pennall, Portis, Potter, Robinson of B., Robinson of S., Scurry, Sherman, Sparks, Walling, Ward and Warren—29 votes.

Those voting for James R. Cook, were Messrs. Cazneau, Crisp, Fields, Garza, Grimes, Haynes, Holmes and Williamson—8 votes.

Thos. J. Rusk received, by the Hon. Senate, 11 votes.

Jas. R. Cook received, by the Hon. Senate, 2 votes.

## RECAPITULATION.

Thos. J. Rusk received 40 votes.

Jas. R. Cook " 10 "

Thos. J. Rusk, having received a majority of all the votes given, was declared, duly and lawfully, elected Major-General of Militia.

The two houses then proceeded, jointly, to the election of a Public Printer, under the nominations of the honorable Senate.

Those members of the House, voting for Thos. Johnson, were Messrs. Speaker, Crisp, Dial, Fields, Grimes, Hanover, Hewitt, Hill, Hodge, Holmes, Lewis, Milby, Parker, Pennall, Potter, Robinson of S., Scurry, Sparks, Walling, Warren and Williamson—21 votes.

Those voting for Mr. Powers, were Messrs. Hagler, Peebles and Ward—3 votes.

Those voting for Sam. Whiting, were Messrs. Bower, Caldwell, Cazneau, Dennison, Garza, Halbert, Haynes, Hunter, Braches, McLeod, Portis, Robinson of B., and Sherman—13 votes.

Mr. Johnson received, by the honorable Senate, 6 votes.

Mr. Powers received, by the honorable Senate, 1 vote.

Mr. Whiting received, by the honorable Senate, 6 votes.

## RECAPITULATION.

Mr. Johnson received 27 votes.

" Powers, " 4 "

" Whiting, " 19 "

Mr. Thomas Johnson, having received a majority of all the votes given, was declared, duly and constitutionally, elected Public Printer for the year 1843.

The Senate having retired,

On motion of Mr. Scurry, the House adjourned until 8 o'clock P. M.

8 o'clock, P. M.

The House met—roll called—quorum present.

The House proceeded to business.

Mr. Caldwell, by leave introduced "A Bill, supplementary to an act, to provide for the protection of the Western and South-western frontier, and for other purposes."

Read 1st time.

On motion, rule suspended, and bill read 2d time.

Mr. McLeod, offered the following amendment :

*"Be it further enacted,* That the sum of five hundred dollars, be, and the same is hereby appropriated to carry out the provisions of this act."

Adopted.

On motion, rule further suspended, bill read 3d time and passed.

Mr. Crisp, moved to take up "A Bill, to repeal in part an act, creating a board of medical censors for the Republic of Texas."

Lost.

On motion of Mr. Cazneau, "A Joint Resolution, authorizing the Secretary of the Treasury to issue change notes," was taken up, and read 1st time.

Mr. Cazneau moved a suspension of the rule.

The ayes and noes were called for on the motion, and stood thus :

Ayes—Messrs. Bower, Caldwell, Cazneau, Crisp, Dennison, Dial, Fields, Garza, Hanover Haynes, Hodge, Hunter, Braches, Milby, Pennall, Matthews, McLeod, Parker, Robinson of S., Walling and Warren—19.

Noes—Messrs. Grimes, Hagler, Hewitt, Holmes, Lewis, Potter, Robinson of B., Scurry, Sparks, Ward and Williamson—13.

It requiring two thirds to suspend a rule, the motion was lost.

Mr. Matthews, moved to take up "A Bill, to incorporate the German Emigration Company."

Lost.

On motion of Mr. Crisp, "A Bill, to repeal in part an act, regulating the collection of impost duties, approved July 23d, 1842," was taken up, and read 1st time.

On motion rule suspended, bill read 2d and 3d times, and passed.

Mr. Lewis, moved to appoint a Committee to wait upon the Senate, and inform that body that the House of Representatives, would adjourn this evening at 9 o'clock precisely.

Mr. Fields moved to amend by saying 10 o'clock.

Lost.

The motion to adjourn at 9 o'clock, was then put ; and Carried.

Messrs. Lewis, Fields and Hanover, were appointed the Committee to wait upon the Senate, and inform them that the House of Representatives would be ready to adjourn at 9 o'clock."

A Committee appeared from the Senate, and informed the House, that the Senate had disposed of all their business, and would be ready to adjourn in fifteen minutes ; also,

That the Senate had appointed, a Committee, to act with a like Committee on the part of the House, to wait upon the President, and inform him that the two houses of Congress, are now ready to adjourn, if he has no farther communications to make.

Messrs. Hewitt, Sparks and Warren, were appointed a Committee on the part of the House, to act with a like Committee of the Senate, to wait upon the President, &c.

The Committee to wait upon the Senate, returned, and reported duty performed.

On motion of Mr. Sherman, the injunctions of secrecy were removed from the message of the President, relative to the appointment of a Commander-in-Chief of the army," and the same was ordered to be spread upon the public journals.

Mr. Parker offered the following resolution :

"*Resolved*, That the thanks of the House of Representatives, be tendered to Hon. N. H. Darnell, Speaker of the House, for the able and impartial manner in which he has presided over the deliberations of this body."

Unanimously adopted.

Mr. Williamson, offered the following resolution :

"*Resolved*, that the thanks of this House, be tendered to the citizens of Washington, for their usual bland, and polite conduct towards the members of this House during its session."

Adopted.

Mr. Dennison, offered the following resolution :

"*Resolved*, That the thanks of this House are due, and they are hereby tendered to the Chief and assistant Clerks, also, to the Sergeant-at-Arms and Door-keeper, of the House of Representatives, for their promptness and efficiency in performing the duties of their respective offices, and for their courtesy and

obliging manners towards the members of this House, during its present session."

Unanimously adopted.

The Committee on Enrolled Bills, made the following report :

COMMITTEE-ROOM, }  
Jan. 16th, 1843. }

*To the President of the Senate  
and Speaker of the House of Representatives.*

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following bills, to wit :

"An Act to alter the time of holding the District Courts in the seventh Judicial District of the Republic of Texas, and for other purposes;" also,

"An Act, supplementary to an act, entitled 'An Act to divide the county of Red River, and to create and establish the counties of Bowie and Lamar,'" also,

"An Act, legalizing the location of the County Site of Fannin county."

Said bills, having been signed by the Speaker of the House of Representatives, and President of the Senate, was presented to His Excellency the President, for his approval, on the 15th instant.

[Signed]

ISAAC PARKER,  
Chairman.

Also, the following :

COMMITTEE-ROOM, }  
January 16th, 1843. }

*To the Hon. N. H. Darnell,  
Speaker of the House of Representatives.*

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following bills, to wit :

"An Act to prescribe the method in which suits shall be tried, in which the District Judges may be interested;" also,

"An Act to provide an additional method for proving, or acknowledging, letters of Attorney;" also,

“A Joint Resolution, repealing a part of ‘A Joint Resolution for the honorable discharge of E. J. Felder.’”

The same, having been signed by the Speaker of the House and President of the Senate, was presented to His Excellency the President, this day, for his approval.

(Signed)

I. PARKER,  
Chairman.

Which reports were adopted.

The Committee to wait upon the President returned, and reported duty performed.

Mr. Caldwell, offered the following resolution :

“*Resolved*, That the several Clerks and officers of the House, be allowed, the sum of two dollars per diem, in addition to the amount now allowed by law, to be paid out of the contingent fund of the seventh Congress.”

Adopted.

On motion, the journal was then read, and adopted.

Mr. Williamson, moved the House now adjourn *sine die*.

Upon which the Speaker arose, and addressed the House, in a few appropriate remarks.

The motion was then put, and the House adjourned *sine die*.



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APPENDIX

DEPARTMENT OF THE  
WAR - JOURNALS

House of Representatives:

18TH CONGRESS.

PRINTED AT THE VENICE OFFICE.

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Flipped under





APPENDIX, &c.

DEPARTMENT OF WAR AND MARINE, }  
WASHINGTON, 4th, Dec. 1812. }

To his Excellency, Gen. Harrison.

Sir:—In compliance with a resolution of the Hon. the House of Representatives of 13th, inst., "requiring to be furnished by your Excellency, with copies of all reports from the army now in the field, together with copies of the orders under which they have organized." I have with it, and the documents required, together with an abstract of the muster rolls of the companies composing the force—no return of Field and Staff has been received.

I have the honor to be  
Very respectfully,  
Your obedient servant,  
M. C. HAMILTON,  
Acting Secretary of War & Marine.

COPIES OF ORDERS TO GEN. SOMERVELL.

EXECUTIVE DEPARTMENT, }  
Washington, 3rd October, 1812. }

To Brigadier Gen. A. Somervell—

Sir:—Your official communication from San Filipe under

date of 29th ultimo, reached me late last night. I seize the first moment to communicate my orders.

You will proceed to the most eligible point on the South Western frontier of Texas, and concentrate with the force now under your command, all troops who may submit to your orders, and if you can advance with a prospect of success into the enemy's territory, you will do so forthwith. You are at liberty to take one or two pieces of ordnance now at Gonzales. For my own part, I have but little confidence in cannon on a march; they will do on a retreat, where the forces are nearly equal, but they embarrass the advance of an army; and if pressed hard on a retreat, the great aversion that troops have to leave their Artillery, may induce delay, and embarrass all the movements of the army. Our greatest reliance will be upon light troops, and the celerity of our movements. Hence the necessity of discipline and subordination. You will therefore receive no troops into service, but such as will be subordinate to your orders and the rules of war.

You will receive no troops into your command but such as will march across the Rio Grande under your orders if required by you to do so. If you cross the Rio Grande you must suffer no surprise, but be always on the alert. Let your arms be inspected night and morning, and your scouts always on the look-out.

You will be controlled by the rules of the most civilized warfare, and you will find the advantage of exercising great humanity towards the common people. In battle let the enemy feel the fierceness of just resentment and retribution.

The orders of the government of the 15th ult. having been disregarded by those who have gone to Bexar, in never having reported or communicated with the Department of War, the Executive will not recognize their conduct, and you alone will be held responsible to the government, and sustained by its resources, you will report as soon as possible your operations.

You may rely upon the gallant Hays and his companions; and I desire that you should obtain his services and co-operation, and assure him and all the brave and subordinate men in the field, that the hopes of the country and the confidence of the Executive point to them as objects of constant solicitude. Insubordination and a disregard of command, will bring ruin and disgrace upon our arms. God speed you.

I have the honor to be

Your obedient servant,

SAM. HOUSTON.

## SPECIAL ORDER—No. 52.

DEPARTMENT OF WAR AND MARINE, {  
 Washington, 13th October, 1842. }

To Brigadier Gen. A. Somervell.—

SIR:—Should this order meet you on your way to this place, you will reach here as soon as practicable—if at Matagorda, you will proceed without delay to the South-Western frontier, and select the most eligible position on the Cibolo or elsewhere, as your judgement may direct, and proceed to the organization and drill of all the troops who may report to you with a firm resolve to be obedient to orders, and, if required, to cross the Rio Grande—none others will be received into the service, nor will supplies of any kind be issued to such, as they would only consume the substance of the frontier inhabitants without securing to them the corresponding benefits. The greatest care and economy must be observed under any circumstances, or starvation will be the consequence.

To insure even probable success, it will be necessary to conduct all your movements with secrecy; for this reason San Antonio is not deemed a proper place for concentration. If possible, the enemy should be kept in ignorance of our designs; otherwise all our efforts will be counteracted and prove abortive.

Too much care cannot be observed to prevent the approach or entrance into your encampment of the neutral Mexicans of San Antonio. If free ingress and egress is permitted them, your operations, strength and resources, will most certainly reach the enemy.

When the force shall have assembled, if their strength and condition will warrant a movement upon the enemy, it is desirable that it should be executed with promptness and efficiency.

A plan of organization for the army will be forwarded to you. Meantime, you will allow only the requisite number of officers to the men in the field—one *soldier* who fights well and does his duty, is worth two officers who fight indifferently, and who neither understand nor will discharge their duty. Officer sometimes embarrass men who, in private stations, would do well and render efficient service to their country.

You will find enclosed an extract from the law of the 18th January, 1841, "to complete the organization of the Militia." If the troops wish to organize under it they will of course be permitted to do so on application to you, and may elect all their

officers excepting only the commandant of the expedition.  
 You will keep the Department constantly advised of your progress and success in the execution of your orders.

By order of the President. M. C. HAMILTON,  
*Acting Secretary of War & Marine.*

DEPARTMENT OF WAR AND MARINE,  
 Washington, 9th Nov. 1842.

To Brigadier Gen. A. Somervell:—

SIR:—I only have a moments time to say that it is presumed the troops will have assembled at the rendezvous by the time this reaches you, and that no time will be lost in organizing them for service—when it will be reported to the Department instantly through the Adjutant General—

The Quarter Master General has been instructed in reference to supplies of beef—as for ammunition—sufficient supplies have already been sent out, by various individuals—but whether it has, or will ever reach Head Quarters seems to be doubtful. It is scattered all over the Western country. This is always the consequence when it is sent without requisitions; and by irresponsible individuals, it must be collected by the Quarter Masters; for the Government can supply no more Rifle Powder, and but a small quantity of Lead—a few hundred pounds remain in the public store at Galveston—Col. Cook has been written to upon the subject.

You will permit no spirituous Liquors to be brought into your encampment by any person or persons, any offending in this particular will be punished instantly and severely.

Do not suffer troops to pass on to San Antonio. Those now there are starving for supplies.

As the season is now so far advanced, the utmost expedition will be required to carry out the object contemplated in getting up the campaign.

With the hope that you may be enabled to take up the line of march immediately, and that your efforts may be crowned with success.

I have the honor to be,

Your obedient servant,

M. C. HAMILTON,  
*Acting Secretary of War & Marine.*

DEPARTMENT OF WAR AND MARINE,  
Washington, 19th Nov. 1842. }

To Brigadier Gen. A. Somervell, Commanding Army  
South Western Frontier:—

SIR:—It is a matter of surprise as well as of regret, that no reports have been received from you relative to your progress and movements, when daily opportunities offered you by men leaving your encampment for their homes. The Department is ignorant, except from rumor, of the number of men in camp; of their condition for service—the quantity of supplies on hand, or the prospect of procuring them.

It has been represented that the whole number of men in camp will not exceed six hundred; and that a part of these will not report, inasmuch as they do not understand clearly the character of your orders—that they are not disposed voluntarily to join the expedition; and that this retards the organization of the force; and further, that supplies of both ammunition and Provisions are insufficient. I am under the necessity of making the enquiry whether these rumors be true, because you have failed to keep the Department advised of the condition of things.

