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JOURNALS

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SENATE.

EIGHTH CONGRESS

OF THE

REPUBLIC OF TEXAS

53693

PUBLISHED BY AUTHORITY.

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HOUSTON:
CRUGER & MOORE—PUBLIC PRINTERS—MAIN STREET.

1844.

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JOURNALS
 OF THE
SENATE.
EIGHTH CONGRESS
 OF THE
REPUBLIC OF TEXAS:

Begun and held in the Town of Washington, in the County of Washington, in the Republic aforesaid, on Monday, the fourth day of December, in the year of our Lord one thousand eight hundred and forty-three, being the first session of the *Eighth Congress*, held under the Constitution and Laws of the Government of the Republic of Texas, and in the eighth year of the Independence of said Republic:

On which day, being the day fixed by law, and at which place, being the place fixed by Proclamation of the President of the Republic of Texas for the meeting of Congress, Stephen Z. Hoyle, late Secretary to the said Senate, called the roll of members by Districts, beginning with the District of San Augustine, when the following Senators appeared, presented their credentials and took their seats, to-wit:

From the District of Houston, Nacogdoches, and Rusk, } Isaac Parker.

From the District of San Patricio, Goliad and Refugio, } William L. Hunter.

There being no quorum present, the Senate adjourned until to-morrow, at 3 o'clock, P. M.

TUESDAY, December 5th, 3 o'clock, P. M.

Senate met pursuant to adjournment. The Hon. Edward Burleson, President of the Senate, appeared and took his seat. The roll of members by Districts being again called, the following Senators appeared, presented their credentials and took their seats, to-wit:

From the District of Austin, Fort } Gustavus A. Parker,
 Bend and Colorado, }
 From the District of Bexar, } John W. Smith.
 From the District of Matagorda, } John Rugeley.
 Jackson and Victoria, }

On motion of Mr. Rugeley, the Secretary, Sergeant-at-Arms, and Door-Keeper of the last session were appointed to act as such *pro tempore*.

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

WEDNESDAY, December 6th, 10 o'clock A. M.

Senate met pursuant to adjournment. Vice-President of the Republic in the Chair. The roll of Senators being called, the following gentlemen answered to their names, to-wit :

Messrs. Parker of Nacogdoches,
 " Parker " Fort Bend,
 " Smith " Bexar,
 " Hunter " San Patricio,
 " Rugeley " Matagorda.

And, whereupon, the following gentlemen came forward and took the oath prescribed by the Constitution, to-wit :

Messrs. Parker of Nacogdoches,
 " Parker " Fort Bend,
 " Hunter " San Patricio.

There being no quorum—on motion of Mr. Parker of Nacogdoches, the Senate adjourned until to-morrow at ten o'clock, A. M.

THURSDAY, December 7th, 10 o'clock, A. M.

Senate met pursuant to adjournment. President in the Chair. The roll of members by Districts being called, the following Senators appeared and took their seats, to-wit :

From the District of Harris, } William Lawrence.
 Galveston and Liberty, }
 From the District of Bastrop, Travis, } James Webb.
 Fayette, and Gonzales, }

There being no quorum present—on motion of Mr. Webb, the Senate adjourned until to-morrow at ten o'clock, A. M.

FRIDAY, December 8th, 10 o'clock A. M.

Senate met pursuant to adjournment. President in the Chair. The roll of members by Districts being called and there being no quorum present—

On motion of Mr Parker of Fort Bend, the Senate adjourned until to-morrow at three o'clock P. M.

SATURDAY, December 9th, 3 o'clock, P. M.

Senate met pursuant to adjournment. The President in the Chair. The roll of members by Districts being called, the following Senator appeared took his seat, from the District of Jasper and Jefferson, G. A. Patillo, and there being no quorum present,

On motion of Mr. Parker of Fort Bend, the Senate adjourned until Monday morning ten o'clock, A. M.

MONDAY, December 11th, 10 o'clock, A. M.

Senate met pursuant to adjournment. The President in the Chair. The roll of members by Districts being called, Mr. Greer, from the District of San Augustine, took his seat, and there being no quorum present,

On motion of Mr. Parker of Fort Bend, the Senate adjourned until to-morrow morning at ten o'clock.

TUESDAY, December 12th, 10 o'clock, A. M.

Senate met pursuant to adjournment. President in the Chair, The roll of Senators being called, the following gentlemen answered to their names, to-wit :

Messrs. Greer	of San Augustine,
“ Jack	“ Brazoria,
“ Lawrence	“ Liberty,
“ Parker	“ Fort Bend,
“ Parker	“ Nacogdoches,
“ Patillo	“ Jefferson,
“ Hunter	“ San Patricio,
“ Rugeley	“ Matagorda,
“ Shaw	“ Milam,
“ Smith	“ Bexar,
“ Webb	“ Bastrop.

And, whereupon, the roll of members by Districts being

called, the following Senator appeared, presented his credentials, took the oath and his seat, to-wit:

From the District of Montgomery } Robert M. Williamson.
and Washington, }

Then the Senate proceeded to the election of a Secretary.

Mr. Hunter nominated Mr. Green,
" Patillo " Mr. Robertson,
" Parker " Mr. McLeod,
" Lawrence " Mr. Hoyle,

And upon an examination of the first ballot, it appeared that

Mr. Green received six votes,
" Robertson " two "
" McLeod " one "
" Hoyle " three "

No one candidate having received a majority of all the votes, the Senate proceeded to a second ballot, and upon examination of the same, it appeared that

Mr. Green received five votes,
" Robertson " two "
" Hoyle " five "

No one candidate having received a majority of all the votes, the Senate proceeded to a third ballot, and upon examination of the same, it appeared that

Mr. Green received six votes,
" Robertson " one vote,
" Hoyle " five votes.

No one candidate having received a majority of all the votes, the Senate proceeded to a fourth ballot, and upon examination of the same, it appeared that

Mr. Green received seven votes,
" Hoyle " five "

Whereupon Mr. Green was declared duly and constitutionally elected Secretary.

The Senate then proceeded to the election of an Assistant Secretary.

Mr. Greer nominated Mr Shepard,
" " " " Raymond,
" Parker " " Blake,
" Patillo " " Waples,
" Smith " " Mitchell,
" Jack " " Wells,

And upon examination of the first ballot, it appeared that

Mr. Shepard	received	two	votes,
“ Raymond	“	five	“
“ Blake	“	one	vote,
“ Waples	“	two	votes,
“ Mitchell	“	one	vote,
“ Wells	“	one	“

No one candidate having received a majority of all the votes, the Senate proceeded to the second ballot, whereupon it appeared that

Mr. Shepard	received	four	votes,
“ Raymond	“	six	“
“ Waples	“	one	vote,
“ Mitchell	“	one	“

Mr. Jack withdrew the nomination of Mr. Wells, and a third ballot being taken, it appeared that

Mr. Shepard	received	four	votes,
“ Raymond	“	eight	“

Whereupon Mr. Raymond was declared duly and constitutionally elected Assistant Secretary.

The Senate then proceeded to the election of an Engrossing and Enrolling Clerk.

Mr. Rugeley	nominated	Mr. Nicholson,
“ Parker	“	“ Durham,

And upon examination of the first ballot, it appeared that

Mr. Nicholson	received	seven,	votes
“ Durham	“	five	“

Mr. Nicholson having received a majority of all the votes, he was thereupon declared duly and constitutionally elected Engrossing and Enrolling Clerk.

The Senate then proceeded to the election of a Sergeant-at-Arms.

Mr. Webb	nominated	Mr. Ward,
“ Shaw	“	“ Byers,
“ Patillo	“	“ Pipkin,
“ Parker	“	“ Woodruff,
“ Lawrence	“	“ Gay,
“ Smith	“	“ Jones.

And upon examination of the first ballot, it appeared that

Mr. Ward	received	four votes,
" Byers	"	one vote,
" Pipkin	"	four votes,
" Woodruff	"	two "
" Jones	"	one vote.

No one candidate having received a majority of all the votes, the Senate proceeded to the second ballot, whereupon it appeared that

Mr. Ward	received	three votes
" Pipkin	"	seven "
" Woodruff	"	one vote,
" Jones	"	one "

Mr. Pipkin having received a majority of all the votes, he was thereupon declared duly and constitutionally elected Sergeant-at-Arms of the Senate.

The Senate then proceeded to the election of Door-Keeper,

Mr. Lawrence	nominated	Mr. Durham,
"	"	" Miller,
"	"	" Wood,
Mr. Webb	"	" Goodwin,
" Parker	"	" Peacock,
" Greer	"	" Johnson,
" Patillo	"	" Little.

And upon examination of the first ballot, it appeared that

Mr. Durham	received	one vote,
" Goodwin	"	six votes,
" Peacock	"	one vote,
" Johnson	"	three votes,
" Little	"	one vote.

No one candidate having received a majority of all the votes, the Senate proceeded to the second ballot, when it appeared that

Mr. Durham	received	two votes,
" Miller	"	one vote,
" Goodwin	"	seven votes,
" Johnson	"	two "

Whereupon, Mr. Goodwin having received a majority of all the votes, he was declared duly and constitutionally elected Door-Keeper of the Senate.

On motion of Mr. Parker of Fort Bend, the officers elect came forward and took the oath of office.

On motion of Mr. Parker of Nacogdoches, a committee consisting of Messrs. Parker of Nacogdoches, Webb, and Jack, was appointed to wait upon the House of Representatives and inform that body that the Senate was organized and ready to proceed to business.

On motion of Mr. Greer, a committee, consisting of Messrs. Greer and Smith, was appointed to act in conjunction with a committee on the part of the House of Representatives and inform His Excellency, the President of the Republic of Texas, that the two Houses of Congress were organized and ready to receive any communication he may have to make to them.

On motion of Mr. Jack, the Senate adjourned until tomorrow, ten o'clock, A. M.

—

WEDNESDAY Morning, Dec. 13th, 1843, }
10 o'clock, A. M. }

Senate met pursuant to adjournment—roll called—quorum present—journals of the preceding day read and adopted.

On motion of Mr. Webb, the Senate proceeded to the election of Chaplain. Mr. Webb nominated Mr. Tryon.

There being no other nomination, Mr. Tryon was declared duly and constitutionally elected Chaplain of the Senate.

On motion of Mr. Jack, the Secretary was instructed to inform Mr. Tryon of his election as Chaplain of the Senate.

On motion of Mr. Greer, the committee appointed to wait upon the House and inform them of the organization of the Senate had leave to perform that duty.

On motion of Mr. Greer, the Secretary was instructed to purchase one dozen chairs for the use of the Senate.

On motion of Mr. Jack, the Secretary was instructed to procure six copies of the laws of Texas for the use of the Senate.

Mr. Parker of Nacogdoches, on the part of the committee appointed to wait upon the House of Representatives and inform that body of the organization of the Senate, reported that duty performed.

Through their Chief Clerk, Mr. James H. Raymond, the House announced its organization, and the appointment of a committee to wait upon His Excellency, the President, and inform him that they were ready to receive any communica-

tion he might wish to make to them ; and requested the appointment of a like committee on the part of the Senate, to act in conjunction with the committee on the part of the House for this purpose.

Committee on the part of the House—Messrs. Hogg, Lott and Johnson.

Committee on the part of the Senate—Messrs. Greer and Smith.

A message was received from the House, through their Chief Clerk, Mr. James H. Raymond, furnishing the Senate with the following list of officers elect of the House of Representatives:

- Honorable R. Scurry, Speaker,
- Mr. James H. Raymond, Chief Clerk.
- “ T. M. Taylor, Assistant Clerk.
- “ Ben. F. Hill, Engrossing Clerk.
- “ James M. Long, Enrolling Clerk.
- “ Samuel Highsmith, Sergeant-at-Arms.
- “ William Cockburn, Door-Keeper.

On motion of Mr. Jack, the Secretary was instructed to inform the House of the officers elect of the Senate.

On motion of Mr. Jack, the credentials of members of the Senate were referred to the Committee on Privileges and Elections.

The President of the Senate announced the following as Standing Committees of the Senate:

Committee on Foreign Relations.—Messrs. Kaufman, Webb and Jack.

Committee on Finance.—Messrs. Greer, Jack and Rugeley.

Committee on Military Affairs.—Messrs. Williamson, Wright and Lawrence.

Committee on Naval Affairs.—Messrs. Rugeley, Lawrence and Hunter.

Committee on Public Lands.—Messrs. Smith, Greer and Wright.

Committee on Indian Affairs.—Messrs. Shaw, Williamson and Parker of Nacodoches.

Committee on Judiciary.—Messrs. Jack, Kaufman and Webb.

Committee on Post Offices and Post Roads.—Messrs. Parker of Fort Bend, Smith and Kaufman.

Committee on Public Printing.—Messrs. Hunter, Shaw and Parker of Fort Bend:

Committee on Engrossed and Enrolled Bills.—Messrs. Patillo, Parker of Nacogdoches, and Parker of Fort Bend.

Committee on Claims and Accounts.—Messrs. Parker of Nacogdoches, Greer and Patillo.

Committee on Privileges and Elections.—Messrs. Lawrence, Jack, and Webb.

The committee appointed to act in conjunction with the committee on the part of the House to inform His Excellency, the President, of the organization of both Houses, asked leave of absence to perform that duty, which was granted. Committee returned and reported that the President had informed them that he would meet the two Houses of Congress in the House of Representatives and deliver his message to them at that place, at 3 o'clock, P. M.

On motion of Mr. Greer, Senate adjourned until half past two o'clock, P. M.

HALF-PAST TWO o'clock, P. M.

Senate met—roll called—no quorum. The Sergeant-at-Arms was despatched after absent members—returned—and a quorum present. The roll of members by Districts being called, the following Senator answered, presented his credentials, took the oath and his seat, to-wit:

From the District of Sabine, } David S. Kaufman.
Shelby and Harrison, }

A message was received through Mr. Lott, from a committee on the part of the House, inviting the Senate to repair to the House of Representatives at three o'clock, P. M., to hear the President's message.

On motion of Mr. Williamson, the Senate adjourned to the House of Representatives.

The Senate having returned to the Senate Chamber, Mr. Greer moved that two hundred and fifty copies of the President's message be printed for the use of the Senate.

Mr. Williamson moved to amend by inserting two thousand and fifty—motion lost.

The question being taken on the original motion of Mr. Greer, the same was carried.

On motion of Mr. Rugeley, the rules for the government of the Senate at the last session were adopted.

On motion of Mr. Rugeley, the Committee on Public Printing was instructed to ascertain the probable cost of printing fifty copies of the rules of the Senate and report the same.

On motion of Mr. Greer, the resolution of this House requiring the Secretary to purchase six copies of the laws for the use of the Senate was reconsidered, and the motion laid on the table.

On motion of Mr. Greer, the Senate adjourned until ten o'clock, to-morrow morning.

THURSDAY, December 14th, 1843, }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to-wit: Mr. Greer, Jack, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Patillo, Hunter, Rugeley, Shaw, Smith, Webb and Williamson—quorum present—prayer by the Chaplain—journals of the preceding day read and adopted.

The President announced that the Senate were in possession of the Report of the Secretary of the Treasury.

Mr. Jack moved that five hundred copies of said report be printed—motion withdrawn by Mr. Jack, and on motion of Mr. Lawrence, the same was referred to the Committee on Finance.

Mr. Lawrence presented the memorial of Jesse Grimes, and on motion, the same was referred to the Committee on Privileges and Elections.

Mr. Greer, by leave, introduced a joint resolution “providing for an amendment of the Constitution, and for the establishment of a separate Supreme Court”—read first time.

Mr. Jack, by leave, introduced a bill to be entitled “an act to make an appropriation for the payment of the salaries of District Attorneys, for the year eighteen hundred and forty-three”—read first time, and on motion of Mr. Jack, rule suspended and bill read a second time, and referred to the Committee on Finance.

Mr. Jack, by leave, introduced a bill to be entitled “an act to relinquish the title of the Government to two lots in the town of Quintana”—read first time.

Mr. Jack, by leave, introduced a bill to be entitled “an act requiring the Executive and Heads of Departments to repair to the Seat of Government”—read first time.

On motion of Mr. Jack, the Senate adjourned until ten o'clock, to-morrow morning.

FRIDAY, December 15th, 1843, }
 10 o'clock, A. M. }

Senate met—roll of members being called, the following gentlemen answered to their names, to-wit: Mr. Greer, Hunter, Parker of Fort Bend, Parker of Nacogdoches, Patillo, Rugeley, Shaw, Smith, Webb and Williamson—quorum present—prayer by the Chaplain—the journals of the preceding day were read and adopted.

The Committee on Finance, to which was referred a bill to be entitled “an act to make an appropriation for the payment of District Attorneys for the year eighteen hundred and forty-three,” through their Chairman, Mr. Greer, reported that they had had the same under consideration, and recommend its passage with the following amendments to-wit: strike out the words “fifteen hundred” and insert the words “seventeen hundred and fifty;” strike out the word “six” and insert the word “seven,” and

On motion of Mr. Webb, the said report was adopted, and the bill ordered to be engrossed.

Mr. Patillo offered the following resolution, to-wit:

“*Resolved*, That the President be requested to cause to be laid before the Senate a statement of the claims (and the amount) that may have been audited under the provisions of an act entitled “an act directing the auditing of the claims for carrying the mail for the years one thousand eight hundred and forty-one, and one thousand eight hundred and forty-two,” and also an estimate of the amount that may probably be due and unpaid, for and on account of mail transportation for the year 1842,” and on motion the same was adopted.

Mr. Kaufman offered the following resolution, to-wit:

“*Resolved*, That the President be respectfully requested to communicate to the Senate copies of such correspondence as may have taken place between this Government and the Government of Great Britain, in relation to the claims of British subjects to certain Empresario lands in Texas,” and

On motion of Mr. Hunter, the words “certain Empresario” were stricken out, and the resolution adopted.

Mr. Webb, by leave, introduced a bill to be entitled “an act requiring the Auditor to audit certain accounts therein named”—read first time.

On motion, the Senate proceeded to the

ORDERS OF THE DAY.

Joint Resolution providing for an amendment of the Constitution and for the establishment of a separate Supreme Court"—read a second time, and

On motion of Mr. Williamson, referred to the Committee on the Judiciary.

A bill to be entitled an act to relinquish the title of the Government to two lots in the town of Quintana,"—read a second time, and,

On motion of Mr. Parker of Fort Bend, referred to the Committee on the Judiciary.

"Bill to be entitled an act requiring the Executive and Heads of Departments to repair to the Seat of Government." Read a second time, and,

On motion of Mr. Williamson, referred to the Committee on the State of the Republic.

On motion of Mr. Webb, the Senate adjourned until tomorrow, at 10 o'clock, A. M.

SATURDAY, December 16th, 1843, }
10 o'clock, A. M. }

Senate met—roll of members being called, the following gentlemen answered to their names, to-wit: Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Patillo, Rugeley, Shaw and Smith—no quorum. The Sergeant-at-Arms was despatched after absent members—returned and a quorum present—prayer by the Chaplain—the journals of the preceding day were read and adopted.

Mr. Patillo, Chairman of the Committee on Engrossed and Enrolled Bills, reported that the Committee had examined a bill to be entitled an act making an appropriation for the payment of the salaries of District Attorneys for the year 1843, and found the same correctly engrossed.

Mr. Williamson moved that Mr. Parker of Fort Bend, be added to the Committee on the State of the Republic. Mr. Parker asked to be excused, and motion withdrawn by Mr. Williamson.

The President then added Mr. Kaufman to the Committee on the State of the Republic.

A message was received from the House of Representatives, through their Chief Clerk, James H. Raymond, Esqr., that the House had passed a bill to be entitled "an act for the relief of Captain John C. Hays and Company, also a bill to be entitled "an act to change the name of the Seat of Justice of Fannin County," upon which bills the House had suspended the rules and requested a similar suspension on the part of the Senate. Read first time.

Mr. Webb, by leave, introduced a bill to be entitled "an act to permit the administratrix of Neill Munn, deceased, to keep together the property of said deceased." Read a first time.

On motion of Mr. Parker of Nacogdoches, the bill to be entitled "an act for the relief of Capt. John C. Hays and Company," was read a second time and referred to the Committee on Finance, with instructions to report on Monday morning next.

Mr. Kaufman moved that the bill to be entitled "an act to change the name of the Seat of Justice of Fannin County" be read a second time—motion lost. Mr. Parker of Nacogdoches, moved the rules be suspended—motion lost.

Mr. Kaufman, by leave, introduced a bill to be entitled "an act to change in part the times of holding the District Courts in the fifth and seventh Judicial Districts. Read a first time.

Mr. Williamson moved a suspension of the rule—motion lost.

The Senate then proceeded to the

ORDERS OF THE DAY.

A bill to be entitled "an act to make an appropriation for the payment of the salaries of District Attorneys for the year 1843," Read a third time and passed.

A bill to be entitled "an act requiring the Auditor to audit certain accounts therein mentioned." Read a second time and referred to Committee on Post Offices and Post Roads.

On motion of Mr. Greer, the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, December 18th, 1843. }
 10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Patillo, Rugeley, Shaw, Smith, and Webb.

No quorum present, the Sergeant-at-Arms was despatched after absent members—returned, and a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Greer, Chairman of the Committee on Finance, reported that the committee had examined a bill, to be entitled “An Act for the relief of Captain John C. Hays and company,” and recommend its passage.

Mr. Kaufman offered the following resolution, to wit:

“*Resolved*, that His Excellency, the President, be respectfully requested to communicate to the Senate, the number of contracts for colonization made with different individuals, under any laws now in force, authorizing the same; the names of the individuals so contracting; the number of individuals said contractors are authorized to introduce; the amount and locality of territory set apart for said contractors; whether the conditions of any, or all, of said contracts have been punctually complied with; the number of families, or individuals, already reported to the President, or Department of State, to have been introduced by the respective contractors; and whether said contractors have yet applied for, or have been allowed any compensation for their services;” and,

On motion of Mr. Webb, the same was adopted.

Mr. Webb, by leave, introduced a bill, to be entitled “An Act to reduce into one act, and to amend the several acts relating to the establishment of a General Land-office, approved 16th December, 1837.” Read a first time.

Mr. Kaufman, by leave, introduced a bill, to be entitled “An Act to provide for making certain documents evidence in courts of justice, and for other purposes.” Read a first time.

Mr. Jack, by leave, introduced a bill, to be entitled “An Act to provide the manner by which non-resident married

women may convey their property situated in this country." Read a first time.

The Senate then proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled "An Act to permit the Administratrix of Neill Munn, dec'd, to keep together the property of said dec'd." Read a second time; and,

On motion of Mr. Webb, referred to the Committee on the Judiciary, with the accompanying documents.

A bill, to be entitled "An Act to change the name of the Seat of Justice of Fannin County." Read a second time, and, on motion of Mr. Webb, laid on the table.

A bill, to be entitled "An Act to change, in part, the times of holding the district courts in the fifth and seventh Judicial Districts." Read a second time; and,

On motion of Mr. Parker, of Nacogdoches, the same was referred to a special committee.

Messrs. Parker of Nacogdoches, Kaufman, and Patillo, were appointed said committee.

A bill, to be entitled "An Act for the relief of Capt. John C. Hays, and company." Read a second time, and,

On motion of Mr. Parker, of Fort Bend, rule suspended, and read by its caption; and,

On motion of Mr. Parker, of Fort Bend, rule further suspended, and bill read a third time, and passed.

Mr. Jack presented the memorial of Samuel H. Walker; and, on motion of Mr. Jack, the same was referred to the Committee on Military Affairs.

Mr. Jack, by leave, presented a bill to be entitled, "An Act to fix the place for the sessions of the Supreme Court." Read a first time.

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

MONDAY, Dec. 18th, 1843, 3 o'clock P. M.

Senate met—roll of members called—no quorum.

The Sergeant-at-Arms was despatched after absent members—returned, and a quorum present.

Mr. Kaufman, by leave, introduced "A Joint Resolution

for the relief of the heirs of Nathaniel M. Kerr and Joseph Kerr." Read a first time.

Mr. Rugeley offered the following resolution, to wit :

"WHEREAS, great excitement has, for some time, existed upon the subject of negotiations, said to be going on between the Government of Texas, and certain foreign powers, respecting the continuance of our sovereignty as a nation; and

"WHEREAS, it is confidently expected, by the people of Texas, that the object and intent of such negotiations (if any such exist) will be submitted to their immediate representatives, in congress assembled, before any final action shall be had thereon; and

"WHEREAS, the Senate, in courtesy to the executive head of the nation, has deferred making any direct call for information upon that subject, under the belief that the same would be communicated, before any further steps would be taken, in reference thereto; and

"WHEREAS, it is now understood that a special messenger has been despatched, this morning, to the Government of the United States, charged with important matters connected with said negotiations—the same being kept secret from the Representatives of the people; and

"WHEREAS, it is the special duty of the members of this Congress, to enquire into all matters in which their constituents are supposed to be so deeply interested, and particularly in regard to those which have produced great excitement in the public mind; be it, therefore,

"*Resolved*, That the President be requested to recall said special messenger, and delay his departure, until the matters to be communicated, through him, shall have been made known to this Congress, and such action shall be had thereon, as shall be deemed advisable:" and,

On motion of Mr. Jack, the said resolution was adopted.

The ayes and noes being called for, stood as follows:

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Patillo—6.

There being a tie, the President voted for the adoption of the Resolution.

A message was received, in writing, from His Excellency

the President, through his private secretary, William D. Miller, Esq., in answer to a resolution of this House, calling on him for information, relative to the claims of British subjects to lands in Texas, and,

On motion of Mr. Jack, the same was referred, with the accompanying documents, to the Committee on Foreign Relations.

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

TUESDAY, December 19th, 1843. }
10 o'clock, A. M. }

Senate met roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Jack, Hunter, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb.

No [quorum—the Sergeant-at-Arms was despatched after absent members—returned, and a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Webb presented the petition of Jonathan Ikin, and

On motion of Mr. Greer, the same was referred to the Committee on the Judiciary.

Mr. Parker, of Nacogdoches, presented the memorial of the citizens at and near the Three Forks of Trinity, and

Moved its reference to the Committee on Public Lands.

Motion carried.

The Committee on the Judiciary, to which was referred a bill to be entitled: "An Act to permit the Administratrix of Neill Munn, deceased, to keep together the property of said deceased, through Mr. Jack,"

Their Chairman reported that they had had the same under consideration, and recommended its passage.

Report ordered to lay upon the table one day.

Mr. Jack, moved that a select committee be appointed to submit to the Senate, rules for their government.

Motion carried, and

Messrs. Greer, Jack and Parker of Nacogdoches, were appointed said Committee.

Mr. Jack, by leave, introduced a bill, to be entitled: "An Act to fix the currency in which fines and forfeitures shall be recovered." Read a first time.

Mr. Kaufman, by leave, introduced a bill, to be entitled : "An Act to repeal all laws now in force, authorizing the President to form Colonization Contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with." Read a first time.

Mr. Jack, by leave, introduced a bill, to be entitled : "An Act to change the times of holding the Courts in the first judicial District. Read a first time.

Mr. Parker, of Nacogdoches, offered the following resolution, to wit :

"*Resolved*, that the Committee on printing, on the part of the Senate, act in conjunction with a like Committee on the part of the House, to contract for the printing of the Laws and Journals, at as early a day as practicable."

Which resolution was adopted.

Mr. Kaufman, offered the following resolution, to wit :

"*Resolved*, that the President be respectfully requested to communicate to the Senate, the resolution of the Bremen Senate, and the correspondence with said Government alluded to in his late message to both Houses of Congress."

Which resolution was adopted.

On motion of Mr. Jack, the Senate proceeded to the

ORDERS OF THE DAY.

A bill to be entitled : "An Act to permit the Administratrix of Neill Munn, deceased, to keep together the property of said deceased."

Read a second time, and upon the suggestion of Mr. Jack, the same was amended so as to require the Administratrix to give bond and security for the faithful settlement with the heirs of said deceased, and the bill as amended read—and

On motion of Mr. Webb, ordered to be engrossed.

A bill to be entitled : "An Act to reduce into one Act and to amend the several Acts, in relation to the establishment of a General Land Office, approved December 16th, 1837." Read a second time, and

On motion of Mr. Webb, the same was ordered to be engrossed.

A bill to be entitled : "An Act to fix the place for the sessions of the Supreme Court."

Read a second time—and

On motion of Mr. Greer, the same was referred to the Committee on the State of the Republic.

A bill to be entitled: "An Act for making certain documents evidence in Courts of Justice, and for other purposes. Read a second time—and

On motion of Mr. Greer, referred to the Committee on the Judiciary.

A joint resolution for the relief of the heirs of Nathaniel M. Kerr and Joseph Kerr. Read a second time—and

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

A bill to be entitled: "An Act to provide the manner by which non-resident married women may convey their property situated in this country." Read a second time, and

On motion of Mr. Jack, referred to the Committee on the Judiciary.

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

WEDNESDAY, December 20th, 1843. }
10 o'clock, A. M. }

Senate met—roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Hunter, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Rugeley, Shaw, Smith and Williamson—quorum present—prayer by the Chaplain—the journals of the preceding day were read and adopted.

Mr. Greer, Chairman of the Select Committee appointed to revise the rules for the government of the Senate, reported that the Committee had had the same under consideration, and ask leave to return the same with amendments—and recommend, that, one hundred and fifty copies be printed for the use of the Senate.

On motion of Mr. Jack, the said Committee were instructed to act in conjunction with a like Committee on the part of the House of Representatives, for the revision of the joint rules of both Houses.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill to be entitled: "An Act to permit the Administratrix of Neill Munn, deceased, to keep together the property of said deceased," also—a bill to be entitled: "An Act to amend an act to reduce into one act and to amend the several acts relating to

the establishment of a General Land Office, approved 16th December, 1837," and find the same correctly engrossed.

Mr. Jack by leave, introduced a bill, to be entitled "An Act to authorize Administrators, Executors or Guardians to purchase property for the collection of debts in certain cases.— Read a first time.

On motion of Mr. Kaufman, "a joint Resolution for the relief of the heirs of Nathaniel M. Kerr and Joseph Kerr, was taken up and referred to the Committee on Public Lands.

On motion of Mr. Parker of Nacogdoches, the Senate proceeded to the

ORDERS OF THE DAY.

A bill to fix the currency in which fines and forfeitures shall be collected. Read a second time.

Mr. Lawrence, moved its reference to the Committee on Finance—motion lost—and

On motion of Mr. Greer, the same was referred to the Committee on the Judiciary.

A bill to be entitled: "An Act to repeal all laws now in force, authorizing the President to form Colonization Contracts, and to forfeit such as have already been made where the conditions have not been strictly complied with."

On motion of Mr. Jack, the same was read by its caption, and referred to the Committee on the Judiciary.

A bill to be entitled: "An Act to change the times of holding Courts in the first judicial District." Read a second time, and

On motion of Mr. Jack, referred to a select Committee.

Messrs. Parker, of Fort Bend, Rugeley and Lawrence were appointed said Committee.

A bill to be entitled: "An Act to permit the Administratrix of Neill Munn, deceased, to keep together the property of said deceased." Read a third time and passed.

A bill to be entitled: "An Act to amend an act to reduce into one act, and to amend the several acts relating to the establishment of a General Land Office, approved 16th December, 1837." Read a third time.

The ayes and noes upon the final passage of the Bill being called for stood thus:

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw and Smith—5.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort

Bend, Parker of Nacogdoches, Pattillo, Webb and Williamson
--8.

Mr. Webb, gave notice, that he should on to-morrow move for a reconsideration of the vote this day taken upon the final passage of said bill.

A message was received in writing from his Excellency the President, through his private Secretary, William D. Miller, presenting two several communications, one of which was marked "Secret."

Mr. Jack, offered the following resolution, to wit :

Resolved, that the President be requested to lay before the Senate a statement from each of the heads of Department, including also, the Land Office, showing the manner in which the contingent fund for each Department has been expended, and giving a minute detail of the several sums expended, the names of the persons to whom money has been paid, and the object for which said funds may have been expended," and

On motion of Mr. Greer, the same was ordered to lay upon the table one day.

Mr. Parker, of Nacogdoches, moved the reading of the open communication from the Executive—motion carried.

A message was received from the House of Representatives through their Chief Clerk, Mr. James H. Raymond, that the House had passed a Bill to be entitled: "An Act to legitimize certain children therein named. Read a first time—also a resolution marked "Secret."

On motion of Mr. Pattillo, the communication from the Executive in answer to a Resolution of this House, requesting him to lay before the Senate a statement of the claims and the amount that may have been audited under the provisions of an act, entitled: "An act directing the auditing of the claims for carrying the mail, &c.," was referred to the Committee on Post Offices and Post Roads.

On motion of Mr. Parker, of Nacogdoches, the Senate went into Secret Session.

The doors being opened

On motion of Mr. Greer, the bill to be entitled: "An act to change the name of the county seat of Fannin County" was taken up—read a second time.

Mr. Greer, moved that the bill pass to its third reading—motion carried.

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

THURSDAY, December 21st, 1843, }
 10 o'clock A. M. }

Senate met—the roll of Members being called, the following gentlemen answered to their names, to wit. Messrs. Greer, Jack, Kaufman, Lawrence, and Rugeley.

No quorum—the Sergeant-at-Arms was despatched after absent members—returned, and a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Kaufman presented the memorial of sundry citizens of Harrison county, and moved its reference to the Committee on Public Lands. Motion carried.

The Committee on the Judiciary, to which was referred a bill, to be entitled “An Act to repeal all laws now in force, authorizing the President to form colonization contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with,” through their chairman, Mr. Jack, ask leave to report the same back to the Senate, without amendment, and recommend its passage; also,

A bill, to be entitled “An Act to fix the currency in which fines and forfeitures shall be recovered,” with the following amendments, to wit: after the word “Republic,” in section 1st, insert “or President of the same;” and in same section, after the words “or gold or silver,” insert the words “or exchequer bills;” also,

A bill, to be entitled “An Act to provide the manner by which non-resident married women may convey their property situated in this country,” with the following amendments, to wit: amend caption by adding—“and for other purposes. Add this section—

“SEC. 2. Any bond, deed, power of attorney, or other instrument of writing, executed in any foreign country, in either of the modes provided in the first section of this act, shall be admitted to record, and may be read in evidence in any suit, without any further proof: *provided*, that where such deed, or other instrument of writing, as contemplated by the first or second section of this act, is offered in evidence, if the adverse party shall make oath that he believes it to be a forgery, then the proof shall be made according to the common law principles of evidence; and this act shall take effect from and after its passage.”

The Committee on the State of the Republic, to which was

referred a bill, to be entitled "An Act to fix the place for the sessions of the Supreme Court," through Mr. Rugeley, their chairman, ask leave to report the same back to the Senate, without amendments, and recommend its passage.

The Select Committee, to which was referred a bill to be entitled "An Act to change, in part, the times of holding the district courts in the fifth and seventh Judicial Districts," through Mr. Parker, of Nacogdoches, their chairman, ask leave to report the same back to the Senate, with the following amendments, to wit: In section 1., where the word "Sabine" occurs, strike out the same, and insert "Jasper;" and where Jasper occurs, strike out the same, and insert "Sabine."

In section 1., strike out "one week," as the time of holding the Shelby Court, and insert "two weeks." In same section, strike out "two weeks," as the time of holding the Nacogdoches Court, and insert "three weeks;" and in same section, strike out all after the word "Houston," and insert "on the first Mondays after the fourth Mondays in May and November, and may continue their sessions until the business is disposed of," and recommend its passage.

Mr. Parker, of Fort Bend, chairman of the Select Committee, to which was referred a bill, to be entitled "An Act to change the times of holding courts in the first Judicial District," reported the same back to the Senate, without amendments, and recommend its passage.

Mr. Jack presented the following resolution, to wit:

Resolved, That His Excellency, the President, be requested to lay before the Senate, a statement, in detail, of the manner in which the appropriation for Indian purposes, of the sum of ten thousand dollars, approved 6th January, 1843, has been expended; setting forth, minutely, the names of the persons to whom money has been paid, the amount of the same, and the purposes of each payment;" which was adopted.

Mr. Parker, of Nacogdoches, by leave, introduced a bill, to be entitled "An Act for the relief of G. W. Miller." Read a first time.

On motion of Mr. Smith, the Senate proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled "An Act to change, in part, the times of holding the district courts in the fifth and seventh Judicial Districts." Read a second time, and the amendments reported by the committee adopted; and,

. On motion of Mr. Greer, the bill was laid upon the table.

A bill, to be entitled "An Act to change the times of holding the courts in the first Judicial District." Read a second time; and, on motion of Mr. Jack, ordered to be engrossed.

A bill, to be entitled "An Act to fix the place for the sessions of the Supreme Court." Read a second time; and,

On motion of Mr. Williamson, laid upon the table until the twenty-sixth of the present month.

A bill, to be entitled "An Act to change the name of the seat of justice of Fannin County." Read a third time, and passed.

A message was received from the Executive, through his Private Secretary, Wm. D. Miller, in answer to a resolution of the Senate, requesting him to recall the messenger, &c., adopted 18th December, 1843.

Mr. Jack moved the adoption of the resolution offered on yesterday, requesting the President to cause to be laid before the Senate, a statement from each of the heads of departments, including the General Land-office," &c. Motion carried.

"A Bill to legitamateize certain children therein named."—Read a second time; and,

On motion of Mr. Parker, of Nacogdoches, referred to the Committee on the State of the Republic.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed a bill to be entitled "An Act to provide for an extra term of the District Court for the county of Harris;" also,

"A Joint Resolution, transferring a certain appropriation therein named."

A bill, to be entitled "An Act to provide the manner by which non-resident married women may convey their property situated in this country." Read a second time, with the amendments; and,

On motion of Mr. Lawrence, re-committed to a select committee. Messrs. Lawrence, Rugeley, and Williamson, were appointed said committee.

A bill, to be entitled "An Act to fix the currency in which fines and forfeitures shall be recovered." Read second time, with the amendments, and the amendments adopted, and the bill ordered to be engrossed.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, informing the Senate, that the House had appointed Messrs. Cazneau, Darnell, and Hogg, a select committee, to act in conjunction with a like committee on the part of the Senate, for the revision of the joint rules of both houses.