Your orders were, to neither *muster into service nor issue supplies of any kind to any but those who reported with a firm resolve to cross the Rio Grande if required to do so.*

Were they read and explained to the troops upon your arrival in camp? or have any been mustered into service or retained in camp contrary to their inclinations and in violation of the orders, of His Excellency, the President and of the Department?

It was expected that those who were anxious to enter the enemys territory would be prepared to march immediately upon their organization, which should have been completed the moment they reported themselves.

Staff Officers were appointed and ordered to report at Head Quarters, so that every facility might be afforded in the organization and in procuring supplies *for those who were mustered into service*, so that no delay might arise on these accounts. Those who were not disposed to join the expedition should have departed instantly for their homes. It was not the design of the Government to keep an undisciplined and disorganized army stationed on the frontier merely for the purpose of consuming the little substance remaining of a population already nearly reduced to starvation.

It was left to your own discretion to determine whether the strength and condition of the force, after it had been organized, would authorize your leading them into the enemys country; and if so, to act with the greatest promptitude, so as to relieve the frontier of the burden of supporting them.

Your communication of 7th inst. has just been received; but it affords no information as to the probable number of men at your encampment—how they are supplied—when you can probably take up the line of march, or whether it will be practicable with the force which you are likely to have at your command, to carry out, at this advanced season, of the year the objects contemplated. *If it is*, you will see the propriety of prompt and energetic movement, *if it is not*, why, it is hoped that you will see the propriety of disbanding the troops at once. They have now been on the frontier six weeks, and are seemingly as little prepared for the march as when they first arrived.

It is expected by His Excellency, the President that you will exercise a sound discretion in reference to the matter, and whatever you may determine to do, do it promptly.

It is to be regretted that San Antonio or any place in its neighborhood was selected as the point of rendezvous. This was in direct violation of the most positive orders.—In the first place it was impossible to organize troops at that place; and besides it was known that there were no supplies there; and then the enemy have every facility afforded them for information respecting your strength, resources and movements. This step had however been taken before you arrived.

The orders to Major Hays authorizing him to declare Martial Law within the limits of the County of Bexar and to take the command, he informs me, were turned over to you upon your arrival. This was proper in him, though it was not expected at the time the orders issued to him, that you would organize your command under any circumstances, west of the Cibolo, and that his command would operate almost exclusively west of the San Antonio. This step was deemed essential to the safety of the citizens and their property, and it was desired that Major Hays should remain permanently at Post San Antonio, and retain the separate and independent command, unless you might find it necessary to occupy the Post with your troops in which event he would of course be subject to your orders—if the expedition moves forward Major Hays will report to you and act under your orders—should you however relinquish the design of crossing the Rio Grande—he

has been instructed to execute the orders forthwith upon the disbandment of your force—and he has also been authorized in that case to raise three companies of 64 men each for the purpose of occupying the Post and missions on the river, and at the same time to act as spies on the frontier. In order to sustain these companies it is desirable that such supplies as may yet remain in the West may be preserved unless some object beneficial to the country can be accomplished by their consumption.

You will keep the Department constantly advised of your progress and movements.

I have the honor to be,

Your obedient servant,

M. C. HAMILTON,

*Acting Secretary of War & Marine.*

DEPARTMENT OF WAR AND MARINE,  
Washington, 21st Nov. 1842. }

*To Brigadier General A. Somervell, Commanding South Western Army:—*

SIR:—Your communication of 14th inst., addressed to His Excellency, the President, has been received, and referred to this Department.

Herewith you will receive a communication which had just been closed when the one referred to in this was received, to which I beg leave to invite your special attention.

You have been written to by every opportunity that has offered since the Department was advised that you had left for the west; but few have occurred however, no troops having passed for some weeks, or any other person going west, and to procure expresses is not only difficult, but almost impossible.

All exertions will be used to get your command under way without delay, provided it has been determined to carry forward, and to move with as much celerity as practicable. It is worse than useless to remain on the frontier inactive. By this time the fact must be apparent whether you can prosecute the campaign with success or not.



You will keep spies constantly in advance of your main body, and be always on your guard against surprise—I caution you to examine carefully such information as you may receive through the Mexicans you mentioned or any others coming from the Rio Grande.

It is not improbable that a trap has been set for you—your good judgement and knowledge of the Mexican character, however, renders such caution unnecessary.

You will under no circumstances permit Liquor to be brought within the limits of your encampment, nor within the reach of the troops.

Should it be found expedient to disband the force, the ordnance and stores of every kind will be carefully collected by the Quarter Master and brought in at least as far as the Guadaloupe, or East of it, and safely stored so that they may not fall into the hands of the next marauding party visiting our Western border—and you will see that all public arms and accoutrements in possession of the troops, no matter whether issued to carry out the object of the present campaign or previously, will be turned over to the Quarter Master. Every thing belonging to the Government can be identified by the marks. This will be done previously to mustering the men out of service.

Keep the Department informed of every thing that occurs, by every opportunity and by express when necessary.

I have the honor to be,

Your obedient servant,

M. C. HAMILTON,

*Acting Secretary of War & Marine.*

HEAD QUARTERS, SOUTH WESTERN ARMY, }  
San Antonio de Bexar, 7th Nov. 1842. }

*To Hon. M. C. Hamilton, Acting Secretary of War:—*

SIR:—I have the honor to report my arrival at this place on Friday night, 4th inst., and have assumed the command under the orders of the Government, of the forces now in the field.

Colonels Hemphill, J. R. Cook and Wm. G. Cook have reported themselves at Head Quarters in conformity with their several appointments.

To-day Col. Hemphill commenced the organization of the

troops—several companies are completed—others will be filled up in a short time—re-inforcements are arriving daily. So soon as a Regiment is mustered into service, a full report will be forthwith forwarded to the Department.

I have the honor to be,

Very respectfully,

Your ob't. hble. serv't.

A. SOMERVELL,

*Brig. Gen., Commanding South Western Army*

HEAD QUARTERS, SOUTH WESTERN ARMY,  
Leon, 7 miles West of San Antonio de Bexar,  
November 14th, 1842.

*To His Excellency, San. Houston:—*

SIR:—I am in receipt of no communication from your Excellency nor from the Hon. Secretary of War and Marine since my arrival in camp.

From the men now in the field, one Regiment, complete, has been formed, and a skeleton of a Regiment, which we expect to fill up in a few days with the troops that are daily arriving. The Muster Rolls are not yet complete.

There are about eight hundred men, all anxious to be led against the enemy—our supplies of Powder and Lead, which we very much need, have not yet come up—the Cannon from Gonzales will be here to-morrow.

Three Mexicans were brought into camp the day before yesterday, who were five days from the Presidio Rio Grande. They state that there are no troops at the Presidio Rio Grande: at San Fernando, there were about eight hundred men; and at Morèlès about two hundred—there are no other troops nearer than Monterey.

The prisoners that were taken at San Antonio, had been marched to the City of Mexico, except Van Ness, Fitzgerald and Hancock, who were confined in a dungeon at San Fernando awaiting the decision of the supreme Government of Mexico, because they were of the Santa Fè Prisoners, and it was believed they would be shot. The above statements were confirmed by a man by the name of Jones, an American, who had been confined on suspicion of being a spy for Texas—he

made his escape from prison and came in on foot, in a most deplorable condition—he has been a resident of that country for some time—he states that provisions are abundant.

I have the honor to be,

With high regard,

Your obedient servant,

A. SOMERVELL,

*Brig. Gen., Commanding South Western Army.*

HEAD QUARTERS, CAMP COOK,  
NEAR MEDINA, NOV. 21st, 1842. }

*To the Hon. M. C. Hamilton, Acting Secretary of War and Marine:—*

I have the honor to transmit you herewith, Muster Rolls of the following companies, viz:

Of the company commanded by E. S. C. Robertson,

do do Gardiner Smith,

do do P. H. Coe,

do do Samuel Bogart,

do do Wm. S. Fisher,

do do John S. McNiell,

do do Ewen Cameron,

do do Isaac N. Mitchell,

do do Commanded formerly by Wm. P.

Rutlege—now by Jerome B. Robertson,

Of the company commanded by Clark L. Owen.

These companies constitute one Regiment, commanded by Col. Jas. R. Cook, which, since the dissolution of Col. Bennett's command has been denominated the first Regiment of the South Western Army. Another company, commanded by Capt. Wm. Rijou, belongs also to the Regiment, but having been returned without certificates, it will not be forwarded until corrected.

You will also find herewith transmitted the Muster Rolls of the companies which were commanded by Col. Bennett, but which have been so thinned by desertion that the command has been broken up. There is enclosed also the Muster Roll of a company commanded by Capt. Bartlet Sims, not yet attached to a Regiment—by request, I also dispatch two Muster Rolls of

the company commanded by Capt. Cameron, one dated the 12th April, and the other the 12th Sept. 1842.

It has been found impossible to organize the troops in strict compliance with the orders from the Department of War and Marine. The companies had been formed for some time, an attachment between the officers and privates had arisen which it was found impossible to disregard without endangering in the most serious manner, the existence of the army, and defeating the objects of the campaign.

The failure to enforce the strict performance of the order on the subject of organization has occasioned me much regret, as I have been long convinced that the efficiency of a Military corps originates in a great measure from its subordination to superior authority.

I have the honor to be,

Very respectfully

Your obedient servant,

(Signed) JOHN HEMPHILL,  
*Acting Adjutant Gen., T. M.*

The foregoing is a correct copy of the original on file in this Department.

Department of War & Marine, Washington, 14th Dec. 1842.  
M. C. HAMILTON,  
*Acting Secretary*

An abstract of the Muster Rolls of the Companies composing the Army on the South Western frontier, commanded by Brigadier General A. Somervell, as returned to the Department by the acting Adjutant General.

No.	Officer commanding.	Rank	Com'dg. Officers.	Non commissioned officers & privates.	Aggregate.
1	P. H. Coe,	capt	3	63	66
2	E. S. C. Robertson,	"	3	65	68
3	J. N. Mitchell,	"	3	37	40
4	Wm. S. Fisher,	"	3	64	67
5	Ewen Cameron,	"	3	53	56
6	Clark L. Owen,	"	3	48	51
7	Gardner Smith,	"	3	52	55
8	Saml. Bogart,	"	3	56	59
9	J. B. Robertson,	"	3	75	78
10	John S. McNeill,	"	3	49	52
11	Bartlet Sims	"	3	35	38
			33	597	630

HEAD QUARTERS TEXIAN VOLUNTEERS, }  
Camp Lipanticlan, July 7th 1842, }

*Col. G. W. Hockley, Secretary of War and Marine:--*

On last evening I received certain intelligence that we should be attacked in a very short time by a large Mexican force.

The position which I occupied being an unfavorable one for a small force to contend against a large one, I removed my encampment some few hundred yards to a stronger position, this morning about day light the enemy seven hundred strong entered our old encampment, and in a few minutes attacked us in our new position, which they kept up for about twenty minutes and then made a hasty retreat, three Mexicans was left on the field and from the trails many were dragged off, their killed and wounded could not have been less than thirty men. I am happy to inform you that we had not a man either killed or wounded. My whole force including Capt. Ewen Camerons company of mounted gun men did not exceed two hundred.

The Mexican force as I learn from a wounded Mexican prisoner consisted of two hundred regular Troops and five hundred Rancheros; the whole under command of Gen. Canalles. The expedition was fitted out for the express purpose of attacking this post. They had one field piece a four pounder. From the great disparity in our force it is unnecessary for me to say that both officers and soldiers displayed a degree of gallantry and cool deliberative bravery rarely equalled and never excelled, upon this occasion they not only proved themselves worthy to contend for Texian liberty and independence, but fully sustained the high character which their country, the U. S. sustains for gallantry and chivalry, in a word every officer and soldier done his duty.

I append a list of the field officers and officers of each company that was in the action.

Major John J. B. Hoxey commanded the Battalion.

Company A from New Orleans, was commanded by Capt. H. H. Brown, assisted by Lieut. Moore and G. C. Work.

Company B from Mobile, was commanded by Lieut. N. H. Birmingham.

Company C. from Memphis and E from Mississippi, one commanded by Capt. H. W. Allen assisted by Lieut. J. W. Field.

Company D was commanded by Lieut. E. T. Fox.

Company F from Georgia was commanded by Capt. Wm. R. Shivers, assisted by Lieut. Thos. Y. Redel, Wm. H. Hughes acted as Adjutant, I was also aided by J. M. Wells, Muster Master to the Battalion.

The mounted gun men by Capt. Ewen Cameron.

I have the honor to be,

Your obedient servant,

JAMES DAVIS,

*Acting Adjutant Gen., Commanding.*

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

I certify the foregoing to be a true copy of the original on file in the Department.

M. C. HAMILTON,  
*Acting Secretary.*

SEGUIN, 12th Sept. 1842,

*Hon. Secretary of War:—*

SIR:—On the 10th inst. information was given to the citizens of San Antonio that an invading Mexican army was near at hand and would enter our city the next morning. I immediately made the best arrangements of the citizens, and started with five other persons to spy out their approach and number, but was not able to find them on any public road, but during the night discovered that they came down through the Mountains to the city—on the morning, or rather sometime before day, I attempted to enter town but found it surrounded and impossible, what followed is communicated by the prisoners that surrendered—the Mexican army is about 1300 strong, commanded by Gen. Adrian Woll, I have examined the camp and numbers, I think correctly, I staid around town all day of the 11th, and have left spies behind, and if I can I will try and watch their approach to this river.

All information will be given every opportunity.

Yours truly &c.

JOHN C. HAYS,  
*Commanding.*

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

A correct copy of the original on file in the Department.