A bill, to be entitled "An Act to repeal all laws, now in force, authorizing the President to form colonization contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with;" and,

On motion of Mr. Greer, the same was re-committed to the Committee on the Judiciary.

A bill, to be entitled "An Act to authorize administrators, executors, or guardians, to purchase property for the collection of debts, in certain cases." Read a second time, and,

On motion of Mr. Williamson, referred to the Committee on the Judiciary.

On motion of Mr. Lawrence, a bill, to be entitled "An Act to provide for an extra session of the District Court for the county of Harris," was taken up, and read a first time.

Mr. Williamson presented the account of Joseph P. Lynch, and, on motion, the same was referred to the Committee on Claims and Accounts.

On motion of Mr. Parker, of Nacogdoches, the communication from His Excellency, the President, was read, and,

On motion of Mr. Jack, the same was referred to a select committee. Messrs. Jack, Williamson and Lawrence, were appointed said committee.

Mr. Jack offered the following resolution :

Resolved, That His Excellency, the President, be requested to furnish to the Senate, a minute statement of the disposition which has been made of the nine thousand dollars, (being a part of the twenty thousand dollar appropriation, for the protection of the frontier for the year 1842,) which, by the report of the Secretary of the Treasury to the preceding Senate, appears to have been drawn by His Excellency, on the 20th of December, 1842, to pay outstanding liabilities for Indian purposes, supplies furnished, &c.

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

Mr. Parker, of Nacogdoches, by leave, introduced a bill, to be entitled "An Act for the relief of G. W. Miller." Read first time.

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

THREE O'CLOCK P. M.

Senate met—roll called—quorum present.

On motion of Mr. Jack, the resolution requesting the President to furnish the Senate with a statement of the disposition

made of the \$9,000, &c., being part of the \$20,000 appropriation for the protection of the frontier for the year 1842, &c., was taken up, and adopted.

A bill, transferring a certain appropriation therein named, was taken up, read a first time, and,

On motion of Mr. Kaufman, rule suspended, read second time, and referred to the Committee on Finance, with instructions to report in the morning.

Mr. Rugeley, by leave, introduced a bill, to be entitled "An Act requiring all persons to record their titles, within a given time." Read a first time.

Mr. Smith, from the Committee on Public Lands, made the following report :

COMMITTEE-ROOM, 21st Dec., 1843.

"To the President of the Senate:

"The Committee on Public Lands, to whom was referred a joint resolution for the relief of the heirs of Nathaniel M. Kerr and Joseph Kerr, deceased, have had the same under consideration, and instructed me to report—that the committee are informed, that letters of administration have been extended on the estates of the deceased persons referred to in the resolution; and that the head-right claims, as therein alluded to, have been proven up, and received by the administrator; wherefore, the resolution is reported back to the Senate, and it is recommended that the same be indefinitely postponed.

"JOHN W. SMITH, Chairman."

Report adopted.

Mr. Smith, from the Committee on Public Lands, also made the following report :

COMMITTEE-ROOM, 21st Dec., 1843.

"To the President of the Senate:

"The Committee on Public Lands, to whom was referred a petition from sundry citizens who have settled at or near the Three Forks of the Trinity River, have had the same under consideration, and instructed me to report—that the claims of the petitioners, as embraced in their petition, are similar to

that of hundreds of the citizens of this Republic, and, therefore, recommend that the same be indefinitely postponed.

"JOHN W. SMITH, Chairman."

Report adopted.

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

FRIDAY, December 22d, 1843. }

10 o'clock. A. M. }

Senate met—roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Lawrence, Parker of Fort Bend, Pattillo, Rugeley, Shaw, Smith, Webb and Williamson—quorum present—prayer by the Chaplain—the journals of the preceding day were read and adopted.

The Committee on Engrossed and Enrolled bills, through Mr. Pattillo their Chairman, reported, that they had examined a bill to be entitled: "An act to fix the currency in which fines and forfeitures shall be recovered," also, a bill to be entitled: "An act to change the times of holding the Courts in the first judicial District," and find the same correctly engrossed.

Mr. Greer, Chairman of the Committee on Finance, to which was referred a bill, to be entitled: "An act transferring a certain appropriation therein named," reported the same back to the Senate for its action.

Mr. Jack, Chairman of the Committee on the Judiciary, to which was referred a bill, to be entitled: "An act to authorize administrators, executors or guardians to purchase property for the collection of debts in certain cases," reported the same back to the Senate, with the following amendments, to wit:

After the word "offering" in 6th line from bottom, insert the following: "Provided that no bid shall have been made by any other person sufficiently high to make a sale under the former existing laws," and recommend its passage.

Mr. Rugeley, Chairman of the Committee on the State of the Republic, to which was referred a bill, to be entitled: "An act to legitimize certain children therein named," reported the same without amendment, and recommend its passage.

Mr. Jack, offered the following resolution, to wit:

"Resolved, That a select Committee be appointed to inquire

what number of Officers may be dispensed with in the various Departments, without prejudice to the public service, and what amount of money may be saved to the Nation by a reduction of the number of officers, and the said committee report by Bill or otherwise." Resolution adopted, and

Messrs. Jack, Greer and Smith appointed said committee.

Mr. Smith, by leave, introduced a bill to be entitled: "An act to reorganize the District Courts in the fourth judicial District." Read a first time.

Mr. Greer, by leave, introduced a bill, to be entitled: "An act making appropriations for the support of the Government, the year one thousand eight hundred and forty four."

Mr. Smith, Chairman of the Committee on Public Lands; to which was referred the memorial of sundry citizens of Harrison County, reported the same back to the Senate, accompanied by a joint Resolution for the relief of Thomas Bristow, and recommend its passage.

On motion of Mr. Parker of Nacogdoches, the Senate proceeded to the

ORDERS OF THE DAY.

A Bill to be entitled: "An act to legitimize certain children therein named," read a second time and passed to its third reading.

A joint resolution transferring a certain appropriation therein named," read second time and on motion of Mr. Jack, rule suspended, and read a third time and passed.

The ayes and noes being called for on the final passage of the Bill, stood thus:

Ayes, Messrs. Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Shaw, Smith, Webb and Williamson—8.

Noes, Messrs. Greer, Jack, Hunter, Parker of Fort Bend and Pattillo—5.

A Bill to be entitled. "An act to provide for an extra term of the District Court in the County of Harris"—read a second time, and

On motion of Mr. Lawrence, referred to a select committee.

Messrs. Lawrence, Williamson and Rugeley were appointed said committee.

A Bill to fix the currency in which fines and forfeitures shall be recovered"—read a third time, and

On motion of Mr. Jack, recommitted to the Committee on the Judiciary.

A Bill to be entitled: "An act to change the times of holding the Courts in the first judicial District"—read a third time and passed.

A message was received from his Excellency the President, through his private Secretary W. D. Miller, containing two several communications, one of which was marked "Secret."

A Bill to be entitled: "An act to authorize administrators, executors or guardians to purchase property for the payment of debts in certain cases," with the amendments as reported by the committee—read and adopted, and the bill ordered to be engrossed.

A Bill to be entitled: "An act for the relief of G. W. Miller,"

On motion of Mr. Parker, of Nacogdoches, read by its caption and referred to the Committee on Public Lands.

A Bill to be entitled: "An act requiring all persons to record their titles within a given time"—read a second time, and

On motion of Mr. Rugeley, referred to the Committee on the Judiciary.

A joint resolution for the relief of Thomas Bristow—read a first time.

Mr. Jack, moved the reference of the open communication from His Excellency, to the Committee on Foreign Relations, motion carried.

On motion of Mr. Greer, the Senate went into secret session
The doors being opened—

On motion of Mr. Rugeley, the Senate adjourned until tomorrow morning 10 o'clock.

SATURDAY, December, 23d, 1843. }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Kaufman, Lawrence, Parker, of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, Webb and Williamson—quorum present.

Prayer by the Chaplain, the journals of the preceding day were read and adopted.

The Committee on Engrossed and Enrolled bills, through Mr. Pattillo, their Chairman, reported, that they had examined a Bill to be entitled: "An act to authorize administrators, executors or guardians, to purchase property for the collection of debts in certain cases," and find the same correctly engrossed.

Mr. Parker, of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred the account of

Joseph P. Lynch, reported the same back to the Senate, and recommend that it be referred to the Judiciary Committee.

The Judiciary Committee, through Mr. Jack, their Chairman, to which was referred a bill, to be entitled: "An act to repeal all laws now in force, authorizing the President to form Colonization Contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with," reported the same back to the Senate, with the following amendments, to wit: "add—

Sec. 5. Be it further enacted, that it shall be the duty of the President, whenever he ascertains that any of the Colonization Contracts heretofore made have been forfeited by a failure to comply with all their provisions on the part of the Contractors, to issue his Proclamation to that effect immediately—change words "Sec. 5" to "Sec. 6."—also

A Bill to be entitled: "An act to fix the currency, in which fines and forfeitures shall be recovered" with the following amendments, to wit: add to Sec. 1st. "any law to the contrary notwithstanding, and that this act shall take effect from and after its passage," strike out "Sec. 2nd" and recommend their passage.

Mr. Lawrence, Chairman of the Select Committee, to which was referred a Bill, to be entitled: "An act to provide for an Extra term of the District Court for the County of Harris," reported the same back to the Senate, with the following amendment, and recommend its passage, to wit: "Strike out the word "second" where it occurs, and insert the word "third."

Mr. Jack, offered the following resolution, to wit:

Resolved, that His Excellency the President, be requested to lay before the Senate, copies of any correspondence between this Government and Her Britannic majesty's representative near this Government, touching the Armistice between Texas and Mexico, also, copies of any correspondence between this Government and Mexico, or any of the officers of the same, and also, copies of the instructions which were given to Messrs. Williams and Hockley, Commissioners on the part of our Government to Mexico, adopted.

Mr. Pattillo, offered the following resolution, to wit:

Resolved, that the Commissioner of the General Land Office, be required to furnish to the Senate, a copy of the annual report of the General Land Office, for the year eighteen hundred and forty three," adopted.

On motion of Mr. Kaufman, the Senate proceeded to the

ODDERS OF THE DAY.

A Bill to be entitled: "An act authorizing administrators, executors or guardians to purchase property for the collection of debts in certain cases," read a third time and passed.

A bill to be entitled: "An act to legitamatize certain children therein named," read a third time and passed.

A Bill to be entitled: "An act making an appropriation for the support of the Government, for the year one thousand eight hundred and forty-four." Read a second time, and

On motion of Mr. Jack, referred to the Committee on Finance.

A Bill to be entitled: "An act reorganzing the fourth judicial District," read a second time, and

On motion of Mr. Smith, referred to a select Committee.

Messrs. Smith, Webb and Hunter, were appointed said Committee.

A joint Resolution for the relief of Thomas Bristow," read a second time, and

On motion of Mr. Greer, ordered to be engrossed.

A Bill to be entitled: "An act to fix the currency, in which fines and forfeitures shall be recovered," read a second time as amended.

Mr. Parker, of Nacogdoches, proposed the following amendment, to wit: insert after "gold or silver" wherever it occurs "or exchequer bills." Amendment rejected and bill ordered to be reengrossed.

A Bill to be entitled: "An act to provide for an Extra term of the District Court for the County of Harris," read a second time as amended, and passed to its third reading.

A Bill to be entitled: "An act to repeal all laws now in force authorizing the President to form Colonization Contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with," read a second time, as amended, and ordered to be engrossed.

Mr. Shaw, offered the following resolution, to wit:

"*Resolved*, by the Senate, that His Excellency the President be respectfully requested, to lay before this body, in such form and manner as he may see proper to adopt, so much of the correspondence, had with Great Britain and the United States, with this Government, since the adjournment of last Congress, as he, in his judgment, may deem advisable for the future interest and prosperity of this Republic," adopted.

Mr. Jack, moved that the Secretary be instructed to contract

for 15 copies of the National Vindicator, weekly, for the use of the Senate.

Mr. Williamson, moved to amend by inserting twenty-five copies.

Mr. Jack, withdrew his motion, and

On motion of Mr. Kaufman, the Secretary was instructed to procure thirty copies weekly, for the use of the Senate.

A message from His Excellency the President, through his private Secretary W. D. Miller, was read on motion of Mr. Jack, and laid on the table.

On motion of Mr. Greer, the Senate adjourned until 3 o'clock, on Tuesday next, P. M.

TUESDAY, December 26th, 1843. }
3 o'clock P. M. }

Senate met—in the absence of the President, Mr. Jack called the same to order.

The roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Hunter, Kaufman, Parker of Nacogdoches, Pattillo, Shaw, Smith and Williamson.

No quorum—the Sergeant-at-Arms was despatched after absent members—returned, and a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

The Senate then proceeded to the election of a President *pro tempore*.

Mr. Parker, of Nacogdoches, nominated Mr. Greer,

There being no other nomination, Mr. Greer was declared duly and constitutionally elected President of the Senate, *pro tempore*.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit:

A bill, to be entitled "An Act for the relief of Thomas S. Doss."

A bill, to be entitled "An Act, supplementary to an act entitled 'An Act creating the county of Rusk.'"

A bill, to be entitled "An Act supplementary to 'An Act to designate the southern boundary of Lamar county, and for other purposes,' approved December 26th, 1842."

A bill, to be entitled "An Act requiring the Executive and Heads of Departments to return to the Seat of Government."

"A joint resolution, granting the Hon. Richard Morris, Judge of the first Judicial District, leave of absence, until the 1st Monday in March next;" upon which resolution, the House had suspended all rules, and request a similar suspension on the part of the Senate.

Mr. Jack moved that the Senate take up said joint Resolution. Carried—read a first time.

On motion of Mr. Jack, rule suspended, read a second time, bill passed to its third reading; and, on motion, the rule was further suspended, bill read a third time, and passed.

On motion of Mr. Webb, the Senate adjourned until Thursday evening, 3 o'clock.

THURSDAY, Dec, 28th, 1843,)
3 o'clock P. M.)

Senate met;—the roll of members being called, the following gentlemen answered to their names, to wit:

Messrs. Greer, Jack, Hunter, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Smith, Webb and Williamson—quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Smith, chairman of the Select Committee, to which was referred a bill, to be entitled "An Act to re-organize the District Courts in the fourth Judicial District," reported a substitute for the same, to be entitled "An Act to re-organize the District Courts in the fourth Judicial District," and recommend its passage.

Mr. Pattillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the committee had examined a bill to be entitled "An Act to fix the currency in which fines and forfeitures shall be recovered;" also, a bill, to be entitled "An Act to repeal all laws, now in force, authorizing the President to form colonization contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with; also "A Joint Resolution for the relief of Thomas Bristow," and find the same correctly engrossed.

Mr. Webb, by leave, introduced a bill, to be entitled "An Act to revive, in part, the duties on imposts, imposed by an act entitled 'An Act altering the several acts to raise a public revenue by impost duties,' approved 5th February, 1840."—Read a first time, and,

On motion of Mr. Webb, rule suspended, and read a second time,

On further motion of Mr. Webb, rule further suspended, and read a third time, and passed.

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

Ayes—Messrs. Greer, Jack, Hunter, Kaufman, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—10.

Noes—Messrs. Parker of Fort Bend, and Williamson—2.

Mr. Jack, by leave, introduced a bill, to be entitled "An Act to prevent the retailing of spirituous liquors in quantities less than a quart." Read a first time.

Mr. Parker, of Fort Bend, moved a suspension of the rule.

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

Ayes—Messrs. Parker of Fort Bend, Rugeley, Shaw and Williamson—4.

Noes—Messrs. Greer, Jack, Hunter, Kaufman, Parker of Nacogdoches, Pattillo, Smith and Webb—8.

The motion was lost.

Mr. Kaufman offered the following resolution, to wit: .

"Resolved, by the Senate, That, with the consent of the House of Representatives, the two Houses of Congress adjourn *sine die*, on Monday the twenty-second day of January next."

Mr. Jack offered to amend, by inserting "fifteenth" instead of "twenty-second." Amendment accepted.

Mr. Williamson moved the Resolution lie on the table.—Motion lost, and,

On motion of Mr. Greer, the same was laid on the table until to-morrow.

Mr. Williamson, by leave, introduced a bill to be entitled "An Act declaratory of the several acts in relation to the Seat of Government of the Republic of Texas, from the organization of the Consultation in 1835, to the present period, and to provide for the permanent location of the same, at the town of Washington."

Read a first time.

Mr. Jack, by leave, introduced a bill, to be entitled "An Act to regulate the tonnage on steam packets."

Read a first time.

The Senate then proceeded to the

ORDERS OF THE DAY.

A bill to be entitled "An Act to repeal all laws, now in force, authorizing the President to form colonization contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with."

Read a third time, and passed.

"A joint resolution for the relief of Thomas Bristow."

Read a third time, and passed.

A bill, to be entitled "An Act to fix the currency in which fines and forfeitures shall be recovered." Read a third time.

The ayes and noes upon the final passage of the bill being called for, stood thus:

Ayes—Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—10.

Noes—Messrs. Parker, of Fort Bend, and Williamson—2.

"An Act for the relief of Parker S. Doss." Read a first time.

"An Act, supplementary to an act, entitled 'An Act creating the county of Rusk.'" Read a first time.

"An Act, supplementary to an act, entitled 'An Act to designate the southern boundary of Lamar County, and for other purposes,' approved December 26th, 1842."

Read a first time.

"An Act to provide for an extra term of the District Court for Harris County."

Read a third time, and passed.

A bill, to be entitled "An Act requiring the Executive and Heads of Departments to return to the Seat of Government."

Read 1st time.

Mr. Greer moved its rejection.

The ayes and noes, upon the rejection of the bill, being called for, stood thus:

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Webb and Williamson—8.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw and Smith—5.

Motion carried.

Mr. Webb gave notice, that he should move for a reconsideration of this vote to-morrow.

Mr. Greer now moved its re-consideration.

Mr. Jack moved that the motion of Mr. Greer lay on the table.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Williamson and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Smith—7.

Motion lost.

The ayes and noes, on Mr. Greer's motion to re-consider, being called for, stood thus :

Ayes—Messrs. Hunter, Rugeley, Webb—3.

Noes—Messrs. Greer, Jack, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw, Smith and Williamson—10.

Motion lost.

A bill, to be entitled "An Act to fix the place for the sessions of the Supreme Court."

Read a second time.

Mr. Williamson moved that it lay on the table, until to-morrow, ten o'clock.

Motion lost.

On motion of Mr. Jack, the bill was ordered to be engrossed.

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

Ayes—Messrs. Jack, Hunter, Kaufman, Lawrence, Rugeley, Smith and Webb—7.

Noes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw and Williamson—6.

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

FRIDAY, December 29th, 1843, }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to-wit: Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Smith, Parker of Fort Bend, Shaw, and Webb—a quorum present.

The journals of the preceeding day were read and adopted.

Mr. Shaw presented the petition of Calvin Boals, David Dawson and Ethan Melton, and on motion, the same, with accom-

panying documents was referred to the Committee on Claims Accounts

Mr. Greer presented the memorial of James Power, and on motion, the same was referred, with the accompanying documents, to the Committee on Privileges and Elections.

Mr. Pattillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the committee had examined a bill to be entitled "an act to fix the place for the sessions of the Supreme Court," and find the same correctly engrossed.

Mr. Webb, from the Committee on Privileges and Elections, to which was referred the memorial of Jesse Grimes, made the following report, to-wit:

The majority of the Committee on Privileges and Elections, to which was referred the petition of the Hon. Jesse Grimes, claiming to be the Senator elect for the District composed of the counties of Washington, Montgomery and Brazos, have had the subject, embraced in that petition under consideration, and

Report, that from the returns *legally* made from the different precincts to the returning officers of the district, it appears that the Hon. R. M. Williamson received 76 votes, the Hon. Jesse Grimes 27 votes, and the Hon. G. W. Barnet 20 votes; from which it results (should these returns be taken as conclusive of the election) that Mr. Williamson was duly elected, and is therefore entitled to the seat which he now holds in this body.— These returns, however, do not present any thing like a true statement of the vote which was given at the late Senatorial election in this district. The evidence shows that the votes which were taken at a number of the precincts in the county of Washington were rejected on account of objections to the returns, which, in most of the cases, the committee regards as merely technical; but as the rejection of these votes did not affect the result, the committee would not have regarded it as important in this contest, had the election been confined solely to the county of Washington; but as such was not the fact, it becomes necessary to consider these votes, at least so far as to ascertain the will of the voters in that county, in respect to the different candidates before them, and regarding them for this purpose, it is shewn that Mr. Williamson received 231 votes, Mr. Barnet received 190 votes and Mr. Grimes received 78 votes.

From a document laid before the committee, purporting to be a statement of the votes polled at the several precincts in the county of Montgomery, and which is certified to as being true by the Chief Justice of that county, it appears that Mr. Grimes received 408 votes, Mr. Barnet received 213 votes, and Mr. Wil-

Williamson received 185 votes in that county. This document it appears was forwarded from Montgomery county to the town of Washington by mail, and was not received by the Chief Justice of Washington county, (who is made by law the returning officer for the district) until after he had decided the election upon the legal returns received in favor of Mr. Williamson, and had given him a certificate to that effect. It is true, that before the decision was made and the certificate was given to Mr. Williamson, and indeed before the time for making the returns had expired, the Chief Justice of Washington county, was informed that a package was in the Post Office at the town of Washington, directed to him, and which was supposed to contain the returns of the election from the county of Montgomery, but as the law prescribes a different mode of making the returns, the Chief Justice would not receive the package through the medium by which it was attempted to be conveyed, and consequently these votes were not received or taken into consideration in making his decision. In refusing to take this package from the Post Office, or to count votes conveyed to him through such a medium, the committee are of opinion that the Chief Justice of Washington acted strictly in accordance with the law, and was bound to pursue the course in reference to them which he adopted; but still these votes were cast by the free citizens of the district, legally entitled to vote for the candidate of their choice in this election, and if they be rejected for causes over which they had no control, while others are counted, simply because the officers of the law were more particular and strict in the discharge of their duties, it might result in a defeat of the expressed will of a majority of the people of the district, in a case, in which, according to the genius and spirit of our Government, the will of that majority should govern. If the rejected votes from Montgomery be added to the rejected and received votes from Washington, it will be found that Mr. Grimes has received 486 votes, Mr. Williamson 416 votes, and Mr. Barnett 403 votes, and if no other votes had been cast in the district, it would have changed the result, and Mr. Grimes instead of Mr. Williamson would have been entitled to the seat. But there were other votes given in this election, by persons as much entitled to vote, and to be represented by the candidate of their choice, as were the people of Washington and Montgomery. From information received by the committee, it appears, that in the county of Brazos, Mr. Barnett received 56 votes, Mr. Williamson received 26 votes, and Mr. Grimes received 10 votes. These votes never were returned to the Chief Justice of Wash-

ington county, so far as the committee are informed, but still they were legally cast at the polls, as is shown by the fact, that the Representative from that county in the other branch of the Legislature, has taken his seat in virtue of these same votes. The fault therefore, which prevented these votes from exercising their influence in the election, cannot be attributed to the people whose rights are involved in the question, but are solely attributable to the officers of the law, whose actions the people could not control.

There was another list of votes cast in this election, which were also rejected by the Chief Justice of Washington, for the reason that the return of them was illegal and informal. These were votes taken in a portion of country which now forms a part of the county of Milan, but which it is contended under the Constitution still forms a part of the Senatorial District of Washington. The committee do not give an opinion upon the question, whether or not the voters in this section of country, do legitimately appertain, at this time, to the district in which this contest has arisen; as it is one which was not made by the returning officer of the district, nor by either of the parties to the contest; and if these votes are counted together with the votes cast in the county of Brazos, and are added to the votes cast in the counties of Washington and Montgomery, it will be seen that Mr. Williamson has received 513 votes, Mr. Grimes 506 votes, and Mr. Barnet 461 votes.

It is alledged however, that there were two precincts in the county of Montgomery, at which elections were held, but from which, no returns were made, either to the Chief Justice of that county, or to the Chief Justice of Washington; and that if the votes cast at these precincts had been returned, it would have changed the result so as to have given to Mr. Grimes a larger number of votes in the district than was given to either of his competitors; but of the truth of this matter, the committee have no evidence or information upon which it can rely. It is not known, except from rumor, that elections were held in these precincts; and even rumor itself does not go so far as to shew, what was the result of those elections, if they were held. Mr. Grimes is of the opinion, from information communicated to him, that he received the largest vote at them; while others state, that Mr. Barnet got the largest vote, and others still, give it in favor of Mr. Williamson. In this state of uncertainty, the committee are somewhat at a loss to know what report to make

as to the positive number of votes received by each of the candidates. Of one thing, however, it is certain, that the certificate was given to Mr. Williamson upon scarcely a tythe of the entire vote polled in the district; and if certificates, given under such circumstances, are to control the elections and voice of the country, then the boasted right of suffrage, and the principle that majorities shall govern, are destitute of meaning, and should be discarded from the form and system of our Government.

The committee do not pretend to say that Mr. Williamson is not legally entitled to the seat which he at present occupies.— That is a question which they leave for the decision of the Senate, upon the facts which are here collated and presented, and in order that that question may fairly come up, they submit the accompanying resolution, for its consideration and action.

In concluding this report, the majority of the committee cannot avoid expressing their regret, that their chairman dissents from them as to the time of making it; and especially, as they know that he agrees with them as to the truth of the statement of facts here presented, and have reason to believe that he concurs with them in the conclusions at which they have arrived from that statement of facts. The majority of the committee have waited patiently upon their chairmen in reference to this matter, until nearly one half of the session has passed by: and were they to permit the subject longer to slumber, they believe they would be doing injustice to the country, and a wrong to the Senate, as well as to the feelings and rights of the individuals engaged in the contest. If Mr. Williamson be entitled to the seat which he now occupies, it is time that he should be assured of it; and if he be not entitled to it, it is time that the people of the district which he now represents should be advised of the fact, in order that they may be here represented by one in whom they are disposed to confide.

The majority of the committee have felt the force and delicacy of the argument, urged by their chairman, for delay in this matter, and to that argument, they have already yielded much. That Mr. Grimes was permitted by the chairman to be absent for five days, was a sufficient reason with them to abstain from urging action upon this subject until the expiration of that period, notwithstanding their assent was neither sought nor given for such absence: but as eight days, or more, have passed by since that permission was given, and Mr. Grimes has not yet re-

turned, the majority of the committee cannot feel themselves authorized longer to procrastinate the action of the Senate upon the question presented to them; they therefore offer the following resolution for the consideration of the Senate.

JACK,
J. WEBB.

Resolved, that inasmuch as a large majority of the votes cast in the Senatorial District of Washington, for a Senator to represent said district in the present Congress, were not returned according to law, the said district is now unrepresented in the Senate, and that the seat at present occupied by the Hon. Robert M. Williamson, be, and the same is hereby declared vacant, and that the President of the Republic be requested to cause the necessary writs of election to be issued, to fill said vacancy.

On motion of Mr. Greer, the same was laid upon the table until Monday next.

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

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw—7.

Noes—Messrs. Jack, Hunter, Rugeley, Smith, and Webb—5.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, informing the Senate that the House had passed the following bills, to-wit:

A bill to be entitled: "An Act to authorize the holding of the District Court in three places in Liberty county, and for other purposes."

A bill for the relief Wm. M. Eastland and others.

A bill to be entitled "An Act for the relief of the counties of Bexar, Gonzales, and Victoria."

A bill to enforce the collection of costs in the Supreme Court of the Republic of Texas," upon which bills they respectfully request the concurrence of the Honorable Senate.

Mr. Jack, offered the following resolution, to wit:

Resolved, that His Excellency, the President be respectfully requested to lay before the Senate all information which he may deem proper to be communicated in relation to the expedition lately under the command of Jacob Snively; also, what was the object of said expedition, and also such evidence, if any be in his possession, which will shew that the persons engaged in the enterprize were within the territorial limits of this Republic at the time of their capture; and also, such evidence as he may possess relative to the conduct of the captives, both before and after the surrender; and as to the manner in which the prisoners were treated."

Mr. Williamson moved that said resolution lay on the table—
motion lost. And,

On motion of Mr. Jack, the resolution was adopted.

Mr. Rugeley, offered the following resolution, to wit :

“Resolved, that the President be requested to furnish the Senate with the instructions given the Commissioners for the sale of the Navy, under the act of the secret session of the seventh Congress, also, with such other correspondence as was had with said Commissioners and officers in command of the Navy—what action has been had touching the sale of the Navy, also an estimate of the amount necessary to preserve the Navy in port, what number of men will be required, and the pay of each, together with such information as he may think necessary to enable Congress to take some action on the subject: also, what amount has been paid to the Commissioners for their services”—adopted.

Mr. Kaufman, by leave, introduced a bill to be entitled “An Act for the benefit of settlers in good faith, and to amend An Act to provide the mode of trying titles to lands, approved Feb. 5th, 1840. Read a first time.

Mr. Parker, of Nacogdoches, by leave, introduced a Joint Resolution proposing amendments to the Constitution, providing that Congress shall meet every second year only, also that the President shall hold his office for four years, also that Senators shall hold their office for four years. Read first time.

Mr. Jack moved a reconsideration of the vote taken on yesterday, which refused to reconsider a vote rejecting a bill to be entitled “An Act requiring the Executive and Heads of Departments to return to the Seat of Government.”

Mr. Jack moved that the motion just made by him to reconsider, be laid upon the table until Monday next.

A call of the House being made, the following gentlemen answered to their names, to-wit: Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, Webb, and Williamson.

The Ayes and Noes being called for upon the latter motion of Mr. Jack, stood thus:

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith, Webb, and Williamson—7.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6. So the motion carried.

Mr. Webb moved to reconsider the vote taken on yesterday, which rejected the bill to be entitled “An Act requiring the

Executive and Heads of Departments to return to the Seat of Government."

Mr. Jack moved that the motion of Mr. Webb lay upon the table until Monday next—motion lost.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith, and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Williamson—7.

The ayes and noes upon the motion of Mr. Webb being called for, stood thus :

Ayes—Messrs. Hunter, Rugeley, Shaw, Smith, and Webb—5.

Noes—Messrs. Greer, Jack, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Williamson—8.

So the motion was lost.

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

3 O'CLOCK, P. M.

Senate met—roll called—a quorum present,

Mr. Greer, chairman on the part of the Senate of a Joint Committee from the two Houses of Congress, to adopt joint rules for the government of the two Houses, reported the same and recommend their adoption.

Report adopted.

The Committee on the Judiciary, to which was referred a bill to be entitled "An Act to provide for making certain documents evidence in Courts of Justice, and for other purposes," through Mr. Jack, their chairman, reported the same back to the Senate with the following amendments, to wit: "strike out Sec. 2nd." To Sec. 4. add "provided that in all suits contemplated by the provisions of this section, final judgment shall not be had until the second term after such publication, unless the party defendant sooner enter an appearance; and further provided, that notice may be served on such non-residents for taking depositions, by fixing the same on the Court House door, where the suit is instituted or tried, twenty days before issuing the commission for taking the same."

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed "A Joint Resolution for the relief of Edward Dwyer," also that they concurred in the amendments of the Senate to a bill to be entitled "An Act to provide for an extra term of the District Court for Harris county."

Mr. Kaufinan, by leave, introduced a bill, to be entitled "An Act for the relief of James Truett and Andrew J. Truett, in relation to their headright certificates. Read a first time, and

On motion of Mr. Kaufman, rule suspended, read a second time and referred to the Committee on Public Lands.

The Senate then proceeded to the

ORDERS OF THE DAY.

A Bill to be entitled An Act to fix the place for the sessions of the Supreme Court. Read a third time.

Mr. Williamson moved its indefinite postponement.

The ayes and noes being called for on Mr. Williamson's motion, stood thus:

Ayes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw and Williamson—6.

Noes—Messrs. Jack, Hunter, Kaufinan, Rugeley, Smith and Webb—6.

There being a tie, the President gave the casting vote in the negative.

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

A Bill to be entitled "An Act for the relief of Parker S. Doss. Read a second time, and

On motion of Mr. Kaufman, referred to the Committee on Public Lands.

A Bill to be entitled "An Act supplementary to An Act entitled An Act creating the county of Rusk." Read a second time, and on motion of Mr. Parker of Nacogdoches, passed to its third reading.

A Bill to be entitled "An Act supplementary to An Act to designate the southern boundary of Lamar county, and for other purposes," approved Dec. 26th, 1842. Read a second time and on motion of Mr. Kaufinan, passed to its third reading.

A Bill to be entitled "An Act for the relief of the counties of Bexar, Gonzales, and Victoria." Read a first time.

A Bill to be entitled "An Act for the relief of William M. Eastland and others." Read a first time.

A Bill to authorize the holding of the District Court at three places in Liberty county. Read a first time.

The resolution fixing the fifteenth day of January next, as the day for both Houses of Congress to adjourn *sine die*, was taken up. The amendment as offered on yesterday was withdrawn, and the resolution in its original shape was adopted.

A Bill "to regulate the tonnage on steam packets." Read a

second time, and on motion of Mr. Jack, referred to the Committee on Finance.

A Bill to be entitled "An Act to enforce the collection of costs in the Supreme Court of the Republic of Texas." Read a first time.

A Bill to prevent the retailing of spirituous liquors in quantities less than a quart." Read a second time, and

On motion of Mr. Jack, referred to the Committee on the Judiciary.

A Bill to re-organize the District Courts in the fourth Judicial Districts, The substitute recommended by the committee on yesterday was adopted, and ordered to be engrossed.

A Bill to be entitled "An Act declaratory of the several acts in relation to the Seat of Government of the Republic of Texas, from the organization of the Consultation in 1835 to the present period, and to provide for the permanent location of the Seat of Government at the town of Washington." Read 2nd time. Mr. Williamson moved its engrossment—motion lost.

The report of the Committee, to which was referred the claim of Joseph P. Lynch, was taken up and adopted.

The President of the Senate announced that the Senate were in possession of the annual report of the Commissioner of the General Land Office, and

On motion of Mr. Hunter, the same was referred to the Committee on Public Lands.

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

The doors being opened, the Senate continued the orders of the day.

A Bill to be entitled "An Act to provide for making certain documents evidence in Courts of Justice," Read a second time, and the amendments recommended by the committee adopted, and on motion of Mr. Pattillo, the bill was laid on the table.

On motion of Mr. Parker of Nacogdoches, the Senate adjourned until 10 o'clock, to-morrow morning.

SATURDAY, December 30th, 1843. }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack,

Hunter, Parker of Nacogdoches, Shaw and Smith, there being no quorum, the Sergeant-at-arms was despatched after absent members—returned and a quorum present.

Prayer by the Chaplain.

The journals of the preceeding day were read and adopted.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill to be entitled: "An act to reorganize the District Courts in the fourth judicial District," and find the same correctly engrossed.

Mr. Smith, Chairman of the Committee on Public Lands, to which was referred, a bill to be entitled: "An act for the relief of James Truett and Andrew J. Truett, in relation to their Head-right certificates," reported the same back to the Senate without amendments, and recommend its passage.

Mr. Jack, Chairman of the Judiciary Committee, made the following report, to wit: "The Judiciary Committee to which was referred the memorial of Jonathan Ikin, with the accompanying documents, have instructed me to report, that in their opinion, the memorialist has shown nothing which is sufficient to justify Congress in granting the relief prayed for. But, as the matter is in some measure connected with foreign relations, we recommend that the memorial be referred to that committee.

(Signed,)

WM. H. JACK,
Chairman Com. Judiciary.

The Committee on Public Lands to which was referred a bill to be entitled. "An act for the relief of Parker S. Doss, through Mr. Smith, their Chairman, reported the same back to the Senate without amendment, and recommend its passage.

On motion of Mr. Williamson, Mr. Webb was added to the Committee on Military Affairs.

Mr. Greer, offered the following resolution, to wit:

"*Resolved*, that the secret message of the President, in relation to the Navy, made to the seventh Congress with the secret journals of the Senate and the Act, disposing of the navy, be spread upon the public journals, and that 500 copies be published," adopted.

Mr. Jack, offered the following resolution, to wit:

"*Resolved*, that His Excellency the President, be requested to lay before the Senate, copies of all the correspondence which may have taken place between this Government and that of his majesty the King of the French, relative to the "re-establishment of the friendly relations which had been broken off by

his predecessor, by making reparation for the treatment which the Charge d'Affairs of the King had received, not in strict accordance with the relations which should be maintained with friendly powers through their public ministers," which subject makes a part of His Excellency's annual message to Congress, adopted.

Mr. Jack, Chairman of the Committee on the Judiciary to which was referred a bill, to be entitled: "An act to relinquish all the title of the Government to two lots in the town of Quintana," reported the same back to the Senate.

On motion of Mr. Kaufman, a Bill to be entitled: "An act for the relief of James Truett and Andrew J. Truett, in relation to their Headright certificates," was taken up, read a second time and passed to its third reading—rule suspended, read a third time and passed.

The Senate then proceeded to the

ORDERS OF THE DAY.

An act to re-organize the District Courts in the fourth Judicial District," read third time and passed.

A joint Resolution proposing amendments to the Constitution, providing that Congress shall meet every second year only—also, that the President shall hold his office four years—also, that Senators shall hold their office four years, read a second time, on motion of Mr. Parker, of Nacogdoches, by its caption and referred to the Judiciary Committee.

A Bill to be entitled: "An act for the relief of William M. Eastland and others," read a second time.

Mr. Jack, moved its reference to the Committee on Finance, motion lost, and

On motion of Mr. Parker, of Nacogdoches, referred to the Committee on the Judiciary.

A Bill to be entitled: "An act supplementary to an act, entitled an act creating the County of Rusk," read a third time and passed.

A Bill to be entitled: "An act for the relief of the Counties of Bexar, Gonzales and Victoria," read second time

On motion of Mr. Smith, and referred to the Committee on Finance.

A Bill to be entitled: "An act supplementary to an act to de-

signate the Southern boundary of Lamar County and for other purposes, approved Dec. 26th, 1842," read a third time and passed.