M. C. HAMILTON,  
*Acting Secretary*

HEAD QUARTERS OF THE VOLUNTEER ARMY }  
OF TEXAS, SALADO CREEK, 8 miles from San Antonio, }  
September the 18th 1842. }

*To the Hon. Secretary of War of the Republic of Texas:—*

SIR:—I have the honor to inform you that I have been elected to the command of the volunteer army of Texas, consisting of about 225 men—and that by the best information that I

am able to get, the enemys number is about 1100 regular troops; commanded by Gen. Woll. This morning at 10 o'clock I sent Capt. Hays near San Antonio to make a feint; on the enemy and then fall back to my position, which had the desired effect, and Capt. Hays was pursued out with about 600 Cavalry; which formed in the prairie, before me at the distance of about four hundred yards, and was soon after followed by Gen. Woll; with 400 infantry—and two pieces of Artillery, 40 Cherokees; under the command of *Cordaway* and one hundred volunteer citizens of San Antonio, and immediately brought on the action. My men was secure in a good position—at which time the enemy made several attempts to force us from our position with a charge, but failed at every attempt, with a considerable loss; *Cordaway*, with his Cherokees forced himself into the timber with us, who fell himself with eleven of his men, dead on the ground. The action continued from 10 o'clock A M, until sun set P M—at which time the enemy left the ground, carrying off their wounded with many of their dead—leaving on the ground 60, dead and mortally wounded, of which the wounded mostly died that night. In the course of that night I was joined with 100 men from Bastrop county, with Col. Mayfield at their head; by 10 o'clock the next day, I had learned that the enemy had retreated from San Antonio, and after a short consultation, we took up the line of march in pursuit of the enemy, and pursued them to the Medina Creek, when we stoped all night, and were joined the next day by a company from La Grange, consisting of about 100 men—we then pursued the enemy by a forced march, and come upon their rear at the Royehonda creek, about 50 miles from San Antonio. There Capt. Hays my advance guard changed shots with them and I was never able at any time to see their front. I pursued them until near sun set, at which time an attempt was made by Capt. Hays to take the cannon, that covered their rear, and owing to the boggy situation of the ground and tired horses, I failed to support him. I then found Gen. Woll with his command formed in the Prairie, ready for action, and owing to the situation he had taken, I concluded that I was not able to attack him, without suffering serious loss—nor was I able at any time, to force him to fight, only on his own ground, and owing to the situation of tired horses, tired men, and scarcity of ammunition, I deemed it prudent to fall back to San Antonio. I also had the best of reasons to believe that Gen. Woll had reinforcements near at hand to cover his retreat. Now at San Antonio. The people at this place has held consultations, to meet in San Antonio in 30 days



and take up the line of march for the Rio Grande, having returned home to prepare themselves for the expedition.

I have the honor to subscribe myself,

Your most obedient servant,

MATTHEW CALDWELL,

*Col. Commanding, of Texas Volunteers.*

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

I certify the foregoing to be a true copy of the original on file in this office.

M. C. HAMILTON,  
*Acting Secretary.*

SAN ANTONIO, SATURDAY 10 O'CLOCK P. M. }  
September 10th 1842. }

*To the Citizens of Gonzales County.*

On this morning much tumult and confusion were created here by a runner that a detachment of the enemy was approaching to invest this place on this night. In consequence the grand jury was discharged and a public meeting assembled at the court house consisting of the whole population Texians and Mexicans of Bexar. The Americans are organized into a company say some 60, Chauncey Johnston Captain and the Mexicans about 100 under Capt. Salvadore Flores. The Mexicans have declared they will combat by our side and die with us, John C. Hays is Col. commanding. We have sent out two platoons of spies, who are to report by to-morrow at 10 A. M, if alive. We have unanimously resolved to repel the enemy and defend unless certain intelligence shall be brought that the force is too great, we send the bearer to apprise you of the state of things.

There are of course various opinions, but all unite in the opinion that there is a force of some character approaching, the information was brought last night and is believed by the most

faithful Mexicans of this place. The majority believe it is another foray, the number reported varies, between 3000, 1500, and 1300, court is not adjourned; but we are all under arms and the Mexican citizens on this occasion appear to be united, active and determined.

Let there be no alarm, we have found from sad experience the consequences of a false rumor. The only thing we recommend is to make preparations for removal if on further information there shall be danger.

We defend this point until compelled to fall back upon Saguin, and if fifty or a hundred of the brave men of Gonzales can put foot in stirrup immediately it will be for the best.

A. HUTCHINSON,  
F. S. GRAY,  
WM. E. JONES,  
A. NEILL,  
— RIDDLE.

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

I certify the forgoing to be a correct copy of the copy on file in the Department.

M. C. HAMILTON,  
*Acting Secretary.*

LA GRANGE, Sept. 14th 1842.

*To the Citizens of San Filipe:—*

This morning about 3 o'clock A M, an express arrived in this place from Bexar via Gonzales, dated the 12th inst., giving us the sad intelligence of the second fall of San Antonio by a Mexican force 1300 strong—two pieces of artillery—under the command of Gen. Adrian Woll, a man well known to every citizen of Texas who was here in '36—with the town 53 American prisoners, we send you a copy of the letter from a portion of the prisoners, written by the permission of Gen. Woll, and directed to the authorities and people Texas, also a letter from

Capt. J. C. Hays commanding spy company, and Gen. Woll's Proclamation.

J. W. HARRISON,  
D. S. KORNEGAY,  
N. H. DAWSON,  
A. A. GARDENIER,  
JAS. HUDSON.

SAN ANTONIO, SUNDAY, 11th Sept. 1842.

*To the authorities and people of Texas,*

The undersigned together with others numbering in all "fifty three" surrendered ourselves prisoners of war this morning to an "advanced division" of the Mexican army under the command of Gen. Adrian Woll, an officer well known through the country for his magnanimity, gallantry and generosity, we were ignorant of the character and amount which was rumored to be advancing on the place, and believing it to be a marauding party not exceeding three hundred men, and probably not more than one hundred, we determined to remain and defend the place, unless it should be developed to be an invading army. In consequence of the fogginess of the morning we did not discover the approach of the Mexican army until it had reached the public square, and believing it still to be a small marauding party, we commenced firing upon it, nor were we undeceived until a Flag of Truce was sent into us by Gen. Woll's order, then for the first time we were informed of the character of the enemy with whom we were contending—had we been aware of the approach of an invading force, we should have most certainly retreated from the place; because it would have been madness to attempt its defence.

We are assured by Gen. Woll that had we not fired upon the troops, we should have been permitted to depart unmolested. This letter is written through the kind permission of the commanding General to assure our friends that we are treated with all the lenience compatible with our condition as prisoners of war.

That the force into whos hands we have surrendered is a formal invading army whose officers are determined to conduct the war upon the principles of the most honorable and chivalrous character, we request that should any Mexican officer or soldier fall into your hands, through the casualties of war that

they be treated with the respect due their rank and the humanity due the prisoners of War.

Wm E Jones,  
F S Gray,  
A Neill,  
A Hutchinson,  
S A Maverick,  
W A Allsbury,  
John Trapinall,  
John Bradle,

J R Cunningham,  
C W Peterson,  
C S Neighbors,  
Chauncy Johnson,  
George Hatch,  
D C Ogden,  
J L Tankhart,  
S Colquhoun,

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

A correct copy of the copy on file.

M. C. HAMILTON,  
*Acting Secretary.*

SAN ANTONIO, 12th Sept. 1842.

*To the Citizens of Texas:—*

On the 10th inst., news reached this place that there was a Mexican force approaching it. I immediately collected the American citizens of the place amounting to seventy; five of which with myself went out for the purpose of examining their force, but owing to the darkness of the night were unable to discover them until they reached the town and surrounded it, they attacked the place on the morning of the 11th, the citizens made a slight resistance, until finding the army to be too strong for them, surrendered 53 in number, I examined the camp the night they entered the town and found it to contain 1300 men, mostly regulars and two pieces of artillery commanded by Gen. Woll. I believe it to be the advance guard of an invading army. I shall continue to watch their movements and would like that a few well mounted men join me as quick as possible for the purpose of spying.

J. C. HAYS,  
*Capt. Spies.*

N. B. I caught a Mexican to-day, who informed me that the troops intended to fortify and wait for reinforcements, which I dont think are near at hand. I believe it prudent for the

men to rendezvous at Seguin as quickly as possible in order to  
repel any scouting party which the enemy may send.

J. C. H.

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

A correct copy of the copy on file.

M. C. HAMILTON,  
*Acting Secretary.*

VICTORIA, Friday 12 o'clock, Sept. 16th 1842.

Intelligence reached us this morning that the enemy is on  
the lower route—forty were in Goliad last night—Howard who  
lives below Carleses, went to Carleses rancho yesterday evening  
where he found 12 or 15 Mexican soldiers. The Mexicans  
at the rancho were in high spirits—giving fandangoes—How-  
ard pretended to join them, he learned that 15000 Mexicans  
were on this side the Rio Grande—1000 were to be in the ran-  
cho last and as many at Goliad

We sent out two spies evening before last, they went as far  
as Goliad but could not cross the San Antonio. They saw  
several tied up in that uninhabited town, they saw much sign  
where persons or horses supposed to have been mounted, had  
been passing about the town. The number of the enemy may  
be exaggerated.

We hope to be able to make a stand here long enough to en-  
able the families to get off. The waters and roads for a few  
days will be impassible, for waggons and famalies.

If you will come with some force, it may save some families  
from falling into the hands of the enemy.

If the enemy are in as great number as reported, the muddy  
roads and high waters will hinder their progress; but small  
parties of mounted men may come in advance, which we shall  
beat back.

Come and help us. Yours,

JAMES D. OWEN.

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Sept. 1842. }

A correct copy of the original on file.

M. C. HAMILTON,  
*Acting Secretary of War & Marine.*

## TRANSLATION,

General order of 9th to the 10th Sept. 1842.

*Gen. order of General Adrian Woll, to the Army under his Command:—*

Chief of the day, for to night, the Col. by Brevet—Lieut. Col. Don Cayetano Montero, and for to-morrow the Lieut. Don Moriano Fernandez.

The service will be governed under the already established terms, giving the Mules escort, the Escadru Presideales; the scouts will be under the same order of the previous day.

The General of the Division convinced that disorder and pilage demoralizes as well as dishonors all armies at the same time that it discredits nations, recommends to all the chiefs and officers of Regiments to make it known to their soldiers that upon their entrance into cities or settlements during the campaign now opened, they respect the property and persons of all individuals who have not taken arms against the supreme Government of Mexico—with the understanding that whatever Military or citizens that by force enter any house or store with intent to rob, committing violence will be immediately shot without saving him by excuse or privilege whatever, and in order that no one may plead ignorance, this order shall be read to the companies, morning and evening.

FERNANDEZ, ERAT WALL,  
*Adjutant General.*

DEPARTMENT OF WAR AND MARINE, }  
WASHINGTON, 12th, Nov. 1842. }

A correct copy of the translation on file.

M. C. HAMILTON,  
*Acting Secretary.*

## ADDRESS OF GEN. A. WOLL TO HIS TROOPS.

Translation of the Proclamation of His Excellency, General Adrian Woll, furnished to us to transmit to the people of Texas.

The 2nd Gen. in chief of the body of the army of the north,

and commandant of the 2nd division of troops under his command.

Soldiers, the second campaign against Texas has been opened—to you is confided the honor of leading the van—you will prove yourselves worthy of the mission and of the army to which you belong—great fatigue await you in traversing the numerous rivers and vast and solitary plains, which separate you from the enemy they protect. But your valor and your firmness will overcome all those obstacles—you will make yourself great as the desert is vast.

In combat you will recollect the injuries committed by ingratitude to Mexican hospitality.—*Be as Brass*—after triumph you will remember you are Mexicans—be generous—do not distrust fortune—she will be faithful to justice—victory will crown your heroic efforts and a generous country will reward your worthiness. Soldiers let us march then upon the enemy.

Given in camp on the left bank of the Rio Bravo, the 30th August 1842.

ADRIAN WOLL.

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

A correct copy of the translation on file in the Department.  
M. C. HAMILTON,  
*Acting Secretary.*

DEPARTMENT OF WAR AND MARINE,  
Washington, 29th Nov., 1842.

To his Excellency Sam. Houston, President of the Republic:—

Sir—I herewith beg leave to transmit estimates of the amount required to support the Navy at sea for the ensuing twelve months.

I have the honor to be,

Your ob't serv't

M. C. HAMILTON,  
Acting Secretary of War & Marine.

ESTIMATE NO. 1.

Officers, Seamen and Marines required for the Navy.

Vessels, &c.	Captains.	Naval Agents.	Commanders.	Lieut's Com'g.	Lieutenants.	Surgeons.	Pursers.	Masters.	As't. Surgeons.	Com. Sec'y.	Midshipmen.	Capt's. Clerks.	Boatswains.	Gunners.	Carpenters.	Sail Makers.	Petty Officers. Seamen.	Or'y Seamen.	Landsmen and Boys.	Capt's Marines.	Marines.	Aggregate.
1 Ship.	1	"	"	"	4	1	1	1	1	1	7	1	1	1	1	1			100	1	20	143
2 Brigs.	"	"	2	"	6	2	2	2	2	"	14	2	2	2	2	2			100	1	40	240
2 Schooners	"	"	"	2	4	2	2	2	"	"	8	2	2	2	"	"			60	"	20	106
Navy Y'd.	"	1	"	"	"	1	"	"	"	"	0	1	"	1	"	"			5	"	"	9
	1	1	2	2	14	6	5	5	3	1	29	6	5	6	3	3			325	1	80	498



## ESTIMATE.

## NO. 2.

Of the amount required to pay the officers, seamen and marines required for the vessels enumerated in Estimate No. 1, for one year.

No.	Rank and Rating.	Pay per month.	Amount.
1	Post Captain,	200 00	2,400 00
1	Navy Agent,	" "	1,000 00
2	Commanders,	120 00	2,880 00
2	Lieutenants Commanding,	100 00	2,400 00
14	Lieutenants,	80 00	13,440 00
1	Captain of Marines,	40 00	480 00
6	Surgeons,	100 00	7,200 00
5	Pursers,	80 00	4,800 00
5	Masters,	70 00	4,200 00
3	Assistant Surgeons,	80 00	2,880 00
1	Secretary to Commodore,	50 00	600 00
29	Midshipmen,	25 00	8,700 00
6	Captains' Clerks (Navy yard included)	40 00	2,880 00
5	Boatswains	40 00	2,400 00
6	Gunners,	40 00	2,880 00
3	Carpenters,	40 00	1,440 00
3	Sail Makers,	40 00	1,440 00
325	Petty officers, seamen, ordinary seamen, landsmen and boys,	13 00	50,700 00
80	Marines, non com'dg officers and privates averaged at	8 00	7,680 00
Amount required			\$120,400 00

## ESTIMATE.

## NO. 3.

Of the amount required to purchase Guns, Gun Carriages, ammunition, Ship Chandlery, &c, for "Brig Archer."

No.	Articles Required.	Cost. \$ cts.	Amount. \$ cts.
18	Iron eighteen Pounders, each weighing 2940 lbs, 52,920 lbs,	" 10	5,292 00
18	Carriages for same, (cost same as guns,	" "	5,292 00
2500	Round Shot, 45,000 lbs, at	" 4	1,800 00
700	Stands Grape,	1 00	700 00
700	Canister Shot,	1 00	700 00
400	Shell Shot,	2 75	1,100 00
150	Kegs Powder,	5 00	750 00
15,000	Primers,	20 00	300 00
	Rigging, Canvass, Tools and Stores,		3,500 00
	Gun Tackle and other Blocks,		1,500 00
	Repairs and Calking,		1,500 00
	Freight on the above articles to Gal- ton.		1,500 00
Amount required			\$23,934,00

## ESTIMATE.

## NO. 4.

Of the amount required to repair Ship "Austin," and Schooner "San Bernard," and to purchase ammunition for them, also the Schooner "San Antonio" and Brig "Wharton."

No.	Articles Required.	Cost. \$ cts.	Amount. \$ cts.
	Decking, removing old copper, calking recoppering and other necessary repairs upon Ship "Austin."		3,000 00
	Raising, repairing & launching Schoo- ner "San Bernard."		2,000 00
3,000	Round shot for ship & brig, 54,000 lbs:	4	2,100 00
1,000	Stands Grape,	1 00	1,000 00
1,000	Canister Shot,	1 00	1,000 00
200	Shell Shot for Brig,	2 75	550 00
	Round Shot for the two Schooners,		700 00
	Grape and Canister,		500 00
300	Keys of Powder for the whole,	5 00	1,500 00
30,000	Primers,	20 00	600 00
	Rigging, Canvass & other Ship Chand- lery,		5,000 00
	Carpenters and Gunners' Stores,		1,500 00
	Freight on the above to Galveston,		500 00
<b>Amount required</b>			<b>\$20,030 00</b>

## ESTIMATE.

## NO. 5.

Amount required to support the Navy at Sea for one year, exhibiting the pay of Officers, Seamen and Marines for the same period, with the cost of repairs, provisions, ship chandlery, ammunition &c. The force to consist of one Ship, two Brigs, and two Schooners, including the Navy Yard.

	Dollars	Cts.
Pay of Officers, Seamen and Marines as per Estimate No. 2.	120,400	00
Provisions for 498 Officers and men for 365 days—181,770 rations at 10 cents.	29,083	20
For Shipping 405 Seamen, Marines &c. at \$12 00 each.	4,820	00
Clothing for 85 Marines for one year at \$30 00 each.	2,400	00
For equipment of Brig Archer as per Estimate No. 3.	23,934	00
Repairs, ammunition, rigging, ship chandlery &c, for other vessels.	20,030	00
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Amount required	\$200,657	20

DEPARTMENT OF WAR AND MARINE,  
Washington, 29th Nov. 1812.

M. C. HAMILTON,  
*Acting Secretary.*

REPORT OF THE SECRETARY OF WAR AND  
MARINE.

DEPARTMENT OF WAR AND MARINE, }  
Washington, 12th Nov. 1842. }

*To His Excellency Sam. Houston, President of the Republic  
of Texas:—*

SIR:—In accordance with your Excellency's instructions of the 3rd Sept. last, I entered immediately on the duties appertaining to the Department, and beg leave to submit the following report of the administration of the same, since the last report of the late Hon. Secretary.

Although the active military operations of the government since that period, have been limited, and notwithstanding the various claims for military service heretofore rendered, as well for bounties of land and pay, as for supplies and provisions furnished the troops while employed in the public service, have been suspended (as they could not be adjusted without access to the records of the office, yet the labor consequent upon the preparations in the early part of the year, for defensive, and then for offensive measures against our Mexican enemy, together with that caused by their recent advance into our territory, have kept those connected with the Department constantly engaged.

The volunteer force reported in the field on the 23rd of June stationed at Lipantitlan, on the South Western frontier, were attacked at their encampment on the 7th of July following, by a very superior force of the enemy under the command of Gen. Canalles. They were repulsed without loss to our troops and hastily fled from the country. A copy of Col. Davis' report of the engagement, marked A is herewith transmitted. Soon after this occurrence the volunteers at that post as well as the other detachments in the neighbourhood, disbanded and returned to their homes, leaving the frontier without any other protection than that afforded by the few spies under Capt. John C. Hays at post San Antonio. That officer was immediately directed to augment his force, if possible to one hundred and fifty men, well mounted and equipped, and to keep them constantly and actively employed as spies and rangers between the San Antonio River and the Rio Grande. This he was unable to accomplish for very obvious reasons.

Those who had been most active and efficient for the past two years in that kind of service, had either exhausted their subs-

tance in the purchase of horses equipments and supplies expended in the public service, for which they have not been remunerated, or were compelled to withdraw from it to attend to their respective avocations, hence few could be found at once able to mount and equip themselves and willing to enter a service which promised little else than fatigue and danger as the reward of the soldier. Those who were willing to enlist, were for the most part utterly destitute of means to fit themselves for the field—the government was equally so—it could neither furnish the means to equip and mount a force, nor sustain them for any length of time when in the field. The consequence was a second surprise of San Antonio. A division of the enemy's troops commanded by Gen. Adrian Woll, entered the town on the 11th Sept. and the citizens being wholly unprepared for defence against so large a force, surrendered the place after a very slight resistance, and themselves, 53 in number, prisoners of war. A copy of Major J. C. Hays' official announcement of the capture, marked B together with various letters relative thereto, numbered from 1 to 6 accompanies this report.

From the information thus received and intelligence from other sources corroborating, taken together with the character of Gen. Woll and his conduct as manifested in this instance, with respect to the property of our citizens, it was evident that his object and that of his government was something else than the plunder of our frontier towns and inhabitants, what that object was remains to be discovered. It was then said to be a regular and formidable invasion of our territory, and such may have been his design. At all events it became necessary to prepare a force for his expulsion, and at the same time to provide for the defence of Austin and the lower settlements on the Guadalupe, as another Division of troops under Gen. Ampudia were reported to be marching in the latter direction.

A requisition was accordingly made pursuant to your Excellency's instructions, upon the Militia of the counties West of the Brazos River, with the exception of Milam, which with those of Robertson, Montgomery, Brazos and Harris were instructed to hold themselves in instant rediness as a reserve. The troops in the upper counties of the Brazos were directed to march by way of Austin, and if necessary, to co-operate with Bastrop and Travis in the defence of that place, while those of the lower counties on the Colorado, were ordered to proceed by way of Victoria with a view to its protection should the enemy threaten it with attack.

The call was responded to with as much promptness as could

be expected under the circumstances. The facilities for the transmission of intelligence and orders are so limited, as to render it next to impossible to bring about a prompt and uniform movement of the Militia, when emergencies arise requiring their immediate action. The streams were all high from excessive rains, and added to this, it is proper to remark that not a single dollar has ever been placed at the disposition of the Department for "Express purposes."—The consequence is, that not unfrequently dispatches lie on the table forty eight hours, and in some instances, a week before a rider can be procured.

Owing to these reasons, or something else, intelligence of the capture of San Antonio was not received at Houston until the evening of the fifth day after it occurred—the same tardiness obtained in transmitting orders from the Department to the different counties, consequently, before the troops could assemble and organize under them—volunteers to the number of three or four hundred in scattering parties, had hastily turned out, from the border counties on the receipt of the news, and fallen in under different leaders on the march, without organization, discipline, or concert of action, and without any supplies. On arriving in the vicinity of the enemy a position was selected by Col. Matthew Caldwell, who commanded the party in advance, where the enemy was invited to attack him, which he did very promptly, but was repulsed—withdrew his force—fell back upon Bexar—and instantly prepared for retreat. A copy of Col. Caldwell's report of the engagement marked C is herewith transmitted.

The volunteers having concentrated, pursued him to the Medina, from which place they returned to Bexar and disbanded, with the intention as was understood, of making preparations to co-operate with those acting under orders, who had now begun to assemble on the frontier prepared and anxious to pursue the enemy to the Rio Grande, and beyond if necessary.

It is deemed proper to remark here that Capt. Dawson and his brave companions were either slain or captured while endeavoring to effect a passage into Col. Caldwell's encampment for the purpose of sustaining him during the action, though no official report of the fact has been made to the Department. It is mentioned because it is unquestionably true, and should not be omitted.

Inasmuch as the Campaign just ended had well nigh proved abortive, or had been attended with partial success only, for want of that sort of organization which would give efficiency to the action of the troops, and as no organization had been ef-

fect<sup>d</sup> in conformity with the orders of the 16th of Sept. of those now in the field, it was deemed proper to designate some officer to give direction to their movements. Accordingly under your Excellency's instructions of the 3rd of Oct., Brigadier Gen. A. Somervell being the senior officer, and the troops principally of his legitimate command, was directed to proceed to the South Western frontier to select an eligible position for the concentration of the forces, and to take command of, organize, and muster into service such of them only as were willing to pursue and chastise the enemy.

For this purpose he was authorised to cross the Rio Grande, and advance into their territory, should the strength and condition of his force warrant such a movement. He was also authorised upon the organization of his command to make requisition upon the Government for such supplies of ordnance, ordnance stores and ammunition as he might require, or as it could furnish.

Delays in forwarding communications, and the impassable condition of the streams for some weeks past, have retarded the movements of the troops, and the collection of supplies of beef, so that no reports have as yet been received of their readiness to march for the enemy's frontier.

In consequence of the exposed situation of Bexar county, the confusion and disorder represented among the citizens, the civil officers having been captured by the enemy or ceased to exercise the functions of their offices, and the facilities afforded the enemy for communication and observation, and to prevent the driving of cattle, thence to the Rio Grande, orders were issued according to your Excellency's direction to Maj. John C. Hays to declare martial law within the limits of the county, and to assume the command.

I would respectfully suggest to your Excellency, the propriety of establishing upon that frontier a permanent military force. One comparatively small would afford ample protection against such marauding parties as have given us so much annoyance, and at the same time so much expense during the past year. Four companies, say two of Cavalry and two of Infantry, would be sufficient to keep the frontiere clear of all plundering parties, and would serve to hold in check even a formidable force, until the Militia could rally to their support. I would not only be useful for the services it could perform, but eminently so in reducing to system and order the Militia upon which in time of war we must ever rely for defence.

The maintenance of such a force upon economical principals,



and I would recommend such to be adopted—would be trifling compared with that expended in calling out quarterly a Brigade or two of Militia, (for the number and design of the enemy is never known, and provisions always made for the worst,) to say nothing of the loss of time to the citizens, the destruction of their property by the troops, the loss to the Republic in arms and ammunition, which when once issued are never returned, and finally the breaking up and abandonment of the frontier settlements.

The troops of the middle and Eastern sections of the Republic are always ready to repair to the assistance of those on the Western border, but they are too remote to render any immediate aid, and this is the kind they require, the enemy uniformly get off before they can reach the scene of operation. Hence such of the substance of the frontier inhabitants, as may have escaped the ravages of the enemy is consumed for their subsistence. On the score of economy, as well as every other account, it would be decidedly better for each to contribute his quota in money instead of personal services. This would secure such permanent protection at least in ordinary cases, as to render future requisitions upon their services unnecessary.

Notwithstanding the efforts made by the late Hon. Secretary of War, to complete the organization of the Militia of the Republic, I have to report that but little has been done towards the effectuation of that object. Partial returns have been received from some of the Brigades, no returns at all from others, and complete returns from none.

Experience has shown wherever attempts have been made to organize Militia, that it is a thing difficult of accomplishment even under the most favorable circumstances. In this country the difficulties are increased from its newness, its spare population, and the want of order and system, generally consequent upon the floating character of its inhabitants, and more than all from the disorganizing tendency of the law of 18th Jan. 1841, "to perfect the organization of the Militia," which provides that in case of call by draft on the Militia, by order of the President, he shall be authorized to receive volunteers in lieu of drafted men, and that the said volunteers, be authorized to elect their own officers, and report themselves by Companies, Battalions or Regiments, and further when any mixed troops are called out part volunteers and part drafted men, and shall apply to the commander-in-chief or the commandant of the expedition so ordered out, they shall be permitted to elect their own officers."

This law operates as an insuperable barrier to the further progress of the officers in organizing their respective commands, inasmuch as the calls upon the Militia, are uniformly responded to by those claiming to be volunteers, no matter whether ordered out by their proper officer or not. Hence it is, that officers become negligent and indifferent in the discharge of their duties—since chance alone can give them command in active service, and on the other hand men are likewise careless with respect to the character and qualifications of those whom they elect, inasmuch as they never expect to take the field under them.

It is easily seen what effects must be produced by these influences. I therefore most respectfully but earnestly solicit the serious consideration of your Excellency upon the propriety of a repeal of the law referred to. The former laws on the subject embrace every thing requisite or necessary for the consummation of that most desirable object.

Well grounded fears being entertained for the safety of the citizens of Galveston Island, and their property, the only works of defence, having been demolished by the action of the water, and the place menaced by the enemy's fleet, thereby seriously affecting and likely to cut off the principal and only certain source of Revenue to the Government, it was thought advisable, and under your excellency's direction, Col. Geo. W. Hockley was appointed on 22d Sept., to the command of that important post, with instructions to employ such materials as might be found in possession of the Government there, together with the labor and means which the citizens might contribute or furnish in placing the Island in a state of defence.

He entered immediately upon the duties, and the works are progressing as rapidly as could be expected under the circumstances. It is difficult at all times, and in all places to procure labourers on works of this character without remuneration, and equally so to procure many necessary articles without money. And this the Government could not supply—his requisition for ordnance, ordnance stores and small arms, was complied with as far as a just regard to the defence of the South Western frontier would permit—2 six pounder brass pieces, with their appointments and ammunition for them, fifty muskets, and fifty sabres were issued. With the co-operation and assistance which it is fair to presume the citizens of the Island will give, no doubt is entertained that the place will be rendered as defensible as it is possible to do with the materials at command.

If the Military stores now on hand it is not possible to give

at this time a correct statement, either as regards, quantity, kind or condition. A portion of them yet remain at Austin arsenal, and those at the depot at Houston have been for some time packed for transportation to this place, which has prevented regular returns being sent in. So soon as they are received, abstracts of the same will be immediately laid before your Excellency.

Our Navy at the date of last report was preparing to enforce the blockade published against the Ports of Mexico, with a view to this end all the funds appropriated by the last Congress for for that branch of the public service were employed to fit the squadron for sea.

It was confidently expected that this sum, together with the balance still due from the Government of Yucatan for the use of our squadron (for which the Schooner San Antonio had been dispatched) would enable it to proceed immediately upon the execution of that duty. Immediately therefore, upon the publication of your Excellency's Proclamation revoking the Blockade, orders were issued to Post Capt. E. W. Moore commanding, to proceed with the vessels under his command without delay, to cruize on the enemy's coast. At the date of the last advices from him however the squadron was not yet in a state of preparation for sea.

Owing to the failure on the part of Yucatan to comply with her engagement, the available means left at the disposition of the commandant, were insufficient to complete such repairs as the vessels required, and at the same time to man and provision them. The Ship Autin and Brig Wharton are consequently still in the port of New Orleans, where they have been repaired and provisioned. Means are however wanting to complete the shipment of their crews and to purchase clothing for them. To obtain which the San Antonia was, on the 19th August, dispatched a second time to the coast of Yucatan. She had not returned at the last accounts, nor had any thing been heard from her since she sailed. There is much reason, therefore, to fear that she was lost during the heavy gales upon the Gulf, towards the latter end of September, with all on board.