A Bill to be entitled: "An act for the relief of Parker S. Doss," read a second time and passed to its third reading.

A Bill to be entitled: "An act to enforce the collection of costs in the Supreme Court of the Republic of Texas," read a second time, and

On motion of Mr. Parker, of Nacogdoches, referred to the Judiciary Committee.

A joint resolution for the relief of Edward Dwyer," read a first time.

A Bill to be entitled: "An act authorizing the holding of the District Court in three places in Liberty County," read a second time.

Mr. Webb, moved its reference to the Committee on the State of the Republic.

A division of the vote being called for, and there being a tie, the President decided in the negative, and

On motion of Mr. Parker, of Fort Bend, the bill was referred to the Committee on the Judiciary.

A Bill to be entitled: "An act for the benefit of settlers in good faith, and to amend an act to provide the mode of trying titles to lands, approved Feb. 5, 1840," read a second time, and

On motion of Mr. Kaufman, referred to the Committee on the Judiciary.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported, that the Committee had examined a bill to be entitled: "An act for the relief of James Truett and Andrew J. Truett, in relation to their headright certificates, and find the same correctly engrossed."

A Bill to be entitled: "An act to relinquish the title of the Government to two lots in the town of Quintana," read a second time, and

On motion of Mr. Jack, laid on the table until Monday next.

Mr. Hunter moved an adjournment until Monday morning at 10 o'clock, A. M.

The ayes and noes being called for, stood thus;

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Williamson—6.

There being a tie, the President decided in the affirmative—so the Senate adjourned.

MONDAY, January 1st, 1844, }
 10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Parker of Nacogdoches, Rugeley, Shaw, Smith and Webb.

No quorum—the Sergeant-at-Arms was despatched after absent members—returned, and a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit:

A bill to be entitled “An Act to repeal and amend the existing laws in relation to proceedings in Courts of Probate;”

A bill, to be entitled “An Act to authorize Constables to act, in their official capacity, throughout their respective counties;”

A bill, to be entitled “An Act legalizing the records of Panola County, and constituting the same a part of the records of Harrison County;” in which they respectfully request the concurrence of the Honorable Senate.

Mr. Kaufman presented the petition of Elizabeth M. Park, praying a divorce; and, on motion, the same was referred to the Committee on the State of the Republic.

Mr. Parker, of Nacogdoches, presented the petition of the heirs of Robert W. Harris, praying relief, in relation to the head-right certificate of said Harris; and on motion, the same was referred to the Committee on Public Lands.

The Committee on the Judiciary, through Mr. Jack, their chairman, reported that they had had a bill to be entitled, “An Act to enforce the collection of costs in the Supreme Court of the Republic of Texas,” under consideration, and return the same without amendment, and recommend its passage; also,

A bill, to be entitled “An Act for the benefit of settlers in good faith,” and to amend “An Act to provide the mode of trying titles to lands,” approved February 5th, 1840.

Mr. Greer, chairman of the Committee on Finance, reported a bill, to be entitled “An Act to regulate the tonnage on steam packets,” with the following amendment, to wit:

After the word “collect,” insert “sixty cents per ton as,” and recommend its passage.

Mr. Jack, chairman of the Committee on the Judiciary, re-

ported a bill, to be entitled "An Act to prevent the retailing of spirituous liquors, in quantities less than a quart," with the following amendments:

"Add to fifth section---"and in case the body of the offending party cannot be arrested, and any property may have been seized, under the provisions of this section, the district court may, upon presentment or indictment, proceed to try the case in the same manner as if the offending party were present, and execution may issue to recover fine and costs, and recommend its passage.

Mr. Kaufman, by leave, introduced "An act for the settlement of estates."

Read 1st time.

Mr. Webb, by leave, introduced a bill, to be entitled "An act requiring the owners of lands in the counties of San Patricio, Goliad and Refugio, to cause their lines to be designated and marked."

Read 1st time.

Mr. Rugeley, by leave, introduced a bill, to be entitled "An act to incorporate the Colorado Navigation Company."

Read first time.

Mr. Jack, by leave, introduced a bill, to be entitled "An act to amend the charter of the Brazos Canal Company."

Read first time.

Mr. Williamson, by leave, introduced a bill, to be entitled "An act authorizing the President to cause all the public records, books, archives, and public stationery, of a moveable character, to be immediately transported from the city of Austin to the town of Washington, and for other purposes."

Read 1st time.

On motion of Mr. Webb, the report and resolution of the majority of the Committee on Privileges and Elections, in the contested election between Messrs. Grimes and Williamson, was taken up, and read.

Mr. Greer moved that the report lay on the table.

Carried.

Mr. Greer moved a call of the House.

Carried.

Mr. Parker, of Nacogdoches, moved that the resolution lay on the table, till 3 o'clock, p. m.

The ayes and noes being called for, stood thus:

Ayes—Messrs. Greer, Kaufman, Parker of F. B., Parker of Nacogdoches, and Pattillo---5.

Noes---Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb---6.

So the motion was lost.

Mr. Greer moved to take up the motion of Mr. Jack, made on Friday last, to re-consider the vote which refused to re-consider the vote taken upon Mr. Greer's motion, the day previous, to re-consider the vote rejecting the bill to be entitled "An act requiring the Executive and Heads of Departments to return to the Seat of Government."

The ayes and noes being called for, stood thus :

Ayes---Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Williamson --6.

Noes --Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb--6.

The Chair voting in the negative, the question was lost.

On motion of Mr. Jack, the Senate proceeded to the

ORDERS OF THE DAY.

"A Bill to enforce the collection of costs in the Supreme Court of the Republic of Texas."

Read second time, and,

On motion of Mr. Webb, passed to its third reading.

"Joint Resolution for the relief of Edward Dwyer."

Read a second time, and,

On motion of Mr. Kaufman, referred to the Committee on Finance.

"An act for the relief of Parker S. Doss."

Read a third time and passed.

A bill, to be entitled "An act to relinquish the title of the Government to two lots in the town of Quintana."

Read a second time, and,

On motion of Mr. Williamson, ordered to be engrossed.

A bill, to be entitled "An act to prevent the retailing of spirituous liquors in quantities less than a quart."

Read second time.

The report of the Judiciary Committee adopted.

On motion of Mr. Kaufman the sixth section of the bill, which was as follows: "Sec. 6. The informer or prosecutor, shall be entitled to receive one fourth of the amount of the fine; and he is, hereby, made a competent witness; but, in such case, he must be sustained by other satisfactory testimony," was stricken out.

Mr. Williamson moved its reference to the Committee on the State of the Republic. Lost.

On motion of Mr. Jack, the bill was ordered to be engrossed.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Kaufman, Parker of Nacogdoches, Rugeley, Shaw, Smith and Webb—8.

Noes—Messrs. Greer, Parker of Fort Bend, Pattillo and Williamson—4.

“A Bill to repeal and amend the existing laws, in relation to proceedings in courts of probate.”

Read first time.

“A Bill to regulate the tonnage on steam packets.”

Read second time, and, on motion of Mr. Jack, ordered to be engrossed.

“An act authorizing constables to act in their official capacities, throughout their respective counties.”

Read first time.

“An act legalizing the records of Panola county, and constituting the same a part of the records of Harrison county.”

Read first time.

A bill, to be entitled “An act for the relief of settlers in good faith,” and to amend “An act to provide the mode of trying titles to lands,” approved 5th February, 1840.”

Read 2d time, and, on motion of Mr. Webb, laid on the table until to-morrow.

On motion of Mr. Parker, of Fort Bend, the Senate adjourned until 3 o'clock, p. m.

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

Ayes—Messrs. Greer, Kaufman, Parker of F. B., Parker of Nacogdoches, Pattillo and Williamson—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

The V. P. voting in the affirmative.

THREE O'CLOCK P. M.

The Senate met—roll called, and quorum present, the president *pro tem.* in the chair.

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

TUESDAY, January 2d, 1844. }
 10 o'clock. A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit : Messrs. Hunter, Kaufman, Lawrence, Parker, of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, Webb and Williamson—a quorum present.

Prayer by the Chaplain.

The journals of the preceeding day were read and adopted.

A message was received from the Executive, through his private Secretary W. D. Miller, in answer to a resolution of the Senate, requesting copies of the correspondence had by this Government with his majesty the King of the French, in relation to the re-establishment of the friendly relations broken off by his predecessor, &c., alluded to in his Excellency's annual message, &c.

On motion of Mr. Parker of Fort Bend, the message was read :

Executive Department, }
 WASHINGTON, January 1st, 1844. }

To the Honorable the Senate :

In reply to a resolution of your Honorable body, requesting copies of all correspondence which may have taken place between this Government and that of his majesty the King of the French relative to the re-establishment of friendly relations between them, the Executive herewith transmits the copy of a letter addressed by the Department of State to M. de Saligny, Charge d'Affaires of France.

This is the only portion of the correspondence now within the possession of the Government.

SAM HOUSTON.

On motion of Mr. Williamson, the same was referred to the Committee on Foreign Relations.

Mr. Greer, presented the memorial of Anthony B. Shelby, praying relief, &c., and

On motion of Mr. Webb, the same was referred to the Committee on the Judiciary.

Mr. Kaufman, from a majority of the Judiciary Committee to

which was referred a Bill to be entitled: "An act to authorize the holding of the District Court in three places in Liberty County," reported the same back to the Senate without amendments, and recommend its passage.

Mr. Williamson, Chairman of the committee on military affairs, to which was referred the memorial of Samuel H. Walker, reported by a joint resolution for the relief of the said Walker, and recommend its passage.

Mr. Parker, of Nacogdoches, by leave, introduced a bill, to be entitled: "An act authorizing the taking of the census of the Republic," read a first time.

The Senate then proceeded to the

ORDERS OF THE DAY.

The report of a majority of the Committee on Privileges and Elections, to which was referred the memorial of Jesse Grimes.

On motion of Mr. Webb, the same was laid on the table.

A bill, to be entitled: "An act to legalize the records of Panola County, and constituting the same a part of the Records of Harrison County." Read a second time and passed to its third reading.

A bill to be entitled "An act to repeal an act to amend the existing laws, in relation to proceedings in Courts of Probate." Read a second time, and referred to the committee on the Judiciary.

A Bill to be entitled: "An act to authorize Constables to act in their official capacities throughout their respective Counties." Read a second time, and

On motion of Mr. Williamson, referred to the committee on the Judiciary.

A Bill to be entitled: "An act to enforce the collection of costs in the Supreme Court," read a third time and passed.

A Bill to be entitled. "An act requiring the owners of lands in the Counties of Goliad, San Patricio, and Refugio, to cause their lines to be designated and marked," read a second time, and—

On motion of Mr. Williamson, referred to the Committee on Public Lands."

A Bill to be entitled: "An act to incorporate the Colorado Navigation Company," read a second time.

Mr. Parker of Nacogdoches, moved its reference to the committee on the State of the Republic—motion lost—and

On motion of Mr. Rugeley, the same was referred to a select committee.

Messrs. Rugeley, Jack and Webb, were appointed said committee.

A Bill to be entitled: "An act to amend the charter of the Brazos Canal Company," read a second time, and

On motion of Mr. Jack, referred to the said select committee.

A message was received from the House, through their chief clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit:

"A joint resolution for the relief of Richard West, Deputy Collector at Port la Vaca."

A Bill to be entitled: "An act to alter in part and define the boundary line of the County of Harrison."

A Bill to be entitled: "An act to amend the 17th Section of an act to reduce into one and amend the several acts concerning executions, approved 27th January, 1842."

A Bill to be entitled: "An act transferring a certain appropriation made 17th January, 1842, for the redemption of son and nephew of J. Cox."

A Bill to be entitled: "An act to amend the Criminal Laws of the Republic of Texas"—upon which bills they respectfully request the concurrence of the Hon. Senate.

On motion of Mr. Jack, Mr. Parker of Fort Bend was added to the Select Committee this day appointed.

A Bill to be entitled: "An act for the settlement of Estates, read a second time, and

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

A Bill to be entitled: "An act authorizing the President to cause all the Public Records, Books, Archives, and Public Stationary of a moveable character, to be immediately transported from the city of Austin to the town of Washington, and for other purposes," read a second time, and

On motion of Mr. Hunter, referred to the Committee on the State of the Republic."

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill to be entitled: "An act to relinquish the title of the Government to two lots in the town of Quintana."

A Bill to be entitled: "An act to regulate the tonnage of Steam Packets," also,

A Bill to be entitled: "An act to prevent the retailing of

Spirituos Liquors in quantities less than a quart," and find the same correctly engrossed" also,

A Bill to be entitled: "An act for the relief of James Truit and Andrew J. Truit, in relation to their Headright Certificates," and find the same correctly enrolled.

A Bill to regulate the tonnage on Steam Packets, read a third time and passed.

A Bill to be entitled: "An act to relinquish the title of the Government to two lots in the town of Quintana," read a third time and passed.

A Bill to be entitled: "An act to prevent the retailing of Spirituous Liquors, in quantities less than a quart," read a third time.

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

Ayes—Messrs. Greer, Jack, Hunter, Kaufman, Parker, of Nacogdoches, Rugeley, Shaw, Smith and Webb—9.

Noes—Messrs. Lawrence, Parker, of Fort Bend, Pattillo, and Williamson—4.

So the Bill passed.

A Bill to be entitled: "An act for the benefit of settlers in good faith, and to amend an act to provide the mode of trying titles to lands, approved Feb. 5, 1840."

Read a second time—Report of the judiciary Committee adopted—bill taken up and read by sections.

Mr. Webb, moved to amend the 5th Section, so as to read thus:

"Nor shall the defendant except in cases of metes and bounds, be required to put in any other plea, than that of not guilty."

Motion lost.

Mr. Williamson, moved to amend the 7th Section, by making the bill take effect ten days after its publication, (carried) and bill ordered to be engrossed.

A Bill to be entitled: "An act to amend the Criminal Laws of the Republic of Texas," read a first time.

A Bill to be entitled: "An act to alter in part and define the Northern boundary line of Harrison County," read a first time.

A Bill to be entitled: "An act transferring a certain appropriation made 17th January, 1842, for the redemption of son and nephew of J. Cox," read a first time.

A Bill to be entitled: "An act to amend the 17th Section of an act to reduce into one and amend the several acts, concerning executions, approved 27th January, 1842." Read a first time.

A joint resolution for the relief of Richard West, Deputy Collector at Port la Vaca," read a first time.

A Bill to authorize the holding of the District Court in three places in Liberty County," read a second time and passed to a third reading.

On motion of Mr. Jack, the Senate adjourned until 10 o'clock, to-morrow|morning.

WEDNESDAY, January 3d, 1844. }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to-wit: Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Patillo, Rugeley, Shaw, Smith, and Webb—quorum present.

Prayer by the Chaplain.

The journals of the preceeding day were read and adopted.

Mr. Patillo presented the petition of the heirs of Hardin B. Runnels, praying relief, &c., and, on motion, the same was referred to the Committee on Public Lands.

Mr. Greer, chairman of the Committee on Finance, reported a bill, to be entitled "An act making appropriations for the support of the Government for the year 1844, with amendments, and recommend its passage.

Mr. Patillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the committee had examined a bill, to be entitled "An act for the benefit of settlers in good faith,' and to amend an 'Act to provide the mode of trying titles to lands,' approved February 5th, 1840," and find the same correctly engrossed.

Mr. Jack, chairman of the Committee on the Judiciary, to which was referred the petition of Anthony B. Shelby, reported the same back to the Senate, with an accompanying bill, and recommend its passage.

Mr. Parker, of Nacogdoches, by leave, introduced a joint Resolution, in relation to the able and patriotic services of Captain Lonis Sanchez.

Read a first time.

Mr. Kaufman, by leave, introduced a joint resolution for the relief of Susannah and Thomas Jackson.

Read a first time.

On motion of Mr. Kaufman, rule suspended, read a second time, and referred to the Committee on Post-offices and Roads.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, informing the Senate, that they had passed the following bills:

A bill, to be entitled "An act to authorize the sheriff of Rusk County, to collect the state and county taxes for the year 1842, and for other purposes;"

"A joint resolution for the relief of L. S. Hargus, of the city of Vera Cruz;"

"A joint resolution, making an appropriation for carrying the mail until the first of March, 1844;" in which bills, they respectfully request the concurrence of the Honorable Senate; also, a communication marked "secret."

Mr. Hunter, by leave, introduced a bill, to be entitled "An act to repeal an act, entitled 'An act to regulate the collection of Impost Duties.'" .

Read a first time.

On motion of Mr. Kaufman, the Senate proceeded to the

ORDERS OF THE DAY.

"A bill making an appropriation for the support of the Government for the year 1844."

On motion of Mr. Greer, the same was made the special order of the day for to-morrow.

On motion of Mr. Webb, the Senate went into secret session. The doors being opened,

On motion of Mr. Parker, of Fort Bend, the report and resolution, from the Committee on Privileges and Elections, to which was referred the memorial of Jesse Grimes, was taken up; and, on motion of Mr. Webb, was made the special order for three o'clock, P. M.

"A joint resolution for the relief of L. S. Hargus, of Vera Cruz." Read a first time.

Mr. Williamson moved a suspension of the rule.

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

Ayes—Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Smith, Webb and Williamson—10.

Noes—Messrs. Parker of Fort Bend, Pattillo and Shaw—3.
Motion carried—read a second time, and,

On motion of Mr. Parker, of Nacogdoches, referred to the Committee on Finance.

"A joint resolution, making an appropriation for carrying the mail until the first day of March, 1844.

Read a first time.

Mr. Parker, of Fort Bend, moved a suspension of the rule. Motion lost.

A bill, to be entitled "an act to authorize the sheriff of the county of Bask to collect the state and county taxes for the year 1842, and for other purposes."

Read 1st time

"A bill for the benefit of settlers in good faith, and to amend an act to provide the mode of trying titles to land," approved 5th February 1840." Read a third time.

Mr. Kaufman moved to re-consider the vote, placing the bill upon its third reading. Carried.

Mr. Kaufman proposed to amend section 7th, by striking out the words "such publication," and insert "its passage."

Amendment accepted.

Mr. Williamson moved its commitment to the Judiciary Committee.

The President *pro tem.* in the Chair.

Mr. Jack arose to a question of order, whether the President *pro tem.* had a right to second a motion?

Decided in affirmative.

The motion of Mr. Williamson, to commit the bill to the Committee on the Judiciary, was lost.

Mr. Kaufman moved the following amendment, to wit:

"Be it further enacted, That sec. 9, of 'An act to provide the mode of trying titles to lands,' be so amended and changed, that in case the plaintiff, or his legal representatives, shall neglect, for the term of one year, to pay the excess in value, of said improvements, the said defendant, or his legal representative, shall have twelve months after the expiration of said year, instead of six months, as heretofore, to pay to the clerk of the court for said plaintiff, the value of the lands or tenements, as assessed by the jury; and that all parts of laws conflicting with the provisions of this act be, and the same are hereby repealed."

There being a tie upon Mr. Kaufman's motion, the chair decided in the negative; so the amendment was rejected.

Mr. Jack moved the bill be referred to the Judiciary Committee. Motion lost.

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

Motion lost.

Mr. Kaufman moved a suspension of the rule, and place the bill on its third reading.

Motion carried--read a third time.

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

Ayes--Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker, of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb--12.

Noes--Mr. Williamson--1.

So the bill passed.

A bill, to be entitled "An act to legalize the records of Panola county, and constituting the same a part of the records of the county of Harrison."

Read a third time, and passed.

A bill, to be entitled "An act to amend the 17th section of An act to reduce into one act and to amend the several acts concerning executions,' approved 27th January, 1842."

Read a second time, and, on motion of Mr. Williamson, referred to the Judiciary Committee.

A bill, to be entitled "An act transferring a certain appropriation, made 27th January, 1842, for the redemption of son and nephew of J. Cox."

Read second time, and passed to 3rd reading.

A bill, to be entitled "An act to alter and define the northern boundary line of the county of Harrison."

Read a second time, and passed to a third reading.

"A joint resolution for the relief of Richard West, deputy collector at port Lavacca."

Read second time, and, on motion of Mr. Smith, referred to the Committee on Finance.

A bill, to be entitled "An act to amend the criminal laws of the Republic of Texas."

Read a second time, and, on motion of Mr. Hunter, referred to the Judiciary Committee.

"A joint resolution for the relief of Samuel H. Walker."

Read a second time, and ordered to be engrossed.

A bill, to be entitled "An act authorizing the taking of the census of the Republic of Texas."

Read a second time, and, on motion of Mr. Parker, of Nacogdoches, referred to Committee on the State of the Republic.

On motion of Mr. Jack, Mr. Smith was added to the Committee on the State of the Republic.

A bill, to be entitled "An act for the relief of Anthony B. Shelby." Read 1st time.

A bill, to be entitled "An act to authorize the holding the district court in three places in Liberty county."

Read a third time, and,

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

On motion of Mr. Jack, the Senate adjourned until three o'clock P. M.

3 O'CLOCK, P. M.

Senate met—roll called—a quorum present,

A message was received from His Excellency the President, through his private secretary, W. D. Miller, Esq., presenting three several communications, one of which was marked "secret."

On motion of Mr. Jack, the open communications were read.

On motion of Mr. Kaufman, the same were laid on the table.

The resolution reported by the Committee on Privileges and Elections, to which was referred the memorial of Jesse Grimes, was taken up.

Mr. Kaufman offered the following resolution, to wit:

Resolved, by the Senate, That the Hon. Jesse Grimes, the gentleman contesting the seat of the Hon. R. M. Williamson, the sitting member, for the district composed of the counties of Washington, Montgomery and Brazos, be heard at the bar of the Senate, by himself or attorney; also, that the Hon. R. M. Williamson be heard by himself or counsel.

Mr. Greer moved to amend by restricting the arguments to two hours.

Motion lost, and the resolution adopted.

Mr. Webb moved the adoption of the resolution offered by the majority of the Committee on Privileges and Elections.

Mr. Pattillo moved a call of the House—the following gentlemen present: Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, Webb and Williamson.

On motion of Mr. Jack, the counsel, B. Gillispie, Esq., for the Hon. Jesse Grimes, was heard—Mr. Williamson for himself.

Mr. Jack advocated the adoption of the resolution offered by a majority of the Committee on Privileges and Elections, Mr. Kaufman opposing.

On motion of Mr. Parker, of Nacogdoches, the Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, Jan. 4th, 1844,)
10 o'clock A. M.)

Senate met—roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Fort Bend,, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present—prayer by the Chaplain—the journals of the preceding day were read and adopted.

Mr. Parker, of Nacogdoches, presented the petition of Daniel E. Harper, praying a divorce, and

On motion, the same was referred to the Committee on the State of the Republic.

The Committee on Post Offices and Roads, through their Chairman, Mr. Parker of Fort Bend, reported: "An act requiring the Auditor to audit certain claims therein mentioned," back to the Senate with the following amendments, to wit:

"Fill first blank with \$1358.39," "Fill second blank with \$286.67," "Strike out 3d Section," and recommend its passage—also,

A joint resolution for the relief of Thomas Jackson and Susannah Jackson, mail contractors for 1838 and 1839, and recommend its passage.

The Committee on the State of the Republic, through Mr. Rugeley their Chairman, reported the petition of Elizabeth M. Park, and a joint resolution for her relief, entitled: "A joint resolution divorcing Elizabeth M. Park and Joseph B. Park."

The Committee on the judiciary, to which was referred a bill to be entitled: "An act authorizing Constables to act in their official capacity throughout their respective Counties," through Mr. Jack their Chairman, reported the same back to the Senate and recommend that it be indefinitely postponed.

The Committee on Public Lands, through Mr. Smith their Chairman, to which was referred the petition of the heirs of Hardin B. Runnels, reported the same back to the Senate with a bill to be entitled: "An act for the relief of Martha B. Runnels and others," and recommend its passage.

The Select Committee, Mr. Rugeley, chairman, to which was referred the bill to be entitled: "An act to incorporate the Colorado Navigation Company," reported the same back with the following amendments, to wit:

Sec. 6. *Be it enacted*: that in case any owner or owners of the soil or timber on the banks of said river, shall refuse to sur-

render the same to the said Corporate body, for said purposes, then the said Corporate body shall have power to apply to any justice of the peace, in any of the Counties through which the said Colorado river runs, and where such timber or earth may be needed or used, whose duty it shall be to summons a jury of five free holders, not stock-holders, to estimate the damages which the owner or owners of the said soil on said river, will suffer by the provisions of this act contemplated; and it shall be the duty of the said Corporate body, to pay the damages so estimated, to the said owner or owners, and when the value of soil and timber shall be so assessed and paid for as aforesaid, it shall be vested in said Corporate body.

SEC. 8. Strike out in the fifth line "Town of Columbus" and insert "Elliot's Ferry," and add to this Section "Provided that none of the above named crafts shall be charged toll, unless the same shall pass through a place now known as the Raft on said river, some fifteen or twenty miles above where the said Colorado river enters into Matagorda Bay."

SEC. 9. Insert at the end of the first line "at any time," strike out all in 9th Sec. after the words "null and void."

SEC. 10. *Be it further enacted*, that the Company shall have the right to regulate all tolls for the space of five years from and after the completion of said work, according to the provisions of the eight section of this act, and from and after that time it may be lawful for Congress to appoint two Commissioners or Directors of said Chartered Company, who shall proceed to assess the rate of toll, and if said Commissioners and Directors cannot agree, they shall choose an umpire, whose decision shall be binding; said assessment of tolls may be had once a year at the discretion of Congress."

The Select Committee, to which was referred a bill to be entitled: "An act to amend the Charter of the Brasos Canal Company," through Mr. Rugeley, their Chairman, reported the same back without amendment and recommend its passage.

Mr. Parker of Nacogdoches, offered the following resolution, to wit:

"Resolved, by the Senate, that with the concurrence of the House of Representatives, the two houses will proceed to the election of a Public Printer on Saturday next at 11 o'clock, A. M."

Mr. Webb, moved to strike out "Saturday next," motion lost.—Mr. Greer, moved to strike out Saturday and insert "Monday," motion carried—and resolution as amended adopted.

On motion of Mr. Parker of Fort Bend, the Senate proceeded to the

ORDERS OF THE DAY.

The resolution offered by a majority of the Committee on Privileges and Elections, to which was referred the memorial of Jessee Grimes, was taken up.

Mr. Parker, of Nacogdoches, offered the following substitute: "WHEREAS, an expression of the Senate in relation to the votes polled in the present boundary of Milam County, in the late election for Senator for the Senatorial District, composed of the Counties of Washington, Montgomery and Brasos, is indispensable—therefore

Be it resolved, that the votes polled in the present boundary of the County of Milam for Senator for the Senatorial District composed of the Counties of Washington, Montgomery, and Brasos, were illegal.

Be it further resolved, that in the opinion of the Senate, the Hon. Jessee Grimes, having received the highest number of the legal voters of the Senatorial District, composed of the Counties of Washington, Montgomery and Brasos, is constitutionally entitled to his seat as Senator of said District."

Mr. Parker of Nacogdoches, supported the adoption of the resolution—Mr Webb and Mr. Jack, opposed it, when

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

3, o'clock, P. M.

Senate met—roll called, no quorum—the serjeant-at-arms was despatched after absent members—returned, and a quorum present.

Mr. Shaw offered the following substitute, by way of amendment to Mr. Parker's substitute to the original resolution to wit:

Resolved by the Senate, that the present sitting member, the Hon. R. M. Williamson, hold his seat in the Senate until the adjournment of the present session of Congress, at which time his seat is hereby declared vacant, and the President shall issue the necessary writ of election to fill said vacancy.

Be it further resolved, that the candidates for election to fill said vacancy are hereby recommended to confine their electioneering campaigns to their own Senatorial District, composed of the Counties of Washington, Brasos and Montgomery, and not to obtrude into any part or portion of Milam County in search of voters."

The ayes and noes being called for, upon the resolution offered by Mr. Shaw, stood thus:

Ayes—Messrs. Hunter, Rugeley, Shaw and Smith—4.

Noes—Messrs. Greer, Jack, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Webb—8—resolution rejected.

The question recurred upon the adoption of the substitute offered by Mr. Parker.

Mr. Shaw moved to strike out Section 2d.

The ayes and noes being called on Mr. Shaw's motion stood thus:

Ayes—Messrs. Jack, Hunter, Lawrence, Parker of Fort Bend, Rugeley, Shaw, Smith and Webb—8,

Noes—Messrs. Greer, Kaufman, Parker of Nacogdoches, and Pattillo—4—motion carried.

On motion of Mr. Jack, the substitute was laid on the table, and the resolution offered by the Committee was taken up.

The ayes and noes being called for on its adoption, stood thus:

Ayes—Messrs. Greer, Jack, Hunter, Lawrence, Pattillo, Rugeley, Shaw, Smith and Webb—9.

Noes—Messrs. Kaufman, Parker of Fort Bend and Parker of Nacogdoches—3—adopted.

Mr. Greer, offered the following resolution, to wit.

Be it resolved, that the votes polled in the present boundary of Milam County for Senator for the Senatorial District composed of the Counties of Washington, Montgomery and Brasos were illegal.

Mr. Webb, offered the following as a substitute to Mr. Greer's resolution:

Be it resolved, that the candidates for election to fill said vacancy, are hereby recommended to confine their electioneering campaigns, to their own senatorial district, composed of the Counties of Washington, Brasos and Montgomery, and not to obtrude into any part or portion of Milam County in search of voters.

The ayes and noes being called for upon Mr. Webb's substitute, stood thus:

Ayes—Messrs. Jack, Hunter, Rugeley, Smith and Webb—5.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—7—substitute rejected.

The question recurred upon the resolution offered by Mr. Greer.

Mr. Kaufman, moved to strike out the word "indispensable" and insert "proper," carried.

The ayes and noes being called for upon the resolution as amended, stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—7.

Noes—Messrs. Jack, Hunter, Rugeley, Smith and Webb—5.
Resolution adopted.

On motion of Mr. Jack, the bill to be entitled : An act making appropriations for the support of the Government for the year 1844, was taken up and laid on the table until to-morrow 11 o'clock.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, informing the Senate that the House had passed the following bills, to wit :

"A joint resolution for the reorganization and relief of Refugio County," read a first time.

A Bill to be entitled : "An act to establish a Post Office at Anahuac, in the County of Liberty," read a first time.

A Bill to be entitled : "An act to repeal all laws now in force authorizing the President to form Colonization Contracts, and to forfeit all those where the conditions have not been strictly complied with," with an amendment, which was concurred in by the Senate.

A Bill to be entitled : "An act to alter in part and to define the Northern boundary line of Harrison County," read a third time and passed.

A Bill to be entitled : "An act transferring a certain appropriation made 27th January, 1842, for the redemption of son and nephew of J. Cox," read a third time and passed.

On motion of Mr. Jack, a bill to be entitled : "An act to authorize the holding of the District Court in three places in Liberty County," was taken up and read a third time.

The ayes and noes upon the final passage of the bill being called for stood thus :

Ayes—Messrs. Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Smith and Webb—8.

Noes—Messrs. Greer, Jack, Hunter and Shaw—4—passed.

A Bill to be entitled : "An act to authorize the Sheriff of Rusk County, to collect the State and County taxes, for the year 1842, and for other purposes," read a second time, and

On motion of Mr. Parker of Nacogdoches, referred to the Committee on Finance.

A joint resolution making an appropriation for carrying the mails until the first of March, 1844, read a second time, and

On motion of Mr. Parker of Fort Bend, rule suspended and read a third time and passed.

A Bill to be entitled: "An act to repeal an act entitled an act to regulate the collection of impost duties, approved 23d July, 1842," read a second time, and

On motion of Mr. Hunter, referred to Committee on Finance.

A joint resolution in relation to the able and patriotic services of Captain Lewis Sanchez, read second time, and

On motion of Mr. Kaufman, referred to a Select Committee. Messrs. Parker of Nacogdoches, Kaufman and Jack, were appointed said Committee.

A Bill to be entitled: "An act for the relief of Anthony B. Shelby," read a second time.

On motion of Mr. Jack, the blank was filled with \$200, and referred to the Committee on Claims and Accounts.

On motion of Mr. Kaufman, a bill to be entitled: "An act to alter the times of holding the District Courts in the fifth and seventh Judicial Districts, was taken up and referred to a select Committee. Messrs. Greer, Lawrence, Parker of Nacogdoches and Kaufman, were appointed said Committee.

Mr. Hunter, by leave, introduced a bill, to be entitled: "An act to authorize the Secretary of State to employ an additional assistant Clerk. Read a first time.

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

FRIDAY, January 5th, 1844, }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Lawrence, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, Webb—quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Jack, chairman of the Judiciary Committee, to which was referred a Joint Resolution proposing amendments to the Constitution in relation to the term of office of the President and

members of Congress, reported that they deem it inadvisable to pass said resolution at the present session of Congress.

Mr. Pattillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the committee had examined a bill to be entitled "An Act to permit the administratrix of Niell Munn deceased, to keep together the property of said deceased," and find the same correctly enrolled.

Mr. Parker of Nacogdoches, chairman of the Committee on Claims and Accounts, to which was referred "A Bill making an appropriation to pay A. B. Shelby for attending to the case of H. H. Williams, & Co., vs. Gail Borden, Collector of Customs at Galveston," reported the same with the following amendments, to wit: in 1st Section, add the words "of the Republic of Texas," also in 1st Section, second line from top, strike out "two" and insert "one," so as to read \$100, and recommend its passage.

The Committee on Public Lands, to which was referred the petition of the heirs of Robert W. Harris, reported the same, through Mr. Smith, their chairman, with an accompany bill to be entitled An Act for the relief of Maria E Goodman, Louisa Harris, and Eliza V. Harris, and other heirs of Robert W. Harris deceased, and recommend its passage; also a bill to be entitled An Act for the relief of George W. Miller, in company C. of the Regular Army of the Republic of Texas, and recommend its indefinite postponement.

Mr. Lawrence, by leave, introduced a bill to be entitled "An Act to prescribe the mode of serving process or notice in certain cases." Read a first time. Also "a bill to provide the mode of making Administrators and Executors parties to certain suits." Read a first time.

On motion of Mr. Parker of Nacogdoches, the Senate proceeded to the

ORDERS OF THE DAY.

A bill to be entitled An Act making appropriations for the support of the Government for the year 1844.

Mr. Jack moved the bill be read by sections—carried.

Mr. Jack moved to strike out "nine hundred" and insert "seven hundred and fifty" dollars, as compensation to President's Private Secretary—carried

Mr. Jack moved to strike out "sixteen thousand" in the article making an appropriation for carrying the mails for 1844 and part of 1845, and insert "thirteen thousand"—carried.

Mr. Greer moved to strike out "three thousand" in the article making an appropriation for contingent expenses of Eighth Congress, and insert "two thousand"—carried.

Mr. Kaufman moved to strike out "three hundred" in the articles making appropriations for contingent expenses of Auditor's and Comptroller's offices, and insert "two hundred"—carried.

Mr. Lawrence moved to strike out "three hundred" in the article making an appropriation for contingent expenses of Attorney General's office—carried.

Mr. Shaw moved to fill the blank with "two hundred"—carried.

Mr. Jack moved to lay the amendment proposed by the Committee on Finance, appropriating "ten thousand" dollars for Indian purposes on the table—carried.

Mr. Webb moved to strike out "ten thousand dollars" in the amendment proposed by the committee, making an appropriation for the pay of Commissioners to Mexico, and necessary expenses connected with said commission, including pay and expenses already incurred—carried, and amendment adopted.

On motion of Mr. Greer, the amendment proposed by the committee appropriating three hundred and sixty dollars as compensation to Chaplains of Senate and House of Representatives—was adopted.

On motion of Mr. Lawrence, the amendments proposed by the committee, appropriating the sum of three thousand one hundred and fifty dollars for the payment of Messrs. Ward and Ingraham, according to the restrictions therein specified, was adopted.

On motion of Mr. Rugeley, the amendment proposed by the committee, appropriating seven hundred and ninety-three dollars to pay James Riley, late Charge d'Affairs to United States, was adopted.

Mr. Kaufman offered the following amendment to section 4 : after the words "an agent to inquire into the conditions of the Custom Houses," insert "who shall give bond with good and sufficient security, payable to the President of the Republic of Texas and his successors in office, conditioned for the faithful performance of his duties," also after the words "his necessary travelling expenses," the words "verified by the oath of such agent."

The ayes and noes being called for upon Mr. Kaufman's amendments, stood thus:

Ayes—Messrs. Kaufman, Parker of Nacogdoches, Rugeley, Shaw, and Smith—5.

Noes—Messrs. Greer, Jack, Hunter, Lawrence, Parker of Fort Bend, Pattillo and Webb—7. Amendments rejected.

The question recurred upon the adoption of the fourth section.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Jack, Hunter, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw and Webb—9.

Noes—Messrs. Kaufman, Rugeley, and Smith—3. So the section was adopted.

Section 5. was read and adopted.

On motion of Mr. Jack, Section 6. was laid on the table.

Section 7. was adopted.

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

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Greer moved to take up the 6. Section of a bill making appropriations for the year 1844-- to strike out all after the words "year 1843," and insert the words "shall be cancelled except in cases where services have been performed"—motion carried, and section as amended adopted.

Mr. Parker of Nacogdoches moved the engrossment of the amendments—motion carried, and

On motion of Mr. Webb, bill laid on the table 'till to-morrow morning, and

The Senate went into secret session.

The doors being opened, a communication from the President was read in relation to the expedition under the command of Col. Jacob Snively, and ordered to be transmitted to the House of Representatives.

A communication from the President in relation to the correspondence had with the Naval Commissioners, &c., &c., was read and referred to the Committee on Naval Affairs.

On motion of Mr. Lawrence, Mr. Webb, and on motion of Mr. Kaufman, Mr. Jack were added to said committee.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit :

A bill to be entitled "An Act to incorporate the Wesleyan Male and Female College of San Augustine. Read 1st time.

A Joint Resolution making an appropriation of one thousand dollars for printing." Read a first time.

A Joint Resolution for the relief Samuel H. Walker. Read a third time.

The ayes and noes, upon the final passage of the bill being called, stood thus:

Ayes--Messrs. Jack, Hunter, Lawrence, Parker of Fort Bend, Rugeley, Smith, and Webb--7.