This vessel, together with the San Bernard had been completely fitted out in the city of Mobile, as before reported. The latter proceeded to Galveston to await the sailing of the squadron where she was thrown ashore in the recent gale, and still remains aground, the injury sustained, though inconsiderable will require her to be raised from the water, repaired and launched, which can be done in a very few days when the

necessary means shall have been given for that purpose. She required some repairs previously for which purpose, she was waiting a fair wind to clear the port when the gale came on, arrangements having been made in New Orleans to put her in dock, her crew has been discharged, with the exception of two men and two boys. The officers with those of the crew retained are on board of the Brig Archer.

This last named vessel remains very nearly in the same condition in which she was formerly reported. She has sustained but little injury, her anchorage being secure, and having had the constant attention of the officer commanding the station.

Every effort has been made to dispose of the Steam Ship Zavalla, in accordance with the provisions of the Joint Resolution of 5th February last, but it has been impossible to do so—no one could be found willing to expend the sum required for her repair, and at the same time give bond for her return to the government at fifteen days notice, even though the government should agree to reimburse the Contractor in the amount expended. Endeavors were then made, as it was seen she must go to pieces, to contract for her repair and charter together, giving the party the use of the vessel for a specified time in liquidation of the contract; and in case the government should require her at an earlier period, to pay to the party the amount expended, together with such compensation as might be allowed for time and trouble. The arrangement was in progress when the gale came on, which has left her in such a condition as to render any further effort fruitless. She is now a complete wreck.

Her boilers and machinery, which were of the best description, have sustained much injury from exposure to the salt water, though they are still valuable, and should be preserved. I therefore respectfully suggest to your Excellency the propriety of making some immediate disposition of her remains, while something may yet be obtained. If such a course had been adopted four months since, the proceeds arising from her sale would have enabled the squadron to have been on the Gulf where its presence has been so much required, and where it should be constantly kept as long as our relations with Mexico remain as they are.

In conclusion, I beg leave to call your Excellency's attention to the claims of the officers of the Navy for services heretofore rendered. Most of them have been for some years in the service, and in consequence of the depreciated state of our currency, have been but indifferently paid. It is but just, therefore,

that some provision should be made by the government for those with whom she may be in arrears.

I have the honor to be,

Very respectfully,

Your obedient servant,

M. C. HAMILTON,

*Acting Secretary of War and Marine.*

### REPORT OF THE POST OFFICE BUREAU.

DEPARTMENT OF STATE,  
BUREAU GEN. POST OFFICE,  
Washington, Nov. 14th 1842.

*To Hon. Anson Jones, Secretary of State:—*

SIR:—In furnishing a statement of the affairs of this Bureau, it is regretted that circumstances, beyond the control of the undersigned, and which it is, perhaps, unnecessary here to recite, render it impracticable to present a full and satisfactory report.

Inconveniences of the most serious character have resulted to the public, during the current year, from the nearly entire failure of mail transportation throughout the country. If we could be induced, however, to learn wisdom from a careful review of the past, it may be questionable how far we ought to regard this failure as a national calamity. The present mail system of the country is altogether in advance of the resources of the nation. It is scarcely possible, too, in reviewing its history, to avoid acquiring impressions, by no means favorable to the character of our past legislation. Were we free from all embarrassment, and had we millions of dollars at our control, we could not, it is believed, reasonably desire mail accommodations, more extensive in their character, than those which the Government is *now* required by law to furnish. This colossal establishment, conceived in error and nurtured in extravagance, has been, for years past, extending itself with rapid strides; and had, at the close of the past year, attained a magnitude such that all reflecting men, and who had made themselves acquainted, even to a limited extent, with the pecuniary difficulties of the Government, and the duties and obligations imposed by the Post office law upon the Secretary of State, could not but foresee its early dissolution. To put, and keep it in operation, Congress did not hesitate to appropriate, from time to time, large

sums of money in Treasury notes, as a reference to the Statute Book will show. Even this policy was eventually found insufficient. The credit of the Government began to wane, to an alarming extent. The people could not be induced to confide in its promises; and were unwilling to receive its notes, except at a large discount. This produced a resort to the desperate expedient of paying in "equivalents"—an expedient to which it is painful even to allude—an expedient which, sooner or later, would ruin any people, and which, it is certain, has deeply injured Texas.

The contracts for the present year, under this most extensive mail establishment, it will be remembered, were made last autumn, under the auspices of the late administration; and as I have been informed, were made, with very few exceptions, for a period of two years, although it would seem, from the advertisement of the Hon. Secretary of State, that it was not contemplated to enter into any contract that would be obligatory on the Government longer than the 31st day of December 1842. The Government undertook, on its part, to pay the mail contractors, for their services, par funds or the equivalent in Treasury notes. These contracts, for the present year, amounted, it is believed, to upwards of twenty three thousand dollars, par funds. To enable the Government to fulfil, on its part, these contracts, the late Congress, at its regular session, appropriated the sum of five thousand dollars, in gold, silver, or Exchequer bills, a sum altogether insufficient, even if these bills had remained at par. The postages of the first quarter, being receivable in Treasury notes, were, of course, unavailable, so far as relates to the payment of contractors. And by the commencement of the second quarter, Exchequer bills had so far depreciated, that contractors, who had been promised par funds for their services, were unwilling to receive these bills at par. They had, most unquestionably, the right to refuse. It could not be reasonably expected that they would be willing to receive them at par, when they had so far diminished in value. The Government, on the other hand, possessed not the means of paying in gold or silver; and was unwilling, under any circumstances, (indeed it had not the right under the appropriation act) to pay out its bills, at their market value. This state of things produced, very quickly, a suspension of nearly all mail transportation. Had Exchequer bills, however, not depreciated, the same result, at a date perhaps not quite so early, would inevitably have followed from the mere insufficiency of the sum appropriated.

For the repairing and strengthening this tottering fabric, no

adequate remedy, as has been already indicated, was provided by the late Congress, at its regular session. The act of 23d July requiring Post-masters to receive Exchequer bills, in payment of postages, only at their market value, has had, it is thought, a tendency to improve, somewhat, the revenue arising from that source; but by no means to an extent sufficient to enable the Bureau to recover from the shock occasioned by the circumstances that have been recited.

It is not in my power, at the present, to state, with precision, the times at which the contractors, on the different mail routes, ceased to carry the public mail, in compliance with their contracts, made as aforesaid. Of those who took contracts, last autumn, very few have continued, up to the present time, to perform their respective undertakings. On this subject I will endeavor to procure accurate information, as early as practicable.

In view of these facts—in view of the results thus manifestly produced by the error and extravagance of the past, I would most earnestly recommend a reduction of the present mail establishment of the country. It is useless to attempt longer to disguise the fact that our means are not sufficient to warrant the effort to pursue a different policy. And it can not be doubted that, in reference to all mail facilities, certainty and regularity are, by far, the most important considerations—that it is of much more importance to the community to have mail accommodations, limited as to their scale, but certain and regular in their character, than to have a Post office in every neighborhood, under a system so extensive and costly, that it can not be properly sustained, and which, therefore, can not have the public confidence.

I will submit at an early date, for your consideration, and with a view to its adoption by the legislature, a *projet* of a mail establishment, which it is thought, can be sustained, and will prove satisfactory to the people.

Another subject, to which I would most respectfully invite your particular attention, is the franking privilege. The great abuse of this privilege by some of those, upon whom it has been conferred, has proved highly detrimental to the interests of the Bureau. And I would advise that, hereafter, this privilege be extended to the following persons, and none others, that is to say—

1. The President of the Republic.
2. President's Private Secretary.
3. Vice President of the Republic.

4. Secretary of State.
5. Secretary of the Treasury.
6. Secretary of War and Navy.
7. Attorney General.
8. Treasurer.
9. Chief Clerk Post Office Bureau.
10. Members of both branches of Congress, during the time of their session.

It is difficult to perceive how, or in what manner, the interests of the people can be promoted by permitting Post Masters to conduct their correspondence, relative to their own private affairs, at the public cost; or the Door-Keeper, or other officer of either branch of the legislature, to incumber the public mails with documents, not unfrequently, of minor importance. The people look for information, not to the officers of Congress, but their Representatives. And inasmuch as these Representatives usually return to their constituents, immediately after their adjournment, no sufficient reason, it seems to me, can be offered, why they should be invested with this privilege, except during the time of their session.—On this subject I would remark further, that it can not often happen that Post masters can have occasion to address, nor can they often receive, letters relating to the public service, except when communicating with the Post Office Bureau. In this case, they would not, of course, be chargeable with postage. The same argument applies, with equal force, to collectors of the Revenue, and officers of the Army and Navy; as their correspondence relating to public matters, is usually with the superior officers of the Government. And it may be added that, in the present state of affairs at least, officers of the Army and Navy, are much more apt to send, and receive, their communications by express than by mail.

The United States, it is true, confer the franking privilege upon their Representatives in the national legislature, for the period of sixty days before and after their session. But let us not lose sight of the fact that, to do this, they have the requisite pecuniary means. We, on the other hand, are struggling with difficulties of almost every character that could befall an infant nation.

I am persuaded that in times of such severe and extensive pecuniary pressure as the present, the commissions now allowed by law, upon letter and newspaper postage, and which cannot be esteemed otherwise than liberal, would be entirely sufficient to induce suitable persons to accept the appointment of Post Master.



The 27th Sec. of the General Post Office law, approved February 6th 1840, authorizes every printer of a newspaper to send, and receive, to and from Texas, any number of newspapers not exceeding thirty, free of postage. This is a public grievance; and I would respectfully advise that the number of newspapers, thus authorized to be sent and received, free of postage, to and from foreign countries, be limited to ten.

Inasmuch as the Secretary of State is *now*, by law, the head of the Post Office establishment, it would seem to be proper to repeal so much of the 8th Section of this act, as makes it necessary to lodge, in the office of the Secretary of State duplicates of contracts, and proposals for the same. I would suggest also the propriety of limiting the time, for which contracts shall be entered into, to the period of one year.

I would advise, too, that so much of the act, entitled "An act to repeal, in part, and amend the several laws creating a General Post Office, and regulating the same," approved 1st February 1842, as allows to Post Masters, one cent for each free letter received and distributed by them, be repealed. The 1st Sec. of the same act, makes it obligatory upon Post Masters to pay to masters of foreign vessels two cents for each letter delivered within twenty-four hours after their arrival in port. This is a very heavy tax; and as it can not be an object of any importance to masters of foreign vessels, when divided among so large a number, I can not refrain from recommending its repeal. I would suggest, in relation to this subject, that even the United States, notwithstanding their extensive resources, do not, it is believed, allow any compensation whatever to masters of foreign vessels, for letters delivered by them to Post Masters on the sea board.

It will be absolutely necessary to have executed, at no distant date, a large amount of printing for the use of the Bureau. It is hoped, therefore, that Congress will manifest a proper degree of liberality in respect to its contingent fund, for the coming year.

The annexed tabular statement will show the amount of revenue, arising from the different Post Offices, from which returns have been received, (as well as the kind of funds in which the same is payable) for the first three quarters of the current year. It is not in my power, in the absence of the books and papers of the Bureau, to state the amount that may have been drawn for, in the hands of Post Masters, during the period mentioned. Some few other returns, mostly of minor importance, have been received, which, by reason of illness, I have not as

yet examined. Some returns, too, have been received, so defective that they do not furnish sufficient data, from which I can ascertain, with any degree of accuracy, the condition in which those offices, from which they were sent, stand, in relation to the Post Office Bureau. I have not had time to have these returns corrected.

The statement of the Comptroller will show the application of the appropriations, made by the late Congress, at its regular session, in behalf of the Bureau, for the past and present years.

In settling the accounts of the various Post Masters with this Bureau, I have adopted the principle that the Postages on letters, mailed before the first day of April 1842, and *in transitu* at that date, were collectible in Treasury notes—the currency in which the same were charged. This principle seems to me to be not only equitable and just, but in strict conformity with the letter and spirit of the act, entitled, “An act to repeal, in part, and amend the several laws creating a General Post Office, and regulating the same,” approved 1st February 1842. The same principle has been adopted, in regard to the change of the currency, in which postages should be collected, introduced by the act entitled, “An act to regulate the collection of impost duties,” approved July 23d, 1842. The adoption of any other construction of these acts, so far as relates to the Post Office, would inevitably lead to inferences, that would reflect but little credit on the character of our former legislation.

It is believed that, both in the United States and Texas, the old coins, of the value of twelve and a half, and six and one-fourth cents, have been, for some time past, giving way to the dime and half dime of the former country; and that, at the present day, their circulation, in this country, is comparatively limited. By reason of this circumstance, the rates of postage, as now established by law, are not well adapted to the coins in circulation. I would, therefore, most respectfully advise the adoption of the following rates of postage, that is to say:—

For each letter, composed of a single piece of paper, and conveyed not exceeding fifty miles,	10c.
Over fifty, and not exceeding one hundred miles,	20c.
Over one hundred miles,	25c.

For each letter, composed of two pieces of paper, double the above rates of postage.

For each letter, composed of three pieces of paper, treble the above rates of postage, &c.

For each letter, or package, made up and sealed in letter form, whether composed of one or more pieces of paper, and weighing one ounce and less than two ounces, and conveyed not exceeding fifty miles, quadruple the rate of a single letter for that distance. When conveyed over fifty and not exceeding one hundred miles, or over one hundred miles, quadruple the rates of single letters for those distances.

For each letter or package, made up and sealed in letter form, whether composed of one or more pieces of paper, and weighing two ounces and less than three ounces, and conveyed not exceeding fifty miles, sextuple the rates of a single letter for that distance, and so on in like proportion.

For each ship letter, five cents in addition to the above rates.

For each way letter, and for each letter lodged for delivery, five cents.

I would not recommend any change of the rates of postage upon news-papers, books and pamphlets.

The adoption of these rates of postage would be greatly more convenient in practice; and would most certainly prevent numerous mistakes, on the part of Post Masters—occurring by reason of the fractional numbers in which the present rates of postage are expressed.

I would most certainly prefer that postages should continue to be received in par funds. But if Congress should think proper to repeal the act of 23d July, so far as relates to postages, and continue the Exchequer system, I would, in the most respectful terms, suggest that small denominations of Exchequer bills would be a matter of great convenience in collecting Post Office dues.

It is earnestly desired that Congress may take early action upon the recommendations of this report. It is, however, most respectfully submitted to your superior judgment and discretion, how far these recommendations should be pressed upon the notice of the Honorable Congress.