Noes--Messrs. Greer, Kaufman, Parker of Nacogdoches, Pattillo, and Shaw--5.

Mr. Greer, President *pro tem.* in the Chair, decided that as the bill was one making an appropriation for a private purpose, it required a majority of two-thirds of the Senate to pass it, from which decision Mr. Webb appealed.

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

SATURDAY, January 6th, 1844, }
10 o'clock, A. M. }

Senate met--the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Hunter, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb.

Quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Rugeley, chairman of the Committee on the State of the Republic, to which was referred a bill to be entitled "An act authorizing the taking of the census," reported the same back to the Senate, and recommend its rejection.

Mr. Webb moved the adoption of the report.

The ayes and noes, upon the same, being called, stood as follows:

Ayes--Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb--6.

Noes--Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo--6.

There being a tie, the President decided in the affirmative. So the report was adopted.

Mr. Webb from the Judiciary Committee, reported a bill, to be entitled "An act for the relief of Wm. M. Eastland and others, with amendments.

Mr. Greer, chairman of the Committee on finance, to which was referred a bill to be entitled "An act to repeal an act, entitled 'An act to regulate the collection of Impost Duties', approved July 23d, 1842," reported the same back to the Senate, and recommend that it be indefinitely postponed.

Mr. Lawrence moved the adoption of the report.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Jack, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, and Smith—10.

Noes—Messrs. Hunter, and Webb—2.

So the report was adopted.

Mr. Rugeley, chairman of the Committee on the State of the Republic, to which was referred the petition of Daniel E. Harper, praying for a divorce, reported by a "joint resolution divorcing Daniel E. Harper and Elizabeth Harper."

Read a first time.

Mr. Webb, by leave, introduced a bill to be entitled "An act supplementary to the act of limitations."

Read a first time.

On motion of Mr. Parker, of Nacogdoches, the Senate proceeded to the

ORDERS OF THE DAY.

"A joint resolution for the relief of Samuel H. Walker.

The question upon the decision of the President *pro tem.* being put, and

The aye and noes being called for, stood thus :

Ayes—Messrs. Greer, Hunter, Kaufman, Parker of Nacogdoches, Pattillo, Shaw, and Smith—7.

Noes—Messrs. Jack, Lawrence, Parker of Fort Bend, Rugeley and Webb—5. So the Chair was sustained.

Mr. Jack moved to take up a motion made on Monday last to reconsider a vote which refused on the previous to reconsider a vote which rejected a bill to be entitled an act requiring the Executive and Heads of Departments to return to the Seat of Government. A division being called, and there being a tie, the President decided in the affirmative. The question recurred upon the reconsideration of the vote which refused to reconsider.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Lawrence, Rugeley, Shaw, Smith and Webb—7.

Noes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—5.

The question was now upon the reconsideration of the vote rejecting of the bill.

Mr. Greer offered to withdraw the motion.

Mr. Jack opposed the withdrawal; when,

On motion of Mr. Parker of Fort Bend, the same was laid on the table 'til Monday next.

The ayes and noes being called for on Mr. Parker's motion, stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith, and Webb—6.

There being a tie, the President decided in the affirmative.

A Joint Resolution making an appropriation of one thousand dollars for printing." Read a second time, and

On motion of Mr. Kaufman, referred to the Committee on Finance.

A Bill to be entitled "An Act to establish the Wesleyan Male and Female College of San Augustine." Read a second time, and on motion of Mr. Greer, referred to a Select Committee.

Messrs. Greer, Kaufman, and Webb, were appointed said Committee.

On motion of Mr. Lawrence, a bill to be entitled "An Act to fix the place for the sessions of the Supreme Court," was taken up and read a third time.

Mr. Greer moved to lay the bill on the table until the 15th of January.

The ayes and noes upon Mr. Greer's motion being called, stood thus :

Ayes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw.—5.

Noes—Messrs. Jack, Hunter, Kaufman, Lawrence, Rugeley, Smith and Webb—7. So the motion was lost.

The ayes and noes being called on the final passage of the bill, stood thus :

Ayes—Messrs. Jack, Hunter, Kaufman, Lawrence, Rugeley, Smith and Webb—7.

Noes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw—5. So the bill passed.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit :

A Joint Resolution for the relief of John W. Smith. Read a first time.

A bill to be entitled "An Act for the relief of Robert Pace. Read a first time.

A Joint Resolution for the relief of Angelina D. Smith. Read a first time.

A bill to be entitled "An Act to legitamate certain children therein named. Read a first time.

A bill to be entitled "An Act supplementary to an act regulating the sale of runaway slaves, approved January 5th, 1841. Read a first time.

A bill to be entitled "An Act granting the Commissioner of the General Land Office the franking privilege. Read a first time.

A bill to be entitled "An Act making the town of Jasper in the county of Jasper, the legal county seat. Read a first time.

A bill to be entitled "An Act to define and fix the practice of Probate Courts in certain cases." Read a first time.

A bill to be entitled "An Act to establish a Post Office at Anahuac, in Liberty county. Read a second time.

Mr. Greer moved its reference to Committee on Post Offices and Roads--motion lost, and bill passed to its third reading.

A bill to be entitled "An Act to provide the mode of making administrators and executors parties to certain suits. Read a second time, and

On motion of Mr. Lawrence, referred to the Committee on the Judiciary.

A bill to be entitled An Act to provide the mode of serving process or notice in certain cases. Read a second time, and

On motion of Mr. Kaufman, referred to the Committee on the Judiciary.

A bill to be entitled An Act for the relief of William M. Eastland and others.

The report of the Judiciary Committee was read and adopted.

Mr. Smith offered to amend by adding an additional section, extending the benefits of this act to the prisoners and killed, during the incursion of Gen. Woll to the city of San Antonio, in the month of September, 1842. Amendment adopted.

A Joint Resolution for the reorganization and relief of Refugio county. Read a second time, and

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

A bill to be entitled an act to incorporate the Colorado Navi-

gation Company. Read a second time as amended by the Committee.

Mr. Kaufman moved to amend the 6th Section by inserting "twelve" jurors, instead of "five"---motion lost.

Mr. Rugeley moved to amend the 10th Section, with these words, after the word "umpire," and if said Commissioners cannot agree in selecting an umpire the President of the Republic may appoint one, and also to strike out "Columbus" in Sections 8th and 13th, and insert "Elliot's Ferry." Amendments adopted, and the bill ordered to be engrossed.

Mr. Patillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the committee had examined a bill to be entitled "An act to repeal all laws now in force authorizing the President to form colonizing contracts, and to forfeit such as have already been made, where the conditions of the same have not been strictly complied with," and find the same correctly enrolled:

On motion of Mr. Webb, the Senate adjourned until three o'clock P. M.

THREE O'CLOCK P. M.

Senate met---roll called--no quorum---the Sergeant-at-Arms was despatched after absent members--returned, and a quorum present.

A bill to be entitled An Act making appropriations for the support of the Government for the year 1844: Read a second time.

Mr. Smith moved to amend by adding this additional section; Be it further enacted, that all Auditor's certificates for carrying the mails endorsed by the Secretary of the Treasury, shall be received in payment of direct taxes at the same rates as Exchequer bills are received for the same dues"---adopted.

Mr. Kaufman moved to amend by adding this Section; "Be it further enacted, that this act take effect from and after its passage"---adopted.

Mr. Greer moved to strike out \$13,250 from the article making an appropriation for the carrying the mails for the year 1844 and part of 1845---carried.

On motion of Mr. Jack, the bill was laid on the table 'till Monday next, 3 o'clock.

Mr. Parker of Nacogdoches, chairman of the Committee on Claims and Accounts, to which was referred the petition of Cal

Mr. Boales, David Dawson and others, reported a joint resolution for their relief. Read a first time.

A bill to be entitled "An Act to amend the 17th Section of an act to reduce into one, and to amend the several acts concerning executions, approved January 27th, 1842: Read a second time and passed to a third reading.

A bill to be entitled An Act for the relief of Martha B. Runnels and others. Read a first time.

A bill to be entitled An Act authorizing the Secretary of State to employ an additional Assistant Clerk: Read a second time, and

On motion of Mr. Parker of Nacogdoches, referred to the Committee on the State of the Republic.

A bill to be entitled An act requiring the Auditor to audit certain accounts therein named. Read a second time, and

On motion of Mr. Parker of Nacogdoches, the same was laid upon the table until Tuesday next.

A Joint Resolution divorcing Elizabeth M. Park and Joseph B. Park. Read a second time.

Mr. Kaufman moved the engrossment of the bill.

The ayes and noes being called for, stood thus:

Ayes—Messrs. Kaufman, Lawrence, Parker of Nacogdoches, Rugeley and Smith—5.

Noes—Messrs. Greer, Jack, Hunter, Parker of Fort Bend, Pattillo, Shaw and Webb—7. Motion lost.

Mr. Pattillo moved to reconsider the vote—carried. And on further motion of Mr. Patillo, the bill was laid on the table.

A joint resolution proposing amendments to the Constitution, providing that Congress shall meet every second year only, also that the President shall hold his office four years, also that Senators shall hold their offices four years.

On motion of Mr. Kaufman, the same was laid on the table.

A bill to be entitled An act for the relief of Maria E. Goodwin, Louisa Harris, and Eliza V. Harris and other heirs of Robert W. Harris deceased. Read a first time.

A bill to be entitled An Act to amend the charter of the Brazos Canal Company." Read a second time.

Mr. Greer moved to strike out "30 per cent"—motion lost, and

On motion of Mr. Jack, the bill was ordered to be engrossed.

A bill to be entitled An Act for the relief of Anthony B. Shelby. Read a second time and ordered to be engrossed.

A bill to be entitled An Act for the relief of George W. Miller of Company C. of the Army of the Republic of Texas.

On motion of Mr. Greer, the same was indefinitely postponed.

A joint resolution for the relief of Thomas and Susannah Jackson mail contractors for the year 1838 and 1839. Read a second time and ordered to be engrossed.

A bill to be entitled An Act authorizing constables to act in their official capacities throughout their respective counties. Read a second time, and

On motion of Mr. Jack, the same was recommended to the Committee on the Judiciary.

On motion of Mr. Jack, the Senate adjourned until 10 o'clock, Monday morning next.

MONDAY, Jan. 5th, 1844, }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb.

The journals of the preceding day were read and adopted.

A message was received from the House, of Representatives, through their chief clerk, Mr. James H. Raymond, informing the Senate, that the House had passed a joint resolution for the relief of George T. Holman; also, that the House had put in nomination for Public Printers, Messrs. Cruger & Moore and Mr. Thomas Johnson.

The Committee on the State of the Republic, through Mr. Rugeley, their Chairman, to which was referred a bill to be entitled: "An act authorizing the President to cause all the Public Records, &c. to be removed from the city of Austin to the town of Washington, and for other purposes," reported the bill back to the Senate, and recommend its rejection.

Mr. Webb, moved the adoption of the report.

The ayes and noes being called for, stood thus:

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

There being a tie, the President decided in the affirmative.

So the report was adopted.

Mr. Greer, Chairman of the Committee on Finance, to which was referred a joint resolution for the relief of Richard West, Deputy Collector at Port la Vaca; also, a joint resolution for

the relief of Edward Dwyer, reported the same back to the Senate for their action; also, "A joint resolution, making an appropriation of one thousand dollars for printing," reported a substitute.

Mr. Caldwell, from a Committee on the part of the House of Representatives, informed the Senate that the House were ready to proceed to the election of a Public Printer, and invited them to a seat within the Hall.

On motion of Mr. Jack, the Senate proceeded to the House of Representatives.

The Senate having returned to their Chamber, after having voted for Public Printer, which resulted as follows, on the part of the Senate :

For Johnson—Messrs. Greer, Jack, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw--7.

Those who voted for Cruger and Moore, were Messrs. Hunter, Lawrence, Rugeley, Smith and Webb--5.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined :

A Bill to be entitled . "An act to change in part the times of holding the District Courts in the fifth, sixth and seventh Judicial Districts, and to attach Jasper County to the sixth Judicial District."

A Bill to be entitled : "An act to amend the Charter of the Brasos Canal Company."

A Bill to be entitled : "An act for the relief of Anthony B. Shelby."

A Bill to be entitled : "An act to incorporate the Colorado Navigation Company;" also, a joint resolution for the relief of Thomas and Susanna Jackson, as mail contractors for the years 1838 and 1839," and find the same correctly engrossed; also,

"A joint resolution for the relief of Thomas Bristow," and find the same correctly enrolled, the same having been signed by the President of the Senate and the Speaker of the House of Representatives, was this day presented to His Excellency the President of the Republic, for his approval.

Mr. Greer, Chairman of the Select Committee, to which was referred, "a Bill to be entitled ; "An act to establish and incorporate the Wesleyan male and female College of San Augustine," reported the same back to the Senate, with the following amendments, and recommend its passage, to wit :

'In Sec. 2, strike out the words "twenty-five" and insert "thirteen." Sec. 3, strike out all after the word "wit" in the

third line, and insert the following names: Francis Wilson,, John C. Brooks, Travis G. Brooks, James Perkins, Daniel Poe Alexander M. Davis, F. G. Lovell, O. Fitzallen, Littleton Fowler, Henry W. Augustine, John G. Berry, William D. Ratliff John G. Love, and J. Pinkney Henderson. Sec. 4, in third line from bottom, strike the word "two" and insert the word "one" Sec. 17, add "unless there is a full board present." Sec. 20, strike out all after the word "privileges" in second line and insert the following: "or any other privileges not contemplated by this Charter, and a non-compliance with the provisions of this act, or a breach of the same, shall work a forfeiture of this Act or Charter," also,

A bill, to be entitled: "An act to change in part the times of holding the District Courts in the fifth, sixth and seventh Judicial Districts," and to attach Jasper County to the sixth Judicial District, and report the same back to the Senate, and recommend its passage.

On motion of Mr. Greer, the same was ordered to be engrossed.

On further motion of Mr. Greer, the rule was suspended--bill passed to its third reading--read a third time and passed.

The Senate then proceeded to the

ORDERS OF THE DAY.

A joint resolution for the relief of John T. Holman."

Read first time.

A Bill to be entitled: "An act for the relief of the heirs of William M. Eastland and others."

Read third time and passed.

A Bill to be entitled: "An act to establish a Post-office at Anahuac, in the County of Liberty."

Read a third time, and passed.

A Bill to be entitled: "An act to legitimate certain children therein named."

Read second time, and

On motion of Mr. Greer, the same was referred to the Committee on the Judiciary.

A joint resolution, divorcing Daniel E. Harper, and Elizabeth Harper.

Read a second time.

Mr. Jack, moved to lay the same on the table--lost.

Mr. Webb, moved the following amendment, to wit:

"*Be it further resolved*, That Theodocia C. Scates of the County of Fayette be, and she is hereby divorced from the

bonds of matrimony, subsisting between herself and her husband William B. Seates, as fully as though no such bonds had ever been solemnized between them."

Amendment lost.

Mr. Parker, of Nacogdoches, moved the engrossment of the bill.

The ayes and noes being called for, stood thus :

Ayes--Messrs. Kaufman, Lawrence, Parker of Nacogdoches, Rugeley and Webb--5.

Noes--Messrs. Greer, Jack, Hunter, Parker of Fort Bend, Pattillo, Shaw and Smith--7.

So the bill was lost.

A Bill to be entitled : "An act for the relief of Anthony B. Shelby."

Read a third time and passed.

"A joint resolution for the relief of Thomas and Susannah Jackson, as mail contractors for the year 1838 and 1839."

Read a third time and passed.

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

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A Bill to be entitled "An act making appropriations for the support of the Government for the year 1844."

Mr. Greer, moved to strike out 1500 from the article making appropriation for contingent expenses of Ordnance Department, and insert 1000.--Carried.

Mr. Jack, moved the following amendment to Sec. 5th, after the word "and" in third line, strike out all until the word "and", in fifth line, and insert the following, "after the first of March next, no more exchequer bills shall be issued, until the amount in circulation shall be reduced to the sum of twenty thousand dollars, and when the amount shall be reduced to that sum or below it, that amount may be kept in circulation and no more."

Adopted.

In Sec. 4, Mr. Greer, moved to strike out \$1000.

The ayes and noes being called for, stood thus :

Ayes--Messrs. Greer, Jack, Lawrence, Parker of Fort Bend, Pattillo and Webb--6.

Noes--Messrs. Hunter, Kaufman, Parker of Nacogdoches, Rugeley, Shaw and Smith--6.

There being a tie the President decided in the affirmative.

Motion carried.

Mr. Parker of Fort Bend, moved to fill the blank with \$1300. Lost.

Mr. Shaw, moved to fill the same with \$1250. Carried, and On motion of Mr. Jack, the bill was laid on the table.

A Bill to amend the Charter of the Brasos Canal Company.

Mr. Jack, moved to strike out 30 per cent. and insert 20 per cent. Carried, and bill read a third time and passed.

Mr. Rugeley moved to take up an act to incorporate the Colorado Navigation Company. Carried and bill read a third time and passed.

A Bill to be entitled an act to amend the 17th Section of an act to reduce into one act, and to amend the several acts concerning executions, approved 27th January, 1842.

Read a third time, and passed.

A joint resolution for the relief of Angelina D. Smith.

Read a second time, and passed to its third reading.

"A bill to be entitled: "An act for the relief of Robert Pace."

Read a second time, and

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

A joint resolution for the relief of John W. Smith.

Read a second time, and

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

A Bill to be entitled: "An act supplementary to an act, to regulate the sale of runaway slaves, approved January 5, 1841."

Read a second time, and

On motion of Mr. Kaufman, referred to the Committee on the State of the Republic.

A Bill to be entitled: "An act granting the Commissioner of the General Land Office, the franking privilege."

Mr. Parker of Nacogdoches, moved to refer the same to the Committee on Finance. Lost.

Mr. Greer, moved to insert "Auditor" after the words "Commissioner of the General Land Office," wherever they occur.

Carried, and

On further motion of Mr. Greer, the preamble was stricken out, and bill passed to its third reading.

A Bill to be entitled: "An act making the town of Jasper in the County of Jasper, the legal County seat.

Read a 2d time.

Mr. Greer, moved its reference to the judiciary Committee.

Lost, bill passed to its third reading.

A Bill to be entitled: "An act to define and fix the practice of Probate Courts in certain cases.

Read a second time, and

On motion of Mr. Jack, referred to judiciary Committee.

A Bill to be entitled: "An act for the relief of Martha B. Runnels, and others.

Read a second time, and ordered to be engrossed.

A Bill to be entitled: "An act for the relief of Monio E. Goodwyn, Louisa Harris, Eliza V. Harris and other heirs of Robert W. Harris deceased."

Read a second time, and ordered to be engrossed.

A joint resolution for the relief of Calvin Boales, David Dawson and others.

Read a second time, and ordered to be engrossed.

A Bill to be entitled: "An act supplementary to the act of Limitations.

Read a 2d time, and

On motion of Mr. Webb, referred to the judiciary Committee.

A Bill to be entitled: "An act to establish and incorporate the Wesleyan male and female College of San Augustine.

Read a second time the amendments reported by the Committee; adopted, and bill passed to its third reading.

Mr. Lawrence, by leave, introduced a bill to be entitled: "An act for the relief of McKinney & Williams."

Read a first time.

A joint resolution making an appropriation of one thousand dollars for printing. The substitute reported by the Committee entitled: "A joint resolution making an appropriation for contingent printing," was read and adopted, and bill passed to its third reading.

On motion of Mr. Jack, rule suspended, read a third time, and passed.

A joint resolution for the relief of Richard West, Deputy Collector at Port la Vaca.

Read a second time.

Mr. Pattillo moved to lay the bill on the table. Lost, and bill passed to its third reading.

Mr. Greer, moved an adjournment until 10 o'clock, to-morrow morning. Lost.

A joint resolution for the relief of Edward Dwyer.

Read a second time, and passed to a third reading.

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

TUESDAY, January 9th, 1844, }
 10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Lawrence, presented the petition of sundry individuals as officers of the Navy, praying an appropriation for their relief, and on motion, the same was referred to the Committee on Naval Affairs.

Mr. Kaufman, on behalf of the judiciary Committee, reported the following bills with the following amendments, to wit:

A Bill to be entitled: “An act to fix the practice of Probate Courts in certain cases,” amendments: add Sec, 2d—

“*Be it further enacted*, that whenever there may be outstanding bonds, obligations or contracts in writing, for the conveyance of lands or tenements, against the estate of any deceased person, which it may be to the interest of said estate should be lifted or complied with, it shall be the duty of the Probate Court where the succession was opened or where the same was, or may be administered upon, on application by petition of the Executor or Executrix, Administrator or Administratrix, or widow of the deceased or guardian, where all the heirs are minors, and have such guardian after full proof of the existence of such bond, obligation or contract in writing, and upon satisfactory evidence that a compliance with the requirements of said bond, obligation or contract, would be beneficial to the interests of said estate, to decree that the person thus applying shall fully comply with the same, and any deed or tender of deed made under such decree, shall be as valid and binding as if it had been made or tendered by the Testator or Intestate himself.”—add—

SEC. 3. “*Be it further enacted*, that such bond or contract thus complied with or tendered to be complied with, shall exonerate the estate from all liability or responsibility on such instrument, and the Probate Court shall take possession of such instrument of writing and file it among the papers of the Court, and, when the same is complied with, it shall be cancelled by the Probate Judge; and all the testimony heard under the se-

cond section of this act, shall be taken down in writing, signed by each of the witnesses, and preserved among the records of the Court. Provided, that minors and all persons laboring under disabilities recognized by the Statute of limitations, shall have two years after such disabilities are removed, to set aside all deeds or judgments made by virtue of this act, for fraud, co-vin, and collusion, or any other cause that should vitiate the same." Add---

SEC. 4. "*Be it further enacted*, that when bonds or obligations are outstanding against any deceased person, for the conveyance of lands suits, may be brought in the District Courts against the executor, administrator or guardian, as the case may be, and upon full proof being made of the justice of the same, the Courts shall decree a title, and such title shall be as good as if made by the original obligor." Add :

SEC. 5. "*Be it further enacted*, that executors, administrators or guardians, may bring and sustain all actions for the recovery of titles, upon such bonds or obligations or contracts, and all actions necessary to recover the possession of lands which are held by any person or persons adversely to the estate which he represents, and this act shall be in full force, from and after its passage."

A Bill to be entitled : "An act to amend the criminal laws of the Republic of Texas," amendments---add,

SEC. 5. "*Be it further enacted*, that where an indictment be mislaid or lost, upon the discovery of the fact by the District Attorney, he shall request the Court to have the fact entered upon the minutes of the Court, in which cases those offences which are barred by the expiration of a certain time from the commission of the same, shall not be barred until the expiration of the same length of time after such loss is noticed upon the minutes of the Court." In sec 1, strike out "ten years' and insert "five years." Strike out the word "application" in sec. 4, and insert the word "affidavit."

A Bill to be entitled . "An act to prescribe the mode of serving process or notice in certain cases," amendments, add

SEC. 2. "*Be it further enacted*, that in cases of application for a divorce, should the petitioner declare in his or her petition, that although the defendant may be a resident of the Republic, his or her residence is unknown or transient, upon an affidavit to that effect, process may be served in the same manner as provided for in the first section of this act; provided, that in none of the cases provided for by this act shall final judgment be rendered at the first term of the Court, unless the

defendant appears; and, further provided, that such publications shall specify the names of the parties, the Court wherein the suit is depending, the nature of the action, and if money be claimed the amount thereof." Add

SEC. 3. "*Be it further enacted*, that where the defendant is a non-resident, notice to take depositions may be served by publication four weeks as prescribed in the first section of this act."

A Bill to be entitled: "An act to legitimate certain children therein named," which the Committee report back to the Senate, for their action.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined the following bills, to wit:

An act for the relief of Martha B. Runnels and others.

A joint resolution for the relief of Calvin Coates, David Dawson, and others, and—

An act for the relief of Monio E. Goodwin, Louisa Harris, Eliza V. Harris, and other heirs of Robert W. Harris, deceased, and find the same correctly engrossed.

Mr. Lawrence, Chairman of the Committee on Privileges and Elections to which was referred the memorial of James Power, reported the same back to the Senate for its action.

Mr. Greer, Chairman of the Committee on Finance, to which was referred a bill to be entitled: "An act authorizing the Sheriff of Rusk County, to collect the State and County tax of said County, for the year 1842, and for other purposes, reported the same, with the following amendments, and recommend its passage. In fourth line of Sec. 3, strike out the word 'Jury,' strike out the fourth section.

Mr. Parker, of Fort Bend, by leave, introduced a bill to be entitled: An act to legitimate certain children therein named.

Read a first time.

Mr. Kaufman, by leave, introduced a bill to be entitled: "An act to prevent the Major General from calling out the Militia, except by order of the President.

Read a first time.

Mr. Greer, by leave, introduced a bill to be entitled. "An act authorizing the Commissioner of the General Land-office, to issue patents when the field notes by mistake or accident contain a greater quantity of land than is called for by the certificate."

Read a first time.

The question of order made by Mr. Jack, on a previous day: —whether Mr. Greer had a right to withdraw a motion made

by him previously, to reconsider the vote rejecting a bill to be entitled: "An act requiring the Executive and heads of Departments to return to the seat of Government," was taken up. The question of order withdrawn.

Mr. Greer, asked leave to withdraw his motion, upon which the question was taken.

The ayes and noes being called for upon the question, stood thus:—

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

Mr. Parker of Fort Bend, moved to lay motion to reconsider upon the table, until the 17th day of the present month.

The ayes and noes being called for, stood thus:

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith, and Webb—6.

There being a tie the President decided in the negative.

So the motion was lost.

Mr. Greer, made a question of order—whether the question before the Senate was in order. The chair decided in the affirmative—from which decision, Mr. Greer appealed.

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

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie the President was sustained.

Mr. Jack, moved the previous question.

The ayes and noes being called for, stood thus:

Ayes—Messrs. Jack, Hunter, Lawrence, Rugeley, Shaw, Smith and Webb—7.

Noes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—5.

So the motion to reconsider, carried.

The bill was now read a first time.

Mr. Parker of Nacogdoches, moved to lay the bill on the table until to-morrow at 11 o'clock.

The ayes and noes being called for, stood thus.

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

So the motion was lost.

Mr. Greer, moved the following amendment to the 22d Rule of the Senate, to wit :

Add "and no motion to lay a motion to reconsider on the table shall be in order," and

On motion of Mr. Kaufman, the same was laid on the table.

The Senate then proceeded to the

ORDERS OF THE DAY.

A joint resolution for the relief of Calvin Boales, David Dawson and others.

Read a third time and passed.

A Bill to be entitled : "An act for the relief of Martha B. Runnels and others."

Read a third time and passed.

A message was received from His Excellency, through his private secretary, W. D. Miller, Esq., marked "secret."

A bill to be entitled : "An act for the relief of Monio E. Goodwyn, Louisiana Harris, Eliza V. Harris, and other heirs of Robert W. Harris, deceased."

Read a third time and passed.

A Bill to be entitled : "An act granting the Commissioner of the General Land Office and Auditor, the franking privilege."

Read a third time and passed.

A Bill to be entitled: "An act making the town of Jasper in the County of Jasper, the legal County seat."

Read a third time and passed.

A joint resolution for the relief of Edward Dwyer.

Read a third time, and

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

Mr. Jack, by leave, introduced a bill to be entitled : "An act to increase the salaries of District Attorneys."

Read a first time.

A Bill to be entitled : "An act to establish and incorporate the Wesleyan male and female College of San Augustine."

Read a third time and passed.

A joint resolution for the relief of Angelina D. Smith.

Read a third time and passed.

A joint resolution for the relief of Richard West, Deputy Collector at Port la Vaca.

Read a third time.

Mr. Parker of Port Bend, moved to lay the bill on the table until 10 o'clock, to-morrow. Lost—and

On further motion of Mr. Parker, the same was laid on the table.

Mr. Parker of Fort Bend, moved an adjournment until 3 o'clock. Lost.

A joint resolution for the relief of George T. Holman.

Read a second time.

A Bill to be entitled: "An act requiring the Auditor to audit certain claims therein mentioned."

Read a second time—report of Committee adopted.

Mr. Parker of Nacogdoches, moved the following amendment: to insert the claim of John E. Knight, for \$162,91, for carrying the mail on route No. 25, in the year 1842; also, the claim of Richard G. Hall, for carrying the mail on route No. 3, for same year, for \$125.

Mr. Rugeley offered the following amendment to Mr. Parker's amendment—"and all and similar claims of a like character by the claimants, giving bond and good security to the Auditor in double the amount of the claim to be held until final settlement of their accounts."

Mr. Parker of Nacogdoches, moved the bill be recommitted to the Committee on Post Offices and Roads. Lost.

The question recurred upon Mr. Rugeley's amendment.—Lost. The question was now upon the amendment offered by Mr. Parker, which was lost—the bill was then ordered to be engrossed.

On motion of Mr. Jack, the Senate went into secret session, the doors being opened,

On motion of Mr. Shaw, Mr. Smith was added to the Committee on Indian affairs.

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

THREE O'CLOCK, P. M.

Senate met—roll called—a quorum present.

The report of the Committee on Privileges and Elections, to which was referred the memorial of James Power, was taken up.

Mr. Jack, offered the following resolution, to wit:

Resolved, that as no notice, as required by law, has been gi-

ven by James Power, who contests the seat of the Hon. W. L. Hunter, therefore the Senate should take no action on the application of the said Power.

Mr. Pattillo, offered the following substitute, to wit :

Resolved, that the Hon. James Power, is hereby declared duly entitled to his seat as Senator for the Senatorial District, composed of the Counties of Refugio, Goliad and San Patricio.

When on motion of Mr. Jack, the same was made the special order of the day for to-morrow, at 11 o'clock.

A Bill to be entitled . "An act for the relief of Messrs. McKinney & Williams."

Read a second time, and

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

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit :

A Bill to be entitled : "An act to change the seat of Justice, of the County of Austin."

Read first time.

A joint resolution for the relief of Jonathan Bird."

Read first time.

A joint resolution for the relief of Jerome B. Robertson.

Read first time.

A Bill to be entitled : "An act to exempt the citizens of the County of San Patricio from taxation."

Read a first time.

A Bill to be entitled : "An act to legitimate John S. Hodges."

Read a first time.

A Bill to be entitled : "An act for the relief of the heirs of Henry Pearson, deceased."

Read first time.

A Bill to be entitled : "An act to regulate the fees of County Clerks, in certain cases."

Read 1st time.

On motion of Mr. Jack, a bill to be entitled : "An act requiring the Executive and heads of Departments to return to the Seat of Government," was taken up, and passed to its second reading.

A Bill to be entitled : "An act requiring the Sheriff of Rusk County to collect the State and County tax for the year 1842, and for other purposes."

Read a second time—amendments adopted and bill passed to its third reading.

A Bill to be entitled. "An act to legitimate certain children therein named."

Read second time and passed to its third reading.

A Bill to be entitled: "An act to amend the Criminal Laws of the Republic."

Read 2d time—amendments adopted and bill passed to third reading.

A Bill to be entitled: "An act to prescribe the mode of serving process or notice in certain cases."

Read a second time—amendments adopted and bill ordered to be engrossed.

A Bill to be entitled: "An act to define and fix the practice of Probate Courts in certain cases."

Read 2d time—amendments adopted and bill passed to its third reading.

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

WEDNESDAY, January 10th, 1844.

10 o'clock A. M.

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit:

Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, and Smith—a quorum present.

Prayer by the Chaplain.

The journals of the preceeding day were read and adopted.

Mr. Lawrence presented the petition of Messrs. Bates and Smith, praying that the Auditor be required to audit the accounts therein named, which was, on motion, referred to the Committee on Claims and Accounts.

Mr. Kaufman presented the petition of Stephen G. McClenny praying for a divorce.

Mr. Parker of Fort Bend, moved that the same lay on the table until the 17th day of February next—motion lost, and

On motion of Mr. Kaufman, the same was referred to the Committee on the State of the Republic.

Mr. Pattillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the Committee had examined a bill to be entitled an act to provide the mode of serving process or notice in certain cases: also an act requiring the Auditor to audit certain claims therein mentioned, and find the same cor-

rectly engrossed : also a bill to be entitled an act to reorganize the District Courts of the fourth Judicial District," and find the same correctly enrolled, the same having been signed by the President of the Senate and the Speaker of the House of Representatives, was this day presented to His Excellency, the President of the Republic, for his approval.

The Select Committee, Mr. Parker of Nacogdoches, chairman, to which was referred a joint resolution in relation to the able and patriotic services of Captain Lewis Sanchez, reported the same back to the Senate with this slight amendment to wit: "in the enacting clause, strike out the words, "in Congress assembled," and recommend its passage.

Mr. Smith, by leave, introduced a joint resolution for the relief of Donat Radaz, deceased. Read a first time.

Mr. Parker of Nacogdoches, by leave, introduced a joint resolution for the relief of Richard G. Hall and John E. Knight. Read a first time.

On motion of Mr. Parker of Fort Bend, the Senate proceeded to the

ORDERS OF THE DAY.

In the contested election between Messrs. Hunter and Power, the question was upon the adoption of the substitute offered on yesterday by Mr. Pattillo, to a resolution offered by Mr. Jack.

On motion of Mr. Greer, the substitute was laid on the table.

Mr. Jack then withdrew his resolution, by leave of the Senate, when

Mr. Webb offered the following :

Resolved, that the term of four weeks be and the same is hereby allowed to the Hon. William L. Hunter, the present sitting member from the District composed of the counties of Refugio, San Patricio and Goliad, and James Power, Esqr., who claims said seat, to take such testimony as said parties or either of them may deem necessary, in support of their respective claims, each of said parties giving to the other notice of the time and place of taking said testimony.

Mr. Jack offered the following substitute :

Resolved, that the Hon. William L. Hunter is duly entitled to the seat he occupies as Senator from San Patricio, Goliad and Refugio.

Mr. Jack, by leave, withdrew his substitute.

The question was now upon the adoption of the resolution offered by Mr. Webb, when

On motion of Mr. Kaufman, the same was laid on the table until 3 o'clock, P. M.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit :

A bill to be entitled An Act to establish a standard of weights and measures. Read a first time.

A bill (from the Senate) to be entitled An Act to authorize executors, administrators or guardians, to purchase property for the collection of debts in certain cases.

A bill to be entitled An Act requiring the Auditor to audit certain claims therein mentioned. Read a third time and passed.

A bill to be entitled An Act to provide the mode of serving process or notice, in certain cases. Read a third time.

The ayes and noes upon the final passage of the bill being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Kaufman, Lawrence, Rugeley, Shaw Smith, and Webb—8.

Noes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches and Pattillo—4. So the bill passed.

Mr. Lawrence, by leave, reported upon behalf of the Select Committee, to which was referred a bill to be entitled An Act prescribing the mode by which non-resident married women may dispose of their separate property, situated in this country, that they had had the same under consideration, and recommend the rejection of the amendment proposed by the Judiciary Committee, and the passage of the original bill.

The ayes and noes being called for on the adoption of the report, stood thus :

Ayes—Messrs. Greer, Lawrence, Parker of Fort Bend, Pattillo, Shaw and Smith—6.

Noes—Messrs. Jack, Hunter, Kaufman, Parker of Nacogdoches, Rugeley and Webb—6.

There being a tie, the President decided in the negative.

So the report was rejected.

The question being called for on the engrossment of the bill, and the ayes and noes being called, stood thus :

Ayes—Messrs. Jack, Hunter, Kaufman, Rugeley, Smith, and Webb—6.

Noes—Messrs. Greer, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—6.

There being a tie, the President voted in the affirmative;

So the bill was ordered to be engrossed.

A Bill to be entitled: "An act to amend the Criminal Laws of the Republic."

Read a third time and passed.

A Bill to be entitled: "An act to define and fix the practice of Probate Courts, in certain cases."

Read a third time and passed.

A Bill to be entitled: "An act to increase the salaries of District Attorneys."

Read a second time, and

On motion of Mr. Webb, referred to the Committee on the Judiciary.

A Bill to be entitled: "An act authorizing the Sheriff of Rusk County to collect the State and County tax for said County, for the year 1842."

Read a third time.

Mr. Webb, moved its committal to a Select Committee.

Lost. The question was now on its passage, which was carried.

A joint resolution for the relief of George T. Holman.

Read a third time, and

On motion of Mr. Kaufman, the same was recommitted to a Select Committee.

Messrs.—Kaufman, Greer and Webb, were appointed said Committee.

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

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

The question upon the adoption of the resolution of Mr. Webb, in relation to the contested election between the Hon. William L. Hunter and James Power.

Mr. Kaufman moved to amend the resolution by inserting three weeks instead of "four".

Amendment accepted.

Mr. Greer, offered to amend by granting the Hon. William L. Hunter, leave of absence for three weeks.

The ayes and noes being called for upon the amendment offered by Mr. Greer, stood thus:

Ayes—Messrs. Greer, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—5.

Noes—Messrs. Jack, Kaufman, Rugeley, Shaw, Smith and Webb—6.

So the amendment was rejected.

The question was now on the adoption of the original resolution offered by Mr. Webb.

The ayes and noes being called, stood thus :

Ayes---Messrs. Jack, Kaufman, Rugeley, Shaw, Smith and Webb---6.

Noes---Messrs. Greer, Lawrence, Parker of Fort Bend, Parker of Nacogdoches and Pattillo---5.

So the resolution was adopted.

A joint resolution in relation to the able and patriotic services of Captain Lewis Sanchez. Amendment adopted.

Read a second time, and ordered to be engrossed.

A Bill to be entitled : "An act to legitimate certain children therein named."

Read a third time, and passed.

A joint resolution for the relief of Jerome B. Robertson.

Read a second time, and

On motion of Mr. Kaufman, referred to the Committee on Public Lands.

A bill to be entitled : An act to exempt the citizens of the County of San Patricio from taxation."

Read a second time, and

On motion of Mr. Webb, referred to the Committee on Finance.

A bill to be entitled : "An act to legitimate John S. Hodges."