I am sir, with great respect,

Your obedient servant,

JOHN HALL,

*Chief Clerk.*

OPINION OF THE ATTORNEY GENERAL IN REF-  
ERENCE TO THE CHEROKEE LANDS.

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CITY OF HOUSTON, Sept. 10th, 1842.

*To His Excellency, the President:—*

SIR:—You ask my opinion of the title by which the Cherokee Indians held the lands lately possessed by them in Eastern Texas.

Deeply impressed with the magnitude of the interests involved, and aware of the deep excitement which pervades the public mind on the subject, I have endeavored to bring to its investigation all the energies of my limited capacity. The question naturally divides itself into two branches, corresponding to the two governments under which the claim has grown up. The first of these being the Mexican government, I shall first dispose of that branch of the subject.

The Republic of Mexico, by legislative enactments of both her general and state governments, invited the Indian tribes residing within and bordering on her territories, to settle within the limits of the Republic. The Cherokees, availing themselves of this invitation, selected the section of country under consideration for their permanent residence. I have never seen any evidence that they ever obtained a grant for these lands from the government, but there is sufficient evidence of several acts of the government authorities, such as the ordering of intruders to be driven off from their lands, and others, which clearly show that the government recognized their settlement-right to the lands they occupied. This settlement-right was considered by the Mexican laws as the first or incipient stage of title to the lands thus occupied. They were considered by those laws as appropriated, and no longer sub-

ject to entry, location, or settlement, by any other person or community, unless abandoned by their first occupants. The Cherokee Indians had, therefore, by virtue of their settlement and continued occupancy, under the then existing laws of Mexico, acquired an inchoate right to the lands on which they resided, which they alone under those laws had the right to mature into perfect titles.

Thus stood the affairs of the Indians when the first convention, usually denominated the "consultation," met at San Felipe, in October, 1835. This convention, by one of the most solemn acts recorded in the journals of its proceedings, declared that the Cherokee Indians had "derived their just claims to lands included within the boundaries hereinafter mentioned, from the government of Mexico, from whom we have also derived our right to the soil by grant and occupancy." They moreover solemnly declared, that "we will guarantee to them the peaceable enjoyment of their rights to their lands, as we do our own, and we pledge the public faith for the support of the foregoing declarations." And, as if to give still more solemnity to the act and make it, if possible, of more binding force, all the members of the convention separately signed this guaranty and "pledge of the public faith." It would be difficult to conceive any manner in which a nation could bind itself under more solemn obligations, or affix to its action a higher moral sanction, than is here done. "The language of the instrument partakes largely of the strong and deep feeling that marked the crisis at which it was put forth." I cannot well imagine in what manner language could be combined better calculated to produce with those to whom it was addressed, implicit confidence in its truth and sincerity.

The authority of this body, however, to make such a grant, has been questioned by some gentlemen for whose opinions I have much respect—but with due deference to those gentlemen, I can discover no solid foundation for such an objection. In the language of a gentleman, (the late lamented and talented John Birdsall, Attorney General of the Republic,) whose clear head and vigorous understanding qualified him well for the investigation and elucidation of subjects of this complicated character, "the consultation was a primary representation of *all the people of Texas* in their highest political capacity. They assembled independently of Coahuila, and the political organization which had formerly existed, and by this act became virtually severed and separate from the Mexican. They were the only political authority known to the country

for the time being and were therefore necessarily charged with the duties and attributes of Government. They were the government *de facto*. They exercised the prerogative of government. They suspended laws then in force and closed the courts of justice. They enacted laws and caused them to be executed; and, finally, they organized a provisional government for Texas, independently of the other Mexican States.

These were the purposes for which this body was convened. The constitutional government of 1824, under the mild and salutary influence of which the Anglo American population had been invited into the country, had been overturned, and in its stead a military despotism substituted—and a large armed force sent into the country to reduce the refractory Americans to obedience. In this state of things and for these causes, was the convention of 1835 called by “the people of all Texas.” The deliberations of that body therefore necessarily took a wide range, embracing within its legitimate scope, the general interests of the then Department of Texas. This was the body which not only recognized the claim of the Cherokee Indians to the lands in question as being derived from the laws of Mexico, but which also guaranteed to them “the peaceable enjoyment of their rights to their lands,” and which guaranty the consultation had, in my opinion, ample authority to make. This convention not only guaranteed to the Indians their right to these lands—but they authorized and required the provisional government, which they organized, to make a treaty with them, and designate their boundaries, which was done *in accordance with the authority and instructions* given by the provisional government, and consequently binding upon the government and people of the country. Had not this guaranty and pledge of the public faith been made to the Indians by the convention directly, the Provisional government would have possessed the authority to grant the lands in question to the Indians. This body was invested by the Convention with full powers to conduct the political affairs of the country. They combined in that body the functions of two of the usual grand divisions of political powers, to wit: the Legislative and Executive. Hence it follows, that had not the Convention made any specific grant of these lands to the Indians, the authority of the Provisional government to do so, would have been fairly deducible from the general powers with which that body was clothed. This body exercised all the attributes and functions of government from November, 1835, until sometime in March, 1836; during which time it was the only political authority known to or re-

cognised by the country; consequently, a grant of any portion of the public domain by that body would have been considered void. To admit this fact and to deny the validity of a grant made by the convention which created the Provisional government, and from which alone it derived its powers, would be a solecism in reasoning. It would be, to make the powers of the creature greater than those of the creator—the authority of the agent superior to that of the principal. Had the convention, which framed the constitution granted these lands to the Indians—or had the first Congress that assembled under the constitution done so, their right would scarcely have been questioned by any person. In my opinion, the grant from the Consultation is equally authoritative, equally valid as if made by the last convention. I can discover no difference in the legitimate powers of the two assemblies. They were both primary representations of “*the people of all Texas*”—assembled for the same general purpose—deriving their authority from the same source, to wit, *the people*, the great fountain head of all political power. They were both organic in their structure—radical in their character—equal in dignity, plenary in their powers, and similar in the great objects of their convocation. I can see no reason, therefore, why the acts of the one should not be considered as binding and obligatory upon the country as those of the other. It has been urged, however, in favor of the acts of the last Convention, that they were submitted to the people, and by them ratified, which gave to the acts of that body an authority and force superior to those of the former. This by no means follows as a necessary consequence. The only act of the last convention, which was submitted to the people for their approval, was the constitution—that being designed as the fundamental, organic law of the land, by which the nation was to be perpetually governed—it was thought proper that it should be submitted to the consideration of the people. I am not prepared to say, however, that this instrument would not have been of equally binding authority without this submission. Moreover there were many and very important acts of this Convention which were not submitted to the people, but which have ever since been recognized as valid by the nation. Even the *declaration of independence*, that great act of *national sovereignty* which forever severed the bonds of political union between Texas and Mexico, was never submitted to the people. That body also organized a government “*ad interim*,” and elected a President and Cabinet, and did many other acts, which were never directly ratified by the people;

and get their validity, so far as I have heard, has never been questioned. The true question in all transactions performed by a delegated authority is, not whether the acts of the delegate have been subsequently acknowledged by the primary authority, but whether the delegate has transcended the powers with which he was invested; and if he has acted within the scope of those powers, his acts are binding upon that primary authority, without subsequent ratification; and this upon the well established rule of law, that the acts of the agent are binding upon his principal, unless the agent transcend the powers with which he is clothed.

Again, it is urged that the consultation acted under the constitution of 1824; and there being no authority clothed with power by that instrument to grant lands except the Congress of Mexico, or of some of the States, consequently, any grant made by them was null and void. This, in my judgment, is not entirely a fair method of stating the proposition. The consultation could not have been convened under the constitution of '24, because that body expressly declared that General Santa Anna had, "by force of arms *overthrown* the federal constitution of Mexico, and *dissolved the social compact* which existed between Texas and the other members of the confederacy." "That Texas is no longer morally or civilly bound by the compact of union" was the constitution of 1824, which they *declared to be overthrown*, consequently they could not have assembled under that constitution—but, as they themselves declare: "The people of Texas, availing themselves of their natural rights," convened a general "Consultation of the people of all Texas," with the avowed purpose of providing for the general welfare of the country and organizing a government for the time being. It is true this convention did not *repudiate* the constitution of 1824, but they declared it to be *overthrown* by Santa Anna. They also recognised that instrument as containing the "Republican principles," in the vindication and maintenance of which Texas had taken up arms; but they no where say that it is still in force and that Texas is governed by it. On the contrary a very little attention to the history of that body and its proceedings will be sufficient to convince any candid mind that the object of its convocation was to erect a government separate from and independent of the then existing government of Mexico, and to place the country in the best posture of defence to resist the encroachment of that government, for they declare they "hold it to be their right during the disorganization of the federal system, and the reign of despotism to *withdraw*



from the Union—to establish an independent government," &c. True, they had declared they had taken up arms in defence of "the Republican principles of the federal constitution of 1824." Those principles were the enduring principles of a Republican government, which guaranteed to the citizen the right to choose his own representative—which guaranteed to him freedom of speech and freedom of action, and which recognised all political power to reside in the people; these, and such as these, were "the Republican principles of the constitution of 1824," in defence of which the convention of 1835 declared they had taken up arms. But had they recognised that constitution, as still in force and as controlling their actions, they could scarcely have performed a single prominent act which they did. They could not have organised a Provisional government—they could not have raised an army to oppose the forces of the government of Mexico—for there is no authority for any of these acts to be found in that constitution. They therefore declared that instrument overthrown by the military usurpers who then exercised despotic powers in the Republic of Mexico. And such was the fact—that great charter of the rights of the citizen had been overturned by violence, and upon its ruins a central military despotism erected, subversive of those "principles of Republican liberty" secured to the citizens of the Republic by that instrument of compact, between the federal and state governments. By this act of usurpation on the part of the federal government, the states were absolved from all further allegiance to the compact of union. They had an inherent and indefeasible right to resist the encroachments of this "military despotism." This Texas did, as an integral portion of the Confederacy; and it is no argument against her rights to say that Coahuila did not unite with her in the measure—for the political bands which had united these two departments into one state had been severed by the overthrow of the federal constitution and by Coahuila's adhering to those who had usurped the authority of the federal government. Moreover a separate state government had been guaranteed to her by the constitution of 1824, and when the time arrived for her to assume this station in the confederacy, it was denied her. Therefore she determined to assert her own rights upon her own responsibility. For this purpose was the convention of 1835 called by "the people of all Texas." The authority with which the members of that body were clothed emanated directly from the people—the great source of all political power in a Republican government; and although they did not formerly declare an independent national

government, they certainly did assume a separate political existence. They took upon themselves all the attributes, and exercised all the functions pertaining to the highest political authority of a state or nation—and for the time being there was no other government or authority recognised by the people in the country, and their acts have been sanctioned by the nation from that time to the present.

If there be any one attribute of government more unquestionable than all others, it is the right to exercise jurisdiction over the public domain of the country. This right of sovereignty over the soil, has from the first institution of Government, been exercised by the existing political authority of every country. The Convention of which I am now speaking was, for the time, the highest—nay the only political authority recognised in the country. They did exercise this right of sovereignty over the soil of the country—they made sundry grants of land to individuals—these grants have never, within my knowledge been questioned to this day. Why then should this grant to the Cherokee Indians be questioned more than others made by the same body? Their right to these lands was guaranteed by the convention in terms as strong and explicit as language could convey them. From all these considerations, I conclude that the title of the Indians to the lands in question was valid and unimpeachable.

The subject of the original Indian title to these lands being disposed of, another question growing immediately out of the decision of the other, presents itself for consideration; viz: what locations and surveys made upon those lands prior to the act of Congress of 1840, directing their survey and sale are to be respected as legal, and consequently exempted from the operation of this law?

This is a question of equal importance though of much less difficulty of solution than the former. It is a well settled principle of legal decision, that lands, when once appropriated according to the existing laws of any country, do not again become vacant or subject to entry or location, without an inquisition of office, except by special legislative enactment. And of such force and authority has this principle been recognised to be, that even an inchoate right to lands legally acquired, but which has not ripened into a grant or other perfect title, cannot be divested, unless by office found, in the mode prescribed by the existing laws of the country.—The Cherokee Indians had settled in the country, under the invitation of the Mexican government, and according to the laws then existing had certainly acquired an

*inchoate right* to the lands they occupied. These lands, therefore, could not be legally subject to location while in their possession—nor even after, without a *manifest violation* of the above well settled rule of law. There is but one exception to this rule in the laws of either the General or State Governments of Mexico, and that is the provision contained in the 30th article of the General Colonization law of Coahuila and Texas, which declares, that when settlers may resolve to *leave the State* and settle themselves in a *foreign country*—if they do not sell their lands, they shall become “entirely vacant.” This, however, was in the case of *voluntary abandonment*. But the Indians did not *voluntarily abandon* their settlements. On the contrary, they were forcibly driven from their homes and possessions. Therefore, the provision of the colonization law above referred to cannot apply to their lands. They must come under the general principle of the law that requires an inquest of office before the lands possessed by them could be legally subject to location and appropriation by the citizens of the country. This inquest of office has never been taken—consequently those lands have never, since the Indians were driven from them, been subject to location, either by the laws of Mexico or Texas.

From the foregoing facts and reasons, I conclude that none of the locations made upon the lands occupied by the Cherokee Indians subsequent to the date of the guaranty made by the Consultation to the Indians in 1835, are valid and legal; and consequently that none made since that date are legally exempt from survey and sale under the act of Congress of February, eighteen hundred and forty.

All which is respectfully submitted.

G. W. TERRELL,  
*Attorney General.*

## REPORT OF THE TREASURY DEPARTMENT.

TREASURY DEPARTMENT }  
Washington, Nov. 1st, 1842. }

*To His Excellency Sam. Houston, President:—*

SIR:—In accordance with an act of Congress “defining the duties of the officers of the Treasury Department,” I have the honor to submit to your Excellency the annual report of this Department.

In consequence of the books and papers being detained at Austin, I will be unable to present to your Excellency as full a report as I would wish.

Since last March the operations of the Department have been very limited, confining itself to the transaction of the current business only; and the Bureaux to the liquidation and settlement of claims and accounts, which did not require a reference to the permanent records. The ordinary business being thus curtailed, the whole number of assistants allowed by law, was at no one time employed since the removal of the Heads of Departments from Austin.

Immediately after the appointment of the present Secretary of the Treasury, instructions were issued by him to the several collectors of Impost Duties, directing a change in the time for making their quarterly returns. The termination of the third quarter, under these instructions, took place on the 31st October, hence, I will be unable to lay before your Excellency in this report, more information on this subject, than was submitted during the extra session last summer, allowing a reasonable time to the collectors for transcribing their returns and for their transmission to the seat of government, I hope, that early during the coming session of Congress, I will have it in my power to show the total receipts from this branch of revenue, for the first three quarters under the Exchequer system.