Read a second time, and

On motion of Mr. Greer, referred to the Committee on the State of the Republic.

A Bill to be entitled : "An act for the relief of the heirs of Henry Pearson, deceased."

Read a second time, and

On motion of Mr. Shaw, referred to the Committee on Public Lands.

A bill to be entitled : "An act to change the seat of justice in the County of Austin."

Read a second time, and passed to its third reading.

A joint resolution for the relief of Jonathan Bird.

Read a second time, and

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

A bill to be entitled : "An act to regulate the fees of County Clerks in certain cases."

Read a second time, and

On motion of Mr. Kaufman, referred to the Committee on the State of the Republic.

A bill to be entitled: "An act legitimizing certain children therein named."

Read a second time, and

On motion of Mr. Greer, referred to the Committee on the State of the Republic.

A Bill to be entitled: "An act to prohibit the Major General from calling out the Militia, except by order of the President."

Read a second time,

Mr. Jack, moved its reference to the Committee on Military Affairs.

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

Ayes—Messrs. Greer, Jack, Hunter, Rugeley, Shaw, Smith and Webb—7.

Noes—Messrs. Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches and Pattillo—5.

So the bill was referred.

A bill to be entitled: "An act authorizing the Commissioner General of the Land Office, to issue patents when the field notes by mistake or accident contain a greater quantity of land than is called for by the certificate."

Read a second time, and

On motion of Mr. Jack, referred to the Committee on Public Lands.

A bill to be entitled: "An act requiring the Executive and heads of Departments, to return to the seat of Government."

Read by its caption, and

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

On motion of Mr. Parker of Fort Bend, Senate adjourned until 10 o'clock, to-morrow morning.

THURSDAY, January 11th, 1844. }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Hunter, Rugeley, Shaw, Smith, and Webb—

There not being a quorum—the Sergeaut-at-arms was despatched after absent members—returned and a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Lawrence presented the petition of Messrs. League & Andrews, praying for relief, &c., and

On motion the same was referred to a select committee.

Messrs. Lawrence, Greer, and Smith, were appointed said Committee.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a joint resolution in relation to the able and patriotic services of Captain Luis Sanchez," also,

A bill to be entitled: "An act to provide the manner by which nonresident married women may convey their property situated in this country, and for other purposes," and find the same correctly engrossed. Also,

A bill to be entitled: "An act to authorize administrators, executors or guardians to purchase property for the collection of debts in certain cases," and find the same correctly enrolled, the same having been signed by the President of the Senate, and Speaker of the House of Representatives, was this day presented to his Excellency for his approval.

Mr. Smith, Chairman of the Committee on Public Lands, to which was referred a joint resolution for the relief of Jerome B. Robertson, reported the same back to the Senate, and recommend its indefinite postponement.

Mr. Parker, of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred the joint resolution for the relief of John W. Smith and others, reported the same back to the Senate, without amendment, and recommend its passage.

Mr. Rugeley, Chairman of the Committee on the State of the Republic, to which was referred, a bill to be entitled: "An act authorizing the Secretary of State to employ an additional assistant Clerk," reported the same back to the Senate for its action. Also,

A Bill to be entitled: "An act supplementary to an act regulating the sale of runaway slaves, approved January 5, 1842, with the following amendments, to wit: In Section 1st strike out 'and for each and every slave taken up without the limits of this Republic, one hundred dollars.'"

In the first section strike out the word "recovered" and insert the word "secured."

In the third Section strike out the word "any" and insert the word "no" in the first line.

Mr. Rugeley, Chairman of the Committee on Naval Affairs,

to which was referred the petition of sundry officers of the Navy, reported a bill to be entitled: "An act making an appropriation to pay in part the officers of the Navy," which was read a first time.

A message was received from his Excellency the President, through his private Secretary, W. D. Miller, returning to the Senate the bill to be entitled: "An act to repeal all laws now in force authorizing the President to form Colonization Contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with," with his objections, as follows, to wit :

Executive Department, }
WASHINGTON, January 10th, 1844. }

To the Honorable the Senate :

The Executive has had under consideration, the bill providing for a "repeal of all laws now in force, authorizing the President to form colonization contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with," and is constrained to return the same to the House in which it originated, without his approval.

The various contracts under the laws intended to be repealed by this bill, were all made with reference to those laws as they stood at the date of the contracts. Those laws contemplate and provide for an extension of time, under certain circumstances, to the contractors. This provision entered into and became one of the governing principles of the contracts; and any law now passed declaring that "no extension of time or privilege shall be granted to said contractors *for the purpose of carrying such contracts into effect,*" would, in the opinion of the Executive, directly impair the obligation of the existing contracts. The contractors have the right to expect a just and strict compliance with the spirit and letter of the laws governing their contracts, on the part of the Government; and to curtail their rights as provided for in the bill, would, the Executive conceives, be not only a violation of the constitution but work great loss and inconvenience to those who have invested capital and expended labor in endeavoring to carry out their respective undertakings in good faith.

In one or two instances, contractors have been prevented from introducing settlers into their colonies, by the express request and direction of the Government, under the apprehen-

sion that by so doing, the efforts of the Government in bringing about a peace with the Indians would probably be interrupted. Under these circumstances, it would be a glaring violation of good faith to deprive the contractors of the privileges secured to them under the law.

Nothing certainly exerts a more detrimental influence upon the prosperity and happiness of a nation than instability in legislation. The contractors for the settlement of our vacant domain have not, as yet, had time to perfect their respective contracts; and before a fair experiment of the policy of this mode of settling the country is made, it should not be condemned.—The dignity, as well as interests of the nation, requires, as the Executive believes, a strict fulfilment of all its pledges. If individuals are not protected in their just rights, it will be utterly impossible that any confidence should exist; and the consequences must naturally be languor, indecision and failure in every thing wherein the Government has any occasion for individual enterprize.

The Executive is assured from many sources, both in Europe and America, that many emigrants are already on their way to the colonies to be settled under existing contracts; many have already arrived, and many more will (unless all faith in the Government is destroyed) make our vacant territory their future home. A very powerful and wealthy association at Mayence, in Germany, is on the eve of commencing the introduction of a large number of German families into Western Texas. By affording a few facilities and observing a strict regard for the laws, much may be done towards the settlement and protection of that portion of our vacant territory by a population distinguished for its industry and thrift.

SAM HOUSTON.

Which was read, and

On motion of Mr. Kaufman, ordered to lay on the table one day.

Mr. Jack, by leave, introduced a bill to be entitled: "An act giving the direct taxes to the Counties."

Read a first time.

On motion of Mr. Jack, rule suspended—read a second time and referred to the Committee on Finance.

The Senate then proceeded to the

ORDERS OF THE DAY.

A bill to be entitled: "An act to provide the mode by which nonresident married women may convey their property, situated in this Country."

Read a third time.

The ayes and noes being called for stood thus :

Ayes—Messrs. Jack, Hunter, Kaufman, Rugeley, Smith and Webb—6.

Noes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches, Patillo, and Shaw—5.

So the bill passed.

A joint resolution in relation to the able and patriotic services of Captain Luis Sauchez.

Read a third time and passed.

A bill to be entitled : "An act supplementary to an act entitled an act regulating the sale of runaway slaves"—amendments reported by the Committee adopted.

Read second time.

Mr. Kaufman, moved to strike out the words "with all reasonable costs and damages" in 2d Sec.—carried.

Mr. Greer, moved to strike out in same section the words "or persons" also the words "or they"—carried—also, strike out in first section the word "near" and insert "West of"—carried.

Mr. Rugeley, moved to strike from 1st Section the words "fifty dollars" and insert "forty dollars"—carried, and

On motion of Mr. Kaufman, the bill was recommitted to a select Committee.

Messrs. Lawrence, Webb and Greer, were appointed said Committee.

A joint resolution for the relief of Jerome B. Robertson—the report of the Committee recommending its indefinite postponement was adopted.

A bill to be entitled : "An act to authorize the Secretary of State to employ an additional assistant Clerk"—the question being on the engrossment of the bill, was lost.

Mr. Greer, moved a reconsideration—carried:

The ayes and noes being called for on the engrossment of the bill, stood thus :

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Fort Bend, Pattillo and Rugeley—6.

Noes—Messrs. Greer, Jack, Parker of Nacogdoches, Shaw, Smith and Webb—6.

There being a tie, the President voted in the negative.

So the question was lost.

A joint resolution for the relief of John W. Smith.

Read a second time, and passed to its third reading.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit:

A Bill to be entitled: "An act authorizing John C. Hays, to raise a Company of mounted gunmen.

Read a first time.

A Bill to be entitled: "An act to incorporate the Cumberland Presbyterian Church of Clarksville."

Read a first time.

A Bill to be entitled: "An act to amend an act organizing the Militia of the Counties of Robertson and Brasos, approved Jan-6, 1812."

Read a first time.

A Bill to be entitled: "An act to amend an act regulating sales by Judgment or Decree of a Court of Probate or Court of Chancery, approved January 14, 1843."

Read a first time.

A joint resolution for the relief of the heirs of John Hibbins deceased.

Read a first time.

A Bill to be entitled. "An act to repeal the 13th section of an act, entitled an act to raise a revenue by direct taxation, approved 4th Feb. 1841."

Read a first time.

A Bill to be entitled: "An act supplementary to an act to locate a road from Washington, to Sabine river."

Read a first time. Also,

A Bill from the Senate, entitled: "An act to fix the currency in which fines and forfeitures shall be collected," with the following amendment, to wit:

After the words "or gold or silver" insert "or Exchequer bills."

The Senate refused to concur in the amendment of the House, and

On motion of Mr. Jack, a Committee of conference was appointed on the part of the Senate, to confer with a like Committee on the part of the House, &c.

Messrs. Jack and Kaufman, were appointed said Committee.

A Bill for the relief of the heirs of Wm. M. Eastland, and others.

A Bill granting the Commissioner of the General Land-office and Auditor, the franking privilege.

A Bill to incorporate the Wesleyan male and female College of San Augustine. The amendments of the Senate to which several bills, the House of Representatives had concurred in. Also—

A joint resolution making an appropriation of one thousand dollars for printing—the House having adopted the substitute of the Senate. Also,

That the House had concurred in the amendments of the Senate, to a bill to be entitled: "An act to amend the Criminal Laws of the Republic of Texas."

A Bill to be entitled: "An act to change the seat of Justice of the County of Austin."

Read a 3d time.

Mr. Jack, offered the following amendment, to wit:

"Provided, however, that the removal of the different offices shall not be made till after the next spring term of the District Court, which Court shall be holden at the place fixed by the former law."

Amendment adopted and bill passed.

On motion of Mr. Greer, the bill to be entitled: "An act making appropriations for the year 1844," was taken up.

On motion of Mr. Parker of Nacogdoches, the article making an appropriation for a spy company on our Western and South-western frontier, was stricken out.

Mr. Jack, moved to strike out the article making an appropriation for pay of Commissioners to Mexico.

The ayes and noes being called for, stood thus:

Ayes--Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes.--Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Mr. Greer, being in the Chair, and there being a tie, the motion was lost.

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

A joint resolution for the relief of the estate of Donat Radaz.

Read a second time, and

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

A joint resolution for the relief of Richard G. Hall and John E. Knight.

Read a second time, and

On motion of Mr. Parker of Nacogdoches, referred to the Committee on Post offices and Roads.

A Bill to be entitled: "An act to establish a standard of weights and measures."

Read a second time, and

On motion of Mr. Lawrence, referred to the Committee on the State of the Republic.

Mr. Kaufman, offered the following resolution, to wit:

"*Resolved*, that His Excellency the President be respectfully requested to communicate to the Senate, as early as practicable, an estimate of the probable amount necessary to be appropriated towards Indian purposes, and pay of Commissioners to Mexico."

Adopted.

On motion of Mr. Parker of Nacogdoches, the Senate adjourned until 10 o'clock, to-morrow morning.

FRIDAY, January 12th, 1844, }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Hunter, Parker of Nacogdoches, Pattillo, Rugeley, Shaw and Smith.

There not being a quorum, the Sergeant-at-Arms was despatched after absent members—returned, and a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Webb presented the memorial of C. F. Mercer, relative to a contract for colonization, &c., and on motion, the same was referred to the Committee on the State of the Republic.

Mr. Lawrence presented the petition of Anthony B. Shelby, praying an appropriation for services as District Judge, and

On of Mr. Parker of Nacogdoches, the same was referred to the Committee on Finance.

Mr. Parker of Nacogdoches, chairman of the Committee on Claims and Accounts, to which was referred "A joint resolution for the relief of Jonathan Bird," also "A joint resolution for the relief of Robert Pace," reported the same back to the Senate, and recommend their passage.

Mr. Lawrence, chairman of the Committee on Military Affairs to which was referred a bill to be entitled "An Act to prevent

the Major-General from calling out the militia, except by order of the President," reported the same back to the Senate for its action.

Mr. Webb, from the Select Committee, to which was referred a bill to be entitled "An Act supplementary to an act regulating the sale of runaway slaves, approved January 5th, 1841," reported the same back to the Senate with the following amendments, to wit: strike out of the first section, all after the word "slaves," in the fifth line, to the words "the San Antonio," in the seventeenth line, and insert the words "on or west of"—— strike out of the second section the word "rates" in the fifth line and insert the word "sum"——; in same section, after the word "receive" insert the words "for each slave so apprehended and delivered;" in same section strike out the words "or they" in the seventh line, and the words "with all reasonable damages and costs" in the tenth line, and the words "or persons"; in the fourth line insert this additional section as Section 3rd., to read as follows:

Be it further enacted, that the provisions of the second section of this act shall extend to persons apprehending runaway slaves in any part of the Republic, provided said slaves are delivered by the apprehender to the owner thereof, at his or her residence. Change the number of Section 3 to Section 4.

Mr. Greer, chairman of the Committee on Finance, to which was referred a joint resolution for the relief of L. S. Hargous of the city of Vera Cruz, reported the same back to the Senate for its action.

Mr. Kaufman, from the Judiciary Committee, to which was referred a bill to be entitled An Act authorizing constables to act in their official capacities throughout their respective counties with the following amendment, to wit: in 6th line of Section 1, after the word "office" insert "connected with suits legally instituted within the beats to which said constables respectively belong:" also "a joint resolution for the relief George T. Holman," and recommend its indefinite postponement: also "An act to provide a mode of making Executors and Administrators parties to certain suits," and recommends that it lay on the table.

Mr. Webb, by leave, introduced a bill to be entitled An act to repeal the first section of an act entitled an act fixing the time at which laws passed by Congress shall go into effect, and prescribing the manner in which the same shall be promulgated, approved 16th January, 1840." Read first time.

On motion of Mr. Jack, rule suspended, read a second time,

on motion of Mr. Parker of Nacogdoches, rule further suspended, read a third time and passed.

Mr. Smith, by leave, introduced a bill to be entitled **An act for the protection of the Western and South-Western frontier.** Read a first time, and

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

Mr. Jack moved its reference to the Judiciary Committee—carried.

Mr. Jack, chairman of the Judiciary Committee, to which was referred a joint resolution for the re-organization and relief of Refugio county with the following amendments, to wit: strike out the preamble and first section; amend Sec. 2nd so as to read thus:

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice of the County of Victoria be, and he is hereby required upon the petition of twelve resident citizens of the county of Refugio to issue a writ of election for the election of a Chief Justice for Refugio county, which election shall be held in conformity to law, at the precincts in Refugio county, and the Chief Justice of the county of Victoria shall make a proper return of said election to the Department of State.

A substitute for 5th Section.

Be it further resolved, That the Chief Justice of Victoria county be required to perform the same duties for the re-organization of the county of Goliad and all the provisions and benefits of this joint resolution shall be extended to the citizens of Goliad county.

Amend 4th Section by striking out the words 1842 and 1843, and insert "previous to 1844."

A message was received from His Excellency, the President, through his Private Secretary, W. D. Miller, in answer to a resolution of the Senate of yesterday, requesting an estimate of the probable amount required to be appropriated for Indian purposes, and for pay of Commissioners to Mexico, the present year, which was read in the words following:

EXECUTIVE DEPARTMENT, }
Washington, January 11th, 1844. }

To the Honorable, the Senate:

The Executive has the honor to communicate to the Senate, in answer to their resolution of inquiry of this date, that the sum of ten thousand dollars will probably be required for In-

dian purposes for the current year. In this amount will be included any liabilities already incurred which may not be met from the appropriations heretofore made.

It will be necessary to hold one or more councils with the Indians during the present year; and provision must be made for the purchase of the presents usually distributed upon all such occasions, as well as for the pay of commissioners, superintendants, agents, messengers and other incidental expenses.

The several resolutions of the Senate, calling upon the Executive for a statement of the mode in which the funds heretofore appropriated for frontier protection, Indian purposes and the contingences of the various Departments and offices of Government have been expended, were immediately, upon their receipt, referred to the Auditor. The labor and time necessarily required for the compilation of the information requested, have prevented any report from that officer as yet. As soon as it shall have been made, the Executive will forthwith transmit the same to the Senate.

In answer to the inquiry as to what amount will be required for the pay of Commissioners to Mexico, I have the honor to reply, that there is now due to the Commissioners one thousand dollars each, which was principally expended by them in fitting themselves out for the service assigned them in a respectable manner. This was supposed, with the advances which they themselves very generously agreed to make for the same object, to be sufficient for their support until the probable termination of the commission upon the Rio Grande. The propositions from Mexico concerning the armistice, contemplated the appointment on our part of not one, but two or more Commissioners—otherwise but one would have been appointed. In addition to the amount due the Commissioners, obligations have been incurred for carrying expresses between Galveston and Matamoros, in relation to the armistice and the release of our prisoners, amounting to between three and four hundred dollars; both of which sums are included in the estimate of ten thousand dollars respectfully asked of Congress as an appropriation for intercourse with Mexico. This estimate is intended to include, moreover, whatever may be reasonably required for the efficient conduct of the negotiations, in the event of their removal to the city of Mexico.

The Honorable Senate, as well as the Executive, are aware that the public interests demand the strictest economy and circumspection in the disbursement of the public moneys; and the Executive will not, of course, expend more for the purposes

above indicated than may be absolutely necessary to the attainment of the best practicable results in both Indian and Mexican negotiations. If the armistice be continued, and negotiations progress at the Mexican capital, it may be unnecessary to employ more than one Commissioner. In that case, the Executive would feel it obligatory upon him to reduce the expenditures to the indispensable wants of the service, which would probably bring them much within the sum specified as probably requisite.

SAM. HOUSTON.

Mr. Lawrence presented the memorial of Edwin W. Moore, in relation to his conduct as commander of the Navy, &c., with the accompanying documents, which was referred to the Committee on Naval Affairs.

Mr. Pattillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the Committee had examined "An act to repeal the first section of an act fixing the time at which laws passed by Congress shall go into effect, and prescribing the manner in which the same shall be promulgated, approved Jan. 16th, 1840," and find the same correctly engrossed.

On motion of Mr. Greer, the Secretary was instructed to furnish His Excellency, the President with a copy of the printed documents accompanying the memorial of E. W. Moore.

Mr. Webb offered the following resolution, to wit :

Resolved, that with the concurrence of the House of Representatives, the Naval Committees of the two Houses will act conjointly on the memorial of E. W. Moore, late Post Captain in the Texas Navy"—adopted.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit :

A bill for the relief of William G. Cooke, late Acting Quarter Master General. Read a first time.

A bill to be entitled an act supplementary to an act concerning rents. Read a first time, and

On motion of Mr. Jack, the same was laid on the table.

A joint resolution requiring the Commissioner of the General Land Office to open his office at Austin for the transaction of business. Read a first time, and

On motion of Mr. Webb, the same was laid on the table.

A bill to be entitled an act to incorporate the Colorado Navigation company, with the following amendment, which was concurred in by the Senate, to wit.

Be it further enacted, that said corporation shall not be permitted to issue any bill, promissory note or other instrument to

circulate as money, or deal in bills of exchange, except purchasing such bills of exchange as may be necessary to carry on said work."

Mr. Jack, from the Committee of Conference, appointed on yesterday, to confer with a like committee on the part of the House, upon the amendments of the House to a bill to be entitled "An act to fix the currency in which fines and forfeitures shall be recovered," reported that the House had receded from the amendment proposed by them to the said bill.

The Senate then proceeded to the

ORDERS OF THE DAY.

A bill to be entitled An act supplementary to an act to regulate the sale of runaway slaves, approved January 5th, 1841. Read a second time. Amendments adopted and passed to a third reading.

A bill to be entitled An act to prohibit the Major General from calling out the militia. Read a second time, and

On motion of Mr. Webb, the same was laid on the table until 3 o'clock, P. M.

Mr. Webb moved an adjournment until 3 o'clock, P. M.—motion lost.

A bill to be entitled An act for the relief of L. S. Hargous. Read a second time, and passed to a third reading.

A joint resolution for the relief of George T. Holman. Read a second time—the report of the Committee adopted—which rejected the bill.

A bill to be An act to provide a mode for making Executors and Administrators, parties to certain suits—laid on the table.

A joint resolution for the re-organization and relief of Refugio county. Read a second time.

The amendments of the committee were adopted, except the amendment to the fourth section, which was rejected. Bill read a second time.

Mr. Webb offered the following amendment, to wit: after the word "taxes," in fourth section, insert the words "on real estate."

Mr. Kaufman moved to strike out 4th Section—carried.

Mr. Hunter moved to lay on table—carried.

On motion of Mr. Jack, the bill to be entitled An act requiring the Executive and Heads of Departments to return to the Seat of Government was taken up.

Mr. Lawrence moved that the bill lay on the table until the 20th instant.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative. So the motion was lost.

Mr. Greer moved the bill be referred to the Committee on the State of the Republic.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

So the motion was lost.

Mr. Webb moved to fill the blank in the bill with "six hundred."

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

There being a tie, the President decided in the affirmative.

So the motion carried.

Mr. Greer offered the following as a substitute for the last section, to wit :

Be it further enacted, that this act shall take effect one year after its passage."

The ayes and noes being called for, stood thus .

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

So the substitute was rejected.

Mr. Greer moved to strike out from the first section these words, to wit : "the Seat of Government established by law."

The ayes and noes being called for stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

So the amendment was rejected.

Mr. Parker of Fort Bend moved an adjournment until 3 o'clock, P. M.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

So the motion was lost.

Mr. Parker of Nacogdoches offered the following amendment to the first section : strike out from the word "immediately" in third line to the word "it" in fifth line, and insert these words, "immediately after official information shall have been received of the establishment of the armistice between Texas and Mexico, or the acknowledgement of the independence of Texas by Mexico."

Mr. Jack moved the previous question. The question was now, shall the main question be put ?

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

There being a tie, the President decided in the affirmative.

So the question was put.

Mr. Parker of Nacogdoches rose to a question of order, whether the call for the previous question precluded the vote from being taken upon the amendment proposed by him. The President decided in the affirmative. The main question was shall the bill pass to its third reading ?

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Hunter, Kaufman, Lawrence, Rugeley, Shaw, Smith and Webb—8.

Noes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches and Pattillo—4.

So the bill passed to its third reading.

Mr. Jack moved to take up the amendment offered by Mr. Greer to the 22nd rule of Senate—carried.

Mr. Webb offered the following substitute :

No motion to reconsider a vote refusing to reconsider a previous vote shall be in order—adopted.

Mr. Jack, by leave, introduced a bill to be entitled "An act to

provide for the more certain collection of the License Taxes." Read a first time, and

On motion of Mr. Jack, the rule was suspended—bill read a second time, and referred to the Committee on Finance.

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

THREE O'CLOCK, P. M.

Senate met—roll called—a quorum present.

A bill to be entitled An act authorizing John C. Hays to raise a company of mounted gunmen. Read a second time, and

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

A joint resolution for the relief John W. Smith. Read a third time and passed.

A bill to be entitled An act for the relief of Robert Pace. Read a second time and passed to third reading.

A joint resolution for the relief Jonathan Bird. Read a second time, and passed to its third reading.

A bill to be entitled An act authorizing constables to act in their official capacity throughout their respective counties. Read a second time, and rejected.

A bill to be entitled An act to incorporate the Cumberland Presbyterian Church of Clarksville. Read a second time, and referred,

On motion of Mr. Kaufman, to the Committee on the State of the Republic.

A bill to be entitled An act to repeal the 13th Section of an act entitled an act to raise a revenue by direct taxation, approved Feb. 4th, 1841. Read second time.

Mr. Lawrence moved to amend the last section by adding after the word "Matagorda" the words "Houston and Galveston" and on motion of Mr. Smith, San Antonio was added—carried. And on motion of Mr. Kaufman, the rule was suspended—bill read a third time and passed.

Mr. Kaufman moved to reconsider a vote which indefinitely postponed a bill to be entitled an act for the relief of George T. Holman—carried, and bill read a second time and passed to its third reading.

A bill to be entitled An act to amend an act, entitled an act to organize the militia of Brazos and Robertson counties, approved January 16th, 1842. Read second time, and on motion of Mr. Shaw, referred to the Committee on Military Affairs.

A bill to repeal an act entitled An act regulating sales by judgment or decree of a Court of Probate or Courts of Chancery, approved January 14th, 1843. Read a second time, and

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

A bill to be entitled An act supplementary to an act to locate a road from Washington to the Sabine river, approved December 14th, 1839. Read second time, and

On motion of Mr. Greer, referred to the Committee on Post Offices and Roads.

A joint resolution for the relief of the heirs of John Hibbins deceased. Read second time, and

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

A bill to be entitled An act to prohibit the Major General from calling out the militia, except by order of the President. Read second time.

Mr. Greer moved to amend the last section by inserting these words, "any law to the contrary notwithstanding"—carried.

The question was now on the engrossment of the bill.

The ayes and noes being called for, stood thus :

Ayes---Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Patillo and Shaw---7.

Noes---Messrs. Jack, Parker of Fort Bend, Rugeley, Smith and Webb---5. So the bill was ordered to be engrossed.

A bill to be entitled An act making an appropriation to pay in part the officers of the Navy. Read a second time, and

On motion of Mr. Rugeley, referred to the Committee on Naval Affairs.

On motion of Mr. Hunter, a bill for the relief of Richard West, Deputy Collector at Port La Vacca, was taken up, read a second time.

Mr. Jack moved to strike out the preamble---lost, and bill passed to its third reading.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, to-morrow morning.

SATURDAY, Jan. 13th, 1844, }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Hunter, Lawrence, Kaufman, Parker of Nacogdoches,

Parker of Fort Bend, Pattillo, Rugeley, Shaw, Smith and Webb---quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Lawrence, Chairman of the Committee on Military Affairs, to which was referred, a bill authorizing John C. Hays, to raise a Company of mounted gunmen--also

A Bill to be entitled: "An act supplementary to an act organizing the Militia of the Counties of Robertson and Brasos," reported the same back to the Senate, and recommend their passage.

Mr. Jack, Chairman of the Committee on the Judiciary, to which was referred a joint resolution for the relief of the heirs of John Hibbins, deceased," reported the same back to the Senate, with the following amendment, and recommend its passage, to wit: Insert at the end of section 2d: "Provided, however, that this act shall not be so construed as to impair or affect the rights of any person or persons claiming the lands adversely to said Hibbins or his heirs."

Mr. Rugeley, Chairman of the Committee on Naval Affairs, to which was referred a bill to be entitled: "An act making an appropriation to pay in part the officers of the Navy," reported the same back to the Senate, with the following amendments, to wit:

Strike out in the first section "thirteen thousand eight hundred and ninety two dollars," and insert "seventeen thousand eight hundred dollars." In section 2, strike out these words "except the account of Post-captain E. W. Moore."

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill to be entitled: "An act to prohibit the Major General from calling out the militia except by orders of the President, and find the same correctly engrossed.

Mr. Smith, Chairman of the Committee on Public Lands, to which was referred an Act requiring the owners of lands in the Counties of Goliad, San Patricio and Refugio, to have their lines designated and marked--reported the same back to the Senate, and recommend its indefinite postponement.

Mr. Lawrence, Chairman of the Select Committee, to which was referred the petition of Messrs. League, Andrews, & Co., reported a joint resolution for their relief, which was read a first time.

Mr. Kaufman, by leave, introduced a bill to be entitled: "An act to prescribe the duties of District Judges, in regard to charging juries."

Read a first time. Also,

A Bill to be entitled: "An act authorizing the Secretary of State to have the opinions of the Supreme Court, printed.

Read a first time--and on motion rule was suspended--read 2d time and referred to Committee on Judiciary.

On motion of Mr. Parker of Nacogdoches, the Senate then proceeded to the

ORDERS OF THE DAY.

A Bill to be entitled: "An act to prohibit the Major General from calling out the Militia, except by order of the President."
Read a third time.

The ayes and noes upon the final passage of the bill being called for, stood thus:

Ayes—Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo and Shaw---7.

Noes—Messrs. Jack, Parker of Fort Bend, Rugeley, Smith, and Webb—5.

So the bill passed.

A joint resolution for the relief of the heirs of John Hibbins, deceased.

Read a second time—amendment adopted, and bill passed to its third reading.

A Bill to be entitled: "An act requiring the owners of lands in the Counties of Goliad, San Patricio and Refugio, to have their lines designated and marked."

Read a second time--the report of the committee rejected, and—

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

A Bill to be entitled: "An act making an appropriation to pay in part the officers of the Navy."

Read a second time--amendments adopted--and bill ordered to be engrossed.

On motion of Mr. Greer, a bill making appropriations for the support of the Government for the year 1844, was taken up.

Mr. Jack, moved to fill the blank in the article making an appropriation for Commissioners to Mexico, with \$2000.

Mr. Kaufman, moved \$5000.

The ayes and noes upon Mr. Kaufman's motion being called for stood thus:

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo---6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw Smith and Webb—6.

There being a tie, the President decided in the affirmative.

So the motion was carried, and bill ordered to be engrossed.

A Bill to be entitled: "An act requiring the Executive and heads of Departments to return to the seat of Government."

Read a 3d time.

Mr. Lawrence, moved that it lay on the table until the 17th instant.

The ayes and noes being called for upon the motion stood thus:

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

So the motion was lost:

The question now was upon the final passage of the bill.

The ayes and noes being called for stood thus:

Ayes—Messrs. Greer, Jack, Hunter, Lawrence, Rugeley, Shaw, Smith and Webb—8.

Noes—Messrs. Kaufman, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—4.

So the bill passed.

Mr. Greer, gave notice that he would move to reconsider this vote, on Monday next.

A Bill to be entitled: "An act supplementary to an act to organize the Militia of Brasos and Robertson Counties."

Read a second time, and passed to its third reading.

Mr. Greer, Chairman of the Committee on Finance, to whom was referred a bill to be entitled: "An act giving the direct taxes to the Counties," reported the same without amendment and recommend its passage.

Read a second time.

Mr. Kaufman, offered the following amendment, to wit.

"Be it further enacted, that it shall be the duty of the respective Counties, in consideration of their receiving the direct taxes, to pay their Representatives in Congress, and of each Senatorial District to pay their Senators, in proportion to the assessment of taxes in the respective Counties, composing said Senatorial Districts.

The ayes and noes being called for, stood thus:

Ayes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches—4.

Noes—Messrs. Jack, Hunter, Lawrence, Pattillo, Rugeley Shaw, Smith and Webb—8.

So the amendment was rejected.

Mr. Greer, moved to amend by inserting the words "considered as County taxes" after the words "shall be" in section 2. Carried.

Mr. Parker of Nacogdoches, offered to amend the bill, so as to give no preference to any claim for payment.

Motion lost.

Mr. Greer, moved that the bill lay on the table until Monday next, which motion was carried, and

On motion of Mr. Jack, the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, January 15th, 1844. }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names.

Messrs. Greer, Jack, Hunter, Lawrence, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceeding day was read and adopted.

Mr. Webb, moved that the Senate stand adjourned until 10 o'clock, to-morrow morning.

The ayes and noes being called for, stood thus:

Ayes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

There being a tie, the President decided in the affirmative.

So the motion was carried, and

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 16th, 1844, }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer,

Jack, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Lawrence moved an adjournment until 10 o'clock, to-morrow morning.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches and Pattillo—6.

Noes—Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb—6.

There being a tie, the President decided in the negative.

So the motion was lost.

Mr. Parker of Fort Bend, moved an adjournment until 9 o'clock, to-morrow morning.

The ayes and noes being called for stood thus :

Ayes—Messrs. Greer, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—5.

Noes—Messrs. Jack, Hunter, Kaufman, Rugeley Shaw, Smith and Webb—7.

So the motion was lost.

Mr. Rugeley, Chairman of the Committee on the State of the Republic, to which was referred a bill to be entitled: "An act to incorporate the Cumberland Presbyterian Church of Clarksville," reported the same back to the Senate, and recommend its passage. Also,

"An act legitimating certain children therein named," which the Committee report back to the Senate for their action. Also,

A Bill to be entitled: "An act to regulate the fees of County Clerks in certain cases," with the following amendment, and recommend its passage, to wit:

"Be it further enacted, that hereafter the fees of Chief Justices of Counties, Notaries Public or two Justices of the Peace or other officer, for taking down answers to interrogatories, by virtue of a commission directed to them, shall be twenty cents for every hundred words by them required to be written, together with fifty cents for attaching the official seal thereto."—Also,

A Bill to be entitled: "An act to legitimate John S. Hodges," which the Committee report back to the Senate, and recommend its passage. Also,

The memorial of C. F. Mercer, upon which the Committee

reported a bill to be entitled: "An act to incorporate the Texas Land and Emigration Company."

Read a first time

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills reported, that the Committee had examined the following bills, to wit:

A Bill to be entitled: "An act making an appropriation to pay in part the officers of the Navy."

"A Bill making appropriations for the support of the Government, for the year 1844." Also,

A Bill to be entitled: "An act giving the Counties the direct tax now levied and collected by the Republic," and find the same correctly engrossed.

Mr. Smith, Chairman of the Committee on Public Lands, to which was referred, "An act authorizing the Commissioner of the General Land Office, to issue patents when the field notes by mistake or accident, contain a greater quantity of land than is called for by the certificate," reported the same, with the following amendment, and recommend its passage, to wit: Add to section 1st--

"Provided, the excess shall not exceed five per cent."

The Committee on Finance, Mr. Greer, Chairman, to which was referred a bill to be entitled: "An act for the relief of the Counties of Bexar, Gonzales and Victoria," reported the same back to the Senate, and recommend its indefinite postponement. Also,

A Bill to be entitled: "An act for the more prompt collection of License taxes," with the following amendment, to wit:

In Sec. 5, third line, strike out "three or more," and in 4th and 5th lines, strike out "in the sum of five thousand dollars gold or silver."

Mr. Greer, moved to reconsider a vote passing a bill to be entitled: "An act requiring the Executive and heads of Departments to return to the seat of Government," as the session of yesterday was not one as contemplated by the 22d rule of the Senate, as an adjournment was moved and carried, immediately after the journals were read--which motion was seconded.

Mr. Webb, made a question of order whether the motion of Mr. Greer was in order.

Mr. Lawrence, moved an adjournment until to-morrow at 10 o'clock, A. M.

The ayes and noes being called for, stood thus:

Ayes--Messrs. Greer, Lawrence, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo--6.

Noes.--Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb--6.

There being a tie the President decided in the negative.

So the motion was lost.

The President decided that Mr. Greer's motion was out of order, from which decision Mr. Greer appealed.

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

Ayes--Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo--6.

Noes--Messrs. Jack, Hunter, Rugeley, Shaw, Smith and Webb--6.

So the Chair was sustained.

Whereupon, Mr. Greer gave notice, that he would enter his protest against the proceedings of the Senate.

Mr. Parker of Fort Bend, also gave notice, that he would enter his protest on same subject.

A message was received from the Executive, through his private Secretary, W. D. Miller, presenting two communications in writing ; one of which was referred to the Committee on Naval Affairs, and is in the words following :

Executive Department, }
WASHINGTON, January 15th, 1844. }

*To the Honorable the Senate : and
House of Representatives,*

The Executive deems it his duty to lay before Congress the accompanying papers from the Department of War and Marine, in relation to the situation of certain seamen permanently disabled by the Mexicans, in May last, off the coast of Yucatan. They are recommended by E. W. Moore, late in command of the Texas Navy, to the liberality of the present Congress, as richly deserving of a pension.

Their claims are respectfully submitted for such action as the Honorable Congress may think they merit. Humanity at least pleads in their favor. And though they have thus become disabled and dependent by the acts of others, they must now live upon the bounty of a generous people or endure that want which their unhappy necessities impose.

SAM HOUSTON.

The other presenting to the Senate the manner in which the contingent funds of the different Departments have been disbursed, &c., was

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

On motion of Mr. Kaufman, the Senate proceeded to the

ORDERS OF THE DAY.

A Bill to be entitled : "An act making an appropriation to pay in part the officers of the Navy:

Read a third time.

On motion of Mr. Kaufman, the bill was recommitted to the Committee on Naval Affairs with instructions to report as early as possible.

A bill to be entitled : "An act for the relief of the Counties of Bexar, Gonzales and Victoria."

Read a second time, and

The yeas and noes being called for on the adoption of the report of the Committee, stood thus :

Yeas—Messrs. Greer, Jack, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—8.

Noes—Messrs. Hunter, Rugeley, Smith and Webb—4.

So the report was adopted and bill accordingly rejected.

A bill to be entitled : "An act to exempt the citizens of San Patricio from taxation."

Read a second time, and

On motion of Mr. Jack, the bill together with the report, was laid upon the table.

A bill to be entitled: "An act authorizing the Commissioner of the General Land Office, to issue patents when the field notes by mistake or accident, contain a greater quantity of land than is called for by the certificate."

Read a second time, amendment adopted, and the bill ordered to be engrossed.

On motion of Mr. Kaufman, a bill to be entitled : "An act supplementary to an act concerning rents," was taken up.

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

A Bill to be entitled : "An act making appropriations for the support of the Government, for the year 1844," made the special order of the day, for 4 o'clock, P. M.

A bill to be entitled : "An act legitimating certain children therein named.

Read a second time.

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

A bill to be entitled: "An act to incorporate the Cumberland Presbyterian Church of Clarksville."

Read a second time, and

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

On motion of Mr. Shaw, the doors were closed.

The doors being opened—

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, informing the Senate, that the House had passed the following bills, to wit:

A Bill to be entitled: "An act to amend an act for the regulation of the coasting trade, and the protection of Texian shipping."

A Bill to be entitled: "An act to alter and amend the various acts relating to the duties of Chief Justices, and prescribing the manner in which Commissions shall issue."

A joint resolution for the relief of Col. J. C. Neill.

A Bill to be entitled: "An act to continue in force an act for the relief of purchasers of lots in the City of Austin."

A Bill to be entitled: "An act to provide for carrying the Public Mails, for the year 1844, and establishing the rates of postage."

A Bill to be entitled: "An act to incorporate Herman's University."

A Bill to be entitled: "An act to open and establish a National road."

Also, that the House had adopted the resolution of the Senate, providing for the naval committees of the two Houses to act conjointly on the memorial of E. W. Moore, and concurred in the amendments of the Senate, to a bill to repeal the 13th section of an act to amend an act to raise a revenue by direct taxation. Also, in the amendment of the Senate, to an act requiring the Executive and heads of Departments to return to the seat of Government.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, to-morrow morning.

WEDNESDAY, January 17th, 1841. }
 10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Lawrence, Parker of Fort Bend, Kaufman, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceeding day was read and adopted.

The Committee on the Judiciary Mr. Jack, Chairman, to which was referred a bill to be entitled: "An act supplementary to an act concerning rents," reported the same back to the Senate, with the following amendments, to wit: At the end of Sec. 2, add "unless the cross subject to said lien be found upon said rented premises, after the said time." In Sec. 5, before the word "instrument" in sixth line, strike out the word "several" and insert the words "joint and several." After section 5, insert Sec. 6. "Be it further enacted, that nothing herein contained, shall be so construed as to prevent landlards and tenants from entering into such stipulations or contracts, in regard to lien, as they may think proper, provided, that the rights of third persons shall not be thereby affected, unless such contract be reduced to writing and put upon record." Change "Sec. 6" to "Sec. 7."

The Committee on Engrossed and Enrolled bills, Mr. Pattillo, Chairman, reported that the Committee had examined the following bills, to wit:

An act to fix the place for the sessions of the Supreme Court.

An act to fix the currency in which fines and forfeitures shall be recoverable.

An act to incorporate the Colorado Navigation Company, 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 this day presented to his Excellency for his approval.

Mr. Jack, moved a reconsideration of the vote, which rejected a bill to be entitled: "An act for the relief of the Counties of Bexar, Gonzales and Victoria."

Mr. Jack, then moved that the motion lay on the table, which was carried.

Mr. Rugeley, Chairman of the Committee on Naval Affairs, reported the bill to be entitled: "An act making an appropria-

tion to pay in part the officers of the Navy," with the following amendments, to wit: Strike out in the fifth line after the word 'Texas' "now residing in the country." Strike out in section 2, "now residing in Texas for one third of the amount of pay" and insert "pro rata according to the amounts."

Mr. Rugeley, moved that the bill be taken up.

Motion lost.

Mr. Pattillo, by leave, introduced a bill to be entitled: "An act authorizing an Association of Physicians of the Republic of Texas."

Read a first time.

Mr. Parker of Nacogdoches, by leave, introduced a bill to be entitled: "An act to authorize the board of Land Commissioners, to issue land certificates to those entitled to the same, in any County where the evidence may be produced."

Read a first time.

Mr. Parker of Nacogdoches, presented the petition of E. Clapp and others, praying relief, &c.," which was referred to the Committee on Claims and Accounts.

Also, the petition of ——— Burnett, praying relief, &c. which was referred to the Committee on Finance.

On motion of Mr. Kaufman, the Senate then proceeded to the

ORDERS OF THE DAY.

A Bill making appropriations for the support of the Government, for the year 1844.

Mr. Kaufman, moved to fill the blank in the article making on appropriation for carrying the mails, &c., with \$12,000.

Mr. Parker of Nacogdoches, moved, \$17,000.

Mr. Parker, amended his motion by filling with \$16,200.

Lost.

The question was now on filling the blank with \$12,000, which was also lost.

Mr. Jack, moved to fill the blank with \$10,000.

Mr. Webb, moved \$12,500.

Mr. Webb, withdrew his motion, and—

Mr. Jack, moved \$12,500.

Mr. Hunter, moved to fill the blank in the article making an appropriation for contingent expenses of the General Land Office with \$1500. Lost.

Mr. Jack, moved \$300.

Mr. Kaufman, \$500.

Mr. Kaufman, withdrew his motion.

The question was taken upon Mr. Jack's motion and carried. Mr. Kaufman, moved to fill the blank in the article making an appropriation for Indian purposes with \$10,000.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw, Smith and Webb—9.

Noes—Messrs. Jack, Hunter, and Rugeley—3.

The question was now "shall the bill pass," which was carried. So the bill passed.

On motion of Mr. Greer, the vote was reconsidered.

Mr. Greer, moved to amend the 8th section by inserting after the word "Taxes" the words "due the Republic," which amendment was adopted.

The question upon the final passage of the bill was now put and carried.

So the bill passed.

A Bill to be entitled: "An act giving to the Counties the direct tax now levied and collected by the Republic."

Read a second time, and

On motion of Mr. Parker of Fort Bend, the bill was laid upon the table until Monday next.

A Bill to be entitled: "An act authorizing John C. Hays, to raise a Company of mounted gunmen."

Read a 2d time.

Mr. Jack, moved to strike out all after the word "organization" in Sec. 6.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Jack, Parker of Fort Bend, Rugeley, and Shaw,—5.

Noes—Messrs. Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Smith and Webb—6.

So the motion was lost.

On motion of Mr. Rugeley, the bill was referred to a select Committee.

Messrs. Jack, Rugeley and Kaufman, said Committee.

A Bill to be entitled: "An act for the relief of William G. Cooke, late acting Quarter Master General."

Read a second time, and

On motion of Mr. Parker of Nacogdoches, the same was referred to the Committee on Military Affairs.

A Bill to be entitled: "An act to regulate the fees of County Clerks in certain cases."

... a second time, in the amendment proposed by Judicial Committee.

Mr. Jack, moved to strike out "20 cents," the ayes and noes being called for stood thus:

Ayes—Messrs. Jack, Hunter, Kaufman, Rugeley, Smith and Webb—6.

Noes—Messrs. Greer, Lawrence, Parker of Nacogdoches, and Pattillo—4.

So the motion was carried.

Mr. Kaufman, moved to fill the blank with 30 cents, which motion was also carried.

Mr. Greer, moved to strike out "50 cents" and insert "25 cts." as a compensation for attaching the seal of office.

The ayes and noes being called for upon Mr. Greer's motion stood thus:

Ayes—Messrs. Greer, Parker of Fort Bend, Parker of Nacogdoches, and Rugeley—4.

Noes—Messrs. Jack, Hunter, Lawrence, Kaufman, Pattillo, Smith and Webb—7.

So the motion was lost.

Mr. Jack, moved to amend by inserting after the word "seal" the words "or certificate," which motion was carried.

The question was now upon the adoption of the amendment, as amended, upon which—

The ayes and noes being called stood thus:

Ayes—Messrs. Jack, Hunter, Kaufman, Patillo, Rugeley, Smith and Webb—7.

Noes—Messrs. Greer, Lawrence, Parker of Fort Bend, Parker of Nacogdoches—4.

So the amendment was adopted.

Mr. Kaufman, moved to amend the caption of the bill, by adding these words: "and the fees of Chief Justices, for taking depositions." Carried.

Mr. Parker of Fort Bend, moved an adjournment until 10 o'clock, to-morrow. Lost.

Mr. Kaufman, moved to lay the bill on the table, until 11 o'clock, to-morrow. Carried.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, informing the Senate that the House had passed the following bills, to wit:

A joint resolution for the relief of Sarah N. Hubert.

A Bill for the better security of mechanics and others.

A Bill for the relief of Caroline Johnson.

A Bill to provide for removing and fixing the seat of Justice, for the County of Washington.

A Bill to repeal certain loan laws.

A Bill requiring the Auditor to audit all duly authenticated claims against the Government.

A Bill to authorize the holding of the District Court in two places in Red River County, and for other purposes.

On motion of Mr. Kaufman, a Bill to be entitled: "An act to fix the duties on imports" was taken up, and

Read a first time.

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

THREE O'CLOCK, P. M.

Senate met—Mr. Greer, President pro tem in the Chair—roll called—no quorum.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, to-morrow morning.

THURSDAY, January 18th, 1844. }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Jack, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Lawrence, Chairman of the Committee on Military Affairs, to which was referred a bill to be entitled: "An act for the relief of William G. Cooke, late acting Quarter Master General," reported the same back to the Senate and recommend its passage.

Mr. Jack, Chairman of the Judiciary Committee, to which was referred a bill to be entitled. "An act to increase the salaries of District Attorneys," reported the same back to the Senate and recommend its passage.

Mr. Kaufman, from the Committee on the Judiciary, to which was referred a bill to be entitled: "An act to repeal an act regulating sales by judgment or decree of a Probate Court or Court

of Chancery," reported the same back to the Senate for its action--also

An act authorizing the Secretary of State to receive proposals for printing the opinions of the Supreme Court, which was also reported back to the Senate for its action.

Mr. Webb, by leave, introduced a bill to be entitled: "An act amendatory of an act regulating Indian intercourse," which was read a first time.

On motion of Mr. Parker of Nacogdoches, the Senate proceeded to the

ORDERS OF THE DAY.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, informing the Senate that the House had passed the following bills, to wit:

A Bill to be entitled: "An act to provide for the national defence, by organizing the Militia."

Read a first time, and

On motion of Mr. Lawrence, the rule was suspended, bill read a second time and referred to the Committee on Military Affairs.

Also, that the House refuses to concur in the amendment of the Senate, to an act authorizing the Sheriff of Rusk County to collect the State and County tax, for the year 1842. Whereupon—

Mr. Parker of Nacogdoches, moved that the Senate insist upon its amendment, and asked a Committee of Conference, to confer with a like Committee on the part of the House of Representatives, which motion was carried, and

Messrs. Parker of Nacogdoches, Webb and Rugeley were appointed said Committee.

A Bill authorizing the holding of a District Court at the town of Fort Houston, in Houston County.

Read first time, and

On motion of Mr. Parker of Nacogdoches, the rule was suspended, bill read a second time, and referred to a select Committee.

Messrs. Parker of Nacogdoches, Kaufman and Smith, were appointed said Committee.

A bill to be entitled: "An act to alter and amend the various acts in relation to Chief Justices, and prescribing the manner in which Commissions shall issue." Read first time.

A Bill to be entitled : "An act for the relief of William G. Cooke, late acting Quarter Master General."

Read a 2d time, and passed to its third reading.

The ayes and noes being as follows .

Ayes—Messrs Hunter, Kaufman, Lawrence, Pattillo, Rugeley, Smith and Webb—7.

Noes—Messrs. Greer, Parker of Fort Bend, and Parker of Nacogdoches—3.

On motion of Mr. Jack, a bill to be entitled : "An act to increase the salaries of District Attorneys," was taken up .

Read a second time, and

The ayes and noes being called for on the engrossment of the bill, stood thus :

Ayes—Messrs. Jack, Hunter, Lawrence, Rugeley, Smith and Webb—6.

Noes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—6.

There being a tie, the President decided in the affirmative.

So the bill was ordered to be engrossed.

On motion of Mr. Kaufman, a bill to alter and fix the duties on impōsts, was taken up .

Read a first time, and

On motion of Mr. Jack, referred to the Committee on Finance.

A Bill to be entitled : "An act making an appropriation to pay in part the officers of the Navy."

Read a second time, amendments adopted and bill ordered to be engrossed.

A bill to be entitled : "An act authorizing and requiring the Secretary of State to receive proposals for publishing the opinions of the Supreme Court.

Read a second time.

Mr. Jack, moved its indefinite postponement.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, and Pattillo—2.

Noes—Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Shaw, Smith, and Webb—9.

So the motion was lost.

Mr. Jack, moved to strike out "Secretary of State" wherever it occurs, and insert "Clerk of the Supreme Court."

The ayes and noes being called for, stood thus :

Ayes—Messrs. Jack, Rugeley, Shaw and Webb—4.

Noes—Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, and Smith—7.

So the motion was lost.

Mr. Parker of Fort Bend, moved that the bill lay on the table.

The ayes and noes were as follows :

Ayes—Messrs. Jack, Hunter, Parker of Fort Bend, Pattillo, Shaw, and Webb—6.

Noes—Messrs. Greer, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, and Smith—6.

There being a tie the President decided in the negative.

So the motion was lost.

The question was now, shall the bill be engrossed ?

The ayes and noes stood thus :

Ayes—Messrs. Hunter, Kaufman, Lawrence, Rugeley, Smith and Webb—6.

Noes—Messrs. Greer, Jack, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—6.

There being a tie, the President decided in the negative.

So the bill was lost.

Mr. Lawrence, by leave of the Senate, changed his vote upon this question.

Mr. Greer, by leave, introduced a bill making an appropriation for the payment of salaries of District Attorneys, for the year 1843.

Read a first time, and

On motion of Mr. Greer, rule suspended, read a second time and ordered to be engrossed.

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

A Bill to be entitled : "An act legitimating John S. Hodges."

Read second time, and passed to 3d reading.

A Bill to be entitled : "An act to repeal an act regulating sales by judgment or decree of a Probate Court or Court of Chancery, approved January 14th, 1843."

Read a second time, and

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

A joint resolution for the relief of George T. Holman.

Read a third time and passed.

A Bill to be entitled : "An act to prescribe the duties of District Judges, in regard to charging juries."

Read a second time, and

On motion of Mr. Lawrence, referred to the Committee on the Judiciary.

A joint resolution for the relief of League, Andrews & Co.

Read second time, and

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

The following protest was entered in accordance with the notice given on Tuesday, to wit :

“The undersigned Senators, avail themselves of the right guaranteed to them by the Constitution of the Republic, to enter their solemn protest against the passage of the act entitled : “An act to require the President and Head of Departments, &c. to return to Austin, &c.” and against the *conduct* of this body in its action on the said act.

The journals of the Senate will shew that on the second reading of the bill those opposed to its passage, were deprived of the usual, and reasonable privilege, of discussing its merits, by a call of the *previous* question, which call was sustained by the casting vote of the Hon. Vice President. In Parliamentary proceedings, a resort to the previous question can only be justified upon motives of urgent necessity.

It is an extraordinary rule, adopted solely for the purpose of preventing the abuse of the Republican privilege of debate. In the present case, there is no pretext for saying, that this privilege, was abused, for there had been no debate upon this subject.

Seeing that they were thus deprived of their legitimate and constitutional rights.

Two of the Senators opposed to the passage of this bill, Messrs. Greer and Lawrence, voted for the bill on its final passage, with the known purpose of moving a reconsideration of the vote then taken. One of the undersigned Mr. Greer, who voted in the majority, gave *notice*, that on Monday, (the next day of session) he would move the said reconsideration. This was his Senatorial right, and he doubted not, it would be accorded to him ; instead of this, however, early on Monday morning, immediately after the reading of the journals, and before the morning business was even taken up, an Hon. Senator, moved an adjournment until the next day, which motion was carried by the casting vote of the Hon. Vice President ; an officer that is elected to preside over the deliberations of the Senate.

This therefore (being Tuesday) is in the opinions of the undersigned, the first day of the session of the Senate, since the notice to move a reconsideration, given on Saturday. But, the injustice and procedure of the majority on this question did not end here. When a motion was made this morning [Tuesday,] by one of the opponents of the bill to *adjourn under*

similar circumstances to those of yesterday, it was *lost*, by the casting vote of the Hon. Vice President.

The same officer has also decided, that the motion to reconsider this bill to day, to be out of order! In which decision he has been sustained by the Senate, it being a *tie vote*.

The whole conduct of this majority is, in the opinions of the undersigned, a direct and palpable violation of Rule No 22; which provides: "nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the next day of the *actual session* of the senate thereafter. A *simple meeting* and *adjournment* of the Senate, cannot possibly be construed so as to constitute an *actual Session*, within the spirit and meaning of this rule; and, any attempt so to construe it, is nothing more than a perversion of its terms, an evasion of its spirit and intent, and a subterfuge to avoid the legitimate consequences resulting therefrom.

Rules, like laws, are made, not for the systematic despatch of business alone, but mainly for the protection of minorities, against the caprice and the tyranny of majorities. Any evasion of a rule, therefore, by which these rights are destroyed, or even invaded, is as flagrant a violation of the spirit and intent of that rule, as would be a direct infraction of its *very* letter."

(Signed)

J. A. GREER,
WM. LAWRENCE,
G. A. PATTILLO,
GUSTAVUS A. PARKER,
ISAAC PARKER.

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

THREE O'CLOCK P. M.

Senate met—roll called—quorum present.

The Committee on Engrossed and Enrolled bills, Mr. Pattillo, Chairman, reported that they had examined a bill to be entitled: "An act making an appropriation for the payment of salaries of District Attorneys, for the year 1843," and find the same correctly engrossed.

A Bill to incorporate Hermann's University.

Read a first time.

A Bill to provide for removing and fixing the seat of Justice for the County of Washington.

Read first time.

A Bill to provide for carrying the mails, for the year 1844, and establishing the rates of postage.

Read 1st time.

A joint resolution for the relief of Jonathan Bird.

Read a third time and passed.

A Bill to amend an act to organize the Militia of Brasos and Robertson Counties.

Read a third time and passed.

A Bill to regulate the fees of County Clerks in certain cases.

Read a second time, and passed to its third reading.

A Bill for the relief of Robert Pace.

Read a third time and passed.

A Bill for the relief of Col. J. C. Neill.

Read a first time.

On motion of Mr. Parker of Nacogdoches, rule suspended, read a second time.

Mr. Webb, moved to amend by striking out these words : "out of any unappropriated money in the Treasury."

Carried.

Mr. Lawrence, moved to strike out the preamble.

Carried, and

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

A joint resolution for the relief of the heirs of John Hibbins, deceased. Read a third time, and

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

A Bill to open and establish a National Road.

Read first time.

A Bill supplementary to an act regulating the sale of runaway slaves.

Read 3d time and passed.

A joint resolution for the relief of Richard West, Deputy Collector at Port la Vaca.

Read a third time, and

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

Ayes—Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Smith, and Webb—8.

Noes—Messrs. Parker of Fort Bend, and Shaw--2.

So the bill passed.

A joint resolution for the relief of L. S. Hargous, of the city of Vera Cruz.

On motion of Mr. Parker of Fort Bend, the same was laid on the table.

A Bill to incorporate the Texas Land and Emigrating Company.

Read a second time, and

On motion of Mr. Shaw, referred to the Judiciary Committee—
A Bill for the more prompt collection of License Taxes.

Read second time, amendments adopted, and bill ordered to be engrossed.

A Bill authorizing an Association of Physicians of the Republic of Texas.

Read a second time, and

On motion of Mr. Kaufman, referred to the Committee on the State of the Republic.

A Bill to continue in force an act for the relief of purchasers of Austin City Lots.

Read first time.

A Bill to amend an act for the regulation of the coasting trade and the protection of Texian shipping.

Read a first time.

A Bill to authorize the holding of the District Court in two places in Red River County, and for other purposes.

Read a first time.

A Bill to repeal certain loan laws.

Read first time.

A Bill for the relief of Caroline Johnson.

Read first time.

A Bill supplementary to an act concerning rents.

Read a second time—amendments adopted and passed to its third reading.

A Bill authorizing the Boards of Land Commissioners to issue certificates in any County where the evidence may be produced.

Read a second time, and

On motion of Mr. Parker of Nacogdoches, referred to the Committee on Public Lands.

A Bill for the better security of Mechanics and others.

Read a first time.

A joint resolution for the relief of Sarah N. Hubert.

Read a first time.

A joint resolution requiring the Auditor to audit all duly authenticated claims against the Government. Read a first time.

The message of his Excellency containing his objections to the bill "to repeal all laws now in force authorizing the President to form Colonization Contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with," was made the special order of the day, for to-morrow at 11 o'clock.

On motion of Mr. Hunter, a bill for the reorganization and relief of Refugio County, was taken up and placed among the orders of the day.

Mr. Kaufman, offered the following resolution, to wit :

"*Resolved by the Senate*, that the Auditor be respectfully requested to communicate to the Senate, as early as practicable, what amount is due the officers of the Navy, as may appear from official documents in the possession of his Department."

Adopted.

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

FRIDAY, January 19th, 1841. }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit :

Messrs. Greer, Hunter, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Rugeley, Shaw, Smith, Kaufman and Webb—a quorum present.

Prayer by the Chaplain.

The journal of the preceeding day was read and adopted.

Mr. Webb, from the Committee on the Judiciary, reported "A bill to be entitled An act supplementary to the act of limitations" with the following amendments, to wit :

"Sec. 3. *Be it further enacted*, That so much of the 15th Section of "An act of limitations," approved Feb. 5th, 1841, as limits the time for the institution of suits to recover real estate to three years be, and the same is hereby repealed, and that from and after the passage of this act it shall require an actual adverse possession of lands or tenements for five years, under title or color of title to bar and preclude the claims of others or the institution of suits respecting the same, *provided* that this act shall not affect any law heretofore passed to quiet the titles to lands within the border leagues. Also

"An act for the protection of the South-Western frontier," with the following amendments, to wit:

Strike out of 5th Section the words "or to any other person not known as a good citizen of this Republic."

Mr. Parker of Nacogdoches, chairman of the Committee on Claims and Accounts, to which was referred the joint resolution for the relief of Messrs. League, Andrews & Co., reported the same back to the Senate and recommend its passage.

Mr. Parker of Nacogdoches, chairman of the Select Committee, to which was referred a bill to be entitled An act creating a District Court at Fort Houston, in Houston county, reported the same back to the Senate with the following amendments, to wit: "in 1st Section, five lines from top, strike out the word "boundary" and insert "division:" in seventh line, same section, strike out "west" and insert the word "north:" in same section, eleventh line, after the word "river" insert these words, "so as to make a straight line from the Trinity to the Neches river:" in Section 2nd, third line from top, strike out "boundary" and insert "division:" in 3rd Section, second line from top, strike out the word "of" and insert the word "at," and recommend its passage.

Mr. Shaw, by leave, introduced a joint resolution for the relief of John Gregg. Read a first time, and

On motion of Mr. Shaw, the rule was suspended, bill read a second time, and referred to the Committee on Claims and Accounts.

Mr. Rugeley offered the following resolution, to wit.

"*Resolved* that His Excellency, the President be respectfully requested to inform the Senate the number of arms now in the possession of the Government fit for use, where they are kept, also the quantity of ammunition on hand, and where the same is, with any other information he may deem proper, touching the above inquiries"—which was adopted.

Mr. Webb offered the following resolution, to wit:

"*Resolved*, that His Excellency, the President, be requested to inform the Senate whether there are any, and how many vacancies in the offices of the Judges of the District Court"—which was adopted.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit:

A joint resolution for the relief of Mary Johnson.

A joint resolution moving the Custom House of the District of Calhoun.

A bill for the relief of Maria Jesusa Garcia.

A bill to incorporate the Fannin Artillery in the city of Houston.

A bill to prohibit slaves from carrying fire arms.

Also that the House refuses to concur in the amendments of the Senate to a bill to define and fix the practice of Probate Courts in certain cases," and had appointed a committee of conference to confer with a like committee on the part of the Senate upon said amendments: whereupon

Mr. Greer moved that the Senate insist upon its amendments, and the appointment of a committee as requested by the House,—motion carried, and Messrs. Webb, Kaufman, and Greer were appointed said committee.

On motion of Mr. Parker of Fort Bend, the Senate proceeded to the

ORDERS OF THE DAY.

The message of the President containing his objections to the bill to repeal all laws now in force authorizing the President to form colonization contracts, and to forfeit such as have already been made when the conditions of the same have not been strictly complied with," was taken up.

Mr. Greer moved to lay the same on the table until the 25th of the present month.

The ayes and noes being called for stood thus :

Ayes—Messrs. Greer, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Shaw and Smith—6.

Noes—Messrs. Hunter, Kaufman, Rugeley and Webb—4.

So the motion was carried.

On motion of Mr. Greer, the Senate adjourned until tomorrow morning at 10 o'clock, A. M.

SATURDAY, January 20th, 1844, {
10 o'clock, A. M. }

Senate met--the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—a quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Webb, from the Judiciary Committee, to which was referred a bill to be entitled An act to incorporate the Texas Land and Emigrating Company, reported the same back to the Senate for its action.

Mr. Rugeley, chairman of the Committee on the State of the Republic, to which was referred a bill to be entitled An act authorizing an Association of the Physicians of the Republic of Texas, reported the same back to the Senate for its action.

Mr. Smith, chairman of the Committee on Public Lands, to which was referred An act for the relief of the heirs of Henry Pearson, deceased, reported the same back to the Senate, and recommend that it be referred to the Judiciary Committee.

Mr. Kaufman, from the Judiciary Committee, to which was referred "A bill to prescribe the duties of District Judges in regard to charging juries," also "a joint resolution proposing amendments to the Constitution, and providing for the establishment of a separate Supreme Court," reported the same back to the Senate without amendment, and recommend their passage.

Mr. Greer, chairman of the Committee on Finance, to which was referred a bill to alter and fix the duties on imposts, reported the same back to the Senate for its action.

Mr. Parker of Nacogdoches, chairman of the Committee on Claims and Accounts, to which was referred a joint resolution for the relief of John Gregg, reported the same back to the Senate with the following amendments, and recommend its passage, to wit: in first section, strike out the words "and fifty:" add this section:

Be it further enacted, that this act take effect from and after its passage.

Mr. Pattillo, chairman of the Committee on Engrossed and Enrolled Bills, reported that the committee had examined the following bills, to wit: An act authorizing the Commissioner of the General Land Office to issue patents when the field notes by mistake or accident contain a greater quantity of land than is called for by the certificate: An act to increase the salaries of District Attorneys: An act making an appropriation to pay in part the officers of the Navy: and a bill for the more prompt collection of the License Taxes, and find the same correctly engrossed.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit:

A bill to divorce Missouri Jane Wagner.

A bill exempting distilleries from Taxation.

A bill to change a mail route therein named.

A bill to repeal in part and amend an act regulating the duties of Probate Courts and the settlement of successions, passed at the 4th Congress, and approved Feb. 5th 1840.

A joint resolution for the relief of minute men, created under an act approved Feb. 4th, 1841.

A bill to authorize Sylvanus Dunham to establish a ferry across Matagorda Bay.

A joint resolution for the relief of John G. Chalmers.

A joint resolution for the relief of Jeremiah Tirnmen.

A bill for the relief of Antonio Menchaca.

A bill for the relief of John Saunders.

A joint resolution for the relief of Midshipman A. J. Bryant.

A joint resolution requiring the Auditor to settle certain accounts.

A bill, from the Senate, making an appropriation for the payment of the salaries of District Attorneys for the year 1843, also that the House had concurred in the amendments of the Senate to the following bills, to wit :

A bill supplementary to An act providing for the sale of runaway slaves.

A joint resolution for the relief of Col. J. C. Neill.

Mr. Kaufman moved that the Hon. R. M. Williamson late Senator from the District composed of the counties of Montgomery, Brazos and Washington, be notified of the vacation of his seat as a Senator in Congress, which motion was carried, and the notification having been given, the following communication from the said R. M. Williamson was received and ordered to be spread upon the journals, to wit :

Mr. President, and Gentlemen of the Senate :

It is not my intention further to allude to the late contest between the Hon. Jesse Grimes and myself, than simply to acknowledge the notification of the vacation of my seat in the Senate, by a resolution of your honorable body, passed on the fourth day of the present month, and referring the election again to the people.

Having uniformly entertained and expressed in public and private life the belief that our country was safe of her common enemy, I deem it of little consequence, at this crisis, whether I am in or out of her councils, and having no political or personal aspirations to gratify, I assure your honorable body that it is

with but little concern on my own part that I receive such notice. Had I have felt myself at liberty to have pursued my own inclinations on this subject, I might have saved the Senate of some time, and perhaps some trouble. But having received a plurality of all the votes cast in the District of Washington, as defined by the Constitution, (in my humble conception,) and the notice of Mr. Grimes pending that he would contest my seat; a just sense of my duty to those of my fellow-citizens, who honored me with their confidence at the ballot-box, compelled me to await the action of your honorable body thereon. That action has been had, and with it I am content. And, now gentlemen, on retiring from your deliberations, allow an old citizen-soldier to tender to you, as a body, his sincerest and kindest regard, and individually, his right hand.

(Singed.)

R. M. WILLIAMSON.

Mr. Parker of Nacogdoches, by leave, introduced a bill to be entitled An act to repeal an act to sectionize and sell the Cherokee Lands. Read a first time,

On motion of Mr. Parker of Nacogdoches, the rule was suspended, bill read a second time and referred to the Committee on Finance.

Mr. Rugeley, by leave, introduced a bill to be entitled An act making an appropriation for pay of seamen lately attached to the Texas Navy. Read a first time.

Also, a bill to authorize the Secretary of War and Marine to contract for keeping the Navy in ordinary. Read a first time.

Mr. Kaufman, by leave, introduced a bill for the more prompt collection of the Direct Taxes. Read a first time.

Mr. Kaufman moved to suspend the rule—motion lost.

Also, a bill prescribing the mode of proceeding against delinquent holders and collectors of public monies. Read a first time.

On motion of Mr. Kaufman, the rule was suspended, bill read a second time, and referred to the Committee on Finance.

The Senate then proceeded to the

ORDERS OF THE DAY.

A bill to alter and fix the duties on imposts, was taken up, read a second time.

Mr. Kaufman offered the following amendment, to wit: "and that coffee, salt, iron, steel, powder and lead, be admitted free of duty," which was rejected.

Mr. Webb moved to strike out the 2nd, 3rd and 4th sections.

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

Ayes—Messrs. Greer, Hunter, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—10.

Noes—Mr. Kaufman—1.

Mr. Shaw offered the following amendment, to wit: in Sec. 7, third line, strike out "fifteen" and insert "twenty-five"—which was rejected.

Mr. Greer moved to strike out the 5th Section.

The ayes and noes being called for, stood thus :

Ayes—Messrs. Greer, Hunter, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley Smith and Webb—9.

Noes—Messrs. Kaufman, and Shaw—2.

Mr. Greer moved to amend the 8th Section, so as to admit bibles, testaments, and primary school books, free of duty, also to insert, in same Section, after the word "kinds," the words "the property of emigrants, and also"—which motions were carried.

Mr. Pattillo offered the following amendment, to wit :

Be it further enacted, that there shall be levied and collected a duty of twenty per cent. on all shingles and lumber," which was adopted, and bill passed to its third reading.

A communication from the Auditor in answer to a resolution of the Senate, requesting information, &c., was read and on motion of Mr. Rugeley, laid on the table.

On motion of Mr. Parker of Nacogdoches, a bill to authorize a District Court at Fort Houston, in Houston county, was taken up, read a second time—amendments adopted, bill passed to its third reading—rule suspended, bill read a third time and passed.

On motion of Mr. Webb, a joint resolution requiring the Auditor to settle certain accounts, was taken up—read a first time—rule suspended—bill read a second time, and referred to Judiciary Committee.

On motion of Mr. Lawrence, a bill making an appropriation to pay in part the officers of the Navy was taken up, and read a third time.

Mr. Kaufman moved to amend by inserting after the word "account," in Section 2, the words "upon presentation of proper and legal vouchers," which motion was lost.

The question was now, shall the bill pass? which was carried.

Mr. Greer moved a reconsideration, and

The ayes and noes being called stood thus :

Ayes—Messrs. Greer, Kaufman, Parker of Nacogdoches, Pattillo, Shaw, Smith and Webb—7.

Noes—Messrs. Hunter, Lawrence, and Rugeley—3. So the vote was reconsidered.

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

Ayes—Messrs. Hunter, Lawrence, Rugeley, Shaw, Smith and Webb—5.

Noes—Messrs. Greer, Kaufman, Parker of Nacogdoches and Pattillo—4. So the bill passed.

A bill for the more prompt collection of the License Taxes. Read a third time and passed.

A bill to increase the salaries of District Attorneys.

On motion of Mr. Pattillo, the same was laid on the table.

A bill authorizing the Commissioner of the General Land Office to issue patents where the field notes by mistake or accident contain a greater quantity of land than is called for by the certificate. Read a third time, and

On motion of Mr. Greer, the same was laid on the table.

A bill to provide for carrying the Public Mails for the year 1844, and establishing the rates of postage. Read a second time.

Mr. Greer moved to strike out in 4th Section, third line "80" and insert "100"—carried.

Mr. Greer also, moved to strike out fourth line, in same section ; and in fifth line of same section, to strike out "150" and insert "100:" also in same section, tenth line, strike out these words "letters lodged for delivery, 6½ cents:" also after the word "cents," and before the word "the," in eleventh line, of same section, insert these words, "on newspapers conveyed 100 miles and under, one cent ; over 100 miles, two cents, and on foreign newspapers one cent, in addition to the foregoing rates. On books and pamphlets, per sheet, the same as newspapers," which amendments were adopted.

Mr. Pattillo moved to strike out so much of the bill as requires Post-masters to make their returns under oath, which was carried.

Mr. Greer offered this additional section, to wit :

That there may be an agent appointed in New-Orleans, whose duty it shall be to assort and forward all letters, keep a mail bag in his office, and shall receive compensation for all trouble and expense to the amount of one hundred and fifty dollars, which was adopted.

Mr. Parker of Nacogdoches offered the following amendment, to wit :

Be it further enacted, that the Secretary of State shall contract for the transporting of a mail from Washington to Crockett via Fanthorps, Fort Boggy, Alabama, Mustang Prairie, once every two weeks, which was rejected.

Mr. Hunter moved to strike out the last clause of the first section, which motion was lost.

The question now was, shall the bill pass to its third reading? which was carried.

Mr. Webb, from the Judiciary Committee, by leave of the Senate, reported a joint resolution requiring the Auditor to audit certain accounts." with the following amendment, to wit :

"Be it further enacted, that this joint resolution take effect from and after its passage."

A joint resolution providing for an amendment to the Constitution, and for the establishment of a separate Supreme Court, was read a second time, in words following :

Whereas, owing to the great increase of business in the Supreme Court of the Republic, and under the present organization of our judiciary system, it is wholly impossible that our judges can have sufficient time and opportunity to investigate the important questions that they will be called upon to decide.

And Whereas, it is believed that a separate and independent Supreme Court of the Republic is absolutely necessary for the due administration of justice, and that the same can be established with but little additional expense to the country ; therefore,

ART. 1st. That Sections seven, eight, and nine of Article four of the Constitution of the Republic of Texas be changed, and amended, so as to provide that the Supreme Court of the Republic of Texas shall consist of a Chief Justice and two Associate Judges, a majority of whom shall constitute a quorum to do business.

ART. 2. That the said judges of the Supreme Court shall be elected at the regular sessions of Congress, by joint ballot of both Houses, and shall hold their offices for the term of six years, their compensation shall be fixed by law, and shall not be increased or diminished during their continuance in office.

ART. 3rd. That in the event that a quorum of said Supreme Court cannot be had in any particular case, in consequence of the disability of any one or more of said judges, then the President of the Republic shall commission some one or more gentlemen, learned in the law, to hear and determine said case or cases.

ART. 4. That should a vacancy occur in the vacancy of Chief Justice of the Supreme Court or either of the judges thereof, the President of the Republic of Texas shall forthwith fill the same by appointment, until the next regular session of Congress, when such vacancy shall be filled by Congress for the ballance of the term, by joint ballot.

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

The ayes and noes, on its final passage, being called, stood thus :

Ayes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Smith, and Webb—8.

Noes—Messrs. Hunter, and Shaw—2.

So the bill passed.

On motion of Mr. Webb, the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, January 22d, 1844. }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceeding day was read and adopted.

Mr. Greer, Chairman of the Committee on Finance, to which was referred a bill prescribing the mode of proceeding against delinquent holders and collectors of public monies, reported the same back to the Senate with the following amendment, to wit: "in Sec. 2d, 10th line after the word "chattles" insert the words "lands or tenements."

Mr. Rugeley, Chairman of the Select Committee to which was referred "a bill authorizing John C. Hays, to raise a Company of mounted gunmen," reported the same back to the Senate without amendment, and recommend its passage.

Mr. Parker of Fort Bend, Chairman of the Committee on Post Offices and Roads, to which was referred a bill to be entitled: "An act supplementary to an act to locate a road from Washington to the Sabine River, approved December 14th,

1839," reported the same back to the Senate without amendment, and recommend its passage.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill making an appropriation for the payment of the salaries of District Attorneys, for the year 1843, 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 presented to his Excellency, for his approval. Also,

A joint resolution for the relief of League, Andrews & Co.

A joint resolution providing for an amendment of the Constitution and the establishment of a separate Supreme Court, and find the same correctly engrossed.

A message was received from his Excellency the President, through his private Secretary, W. D. Miller, Esq., presenting three several communications in writing—the first in answer to a resolution of the Senate, requesting information in relation to the number of arms, the quantity of ammunition, &c., in possession of the Government; which was read and referred to the Committee on Military Affairs. The second was a reply to a resolution of the Senate, asking information of any vacancies in the offices of District Judges, &c., which was read. And the third contained the objections of the Executive, to a bill to be entitled: "An act to fix the place for the sessions of the Supreme Court," which was read and laid on the table.

A message was received from the House of Representatives, through their Chief Clerk, Mr. James H. Raymond, that the House had passed the following bills, to wit:

A Bill (from the Senate) for the relief of Thomas and Susannah Jackson, as mail contractors, for the years 1838 and 1839.

A Bill (from the Senate) requiring the Auditor to audit certain claims therein mentioned.

On motion of Mr. Parker of Fort Bend, the Senate then proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Parker of Nacogdoches, a joint resolution for the relief of League, Andrews and Co., was taken up.

Read a second time, and ordered to be engrossed.

Mr. Kaufman, moved a suspension of the rule. Carried—bill read a third time and passed.

A Bill authorizing John C. Hays, to raise a Company of mounted gunmen.