Nothing has been derived from any source other than Customs, since your Excellency's induction to office. The time for the payment of the direct taxes, having been postponed to April 1843, and no return of any amount collected on account of licenses has been made.

Under existing laws, providing for the collection of the public money, the Customs are the only certain source of revenue. While the payment of the direct and license taxes are evaded or refused, the Import Duties are collected, save in that portion of the Republic, whose proximity and peculiar position in regard to the United States, renders it an easy matter, for those desiring to do so, to evade the revenue laws.

The United States exercise exclusive jurisdiction over nearly the whole extent of the Red and Sabine Rivers, which are the great channels by which nearly every article designed for consumption by the people living East of the Trinity, are introduced. Crafts having on board goods &c, designed for our market, sail up these rivers, without the power on the part of revenue officers, to stop them and take such steps, as would secure the collection of the revenue; and goods introduced by land, are permitted to enter our territory at any point along our whole Eastern frontier. The consequence is, that this portion of the Republic only pays about one eighth of the revenue, which ought to be collected on the value of the articles which it is reasonable to suppose are introduced.

As a remedy I would submit the propriety of permitting the collectors of the Districts bordering on the United States, to designate, each of them, say five or six public highways in each District, by which and these alone, goods from the United States should be introduced by land; and the collectors should also have power with the consent of the Treasury Department, to designate, not exceeding two points in each district, at which goods introduced by water should be landed. For the better security of the revenue and for the accommodation of the people, a deputy should be stationed at each place of entry, to collect the duties, and grant permits to land or pass with goods. The people could find no inconvenience from this arrangement, for the places of entry could be so arranged as to offer equal facilities to the whole population.

The redemption of the Exchequer Bills authorised to be issued by act of the 19th January 1842, was based upon the revenue from Customs, and as the subjects have thus become somewhat connected, I will next call your Excellency's attention to that matter.

The whole amount put in circulation under the law above referred to, is as follows:

Printed Bills,	76,000
Engraved Bills,	37,910
	<hr/>
	113,910

To which should be added, drafts drawn on the collectors of customs in virtue of appropriation made by law.	11,666 77
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Making the sum of \$125,576 77

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From the best data in possession of the Department, the amount in circulation on the 31st October, cannot exceed the sum of thirty thousand dollars, which amount will be required at the Custom House alone, during the quarter ending the 31st January next. In this amount, however is included the sum of \$18,812 74, placed in the hands of Com. Moore, for the outfit of the Navy; the greater part of which it is presumed remains unexpended.

Although the Exchequer system commenced under very unfavorable auspices—the whole amount of printed bills having been thrown out, at, and soon after the adjournment of the last regular session of Congress, in anticipation of the revenue, which was materially lessened, both on account of the unusually large importation immediately preceding the passage of the law authorizing the issue of the bills, and the unsettled state of the country, caused by incursions of the Mexicans—the partial repeal of the direct tax, and failure on the part of the merchants and others to pay their licenses, confining the revenue to receipts from Customs alone—yet the operations of the system have been convincing proof that no liabilities of the government, having as their only basis a redemption through the revenue, can ever maintain a par value.

It was hoped that the guard thrown by Congress, around the possibility of an extensive issue (that body having confined the appropriations for the current year to the sum of \$200,000.) would cause a confidence in the ultimate redemption of the bills which would ensure their being received, as a safe and useful domestic circulation, but they were thrown into market in competition with the bills of private Institutions and Corporations, all of which created a domestic circulation too great for the wants of the community. A depreciation of some portion of the

circulation was the consequence, and the government could not stand up against the opposing interests thus brought to bear upon it.

The Exchequer Bills failing to be received as a circulating medium, the whole amount put out, naturally sought the vicinity of the places provided for their redemption—to wit—the Custom Houses: where their value was controlled by those paying dues to the government. Experience has demonstrated, that this will always be the case, until the issue should be confined to the actual immediate demands through the revenue. If in their issue, this is to be the governing principle, it is plain that the system is worthless; because it would certainly be best to collect the revenue at once in gold and silver, without incurring the expense of engraving and completing the bills for circulation.

In view of all these facts, and in consideration of the small amount out, it is submitted, whether it would not be best to repeal that portion of the Exchequer law authorizing a further issue, or reissue, and depend hereafter upon the receipts from revenue for the support of government; or if a continuance of the system should be deemed advisable, the propriety of Legislative enactments in reference to the evils already encountered will be apparent.

On the 14th day of June last, a contract was signed in New Orleans, between the Hon. Anson Jones, Commissioner on the part of this government, and Mr. Alexander Bourgeois (d'Orvanne,) for a loan to Texas of one million of dollars; the first instalment as per contract, to be paid within the period of six months from the date of the same. The powerful interests which Mr. Bourgeois can command, and which will be exerted in favor of the loan induces the belief and expectation, that the proceeds will be soon rendered available to our government.

I will now call your Excellency's attention to the subject of the direct and license taxes.

The direct taxes should yield a greater amount than is collected from all other sources of revenue put together; but they have never been promptly collected. It is very obvious therefore, that defects in the system of collection exist somewhere, and amendments would not only be very proper, but necessary.

Agents who derive their authority from the people and consequently irresponsible in a great degree to the proper Executive Department, are employed in collecting the taxes. Although I do not charge any office with a dereliction of duty,

yet men are found of the strongest minds and most unfaltering purpose, who are sometimes carried with the current of popular excitement greatly to the prejudice of the public good.

I would most respectfully suggest, for consideration, the creation of a new officer in each county, who should derive his authority from the Executive, and whose duty it should be to collect the direct and license taxes. The assessors should also be appointed in the same manner.

It is now frequently the case that the Department does not know the names of the persons who are performing the duty of assessors, until they are for the first time seen appended and certifying to their official returns. A vacancy might occur in the office and through the neglect of the proper persons to make an appointment, the taxes on a large amount of property might not be assessed.

It is made the duty by law, of the Secretary of the Treasury "to superintend the collection of the public revenue," and it appears to be most proper that he should be invested with sufficient power to enable him to carry out this requisition of the law. He cannot "superintend the collection of the public revenue," when the agents employed are totally unknown to him, and perhaps unfit for the duties assigned them. They are connected intimately with the Treasury Department, as far as their official duties are concerned, but are totally disconnected in regard to their appointment and removal.

Great difficulties have risen in collecting the license tax, from want of proper laws on the subject. Selling goods &c, without license, subjects the offender to a penalty, recoverable by presentment and trial. The permanent merchant, whose interests are identified with those of Texas, and who, it should be the policy of the government to protect, can be compelled to pay, while the temporary vender of a small stock, can dispose of his goods and leave the country before the law can be brought to bear upon him.

Under the present laws, there can be no certain calculation of the probable proceeds from licenses, for persons will always be found, who will postpone to the last hour the payment of an amount, which does not produce an immediate and apparent equivalent.

To make this tax fall equally upon all, and to secure its prompt collection, a Justice of the Peace, should be permitted to issue a warrant, upon proper information, directing the proper officer, to seize upon the goods and chattels of any person or persons found without a license in accordance with law; and



sell a sufficient amount thereof, as will cover the amount of license and costs of prosecution.

Although common consent acknowledges the necessity of a tax, bearing equally upon all, for the support of a government, and consequent security of property and life; yet it is unwillingly paid by the great mass—hence the necessity for the strongest laws in reference to this matter, which ought to be enforced by agents independent of popular clamor and immediately responsible to the Chief Executive Department of Government.

Connected with this report—the report of the Treasurer showing the disbursements made by that officer, and the report of the Comptroller, showing the amount drawn upon the Treasury under the Exchequer system, as well as, the unexpended balances of the several appropriations made by the last regular session of Congress, are respectfully submitted.

The estimates for the support of government for the ensuing year, will be submitted at an early day, during the coming session of Congress.

I have the honor to be,

Your Excellency's

Most obedient servant,

M. P. WOODHOUSE.

*Acting Secretary.*

NUMBER 1.

STATEMENT OF APPROPRIATION

For the support of Government for the year 1842, exhibiting the amount drawn from each, and the unexpended balance.

Date of Law.	For what object Appropriated.	Amount of Appropriation.	Amount drawn.	Unexpended Balance.
<i>Legislative.</i>				
Feb. 3	Pay and milage of members of Senate and House Representatives,	\$37,000 00	\$35,782 65	\$1,217 35
" "	Salary of Chief Clerk of House of Representatives,	450 00	304 05	85 95
" "	Reporter of House Representatives,	240 00	240 00	
" "	Pay of Clerks of House of Representatives,	2,232 00	2,232 00	
" "	Pay of Secretary and Clerks of Senate,	2,232 00	2,232 00	
" "	Pay of Door Keeper and Sergeant at Arms,	2,232 00	2,232 00	
" "	Printing &c, for sixth Congress,	6,750 00	2,536 50	4,213 50
" "	Translating and publishing the Laws in Spanish,	1,395 13		1,395 00
" "	Contingent expenses of sixth Congress,	2,500 00	1,889 61	610 39
	Amount carried over,	55,031 13	47,448 81	7,522 19

		Amount brought forward,	55,031 13	47,448 81	7,522 19
		<i>Executive.</i>			
Feb.	3	Compensation of the President,	5,000 00	1,250 00	3,750 00
"	"	Compensation of the Vice President,	1,000 00	279 25	720 75
"	"	Compensation of the Private Secretary to the President,	750 00	539 58	219 42
"	"	Contingent expenses of Executive Department,	3,000 00	882 25	2,117 75
		<i>State Department.</i>			
"	"	Secretary of State,	1,500 00	750 00	750 00
"	"	Contingent Expenses,	1,658 00	1,305 53	352 47
"	"	Chief Clerk Post Office Bureau,	750 00	256 24	493 76
"	"	Contingent Expenses,	200 00	14 00	186 00
"	"	Probable Deficiencies in carrying the Mails,	5,000 00	3,515 00	1,485 00
		<i>Treasury Department.</i>			
"	"	Secretary of the Treasury	1,500 00	231 86	1,268 14
"	"	Comptroller,	1,000 00	569 29	430 71
"	"	Treasurer,	1,000 00	30 55	969 45
"	"	Auditor,	1,000 00	666 64	333 36
"	"	Contingent expenses Treasury Department,	500 00	138 78	361 22

"	"	Contingent Expenses of Treasurer, Comptroller and Auditors' Offices,	600 00	211 16	388 84		
"	"	Contingent Expenses of Bureaux of Treasury Department,	400 00	109 70	290 30		
		<i>War &amp; Navy Department.</i>					
"	"	Secretary of War and Navy,	1,500 00	1,083 00	417 00		
"	"	Contingent Expenses,	500 00	407 89	92 11		
		<i>Office of Attorney General.</i>					
"	"	Attorney General,	1,000 00	585 00	415 00	61	
"	"	Contingent Expenses,	300 00	106 00	194 00		
		<i>General Land Office.</i>					
"	"	Commissioner General Land Office,	1,500 00	1,125 00	375 00		
"	"	Pay of Draftsman,	700 00	202 94	497 06		
"	"	Pay of Extra Clerks,	500 00	80 53	419 47		
"	"	Pay of Assistant Clerks,	1,100 00	479 52	620 48		
"	"	Contingent Expenses,	4,000 00	2,452 88	1,547 12		
"	"	Purchase of Patents,	2,000 00		2,000 00		
		Amount carried over,	93,289 13	22,072 42	28,256 60		

		Amount brought forward,	93,289 13	22,072 42	28,256 60
		<i>Clerks.</i>			
Feb. 3 & 5		Eight Chief Clerks,	6,000 00	3,588 03	2,411 97
" "		Fourteen Assistant Clerks,	9,800 00	6,290 55	3,509 45
		<i>Intercourse with Foreign Nations.</i>			
" 3		Salary of "Chargè d' Affaires,"	9,000 00	8,750 00	250 00
" "		Contingent Expenses of Legations,	1,000 00	750 00	250 00
		<i>Naval Establishment.</i>			
" "		Pay, Provisions and Clothing,	20,000 00	20,000 00	
		<i>Military Establishment.</i>			
" "		Protection of Frontier (under control of Executive,)	20,000 00	4,387 34	15,612 66
" "		Pay of Minute Men for 1841,	9,600 00		9,600 00
" "		Pay of Captain of Ordnance,	600 00	300 00	300 00
" "		Pay of Armourer,	480 00	99 28	380 72
" "		Pay of Labourers at Arsenal,	1,200 00	250 78	949 22
" "		Contingent Expenses Ordnance Department,	500 00	200 00	300 00

		<i>Judiciary.</i>			
"	"	Salary of Chief Justice and Associate Judges,	12,250 00	2,040 83	10,209 17
"	"	" One Associate Judge Supreme Court,	1,750 00		1,750 00
"	"	" John M. Hansford,	1,953 07	1,953 07	
"	"	" A. B. Shelby,	2,349 46	2,349 46	
"	"	" P. C. Jack,	1,125 00	1,125 00	
"	"	" R. Morris,	750 00	750 00	
"	"	" Wm. J. Jones,	2,700 00		2,700 00
"	"	" Chief Justice Hemphill,	2,687 50	2,687 50	
"	"	" R. E. B. Baylor,	1,500 00	1,500 00	
"	"	" Judge 4th Judicial District,	1,000 00		1,000 00
"	"	" G. W. Terrell,	666 00	666 00	
"	5	" Clerk of Supreme Court,	500 00	255 55	244 45
"	3	" Contingent Expenses Supreme Court,	1,000 00	339 00	661 00
"	"	" Salary of Seven District Attorneys,	1,750 00	354 16	1,395 84
<i>Miscellaneous.</i>					
"	"	" Signing Exchequer Bills,	400 00	78 96	321 04
"	"	" Pay of John D. McLeod,	198 00	198 00	
"	"	" Redemption of Indian Captives,	2,000 00		2,000 00
"	"	" Engraving Exchequer Bills,	1,500 00	1,500 00	
Amount carried over,			207,448 16	98,098 59	66,489 42

Feb, 3	Amount brought forward,	237,448 16	98,098 59	65,489 42
" 4	Printing Exchequer Bills,	500 00	473 00	27 00
" 6	Two Drafts in favor of B. T. Archer,	442 00	442 00	
" 6	Part payment of money advanced by Wm. Bryan on Act, of Government,	6,000 00		6,000 00
" 6	Due Mail Contractors in 1841,	4,258 81	3,441 41	817 40

Total, \$218,148 07      129,542 32      88,906 65

Treasury Department, }  
 Comptroller's Office,    }

Washington, Nov. 1st, 1842.

JAMES B. SHAW, Comptroller.

NUMBER 1.