Read second time, and passed to third reading, rule suspended, bill read a third time and passed.

A Bill supplementary to an act to locate a road from Washington to Sabine River, approved Dec. 14, 1839.

Read a second time, and passed to its third reading.

A Bill prescribing the mode of proceeding against delinquent holders and collectors of public monies.

Read a second time, amendment adopted, and bill ordered to be engrossed.

Mr. Greer, moved to suspend the rule, which motion was carried—bill read a third time and passed.

A Bill for the relief of William G. Cooke, late acting Quarter Master General.

Read a third time.

The ayes and noes upon the final passage of the bill being called stood thus :

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Smith and Webb—8.

Noes—Messrs. Greer, Parker of Fort Bend, and Shaw--3.

So the bill passed.

A Bill to provide for carrying the mails, for the year 1844, and establishing the rates of postage.

Read a third time, and passed.

A joint resolution requiring the Auditor to audit certain accounts.

Read 2d time, amendments adopted, and passed to its third reading.

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

A Bill to alter and fix the duties on imposts.

Read a third time.

The ayes and noes being called upon the final passage of the bill, stood thus :

Ayes—Messrs. Greer, Hunter, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Smith and Webb--9.

Noes--Messrs. Kaufman, and Shaw.—2.

So the bill passed.

A Bill to prescribe the duties of District Judges, in regard to charging Juries. Read second time, and

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

A joint resolution for the relief of John Gregg.

Read a second time, amendments adopted, and bill ordered to be engrossed.

A Bill to incorporate the Texas Land and Emigrating Company.

Read second time.

Mr. Greer, moved to strike out the preamble to 5th section.

Carried.

On motion of Mr. Webb, the words "for the causes aforesaid" were stricken out, and the words "by the action of Government" were inserted.

Mr. Greer, moved to strike out in 6th section, the words "for ten years thereafter" which motion was carried, and the bill ordered to be engrossed.

A Bill to authorize an Association of the Physicians of the Republic of Texas.

Read second time.

Mr. Greer, moved to amend by inserting after the word "real" the words "for the use of the institution," which amendment was adopted and bill ordered to be engrossed.

A Bill supplementary to an act of limitations.

Read a second time, amendments of Committee rejected.

The ayes and noes being called for on the engrossment of the bill, stood thus :

Ayes—Messrs. Greer, Hunter, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Smith and Webb—8.

Noes—Messrs. Kaufman, Parker of Fort Bend, and Shaw—3.

Mr. Parker of Fort Bend, moved an adjournment until 3 o'clock, p. m., which motion was lost.

A Bill for the protection of the South Western frontier.

Read second time, amendments adopted.

Mr. Greer, moved to lay the bill on the table, which motion was lost, and

On motion of Mr. Webb, the bill was recommitted to a select Committee.

Messrs. Greer, Webb, Lawrence and Smith were appointed said Committee.

A Bill amendatory to an act regulating Indian intercourse,

Read a second time, and ordered to be engrossed.

A message was received from the Executive, through his private Secretary, W. D. Miller, marked "secret."

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

The doors being opened on motion of Mr. Webb.

Mr. Greer, was added to the Committee on Foreign Relations.

On motion of Mr. Pattillo, the Senate adjourned until 3 o'clock, p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Grimes, Senator elect from the District composed of the Counties of Washington, Montgomery and Brasos, appeared, presented his credentials, took the oath and his seat, and

On motion of Mr. Parker of Nacogdoches, the credentials were referred to the Committee on Privileges and Elections.

A joint resolution for the reorganization and relief of Refugio County.

Read a second time.

Mr. Hunter, moved to amend the 4th section, so as to read :

“Be it further resolved, that the citizens of said County of Refugio be, and they are hereby exempt from the payment of direct taxes previous to 1844.” Also, *“provided,* that not more than two leagues of land belonging to any one person, shall be exempt from the payment of taxes,” which amendments were rejected.

Mr. Kaufman, moved to amend so that not more than one league and labor belonging to any one citizen, should be exempt, which motion was lost.

The ayes and noes, being as follows :

Ayes—Messrs. Kaufman, Parker of Fort Bend, Parker of Nacogdoches, and Shaw—4.

Noes—Messrs. Greer, Hunter, Pattillo, Rugeley, Smith, Webb and Grimes—7.

Mr. Grimes, moved to strike out the 4th section, and the ayes and noes stood thus :

Ayes—Messrs. Greer, Kaufman, Pattillo, and Grimes—4.

Noes—Messrs. Hunter, Parker of Fort Bend, Parker of Nacogdoches, Rugeley, Shaw, Smith and Webb—7.

The question now was, shall the bill pass to a third reading ?

The ayes and noes, were as follows :

Ayes—Messrs. Hunter, Rugeley, Shaw, Smith and Webb—5

Noes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Grimes—6.

So the bill was lost.

A joint resolution for the relief of Sarah N. Hubert.

Read a second time, and

On motion of Mr. Parker of Nacogdoches, referred to the Committee on Post Offices and Roads.

A Bill to legitimate John S. Hodges.

Read a third time and passed.

A Bill for the relief of the heirs of Henry Pearson, deceased.

Read second time and referred to the Judiciary Committee.

A Bill supplementary to an act concerning rents.

Read a 3d time, and

On motion of Mr. Kaufman, the same was recommitted to a select Committee.

Messrs. Grimes, Kaufman, and Parker of Nacogdoches, were appointed said Committee.

A Bill to incorporate Hermann's University.

Read second time.

Mr. Kaufman, moved to strike out 12th section, and

The ayes and noes being called, stood thus:

Ayes—Messrs Greer, Kaufman, Parker of Nacogdoches, Rugeley, Shaw, Smith and Grimes—7.

Noes—Messrs. Hunter, Parker of Fort Bend, Pattillo, and W. b. b-4.

So the motion was carried, and bill passed to 3d reading.

A Bill for removing and fixing the seat of justice for the County of Washington.

Read second time, and

On motion of Mr. Grimes, referred to a select Committee.

Messrs. Grimes, Parker of Nacogdoches, and Hunter, were appointed said Committee.

A Bill to regulate the fees of County Clerks in certain cases.

Read a third time and passed.

A Bill to repeal certain loan laws.

Read second time.

Mr. Kaufman, moved its reference to the Committee on Finance.

Lost, and bill passed to third reading.

A Bill to authorize the holding of the District Court in two places in Red River County, and for other purposes.

Read 2d time, and

On motion of Mr. Greer, referred to the Committee on the Judiciary.

A Bill to amend an act regulating the coasting trade, and for the protection of Texian shipping.

Read second time, and

On motion of Mr. Shaw, referred to the Committee on Finance.

On motion of Mr. Kaufman, a bill for the more prompt collection of the License Taxes, was taken up.

Read a second time, and referred to the Committee on Finance.

A Bill to continue in force an act for the relief of purchasers of Austin City Lots.

Read second time, and passed to 3d reading.

On motion of Mr. Pattillo, Mr. Grimes was placed upon the same standing Committees of which Mr. Williamson was a member.

A Bill for the better security of Mechanics and others.

Read 2d time, and

On motion of Mr. Kaufman, referred to the Committee on the State of the Republic.

A Bill for the relief of Caroline Johnson.

Read second time, and passed to third reading.

A Bill to alter and amend the various acts relating to the duties of Chief Justices, and prescribing the manner in which Commissions shall issue.

Read 2d time, and

On motion of Mr. Kaufman, the same was referred to the Judiciary Committee.

A joint resolution requiring the Auditor to audit all duly authenticated claims against the Government.

Read 2d time, and

On motion of Mr. Parker of Fort Bend, referred to the Committee on Finance

A Bill to open and establish a National Road.

Read a second time, and

On motion of Mr. Parker of Fort Bend, referred to the Committee on the State of the Republic.

A Bill to authorize the Secretary of War and Marine, to receive proposals for keeping the Navy in ordinary.

Read second time.

Mr. Kaufman, moved to strike out 7th section, which is as follows.

"Sec. 7. *Be it further enacted*, that the President of the Republic, is authorized to offer for sale at public auction, upon such terms and at such time and place, as he may see fit, the brig Archer, now lying in the harbour at Galveston the proceeds of which shall be paid into the public Treasury."

The ayes and noes being called, stood thus :

Ayes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Smith, Webb and Grimes—7.

Noes—Messrs. Hunter, Rugeley, Pattillo and Shaw—4.

So the motion was carried.

Mr. Webb, moved to insert the word "Archer" in 1st section after the word "Wharton," also, to strike out from section 6,

these words: "known as the secret act," which motions were carried.

A Bill making an appropriation for pay of seamen lately attached to the Texas Navy.

Read 2d time, and

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

A joint resolution for the relief of Minute-men, created under an act, approved Feb. 4, 1841.

Read first time.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, to-morrow.

TUESDAY, January 23d, 1844. }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit :

Messrs. Greer, Hunter, Lawrence, Kaufman, Grimes, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill to incorporate the Texas Land and Emigrating Company; also, "An act authorizing an Association of the Physicians of the Republic of Texas."

"An act to authorize the Secretary of War and Marine to contract for keeping the Navy in ordinary."

"An act supplementary to an act of limitations."

"An act amending an act to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with Indians, approved 7th January, 1843."

"A Bill prescribing the mode of proceeding against delinquent holders and collectors of public monies," and

"A joint resolution for the relief of John Gregg," and find the same correctly engrossed. Also

"An act requiring the Auditor to audit certain accounts therein named," and

A joint resolution for the relief of Thomas and Susannah Jackson, 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 this day presented to his Excellency, for his approval.

Mr. Grimes, Chairman of the select Committee, to which was referred "a bill supplementary to an act concerning rents," reported the same back to the Senate with the amendments reported by the Judiciary Committee, and recommend its passage.

Mr. Greer, Chairman of the select Committee, to which was referred "An act for the protection of the South Western frontier," reported a substitute for the same, to be entitled: "An act for the protection of the South Western frontier."

Mr. Greer, Chairman of the Committee on Finance, to which was referred, "A bill to repeal all laws which authorize the sectionizing and selling the lands formerly occupied by the Cherokee Indians," reported the same back to the Senate for its action.

On motion of Mr. Greer, the Senate proceeded to the

ORDERS OF THE DAY.

A joint resolution for the relief of John Gregg.

Read 3d time and passed.

A Bill amending of an act regulating Indian intercourse.

Read third time and passed.

A Bill for the relief of Caroline Johnson.

Read 3d time and passed.

A Bill supplementary to the act of Limitations.

Read 3d time.

On motion of Mr. Greer, the vote which passed this bill to its third reading was reconsidered.

Mr. Greer, moved to amend the second section, by adding these words: "provided, that nothing in this act shall be so construed as to extend the time to holders of rejected certificates."

Motion carried.

The question now was, shall the bill pass to its third reading?

The ayes and noes being called, stood thus:

Ayes---Messrs. Greer, Lawrence, Parker of Nacogdoches, Rugeley, Smith--and Webb---6.

Noes---Messrs. Geimes, Hunter, Kaufman, Parker of Fort Bend, Pattillo, and Shaw---6.

There being a tie, the President decided in the affirmative.

So the bill was passed to its third reading.

A Bill to authorize the Secretary of War and Marine to contract for keeping the Navy in ordinary.

Read 3d time.

Mr. Rugeley, offered this additional section, to wit:

Be it further enacted, that if the Secretary War and Marine shall not be able to make a contract according to the provisions of this act, then, and in that case, the Secretary of War and Marine, shall have power to apply the amount appropriated to the keeping the Navy in ordinary, under his direction."

Which was unanimously adopted.

Mr. Rugeley, offered to fill the blank in the bill with \$15,000.

Mr. Webb, moved \$20,000.

Mr. Webb, withdrew his motion, and

Mr. Grimes, moved to fill the blank with \$10,000.

The question was put upon Mr. Rugeley's motion to fill with \$15,000, and

The ayes and noes being called, stood thus:

Ayes—Messrs. Hunter, Kaufman, Lawrence, Rugeley, Smith, and Webb—6.

Noes—Messrs. Greer, Grimes, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—6.

There being a tie, the President decided in the affirmative.

So the motion was carried.

The question now was, shall the bill pass?

Which was carried.

A Bill authorizing an Association of the Physicians of the Republic of Texas.

Read a third time and passed.

On motion of Mr. Greer, the message of the President containing his objections to the bill to fix the place for the sessions of the Supreme Court, was taken up, and

On motion of Mr. Webb, the same was laid on the table, until Monday next.

A Bill supplementary to an act concerning rents.

Read 3d time and passed.

A Bill to incorporate the Texas Land and Emigrating Company.

Read a third time, and

The ayes and noes being called for, stood thus:

Ayes—Messrs. Lawrence, Parker of Fort Bend, Rugeley and Webb—4.

Noes—Messrs. Grimes, Hunter, Kaufman, Pattillo, Shaw, Smith and Greer—7.

A Bill for the protection of the South Western Frontier.

Read second time, and the substitute reported by the Committee adopted.

Mr. Hunter, moved to insert after the word "dollars" these words: "or imprisoned at the discretion of the Court."

Carried, and bill ordered to be engrossed.

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

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

The doors being opened, on motion of Mr. Greer, the Senate adjourned, until 3 o'clock, P. M.

THREE O'CLOCK P. M.

Senate met—Mr. Greer, President pro tem in the Chair—roll called—no quorum—the Sergeant-at-arms was despatched after absent members—returned and a quorum present.

A message was received from the House of Representatives, that the House had passed the following bills, to wit:

A Bill to prohibit slaves from carrying fire-arms.

Read first time.

A joint resolution for the relief of George W. Terrel.

Read first time.

A Bill regulating Elections.

Read a first time.

A joint resolution for the relief of Samuel Lemons, his heirs and assigns.

Read first time.

A Bill for the relief of Stephen Jones.

Read first time.

A Bill to extend the corporate limits of the town of Clarksville.

Read 1st time.

A joint resolution for the relief of the heirs of Captain Robert Oliver.

Read 1st time.

A joint resolution for the relief of Jose Cassiano.

Read a first time.

A Bill to amend an act passed 18th January, 1841, regulating wreck-masters.

Read 1st time.

A joint resolution for the relief of Messrs. Cruger & Moore.

Read a first time.

On motion of Mr. Lawrence, the rule was suspended, bill read a second time and referred to the Committee on the State of the Republic, with instructions to report in the morning.

A Bill to repeal all laws authorizing the sale of the Navy.

Read a first time. Also,

A Bill (from the Senate) legitimating certain children therein named.

Mr. Pattillo, by leave, introduced a bill for the relief of Geo. W. Smith.

Read a first time.

On motion of Mr. Kaufman, the rule was suspended, bill read second time and referred to the Committee on Claims and Accounts, with instructions to report to-morrow morning.

Mr. Grimes, Chairman of the select Committee, to which was referred a bill providing for the removing and fixing the seat of Justice of Washington County, by leave of the Senate, reported the same, with the following amendments, to wit:

Amend caption by striking out these words "removing and" in 5th section strike out "J. W. Brister" and insert "William W. Buster," in same section, strike out "Farquier" and insert "Farquhar," in same section strike out "John" and insert "Joshua," so as to read "Joshua Graham."

Read second time, amendments adopted, and bill passed to 3d reading.

A Bill to repeal all laws which authorize the sectionizing and selling of the lands, formerly occupied by the Cherokee Indians.

Read 2nd time and ordered to be engrossed.

On motion of Mr. Parker of Nacogdoches, the rule was suspended, read a third time, and

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

Ayes—Messrs. Greer, Grimes, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Smith—9.

Noes—Messrs. Rugeley, and Shaw—2.

So the bill passed.

A Bill to repeal certain Loan Laws.

Read a third time and passed.

A Bill to continue in force an act for the relief of purchasers of lots in the City of Austin.

Read 3d time and passed.

A bill to incorporate Hermann's University.

Read 3d time.

Mr. Parker of Fort Bend, offered the following amendment as substitute to 12th section of the bill.

"Sec. 12. And the aforesaid President and Trustees, are hereby authorized to locate and have surveyed for the use of said University, one league of any vacant land of the Republic of Texas, and the Commissioner of the General Land Office, is hereby required to issue a patent for said land, whenever the survey thereof shall have been made according to law."

Which was unanimously adopted, and bill passed.

A Bill supplementary to an act to locate a road from Washington to Sabine River.

Read 3d time, and passed.

A Bill for the relief of Antonio Menchaca.

Read a first time.

A Bill to incorporate the Fannin Artillery, in the City of Houston. Read first time.

A joint resolution for the relief of Jeremiah Tinnen.

Read a first time.

A Bill for the relief of Maria Jesusa Garcia.

Read a first time.

On motion of Mr. Kaufman, "An act to prescribe the duties of District Judges, in regard to charging Juries," was taken up, read 2nd time, and referred to a select Committee.

Messrs. Kaufman, Grimes and Hunter, were appointed said Committee.

A joint resolution removing the Custom House, in the District of Calhoun.

Read a first time, and

On motion of Mr. Rugeley, the rule was suspended, bill read 2nd time, and referred to the Committee on Finance.

A joint resolution for the relief of Mary Johnson.

Read 1st time.

A joint resolution for the relief of Minute-men, created under an act of Congress, approved Feb. 4, 1841.

Read 2nd time, and

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

A Bill to divorce Missouri Jane Wagner and Charles Wagner. Read 1st time.

A Bill to repeal in part an act regulating the duties of Probate Courts, and the settlement of successions.

Read 1st time.

- A Bill to change a mail route therein named.
 Read a first time.
- A joint resolution for the relief of midshipman A. J. Bryant.
 Read a first time.
- A Bill for the relief of John Saunders.
 Read 1st time.
- A Bill to authorize Sylvanus Dunham, to establish a Ferry
 across Matagorda Bay. Read first time.
- A Bill exempting Distilleries from taxation.
 Read 1st time.
- A joint resolution for the relief of John G. Chalmers.
 Read first time.
- On motion of Mr. Shaw, the Senate adjourned until to-
 morrow morning, at 10 o'clock, A. M.

WEDNESDAY, January 24th, 1844. }
 10 o'clock, A. M. }

Senate met—Mr. Greer, the President pro tem in the Chair—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Grimes, Hunter, Lawrence, Parker of Nacogdoches, Pattillo, Shaw and Smith—no quorum—the Sergeant-at-arms was despatched after absent members--returned and a quorum present.

Prayer by the Chaplain.

The journal of the preceeding day was read and adopted.

Mr. Kaufman, one of the Committee on the State of the Republic, to which was referred, a bill for the better security of mechanics and others; reported the same back to the Senate, with the following amendments, and recommend its passage, to wit: At the end of fifth section, add the following proviso:

"Provided, that the provisions of this act shall only apply to incorporated cities."

Mr. Parker of Fort Bend, Chairman of the Committee on Post Offices and Roads, to which was referred a bill for the relief of Sarah N. Hubert, reported the same back to the Senate without amendment, and recommend its passage.

Mr. Greer, Chairman of the Committee on Finance, to which was referred a bill to amend an act regulating the coasting trade, and the protection of Texian shipping; reported the same back to the Senate, and recommend its passage.

The Committee on Engrossed and Enrolled bills, through

Mr. Parker of Nacogdoches, one of the Committee, reported that they had examined the following bills, to wit :

A Bill to repeal all laws which authorize the sectionizing and selling the lands formerly occupied and reserved for the Cherokees," and "An act for the protection of the South Western frontier," and find the same correctly engrossed. Also,

"An act legitimating certain children therein named," 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 this day presented to his Excellency for his approval.

Mr. Rugeley, Chairman of the Committee on the State of the Republic, to which was referred a joint resolution for the relief of Messrs. Cruger and Moore ; reported the same back to the Senate, with the following amendments, and recommend its passage, to wit : Strike out these words : "forthwith or as soon as practicable," and insert "immediately after the passage of this resolution." Strike out "ten days" and insert these words "the time they have been delayed in consequence of copies of the laws and resolutions not having been furnished them in accordance with their propositions."

Mr. Kaufman, from the Judiciary Committee, to which was referred a bill to alter and amend the various acts relating to the duties of Chief Justices, and prescribing the manner in which Commissions shall issue ; reported the same with the following amendments, and recommend its passage, to wit :

Strike out "January" in first section, and insert "February." Add "Sec. 10. *Be it further enacted*, that this act shall be in full force from and after its passage."

Mr. Kaufman, from the select Committee to which was referred a bill prescribing the duties of District Judges, in regard to charging Juries ; reported the same with the following amendment, to come in at the end of fourth line from the last :

"*Provided*, that the Judge may charge the Jury on such other points of law, as he may think proper."

Mr. Kaufman, by leave, introduced a bill to provide for punishing Ferrymen, who refuse or neglect to cross mail carriers *gratis*, and also, Post Masters who neglect to report to the State Department, every failure of the mails on their respective routes.

Read a first time.

On motion of Mr. Greer, the rule was suspended, bill read a second time, and referred to the Committee on the Judiciary.

Mr. Webb, offered the following resolution, to wit :

"*Resolved*, that the Secretary of the Senate be, and he is

hereby directed, to pay out of the contingent fund of the Senate, to the administrator of J. W. Harrison, deceased, twenty dollars, for articles furnished for the use of the Senate, at the session of 1841 and 2, as per account attached."

Which resolution was adopted.

On motion of Mr. Kaufman, the Senate proceeded to the

ORDERS OF THE DAY.

A Bill supplementary to the act of limitations.

Read 3d time, and

The ayes and noes upon the final passage of the bill being called, stood as follows:

Ayes—Messrs. Grimes, Rugeley, and Webb—3.

Noes—Messrs. Greer, Hunter, Kaufman, Parker of Fort Bend, Pattillo, Shaw, and Smith—7.

So the bill was rejected.

Mr. Greer, moved to reconsider a vote taken on yesterday, which rejected a bill to incorporate the Texas Land and Emigrating Company.

Carried, and bill read 3d time and passed.

A Bill to incorporate the Fannin Artillery in the City of Houston.

Read 2nd time, and

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

A Bill for the relief of Antonio Menchaca.

Read second time, and

On motion of Mr. Parker of Fort Bend, referred to Committee on Claims and Accounts.

A joint resolution for the relief of George W. Terrel.

Read a second time, and passed to third reading.

A Bill to amend an act regulating the coasting trade and the protection of Texian shipping.

Read second time, and passed to its third reading.

A message was received from his Excellency, in words following, to wit:

EXECUTIVE DEPARTMENT, }
Washington, January 20th, 1844. }

To the Honorable, the Senate:

The Bill "to fix the place for holding the sessions of the Supreme Court," having been presented to the President for his signature, has received mature consideration.

The Judicial branch of Government in every free country, is of the greatest importance to all its citizens; and in this, the Supreme Judicial Tribunal, is the point to which they resort for the attainment of final justice and the protection of their rights. It is therefore but reasonable to suppose that every facility would be desired by them, to enable them, whenever necessary, to give their personal attendance at its sessions, at the least possible expense. If this be true, the more central it is to the body of the population the more eligible its location. In removing it from the City of Austin to Washington, one of the arguments urged in favor of the measure, was the increased convenience which would thereby be afforded to suitors, on account of its more central position. If this was a sound reason for its removal to this point, in the removal now to Galveston, the reason would seem to lose all its force; for Galveston is quite as inconvenient to the people of the country as Austin was; and, indeed, would be attended with greater expense, from its insular position, than any other situation which could be selected.

It may be urged that the convenience to Judges and lawyers, would be greater in Galveston than at Washington, because they would there have access to libraries, which are not at this time, to be found here. But in the opinion of the Executive this should not be regarded as a solid argument. It is the business of professional gentlemen, to prepare and attend to the business of their clients; and if the Supreme Court should remain here permanently, or at any other convenient point, the want of libraries would soon be obviated; because necessity would furnish inducement to provide the necessary means of investigation. It certainly would be more reasonable to suppose, that the use of libraries was contingent upon the location of the Supreme Court, than that the location of the Supreme Court should depend upon the location of libraries. One is a matter of individual provision and accomplishment—the other is a matter of national convenience and general necessity.

The Government as well as individuals, has rights to be adjudicated in this Supreme Tribunal, to which it is as necessary as expected, that the Attorney General of the Republic should give his attention. He is compelled to reside at the Seat of Government, and to attend the sessions of the Court elsewhere, in the performance of his official duties, would not only be productive of great inconvenience, but perhaps, in many cases, serious injury to the important interests involved. During his absence, the Government would necessarily be deprived of his advice. At this time, the title to many scores of leagues of valu-

able land is in dispute, to be decided by the Supreme Court.— In the investigation of these causes, to which the Government is a party, reference must be made to the records of the General Land Office, and perhaps to those of other Departments of the Government. The removal of the Court, therefore, would in this respect, greatly embarrass the course of justice and probably the rights of parties.

Another objection to the approval of the bill, arises from the fact that, in a country like ours, not yet having assumed a fixed and compact character, it is important to give an air of unity to the national institutions, by associating them intimately together in point of locality. No danger can ever spring out of this association, so long as the functions of each coordinate branch are maintained in separate action according to the provisions of the Constitution. But by placing the seat of action of each of these branches, remote from each other, instead of establishing in the mind of the citizens one common centre as the depository of their rights and interests, it weakens the force and influence of them all upon the public mind. It is to be deplored as one of the greatest misfortunes to the country, that with the aid of the Constitution and Laws, there is but too little disposition manifested to render that respect and allegiance to the Government so necessary to the maintenance of order and the promotion of the general prosperity. The less remote the separation in locality of the different departments of government, the greater will be their combined moral influence upon the community and the conduct of every citizen—the fewer distractions will occur, and at the same time, convenience in administering the public affairs will be increased.

Whatever might be the temporary convenience of a removal of the Supreme Court to Galveston, it would be more than counterbalanced by the bad influence which might hereafter be exerted on the country and its legislation. In matters of legislation, as well as in the administration of the laws, it is wise to have recourse but seldom to temporary expedients. In the management of all important affairs, a system should be pursued by which the greatest good may result and the least possible injury. It is to be deplored that diversified and sectional interest should already have had such a malign influence upon our harmony as well as our national character. In the advancement of the general interest, union and harmony are all important, and whatever is calculated to promote them would seem to be the true policy to be adopted and pursued.

If this bill were to pass into a law, it would create a new and

powerful sectional interest at Galveston ; and if at any future day it should be deemed expedient that the Supreme Court should be again removed, and an attempt made to do so, Galveston would have its adherents as a location, however manifest and important the general interest involved in its removal. During the agitation thus created, other measures affecting the general welfare, would be lost sight of in the legislature, and combinations formed for the exchange of influence, having reference to this sectional measure.

Believing, as the Executive does, upon a full consideration of all the circumstances connected with the passage of the bill, that it would subserve the interest of the few, and that the many would be seriously prejudiced, and that it would give just cause for complaint, the Executive is constrained to withhold his approval.

SAM HOUSTON.

Which was read.

Mr. Parker of Fort Bend, moved that 300 copies be printed, and

The ayes and noes being called stood thus :

Ayes—Messrs. Greer, Grimes, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—7.

Noes—Messrs. Hunter, Rugeley Shaw and Smith—4.

So the motion was carried.

A Bill to prohibit slaves from carrying fire arms.

Read 2nd time, and

On motion of Mr. Pattillo, referred to a select committee.

Messrs. Pattillo, Kaufman, and Parker of Fort Bend, were appointed said Committee.

A joint resolution for the relief of Jeremiah Tinnen.

Read a second time, and referred to Committee on Claims and Accounts.

A joint resolution for the relief of Maria Jesusa Garcia.

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

A Bill to repeal all laws authorizing the sale of the Navy.

Read second time, and

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

A Bill to amend an act respecting wreckmasters.

Read second time, and passed to 3d reading.

A joint resolution for the relief of Messrs. Cruger & Moore.

Read a second time—first amendment of Committee adopted, the question upon the adoption of the second amendment of the Committee was called, and

The ayes and noes were as follows :

Ayes—Messrs. Hunter, Lawrence, Rugeley, and Shaw—4

Noes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Smith—7.

So the amendment was rejected.

Mr. Lawrence, moved to strike out in first section "ten days" and insert "twenty days." A division of the question was called, and Mr. Lawrence's motion throughout was carried, bill passed to its third reading, and

On motion of Mr. Kaufman, the rule was suspended, bill read 3d time, and passed.

A Bill for the better security of Mechanics and others.

Read a second time, amendments of Committee adopted, and bill passed to its third reading.

A message was received from the House of Representatives, that the House had passed "A bill to provide the mode of settling claims of creditors of estates of deceased persons in certain cases," which was read a first time.

Also, that the House had concurred in the amendments of the Senate, to the following bills :

A Bill to provide for carrying the mails, for the year 1844, and establishing the rates of postage.

A Bill creating a District Court at Fort Houston, in Houston County, and a joint resolution requiring the Auditor to audit certain accounts.

Also, that the House had concurred in part of the amendments of the Senate, to a bill to fix the duties on imposts.

Also, that the House had rejected a bill from the Senate, to change the times of holding the Courts, in the first Judicial District.

A Bill to alter and fix the duties on imposts was, on motion of Mr. Lawrence, laid on the table.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 3'clock, P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

On motion of Mr. Grimes, a bill to provide for fixing the seat of Justice of Washington County, was taken up and referred to the same select Committee which reported it on yesterday.

A joint resolution for the relief of Sarah N. Hubert.

Read a second time, and passed to its third reading.

A bill to prescribe the duties of District Judges in regard to charging juries.

Read second time, amendments adopted, and

The ayes and noes upon the engrossment of the bill, stood as follows :

Ayes—Messrs. Grimes, Hunter, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Rugeley, Shaw, and Smith—8.

Noes—Messrs. Greer, and Pattillo—2.

So the bill was ordered to be engrossed, and

On motion of Mr. Kaufman, the rule was suspended, bill read third time and laid on the table until to-morrow.

A joint resolution for the relief of John G. Chalmers.

Read a second time, and

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

A joint resolution for the relief of Jose Cassiano.

Read 2nd time and referred to Committee on Claims and Accounts.

A Bill to authorize Sylvanus Dunham, to establish a ferry across Matagorda Bay.

Read second time, and

On motion of Mr. Rugeley, referred to a select Committee.

Messrs. Rugeley, Hunter, and Parker of Fort Bend, were appointed said Committee.

A Bill for the relief of John Sanders.

Read a second time, and

On motion of Mr. Kaufman, referred to Committee on Lands.

A joint resolution for the relief of midshipman A. J. Bryant,

Read second time, and

On motion of Mr. Rugeley, referred to the Committee on Naval Affairs.

A joint resolution for the relief of the heirs of Capt. Robert Oliver.

Read second time, and

On motion of Mr. Kaufman, referred to Committee on Public Lands.

A Bill to establish the Corporate limits of the Town of Clarksville. Read 2nd time, and passed to third reading.

A Bill for the relief of Stephen Jones.

Read a second time.

Mr. Pattillo, moved its reference to the Committee on Military Affairs. Lost, and

On motion of Mr. Kaufman, referred to the Committee on Public Lands.

A joint resolution for the relief of Samuel Lemons, his heirs or assigns.

Read 2d time, and

On motion of Mr. Greer, referred to the Committee on Public Lands.

A Bill to change a certain mail route, therein named.

Read 2d time, and

On motion of Mr. Grimes, the caption of the bill was amended so as to read thus: "A bill to change the mail route from Huntsville to Montgomery," and bill passed to its third reading.

A Bill to repeal in part and to amend an act regulating the duties of Probate Courts, and the settlement of successions.

Read second time, and passed to its 3d reading.

A joint resolution for the relief of Mary Johnson.

Read second time, and

On motion of Mr. Parker of Nacogdoches, referred to the Committee on Public Lands.

A Bill to divorce Missouri Jane Wagner and Charles Wagner.

Read second time, and

On motion of Mr. Shaw, referred to the Committee on State of the Republic.

A Bill regulating Elections.

Read 2d time, and

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

A joint resolution exempting Distilleries from taxation.

Read second time.

Mr. Kaufman, moved its reference to the Committee on Finance. Lost.

Mr. Grimes, moved to lay the bill on the table.

Mr. Greer, amended the motion by adding—until the 1st of March. Lost.

Mr. Greer, moved the indefinite postponement of the bill, and The ayes and noes being called, stood thus.

Ayes—Messrs. Greer, Grimes, Hunter, Parker of Nacogdoches—4.

Noes—Messrs. Kaufman, Parker of Fort Bend, Pattillo, Rugeley, Shaw and Smith—6.

So the motion was lost, and bill passed to its third reading.

A Bill to alter and amend the various acts in relation to the duties of Chief Justices, and prescribing the manner in which Commissions shall issue.

Read 2d time, and amendments of Committee adopted.

Mr. Hunter, offered to amend by adding this section.

"Sec. 10. *Be it further enacted*, that for each certificate under the seal of the Department of State, there shall be paid to the Chief Clerk of that Department, the sum of fifty cents, by the person requiring the same."

Which was rejected, and

On motion of Mr. Kaufman, the bill was referred to a select Committee.

Messrs. Kaufman, Pattillo and Grimes, were appointed said Committee.

Mr. Parker of Nacogdoches, Chairman on the part of the Senate, of the joint Committee of the two Houses, appointed to confer upon "A bill to authorize the Sheriff of Rusk County, to collect the State and County taxes, for the year 1842, and for other purposes," reported—and recommend that the Senate recede from its first amendment to the 3d section. The Committee further agree, that the 3d section be so amended, by inserting after the words "Jury services" the words "so far as the tax collected for 1842, will extend." Also, that the amendments of the Senate, striking out the 4th section, will be concurred in by the House.

Mr. Kaufman, moved to take up "A Bill to amend an act regulating sales by Judgment of a Probate Court or Court of Chancery."

Mr. Greer, moved that the roll be called—quorum present.

Mr. Greer, moved to adjourn until 10 o'clock, to-morrow morning.

The ayes and noes being called, stood thus:

Ayes—Messrs. Greer, Grimes, Parker of Fort Bend, Shaw, and Smith.—5.

Noes—Messrs. Hunter, Kaufman, Parker of Nacogdoches, Pattillo, and Rugeley—5.

Mr. Grimes, being in the Chair, and having voted, and there being a tie, the motion was lost.

The question on Mr. Kaufman's motion being taken, was carried, and the bill referred to the Judiciary Committee.

On motion of Mr. Hunter, a bill to exempt the citizens of San Patricio from taxation, was taken up and referred to a select Committee.

Messrs. Hunter, Parker of Fort Bend, and Rugeley, said Committee.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, to-morrow.

THURSDAY, January 25th, 1844. }
 10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit :

Messrs. Greer, Grimes, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Shaw, Smith, and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Parker of Nacogdoches, presented the petition of Joseph P. Burnett, praying relief, which was read and referred to the Committee on Finance.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined “A bill to prescribe the duties of District Judges, in regard to charging juries;” and find the same correctly engrossed.

Mr. Smith, Chairman of the Committee on Public Lands, to which was referred “a joint resolution for the relief of Samuel Lemons, his heirs or assigns,” reported the same back to the Senate, and recommend its passage.

Mr. Greer, Chairman of the Committee on Finance, to which was referred, “a bill to remove the Custom House, for the District of Calhoun,” reported the same back to the Senate for its action. Also,

A joint resolution, requiring the Auditor to audit all duly authenticated claims against the Government, which the Committee reported back, and recommend its passage.

Mr. Lawrence, Chairman of the Committee on Privileges and Elections, to which was referred “a bill regulating Elections,” reported the same back to the Senate, with the following amendment, to wit: Insert in 12th Sec. after the words “this act” the words “except so far as they relate to elections for depopulated Counties.”

Mr. Kaufman, from the Committee on the State of the Republic, to which was referred “a bill to open and establish a National Road,” reported the same to the Senate, with the following amendments, and recommend its passage, to wit: In 9th Sec. 5th line, strike out the words “the other two” and insert the words “a majority of the same.”

In 9th section, 6th line, strike out the word “one” and insert the word “two.” At the end of 13th section, add “and surveyed in a square.”

Mr. Kaufman, from the Judiciary Committee, to which was referred "an act for the relief of the heirs of Henry Pearson, deceased," reported a substitute to the same, to be entitled: "An act for the relief of the heirs of Henry Pierson, deceased, and to provide a remedy for all cases where the Administrators or Executors have brought suits for the establishment of rejected certificates."

Also, "an act to repeal an act regulating sales by judgment or decree of a Probate Court or Court of Chancery, with the following amendment, to wit: Amend caption, so as to read thus: "An act to repeal an act to amend an act entitled an act regulating sales by judgment or decree of a Probate Court or Court of Chancery, approved Feb. 4, 1841—approved Jan. 14th. 1843."

Mr. Rugeley, Chairman of the Committee on the State of the Republic, to which was referred "an act for the relief of Maria Jesusa Garcia," reported the same back to the Senate, and recommend its passage. Also,

A Bill to divorce Missouri Jane Wagner and Charles Wagner, which the Committee report back for the action of the Senate.

Mr. Grimes, Chairman of the select Committee, to which was referred "a bill to provide for fixing the County seat of Justice of Washington County," with the following amendments, to wit: After the word "provided" in 4th section, insert "any one place shall have received a majority of all the votes polled in said election, but in the event no one place shall have received a majority as aforesaid, then and in that case, it shall be the duty of the Chief Justice to proceed to order another election, after giving notice, as in the first instance—putting in nomination the two places that have received the greatest number of votes, which election shall be conducted and the returns made as heretofore provided—and the place then receiving the highest number of votes, shall be declared the County Seat of Justice—provided,"

Mr. Pattillo, Chairman of the select Committee, to which was referred "a bill to prohibit slaves from carrying fire arms," reported the same with the following amendments, to wit:

SEC. 3, "*Be it further enacted*, that it shall not be lawful for any master or owner of a slave, to permit such slave to own in his own right, any horse, mule or hog, and any property so owned by any slave, shall be forfeited to the County, and the master or owner of such slaves, shall be fined in a sum not less than ten dollars, nor more than twenty dollars; recoverable be-

fore any justice of the peace, as other fines, which fine shall be paid into the County Treasury."