STATEMENT OF REVENUE

Received under the Exchequer System, from Impost and Tonnage Duties, with the expense of collecting the same, as far as the accounts of the Collectors have been examined by the Comptroller.

Qu'r. end. ing.	Name of District.	Gross Am't. of Duties.	Expenses.	Net Revenue.
April 30, '42,	Galveston.	28,853 90	2,760 35	26,094 64
July 31, "	Do.	19,681 49	1,806 29	17,875 20
April 30, "	Brazos.	684 63	439 02	245 21
July 31, "	Do.	689 47	379 38	310 00
April 30, "	San Augustine.	1,313 44	209 01	1,014 43
July 31, "	Do.	1,768 48	267 90	1,500 58
April 30, "	Red River.	4,018 72	207 11	3,811 61
April 30, "	Sabine.	190 29	45 16	145 13
July 31, "	Do.	183 35	242 35	
Total,		\$57,380 00	\$6,456 17	\$50,923 89
Pro Rata Expenses, equal to \$11,24 98.				

Treasury Department, }  
Comptroller's Office, } Washington, Nov. 1st, 1842.

JAMES B. SHAW, Comptroller.



DR. *Republic of Texas in account current with A. Brigham.*

To amount of Bonds, Promissory and Change Notes, disbursed on Appropriations from the 20th to the 21st December, 1841,		16,438 58
To amount of Audited Paper received in the collection of Revenue during same period—registered, cancelled, and delivered to the Secretary of Treasury,		8,830 18
To amount of Naval Scrip received in collection of the Revenue during same period—registered, cancelled, and delivered to the Secretary of Treasury,		100 00
To amount of balance on hand, Bonds, Promissory and Change Notes,	3,728 56	
Special Deposites,	1,639 67	
Specie,	17 44	5,285 67
		<hr/>
		\$30,754 73

*Treasurer, from the 20th Dec. 1841, to 31st Dec. 1841. CR.*

By amount received of B. F. Johnson, late Treasurer, being balance remaining in his hands on final settlement,

In Special Deposits,	1,639 67	
In Specie,	17 44	
One package containing Mutilated Money,	4,473 00	
Bonds, Promissory and Change Notes,	321 97	6,455 08
By amount received on Bonds, Promissory and Change Notes, Audited paper and Naval Scrip, in the collection of Revenue as per Deposit Warrants,		24,299 65

\$30,754 73

By balance brought down,

Bonds, Promissory and Change Notes,	3,728 55	
Special Deposits,	1,639 67	
Specie,	17 41	5,385 67

Treasurer's Office, Austin, Jan. 1st, 1842.

(Signed) A. BRIGHAM,  
Treasurer.

Examined and admitted to settlement for the above balance of five thousand three hundred and eighty-five dollars and sixty-seven cents.

Treasury Department, Washington, Nov. 11, 1842.

(Signed) M. P. WOODHOUSE,  
Acting Sec'y. of Treasury.

*DR. Republic of Texas in account current with A. Brigham,*

To amount of bonds, Promissory and Change Notes disbursed on appropriations,		56,722 61
To amount of Bonds and Promissory Notes disbursed in redeeming Treasurer's Due Bill in favor of J. Snively,		1,640 00
To amount of Audited Paper received in the collection of Revenue, registered and cancelled,		58,548 94
To amount of Exchequer bills disbursed on Appropriations		66,138 06
To amount of balance on hand, Bonds,		
Promissory and Change Notes,	81,389 77	
Exchequer Bills,	9,867 64	
Special Deposite,	1,639 67	
Specie,		17 44
		92,914 52
		Dollars, 275,964 13

*Treasurer, for quarter ending March 31st, 1842.* *CR.*

By amount of Bonds, Promissory and Change Notes on hand for disburse- ment,	3,728 56	
By amount of Special Deposite,	1,639 67	
By amount of Specie on hand,	17 44	5,385 67
By amount of Bonds, Promissory and Change Notes received from revenue,		135,371 29
By amount of audited paper of the Govern- ment received from revenue,		58,548 94
By amount of Exchequer Bills received from revenue,		5 70
By amount of Exchequer Bills deposited by the Secretary of the Treasury for disburse- ment,		76,000 00
By amount of Promissory and Change Notes deposited by the Treasury Department to the credit of certain appropriations,		652 53
		Dollars, 275,964 13
By balance brought down,		
By bonds, Promissory and Change Notes,	81,389 77	
By Exchequer Bills,	9,867 64	
By Special Deposite,	1,639 67	
Specie,	17 44	92,914 52

Treasurer's Office, April 1st, 1842.

Signed, A. BRIGHAM, Treasurer.

Examined and admitted to settlement for the above balance  
of ninety-two thousand nine hundred and fourteen 52 cents.

Treasury Department, Washington, Nov. 11th, 1842.

Signed,

M. P. WOODHOUSE,

Act'g. Sec'y. Treasury.

DR. *Republic of Texas in account current with A. Brigham,*

To amount of Exchequer Bills disbursed on Appropriations as per Register of Warrants paid,		10,565 65	
To amount of Audited paper received from a revenue—registered and cancelled,		24 00	
To amount of balance on hand, Bonds, Promissory and Change Notes,	90,421 09		
Exchequer Bills,	1,701 99		
Special Deposits,	1,629 67		
Specie,	17 41	94,183 79	
			\$104,773 41

*Treasurer, for the quarter ending the 30th June, 1842. CR*

By amount of Bonds, Promissory and Change Notes on hand April 1st,	81,229 77	
By amount of Exchequer Bills on hand for disbursement, April 1st,	9,867 64	
Special Deposites,	1,639 67	
Specie,	17 44	92,914 52
By amount of Bonds, Promissory and Change Notes received from Revenue,		9,434 92
By amount of Audited Paper received  from Revenue,		24 00
By amount of Exchequer Bills, do. do.		2,400 00
		<hr/>
		9101,773 44
By balance brought down, Bonds, Promissory and Change Notes,	90,824 69	
Exchequer Bills,	1,701 99	
Special Deposites,	1,639 67	
Specie,	17 44	94,183 79

Treasurer's Office, July 1st, 1842.

A. BRIGHAM,  
Treasurer.

Examined and admitted to settlement for the above balance  
of ninety-four thousand one hundred and eighty-three dollars  
79 cts.

Treasury Department, Washington, Nov. 11th, 1842.

(Signed)

M. P. WOODHOUSE,  
Acting Sec'y. of Treasury,

DR. *Republic of Texas in account current with A. Brigham,*

To amount of Exchequer Bills disbursed on Appropriations as per Register of Warrants paid,		39,370	25
To amount of gold and silver disbursed on Appropriations as per Register of Warrants paid,		3	00
To amount of Bonds, Promissory and Change Notes destroyed by committees appointed by the Secretary of Treasury in accordance with a Joint Resolution prescribing the manner in which the liabilities of the Government shall be destroyed, approved Jan. 29th, 1842.		176,333	36
To amount of Exchequer Bills destroyed by Committees as per above specified,		44,250	00
Balance on hand in Bonds, Promissory and Change Notes,	4,323	61	
Exchequer Bills,	4,444	00	
Special Deposite,	1,639	67	
Specie,	17	44	10,424 81
			<hr/>
			\$270,451 43

*Treasurer, for the quarter ending September 30th, 1842. CR.*

By amount of Bonds, Promissory and Change Notes on hand July 1st, 1842.	90,824 69	
By amount of Exchequer Bills, do. do.	1,701 99	
By amount of Special Deposits,	1,639 67	
By amount of Specie,	17 44	94,183 79
By amount of Bonds, Promissory and Change Notes received from Revenue, as per Deposits Warrants,		89,592 28
By amount of Exchequer Bills received from Revenue, as per Deposit Warrants,		47,458 00
By amount of gold and silver received from Revenue, as per Deposits Warrants,		3 00
By amount of Exchequer Bills received from Secretary of the Treasury for disbursement as per Deposits Warrants,		37,910 00
By amount of Treasury Warrant in favor of A. Hutchinson, dated February 8th, 1842, registered as paid in July last, but not allowed by the Secretary of Treasury—Exchequer Bills,		1,000 00
By amount of Exchequer Bills deposited by the Treasury Department to the credit of Appropriation No. 72 C Frontier Protection,		4 36
		<hr/>
		\$270,451 43

By balance on hand,		
In Bonds, Promissory and Change Notes,	4,323 61	
Exchequer Bills,	4,444 09	
Special Deposits,	1,639 67	
Specie,	17 44	10,424 81

Treasurer's Office, Oct. 1st, 1842.

(Signed)

A. BRIGHAM,

Treasurer.

Examined and admitted to settlement for the above balance of ten thousand four hundred and twenty-four dollars 81 cts.

Treasury Department, Washington.

(Signed)

M. P. WOODHOUSE,

Acting Sec'y. of Treasury.



## REPORT OF COMMITTEE ON FINANCE.

COMMITTEE-ROOM, Dec'r. 21, 1842.

To Hon. N. H. DARNELL,

*Speaker of the House of Representatives.*

The majority of the Committee on Finance having recommended the passage of a "Bill to repeal the Tariff and declare the ports of Texas free," and believing, as one of the minority of said committee, that the passage of said bill at present, would embarrass our financial operations, much to our national injury—I ask to present this a counter report—

I shall not attempt to detail arguments to prove the expediency or inexpediency of a system of Tariff, as applicable to Texas or other nations, as these subjects when discussed look well on paper, but are of little practical import when necessity intervenes. I shall, therefore, only present the following statement of facts for consideration, taking it for granted, that the present exchequer system is continued, as is the desire of the majority, as well as the minority of your committee.

The appropriations necessary to be made, for the support of the Civil Departments of Government during the year 1843, will not be less than \$140,000, (say nothing about the army and navy.) To ensure the collection of this amount of revenue, should certainly be the object of all. The majority of your committee, so far as I am able to understand their report, propose no plan or system for that purpose, true they say by *direct taxation*, but neither show the plan nor prove its practicability, then it only remains for me to add, that I, as one of the commit-

tee, admit that a plan of a system of direct taxation sufficient to raise the above amount may be presented to Congress, but the practicability of such a plan at present I deny, and believe that the facts relative to our situation daily presented to the minds of every reflecting individual prove that denial. The question then recurs, will the present system of revenue, the practicability of which has been proved by experience, raise the above amount, or withdraw from circulation, monthly or quarterly, that amount of exchequer bills required to be issued? To prove this, it is only necessary to present the following facts:

From all the information before your committee, it appears that during the three quarters ending the 31st day of Oct. last, which the exchequer system has been in operation, there has been collected and returned to the Treasury, from imposts alone \$91,224 34 or \$30,408 11 per quarter—to this amount might fairly be added \$30,000 for the increased importations preceding the taking effect of the exchequer law, as is known to all, and consumed during the year, making \$121,224 34 or \$40,408 11 per quarter. We also find from returns in the Treasury Department that the receipts at the Custom House at Galveston alone, for the first forty days of the third quarter, amount to upwards of \$19,000, clearly showing a larger increase in the importations notwithstanding the *oppressive* Tariff so much complained of by the majority of your committee.

Taking the above statements as data, we may fairly and with certainty estimate the net revenue from imposts alone, during the coming year, allowing a fair estimate for contingencies and admitting that all the opposing circumstances both to importation and collection which have occurred during the last year, will again intervene, at not less than \$40,000 per quarter or 160,000 per year, an amount sufficient to meet all the expenses of the Civil Department of Government, withdrawing from circulation every dollar of exchequer bills issued each quarter, and during the year, the \$20,000 now in circulation, thereby forcing them to retain a par value or thereabouts.

In the above estimate, nothing has been said of the direct taxes, also of appropriations for the protection of our frontier against our common enemy either by land or sea. I take it for granted that the Congress will make some disposition of our Navy, other than direct appropriations to keep it afloat, and for sustaining a land force we may appropriate the receipts from direct taxes and licenses—and what will this probably be? Suppose the amount assessed for direct taxes to be 60,000, which I conceive to be a fair estimate, we cannot calculate on a return to

the Treasury, during the year, of more than one half this amount, or \$30,000, and upon receipts for licenses we can make no certain calculation. We have then at our disposition for the support of an army \$30,000, and should more than this be necessary, we are compelled to look to the arms and purses of our well-tried and patriotic cotton planters, stock raisers, and money holders, which always have been, and always will be our most certain resort in the hour of peril.

I have been thus plain and explicit in my report, because I look upon it as a self-evident fact, that should the present Congress materially lessen our present revenue, previous to having devised and adopted some other safe and certain plan or system by which the collection of an equal amount will be secured, upon which to predicate an appropriation bill for the coming year we will, with mortification, have to witness, at an early day, the downfall of our present exchequer system—the bills buried in the same vault with our Treasury notes, and Texas endeavoring to establish a third credit upon the same basis of the two former, they *having failed*.

Hoping that the nation may not suffer from premature legislation upon the subject of finance, (for it is a delicate one, and one which should be cautiously handled at present,) that the Congress will not abolish one system of support before substituting another, that our present imposts may remain undiminished, that our monthly issues may be monthly returned to the Treasury and circulate at par. I submit this report and confidently recommend that the "Bill to repeal the Tariff and declare the ports of Texas free," be indefinitely postponed.

G. W. HILL,  
Chairman Com. on Finance.

REPORT OF THE COMMITTEE ON THE STATE OF  
THE REPUBLIC CONCERNING DIVORCES.

WASHINGTON, January 2, 1843.

HON. N. H. DARNELL,

*Speaker of the House of Representatives.*

The Committee on the state of the Republic to whom was referred sundry petitions praying for divorce, have taken the subject under their consideration, they are constrained to express their mortification at the great number of petitions of this kind, there being twenty-seven in the possession of the committee.

The last session, by granting a few divorces, opened a door to those who wish to partake of the liberality of Congress and obtain legislative relief. This summary mode of dissolving the most solemn and obligatory contract that it is possible for mankind to enter into, is embraced with avidity by many of those who have been unfortunate in their matrimonial connections, and from the allegations set forth in their petitions, and other evidences that your committee have been able to obtain, believe that most of these petitioners are as much entitled to relief as those who obtained the consideration of the last Congress; but believing as they do that Congress is not the proper tribunal to grant divorces, that it does and should belong to the Judiciary alone, your committee therefore will not urge the act of last Congress as a precedent that should govern this body.

The action of Congress on this subject, must in most cases, be *ex parte*, and might often be imposed on by false misrepresentations; impressed with these views your committee would not recommend the consideration of the subject to your honorable body, were it not that the Courts from the disturbed situation of the country, by the enemy, have failed to hold their sessions for the two last terms in many of the counties; and being assured that several of the petitioners merit relief, your committee would respectfully offer the accompanying bill, including the names of all the applicants, and recommend it to the action of the House.

JESSE GRIMES,  
Chairman.