Mr. Rugeley, Chairman of the Committee on Naval Affairs, to which was referred a joint resolution for the relief of Mid-

shipmen A. J. Bryant, reported the same, with the following amendments, to wit: Add

SEC. 2. "*Be it further resolved*, that John Norris, Thomas Barnett, George Davis, James Brown, and James Hogan, seamen, disabled for life in the service of the country, may receive a yearly pension, equal to the half pay of a seaman."

Mr. Parker of Nacogdoches, presented the claims of the Steamships Neptune, and New York, for services rendered, &c. and moved a reference of the same to the Committee on Naval Affairs. Lost, and

On motion of Mr. Parker of Fort Bend the same was referred to the Committee on Claims and Accounts.

Mr. Grimes, by leave, introduced a bill to amend the several acts granting donations of land to emigrants.

Read 1st time.

On motion of Mr. Grimes, the rule was suspended, and bill read a second time, and referred to Committee on Public Lands.

On motion of Mr. Parker of Fort Bend, the Senate proceeded to the

ORDERS OF THE DAY.

A Bill exempting Distilleries from Taxation.

Read 3d time.

Mr. Hunter, moved its reference to the Committee on Finance.

The ayes and noes being called, stood thus:

Ayes—Messrs Greer, Grimes, Hunter, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, and Shaw—8.

Noes—Messrs. Kaufman, Parker of Fort Bend, Smith and Webb—4.

A joint resolution for the relief of Sarah N. Hubert.

Read 3d time, and

The ayes and noes being called upon final passage of bill, stood thus:

Ayes—Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Smith and Webb—9,

Noes—Mr. Grimes—1.

So the bill passed.

A Bill to extend the corporate limits of the town of Clarksville.

Read 3d time and passed.

A Bill to repeal in part and amend an act regulating the duties of Probate Courts in the settlement of successions.

Read 3d time, and

On motion of Mr. Shaw, referred to a select Committee.

Messrs. Shaw, Grimes, and Rugeley, were appointed said Committee.

A Bill to change a mail route from Montgomery to Huiltsville.

Read 3d time and passed.

A Bill for the relief of Maria Jesusa Garcia.

Read second time, and passed to 3d reading.

A joint resolution for the relief of George W. Terrel.

Read third time, and

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

A Bill to amend an act respecting wreckmasters.

Read a third time, and passed.

A Bill to amend an act regulating the coasting trade, and the protection of Texian shipping.

Read third time and passed.

A Bill for the better security of Mechanics and others.

Read third time, and passed.

A Bill to prescribe the duties of District Judges, in regard to charging Juries.

Read 3d time, and passed.

A Bill to prescribe the mode of settling the claims of creditors of the Estates of deceased persons in certain cases.

Read second time, and referred on motion of Mr. Parker of Fort Bend, to the Judiciary Committee.

A Bill providing for fixing the seat of Justice for Washington County.

Read second time, amendments adopted, and bill passed to its third reading.

A Bill to open and establish a National Road.

Read second time, amendments adopted, and

On motion of Mr. Smith, bill laid on the table.

A joint resolution requiring the Auditor to audit all duly authenticated claims against the Government.

Read second time.

Mr. Parker of Fort Bend, moved that the bill lay on the table. Lost, and

On motion of Mr. Parker of Nacogdoches, the bill was re-committed to the Committee on Finance.

A Bill regulating Elections.

Read 2d time—amendments adopted, and

On motion of Mr. Shaw, re-committed to select Committee.

Messrs. Shaw, Grimes and Kaufman, were appointed said Committee.

A Bill for the relief of the heirs, of Henry Pearson, deceased.

Read 2d time, the substitute reported by the Committee adopted, and

On motion of Mr. Kaufman, bill laid on the table.

A Bill to divorce Missouri Jane Wagner and Charles Wagner.

Read a second time.

The ayes and noes being called on the passage of the bill to its third reading, stood thus :

Ayes—Messrs. Lawrence, and Rugeley—2.

Noes—Messrs. Greer, Grimes, Hunter, Parker of Nacogdoches, Pattillo, Shaw, Smith, Webb and Kaufman—9.

Mr. Parker of Fort Bend, moved an adjournment until 3 o'clock, P. M.

Motion lost.

A joint resolution removing the Custom House for the District of Calhoun.

Read 2d time, and

On motion of Mr. Webb, laid on the table, until 3 o'clock, P. M.

Mr. Webb, moved an adjournment until 3 o'clock, this evening.

Mr. Lawrence, amended the motion by moving 10 o'clock, to-morrow morning.

The question upon Mr. Lawrence's motion was put, and lost. The question upon Mr. Webb's motion was also put, and lost.

Mr. Shaw, moved to reconsider the vote which rejected the bill to divorce Missouri Jane Wagner, and Charles Wagner, and

On motion of Mr. Shaw, the motion to reconsider was laid on the table.

A message was received from the House of Representatives, that the House had passed the following bills, to wit.

A Bill allowing District Attorneys ten per cent. on all government liabilities collected by them.

Read first time.

On motion of Mr. Kaufman, the rule was suspended, bill read 2d time, and referred to Committee on Finance.

A joint resolution for the relief of Henry M. Smith.

A Bill for the relief of John Trussel.

A joint resolution for the relief of A. B. Shelby.

A Bill requiring the Auditor to audit the accounts of the heirs of Erastus Smith.

Also, a resolution to adjourn "*sine die*" on the 5th day of February next, which was read, and

On motion of Mr. Parker of Nacogdoches, laid on the table.

A joint resolution for the relief of Samuel Lemons, his heirs or assigns.

Read 2d time, and passed to third reading.

A joint resolution for relief of midshipman A. J. Bryant.

Read 2d time, amendments adopted, and bill passed to 3d reading.

On motion of Mr. Greer, a bill to alter in part and fix the duties on imposts, was taken up, and

On motion of Mr. Webb, the Senate insists upon its amendments to the said bill—whereupon

Messrs. Greer, Webb and Lawrence, were appointed as a Committee of conference, to confer with a like Committee on the part of the House of Representatives, upon the said amendments.

A Bill to prohibit slaves from carrying fire arms.

Read second time, amendments adopted.

Mr. Hunter, moved to amend the bill by inserting in section 1st, — line, these words "unless by the written consent of the master or overseer of the slave," adopted and bill passed to third reading.

On motion of Mr. Kaufman, the message of his Excellency containing his objections to the bill to repeal all laws now in force, authorizing the President to form Colonization contracts, and to forfeit such as have already been made, when the conditions of the same have not been strictly complied with, was taken up, bill read, and

The ayes and noes upon its passage over the veto, stood thus:

Ayes—Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Shaw, Smith, and Webb—9.

Noes—Messrs. Grimes, Parker of Fort Bend, and Patisillo—3.

So the bill passed.

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

FRIDAY, January 26th, 1844. }
 10 o'clock, A. M. }

The Senate met pursuant to adjournment—the roll being called, the following Senators answered to their names—Messrs. Greer, Grimes, Hunter, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw and Smith—a quorum present.

Prayer by the Chaplain.

The journals of the preceding day were read and adopted.

Mr. Shaw, Chairman of the select Committee, to whom was referred a bill regulating Elections, report the same with an endments, to wit: Sec. 4, line 3, strike out “4” and insert “3,” so as to read 3 o'clock. In Sec. 6, line 4, after the word “return,” insert “signed by the managers.” In line 6, strike out “on oath” and insert “or some other safe conveyance,” also, an additional section, as—

SEC. 12. *Be it further enacted*, that returning officers shall be entitled to three cents per mile in going to or returning from the County seats, to make returns of Elections, to be paid out of the County Treasury, upon the certificate of the Chief Justice.” Also,

A Bill to repeal in part and amend an act regulating the duties of Probate Courts, &c., report the following amendments: In section 1st, in line 3, strike out the words “fourteenth” and insert “fortieth,” so as to read 40 Section.

Mr. Parker of Nacogdoches, Chairman of Committee on Claims and Accounts, to whom was referred the joint resolution for the relief of Geo. W. Smyth, also, Jeremiah Tinnen, reported the same without amendment, and recommended their passage.

Mr. Pattillo, one of the Committee on Claims and Accounts, to which Committee was referred a bill for the relief of McKinney & Williams, (and the vouchers accompanying) report a substitute therefor, and recommend its passage.

The Judiciary Committee, Mr. Webb, Chairman, to whom was referred a joint resolution for the relief of G. W. Terrel, report the same and recommend its passage.

Mr. Smith, Chairman of the Committee on Public Lands, to whom was referred, a bill to be entitled: "An act to amend the several acts, granting donations of land to emigrants," report the same back for the action of the Senate. Also,

A joint resolution for the relief of Mary Johnson. Also,

A joint resolution for the relief of Captain Robert Oliver, and recommend the passage of the same.

Mr. Greer, Chairman of the Committee on Finance, to whom was referred a joint resolution, moving the Custom House of the District of Calhoun, and, an act allowing District Attornies ten per centum of all monies collected by them on Government liabilities, report the same and recommend the passage of the same. Also,

An act for the more prompt collection of Direct Taxes, reported a substitute for the same, and recommend its passage.

Mr. Kaufman, one of the Committee on the Judiciary, to which was referred an act to prescribe the mode of settling the claims of creditors of the estates of deceased persons in certain cases, reported the same back for the action of the Senate.--- Also,

An act, to alter and amend the various acts, relating to the duties of Chief Justices and prescribing the manner in which Commissions shall issue, report the same back with the following amendment, viz.

Be it further enacted, that hereafter it shall not be lawful for the Chief Justice and associate Justices, to hold any of the regular sessions of County Courts, nor shall any associate Judge of the County Court, hereafter, have any connection with the Probate Courts, in the transaction of Probate business, and the Commissioners Courts shall only meet twice in a year, to wit: on the first Mondays of January and July," and recommend its passage.

Mr. Rugeley, Chairman of the Committee on the State of the Republic, to whom was referred, an act to establish a standard of weights and measures, report the same back for the action of the Senate.

Mr. Hunter, one of the select Committee, to whom was referred a bill to be entitled: "An act to authorize Sylvanus Dunham, to establish a Ferry across the Matagorda Bay," reported the same, with the following amendment, to wit: In 2nd Sec. strike out the word "exclusive" and recommend the passage of the same.

Mr. Parker of Nacogdoches, Chairman on Committee on Claims and Accounts, to whom was referred the claim of ~~Ch~~

sha Clapp and others, reported a joint resolution for the relief of the same, and recommend its passage.

On motion of Mr. Kaufman, the Senate proceeded to the

ORDERS OF THE DAY.

A joint resolution for the relief of Geo. W. Terrell.

Read 2nd time, and passed to a third reading.

On motion of Mr. Greer, a bill for the more prompt collection of Direct Taxes, was taken up, read a 2nd time, and substitute reported by the Committee adopted, the same was read section by section.

Mr. Kaufman, moved to add to 1st Sec. these words: "or be subject to removal by the President on complaint of the Treasury Department."

Motion carried.

2nd, 3rd, 4th, 5th and 6th sections were adopted.

Mr. Kaufman, moved to fill the blank in 7th section with these words: "15 December." Carried. 5th Sec. adopted.

Mr. Grimes, offered the following substitute for the 9th Sec.

"Be it further enacted, that if any person shall fail to give in a list of his direct taxes, on or before the first day of September in each year, he shall pay in addition to the amount of his direct taxes, the sum of twenty five per cent, to be collected and accounted for in the same manner as is herein provided for the collection of the direct taxes; and if any person shall refuse to give in his taxable property, he shall forfeit and pay the sum of _____ dollars, to be recovered in the District Court of the County wherein he resides. And, it shall be the duty of the Assessor, to give information to the District Attorney, whose duty it shall be, to prosecute the delinquent, and he shall be entitled to receive ten per cent. on the amounts by him collected."

Mr. Parker of Port Bend, moved to lay the bill on the table.

Lost.

Mr. Greer, moved to strike out "ten per cent." in the amendment by Mr. Grimes, and insert "20 per cent." Carried.

Mr. Greer, also moved to fill the blank with "100." Carried.

Mr. Kaufman, moved to insert after the word "given" in said substitute, the words "under oath," also, after the word "property" the words "after being called on by the Assessor."

Carried.

Mr. Kaufman, moved to add the following to Mr. Grime's substitute, "*provided,* that in giving in Lands for assessment, eve-

ry tract shall be designated by the name of the original grantee, and shall also specify the County where said land is situated.'

The ayes and noes being called for on Mr. Kaufman's proviso, stood thus, to wit.

Ayes—Messrs. Greer, Grimes, Hunter, Kaufman, Pattillo, and Shaw—6.

Noes—Messrs. Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Rugeley, and Webb—5.

So the proviso was adopted.

Mr. Greer, moved to fill the blank in 10th section, 3d line, with "10,000." Carried.

Mr. Rugeley, moved to insert in same section, 3d line, after the word "dollars" these words "or in a smaller amount, at the discretion of the Secretary of the Treasury." Carried.

Mr. Greer, moved to fill the blank in 10 section, 7th line, with the word "5." Carried.

Mr. Greer, also moved to fill blank in same section, 8th line with "two and a half." Carried, and

On motion of Mr. Kaufman, these words were stricken from the 10th Sec. to wit: "on the first amount of 5,000 dollars, and, two and a half per cent. on the remaining sum." Also, strike out these words, which occur again in the same section, to wit: "on the first amount of 5,000 dollars and the sum of — per cent. on the remainder." Carried.

Mr. Greer, moved to fill the blank in same section, 9th line, with the word "8." Lost.

Mr. Grimes "7." Lost.

Mr. Hunter, moved to reconsider the vote which refused to fill the blank with "seven." Carried.

So the blank was filled with "7."

Mr. Kaufman, moved to fill the blank in 11th section, 2nd line, with "1st December." Carried.

Mr. Parker of Nacogdoches, moved to fill the blank in same Sec. 4th line, with "1st March," also, to strike out in 5th line same section, the words "each and every" and insert the words "the subsequent." Carried. The 12th and 13th sections were read and adopted.

Mr. Kaufman, moved to insert in 14th section, 4th line after the word "residence" the words "in this Republic." Carried.

Mr. Greer, moved the suspension of the rule, that the bill might be placed upon its 3d reading. Lost, and the bill was ordered to be engrossed.

On motion of Mr. Greer, a bill authorizing the Sheriff of

Rusk County to collect the State and County Taxes, for the year 1842, was taken up, and the report of the Committee of Conference was adopted.

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

THREE O'CLOCK, P. M.

Senate met—roll called—no quorum—the Sergeant-at-arms was despatched after absent members—returned and a quorum present.

Mr. Parker of Nacogdoches, (by leave of the Senate) Chairman of the Committee on Claims and Accounts, to which was referred a joint resolution for the relief of Minute men, reported the same back to the Senate, and recommend its passage.

A joint resolution removing the Custom House of the District of Calhoun.

Read 2d time, and passed to third reading.

A joint resolution for the relief of Samuel Lemons, his heirs or assigns.

Read 3d time, and passed.

A Bill for the relief of Maria Jesusa Garcia.

Read 3d time and passed.

A joint resolution for the relief of midshipman A. J. Bryant.

Read third time, and passed.

A Bill to prohibit slaves from carrying fire arms.

Read 3d time, and passed.

A Bill to provide for fixing the County seat of Justice of the County of Washington.

Read 3d time and passed.

A Bill to authorize Sylvanus Dunham, to establish a Ferry across the Matagorda Bay.

Read 2d time, amendment adopted, and bill passed to 3d reading.

A Bill allowing District Attorneys ten per cent. on all monies collected by them on Government liabilities.

Read 2d time, and passed to 3d reading.

A Bill to prescribe the mode of settling the claims of creditors of Estates, of deceased persons in certain cases.

Read 2d time, and passed to 3d reading.

A Bill to alter and amend the various acts relating to the duties of Chief Justices, and prescribing the manner in which Commissions shall issue.

Read 2nd time, amendment adopted, and bill passed to 3d reading.

A Bill regulating Elections.

Read 2nd time, amendments adopted, and bill passed to its 3d reading.

A Bill to amend the several acts granting donations of land to emigrants.

Read 2d time, and ordered to be engrossed.

A joint resolution for the relief of Jeremiah Tinnen.

Read 2nd time, and passed to 3d reading.

A joint resolution for the relief of George W. Smyth.

Read 2nd time, and ordered to be engrossed.

A Bill to establish a standard of weights and measures.

Read 2nd time, and

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

A joint resolution for the relief of Captain Robert Oliver.

Read 2nd time, and passed to its 3d reading.

A joint resolution for the relief of Mary Johnson.

Read 2nd time, and passed to 3d reading.

On motion of Mr. Smith, a bill requiring the Auditor to audit the accounts of the heirs of Erastus Smith, was taken up.

Read first time, rule suspended, read 2nd time, and referred to the Committee on Claims and Accounts.

A message was received from the House of Representatives, that the House had passed the following bills, to wit :

A Bill for the relief of A. C. Davidson.

Read 1st time.

On motion of Mr. Kaufman, the rule was suspended, bill read 2nd time and referred to Committee on Post Offices and Roads.

A Bill (from the Senate) making an appropriation to pay in part the officers of the Navy. Also,

That the House have concurred in the amendments of the Senate, to the following bills, to wit :

A Bill to be entitled : "An act to regulate the fees of County Clerks in certain cases."

A Bill supplementary to an act concerning rents.

A Bill to incorporate Hermann's University.

Also, that they have passed the following bills :

A joint resolution for the relief of A. B. Shelby.

A Bill for the relief of Rose Mahony and Mary Healey.

A joint resolution for the relief of Sarah A. Cooke.

A joint resolution for the relief of Thomas Wm. Ward.

A Bill to protect the property of Texian prisoners of War.

A Bill to repeal an act to incorporate the Caney Navigation Company.

A Bill authorizing the appointments of additional Notaries Public.

A joint resolution for the relief of certain disabled seamen and landsmen.

A Bill to provide the mode of taking interrogatories when witnesses reside beyond the limits of the Republic.

A Bill to define the boundary line between the Counties of Washington and Austin. Also,

That the House had agreed to the report of the Committee of conference, upon the bill to authorize the Sheriff of Rusk County, to collect the State and County tax, for the year 1842, and for other purposes. Also,

That they have passed a bill (from the Senate) to repeal all laws which authorize the sectionizing and selling the lands formerly owned by the Cherokee Indians, with the following amendments, to wit :

SEC. 2. *Be it further enacted*, that all legal and valid orders of Survey certificates, script or bounty warrants legally and correctly obtained, and surveyed or located in the above recited territory, and all titles and colonists rights legally and properly surveyed and located under the Colonization laws of Mexico, in said territory be, and the same are hereby declared as valid, as if located or situated in any other portion of the public domain—and any such claims are hereby placed upon the same basis and grounds as claims of a similar character, located or situated in other portions of the country, any law or act for the sale, survey or hypothecation of any of the said lands or any indian treaty or treaties which might be construed to affect the right or title of said lands to the contrary notwithstanding

SEC 3. *Be it further enacted*, that all the lands vacant in said territory be, and the same are hereby declared subject to entry and location, and the settlers residing therein, be entitled to all the immunities and privileges of entry and location allowed to citizens residing in other portions of the public domain. And *provided*, that in no instance shall it be lawful for any non-resident to locate upon the land occupied and settled *bona-fide* by any resident citizen in the aforesaid district of country.

SEC. 4. *Be it further enacted*, that an act entitled : "An act granting a donation of land to actual settlers on or near the military road, on the Western Frontier, approved January 21, 1841" be, and the same is hereby repealed, and that all legal locations

and surveys heretofore made north of said road are hereby validated

And, because of the absence of several members of the Senate—on motion of Mr. Parker of Nacogdoches, the bill was laid on the table. Also,

An act to change the times of holding the District Courts in the fifth, sixth and seventh Judicial Districts, with the following amendments, to wit:

Strike out the word "sixth" in the caption. Strike out all in the caption after the words "Judicial Districts" in second line. In the 4th line of the 1st section, strike out the word "second" and insert "first". In 6th line, after the word "week" insert "in the County of Jasper on the second Mondays in March and September, and may continue their sessions one week." Strike out 3d section. In 1st section, 17th line, strike out all after "sessions" and insert "one week." Strike out "two weeks" for Bowie County and insert "one week." Add to fourth section--

"And that immediately after the passage of this act, it shall be the duty of the Secretary of State, to have the same published in the National Validator, a newspaper in the town of Washington, for three successive weeks."

Which were concurred in by the Senate.

A joint resolution for the relief of A B Shelby.

Read first time, rule suspended, read 2nd time and referred to Committee on Claims and Accounts.

A joint resolution for the relief of the Sheriff of Houston, County.

Read second time, and ordered to be engrossed.

On motion of Mr. Parker of Nacogdoches, rule suspended, read a third time and passed.

A Bill to repeal in part and amend an act regulating the duties of Probate Courts, and the settlement of successions.

Read 2nd time, amendments of Committee adopted.

Mr. Kaufman, offered the following amendment, to wit:

At the end of 2nd Section, add these words "for which services, the said Surveyor, shall receive the same pay as now allowed by law," which was adopted, and bill passed to 3d reading.

A Bill to authorize the holding of the District Court in two places in Red River County. Read second time.

Mr. Webb, moved a suspension of the rule. Carried, bill read a third time and passed.

A Bill for the relief of McKinney & Williams.

Read 2d time.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, to-morrow morning.

SATURDAY, Jan. 27th, 1844,)
10 o'clock A. M.)

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Grimes, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceeding day was read and adopted.

Mr. Grimes, from the Military Committee, to which was referred, a bill to incorporate the Fannin Artillery, in the City of Houston, reported the same back to the Senate, with the following amendment, to wit: In Sec. 2, strike out all after "Regiment" in 6th line.

Mr. Parker of Nacogdoches, from the Committee on Engrossed and Enrolled Bills, reported that the Committee had examined the following bills, to wit:

A Bill for the more prompt collection of the Direct Taxes.

A Bill to amend the several acts, granting donations of land to emigrants, and

A joint resolution for the relief of George W. Smyth, and find the same correctly engrossed. Also,

An act making an appropriation to pay in part the officers of the Navy.

An act to change in part the time of holding the District Courts, in the fifth and seventh Judicial Districts, 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 this day presented to his Excellency, for his approval.

Mr. Webb, from the Committee on Naval Affairs, to which was referred the memorial of E. W. Moore, reported a joint resolution for his relief, which was—

Read a first time.

Mr. Parker of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred a joint resolution for the relief of A. B. Shelby, reported the same back to the Senate, with the following amendment, for its action, to wit:

Insert after the word "District" in Sec. 1st, "and that the Auditor issue his warrants in such sums, as the said Shelby may require, not under \$100, for the amount of said appropriation, and that the same be receivable for Direct Taxes due the Republic, and that this act take effect from and after its passage."

On motion of Mr. Kaufman, a bill for the more prompt collection of the Direct Taxes, was taken up.

Read a third time, and

The ayes and noes, upon the final passage of the bill stood as follows:

Ayes---Messrs. Greer, Grimes, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw and Smith---10.

Noes---Messrs Hunter, and Webb---2.

So the bill passed.

On motion of Mr. Webb, a joint resolution for the relief of L. S. Hargous, of the City of Vera Cruz, was taken up.

Read a 3d time, and

The ayes and noes upon the final passage of the bill being called, stood thus:

Ayes---Messrs. Hunter, Lawrence, Rugeley Smith and Webb---5.

Noes---Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw---7.

So the bill was rejected.

Mr. Shaw, moved a reconsideration.

Mr. Greer, moved that the motion lay on the table. Carried.

On motion of Mr. Parker of Nacogdoches, a bill to repeal all laws which authorize the sectionizing and selling the lands formerly occupied by the Cherokee Indians, was taken up, and

On further motion of Mr. Parker of Nacogdoches, the amendments of the House concurred in.

On motion of Mr. Parker of Fort Bend, the Senate proceeded to the

ORDERS OF THE DAY.

A joint resolution for the relief of Anthony B. Shelby.

Read 2nd time, amendments of Committee adopted.

On motion of Mr. Kaufman, the word "half" in 1st section, was stricken out, and the words "in full" inserted.

The ayes and noes being called on the passage of the bill to its third reading, stood as follows:

Ayes—Messrs. Grimes, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, and Webb—8.

Noes—Messrs. Greer, Pattillo, Shaw and Smith—4.

A bill to incorporate the Fannin Artillery in the City of Houston.

Read second time, amendments of committee rejected.

Mr. Hunter, moved to strike out in last clause, the words "jury services"—Carried.

Mr. Kaufman, offered the following, to come in at the end of Section 6. "*Provided*, that nothing herein contained shall be so construed as to authorize banking privileges, and any failure to comply with the provisions of this act shall work a forfeiture of this charter."

Which was adopted.

Mr. Grimes, moved to strike out this Section: "Sec. 7. That the Government is hereby required to supply the said corps with two brass 6 pounder field pieces, with caissons and apparatus complete, with complete sets of harness for four horses for each piece of ordnance, with ordnance stores and munitions of War, also, with small and side arms and knapsacks. The captain of the company, shall be responsible for the small and side arms and knapsacks, and the company in its corporate capacity, for the ordnance and ordnance stores and munitions of War."

Motion lost, and

On motion of Mr. Kaufman, these words were stricken from the said section, to wit: "with complete sets of harness for 4 horses for each piece of ordnance," and bill passed to its third reading.

On motion of Mr. Rugeley, a bill for the relief of McKinney & Williams, was taken up.

Read 2nd time.

Mr. Lawrence, moved to insert in first section after the word "authorized" the words "and required"

Which motion was carried, and bill ordered to be engrossed.

Mr. Lawrence, then moved a suspension of the rule.

Carried, and bill read a third time and passed.

A joint resolution for the relief of George W. Smyth.

Read 3d time and passed.

A Bill to amend the several acts granting donations of land to emigrants.

Read a third time and passed.

A Bill to define the boundary line between the county of Washington and the county of Austin.

Read 1st time.

A joint resolution removing the Custom House of the District of Calhoun

Read a 3d time and passed.

A Bill to repeal in part an act regulating the duties of Probate Courts, in the settlement of successions.

Read third time and passed.

A joint resolution for relief of George W. Terrel.

Read third time and passed.

A joint resolution for the relief of Mary Johnson.

Read third time and passed.

A Bill regulating Elections.

Read a third time and passed.

The ayes and noes, stood thus upon the final passage:

Ayes—Messrs. Greer, Grimes, Parker of Nacogdoches. Patillo, Rugeley, Shaw, and Smith—7.

Noes—Messrs. Hunter, Kaufman, Parker of Fort Bend—3.

A joint resolution for the relief of Jeremiah Tiunen.

Read a third time and passed.

A Bill to alter and amend the various acts in relation to the duties of Chief Justices, and prescribing the manner in which Commissions shall issue.

Read third time, and

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

A joint resolution for the relief of Captain Robert Oliver.

Read third time and passed.

A Bill to authorize Sylvanus Dunham, to establish a Ferry across Matagorda Bay.

Read third time and passed.

A joint resolution for the relief of Elisha Clapp, and others.

Read 2d time.

On motion of Mr. Hunter, that portion of the bill which makes the claims receivable for direct taxes, was stricken out, and the bill was ordered to be engrossed.

A joint resolution for the relief of Thomas Wm. Ward.

Read first time.

On motion of Mr. Smith, rule suspended, read 2nd time, and referred to select Committee.

Messrs. Parker of Fort Bend, Kaufman and Smith were appointed said Committee.

A message was received from the House, that the House had passed the following bills, to wit:

A Bill to provide the manner of taking interrogatories where witnesses reside beyond the limits of this republic.

Read first time.

A joint resolution for the relief of certain disabled seamen and landsmen.

Read first time.

A Bill to repeal the Matagorda Caney Navigation Company.

Read first time, rule suspended, on motion of Mr. Rugeley, read 2nd time, and referred to a select Committee.

Messrs. Rugeley, Hunter and Webb, were appointed said Committee.

A joint resolution for the relief of Henry M. Smyth.

Read first time.

On motion of Mr. Lawrence, rule suspended, bill read second time and referred to the Committee on Claims and Accounts.

A Bill to protect the property of Texian prisoners of War.

Read 1st time.

A Bill for the relief of John Trussel.

Read 1st time.

A Bill authorizing the appointment of additional Notaries Public. Read 1st time.

A joint resolution for the relief of Sarah A. Cooke.

Read 1st time, rule suspended, read a second time, and referred to the Committee on Claims and Accounts.

A Bill for the relief of Rose Mahoney and Mary Healey.

Read 1st time, rule suspended, read second time, and referred to the Committee on Claims and Accounts.

A Bill to repeal the 9th Sec. of an act entitled an act supplementary to an act entitled: "An act to raise a revenue by impost duties, approved Feb. 5, 1840."

Read 1st time.

A Bill for the relief of Bryan, Austin & Co. Read 1st time.

On motion of Mr. Parker of Nacogdoches, the Senate adjourned until 3'clock, P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—a quorum present.

Mr. Pattillo, from the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill for the relief of McKinney & Williams, and find the same correctly engrossed.

A joint resolution for the relief of Minute-men.

Read 2nd time, and passed to 3d reading.

A Bill to repeal an act regulating sales by judgement or decree of a Probate Court or Court of Chancery.

Read 2nd time, and bill rejected on its passage to a third reading.

Mr. Parker of Nacogdoches, from the Committee on Enrolled bills, reported that the Committee had examined a bill to repeal all laws authorizing the sectionizing and selling the lands formerly occupied by the Cherokee Indians, 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 approved by his Excellency.

Mr. Parker of Fort Bend, Chairman of the select Committee, to which was referred a joint resolution for the relief of Thomas Wm. Ward, by leave of the Senate, reported the same with the following amendment, to wit :

Sec. 2. "*Be it further enacted*, that the sum of one hundred and twenty five dollars, is hereby appropriated to discharge the claim aforesaid."

Bill read 2nd time, amendment adopted, and rule suspended, bill read a third time and passed.

Mr. Parker of Fort Bend, Chairman of the Committee on Post Offices and Roads, to which was referred the joint resolution for the relief of A. C. Davidson, reported the same with amendments, to wit : After the word "dollars" in 6th line of 1st Sec. insert "for carrying the mail"—after the word "required" in 9th line, insert "to receive said Auditor's certificate in payment of any direct taxes that may be due and payable in said County." In 1st section, strike out all after the said word "required" in said 9th line to the word "this" in 12th line.

Read 2nd time.

Mr. Parker of Nacogdoches, offered the following amendment :

Sec. 2. "*Be it further resolved*, that the Auditor shall audit the claim of John E. Knight, for \$162.91 cents, for carrying the mail on route No. 25, for the year 1842, which claim shall be receivable for the direct tax for Houston County." Also, the claim of Richard G. Hall, for \$125, for carrying the mail on route No. 3, in the year 1842, which shall be receivable for direct taxes for Nacogdoches County."

Sec. 3. "*Be it further resolved*, that this joint resolution take effect from and after its passage."

Which amendments were adopted, and bill passed to third reading, and on motion of Mr. Kaufman, the rule was suspended, bill read a third time and passed.

On motion of Mr. Kaufman, a bill to open and establish a National Road, was taken up.

Read 2nd time, amendments of Committee adopted.

Mr. Greer, moved to amend first section, so as to make the

road commence at the mouth of Mill Creek in Bowie County.

Motion lost.

The ayes and noes upon the passage of the bill to its third reading, being called, stood thus :

Ayes—Messrs. Kaufman, Lawrence, Parker of Fort Bend, Rugeley, Smith and Webb—6.

Noes—Messrs. Greer, Hunter, Parker of Nacogdoches, Patillo and Shaw—5.

So the bill passed to a third reading.

A message was received from his Excellency, containing his objections to a bill requiring the Auditor to audit certain accounts therein mentioned, as follows, to wit :

EXECUTIVE DEPARTMENT, }
Washington, January 27th, 1844. }

To the Honorable, the Senate :

The Executive is constrained, from motives of safety and public policy, to return the bill "requiring the Auditor to audit certain accounts therein mentioned," without his approval.

As stated in the bill, these claims are for services in transporting the mail in the year 1841 ; but upon inquiry at the Bureau of the General Post Office, it appears, that no such claims have ever been examined or certified by the proper officer. The Executive therefore conceives it to be a bad precedent, to approve these appropriations, unless based upon the data usually demanded of other contractors. Indeed, a different course would render the Government liable to be defrauded out of large sums of money, and to pay the same claim more than once. How is it possible to ascertain with certainty, except by reference to the records of the proper office, that a portion of this claim at least, has not already been paid ? Even a transcript from the books at Austin would not be satisfactory, for who can tell that those books exhibit all the proper charges against the contractors ? They may not have been fully posted up. There are doubtless numerous other contractors in precisely the same situation, and were this bill to pass, they would with equal justice call upon the Congress and the country for similar relief, and if their calls should not be met, they would have just reason to complain of partiality. The provision for the payment of these claims in drafts on Sheriffs, does not make the burthen lighter upon the country. We need every assistance in supporting the currency, and if these drafts should not be issued the taxes which they would pay would be paid in Exchequer bills.

It is a matter of serious regret to the Executive, that the finances of the Nation require that the payment of this, as well as many other claims, should be postponed, until the means of the nation will enable it to liquidate them.

Claimants for advances to the amount of millions are importunate for remuneration. The country is unable to meet any of them. Unless our appropriations are curtailed and our resources husbanded, our money now daily depreciating from the fact of such large appropriations by the present Congress, will presently become worthless.

SAM HOUSTON

Which was read and laid on the table one day.

Mr. Lawrence, by leave, introduced a bill to protect and encourage the Commerce of the Republic of Texas.

Read a 1st time, rule suspended, read 2nd time and referred to the Committee on Naval Affairs.

Mr. Smith, by leave of the Senate, withdrew the evidence in relation to the claim of Donat Radaz.

On motion of Mr. Hunter, a bill for the relief of Edward Dwyer, was taken up. Read 3d time, and

The ayes and noes upon its final passage, stood thus :

Ayes—Messrs. Hunter, Kaufman, Rugeley, Smith and Webb—5.

Noes—Messrs. Greer, Lawrence, Parker of Fort Bend Parker of Nacogdoches, Pattillo and Shaw—6.

So the bill was rejected.

A message was received from the House of Representatives, that the House had passed the following bills, to wit :

A joint resolution (from the Senate,) proposing amendments to the Constitution, and providing for the establishment of a separate Supreme Court. Also

A joint resolution (from the Senate) for the relief of League Andrews & Co. Also,

A joint resolution for the relief of Cruger & Moore, over the Veto of his Excellency.

Which was read and laid on the table one day.

A Bill to provide the mode of settling the claims of creditors of Estates of deceased persons in certain cases. Read 3d time.

On motion of Mr. Kautman, the following amendment was made in the first Sec. to wit : Strike out the words "or by advertisement in the manner the Court may prescribe," and insert "or by publication in some newspaper nearest the place of the opening of the succession, for three weeks successively."

Which amendment was adopted, and bill passed.

A Bill allowing District Attorneys 10 per cent. on all monies collected by them upon Government liabilities.

Read third time, and

On motion of Mr. Kaufman, the bill was so amended as to allow 10 per cent. on all monies where the amount is \$5,000 and under and over five thousand, 5 per cent.

The question being upon the final passage of the bill, was carried.

On motion of Mr. Greer, the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, January 29th, 1844, }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit :

Messrs. Greer, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

On motion of Mr. Parker of Fort Bend, the vote taken on Saturday, which rejected a joint resolution for the relief of Edward Dwyer, was reconsidered.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill for the relief of Elisha Clapp and others, and find the same correctly engrossed.

Mr. Parker of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred the joint resolution for the relief of the heirs of Erastus Smith. Also

The joint resolution for the relief of Antonio Menchaca, reported the same back to the Senate for its action.

Mr. Rugeley, Chairman of the select Committee, to which was referred a bill to repeal the Matagorda Caney Navigation Company, reported the same back to the Senate, and recommend that it lay on the table until the first Monday in December next.

The ayes and noes being called on the adoption of the report, stood thus :

Ayes—Messrs. Hunter, Lawrence, Pattillo, Rugeley, Shaw, Smith and Webb—7.

Noes—Messrs. Greer, Kaufman, Parker of Fort Bend, Parker of Nacogdoches.—4.

So the report was adopted.

On motion of Mr. Kaufman, a bill to prescribe the duties of Chief Justices, and prescribing the manner in which Commissions shall issue, was taken up.

Mr. Kaufman, moved to insert in 9th Section, 10th line after the word "elections" the words "to the Secretary of State, who shall furnish a statement of the result thereof," which was adopted, and bill read a third time and passed.

On motion of Mr. Hunter, the Senate then proceeded to the

ORDERS OF THE DAY.

Mr. Webb, moved to take up a bill to provide for the National defence, by organizing the Militia.

Motion lost.

A Bill to incorporate the Fannin Artillery in the City of Houston.

Read 3d time and passed.

A joint resolution for the relief of A. B. Shelby.

Read a third time, and

The ayes and noes upon the final passage of the bill, stood thus :

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Fort Bend, Rugeley, Smith and Webb—7.

Noes—Messrs. Greer, Parker of Nacogdoches, Pattillo and Shaw—4.

So the bill passed.

A joint resolution for the relief of Minute-men.

Read third time and passed.

A Bill to define the boundary line between the Counties of Washington and Austin.

Read second time.

On motion of Mr. Parker of Fort Bend, rule suspended, bill read 3d time and passed.

A joint resolution for the relief of E. W. Moore.

Read 2d time, and

On motion of Mr. Parker of Nacogdoches, made the special order of the day for to-morrow 11 o'clock.

A Bill for the relief of Bryan, Austin & Co.

Read second time, and

On motion of Mr. Kaufman, referred to the Committee on Finance.

A Bill for the relief of John Trussel. Read second time, and,

On motion of Mr. Shaw, referred to the Committee on Public Lands.

A Bill to protect the property of Texian prisoners.

Read second time, and passed to 3d reading.

A joint resolution for the relief of certain disabled seamen and landsmen.

Read second time, and

On motion of Mr. Rugeley, referred to the Committee on Naval Affairs.

A joint resolution for the relief of Edward Dwyer.

Read third time, and passed.

A Bill to provide the mode of taking interrogatories, where witnesses reside beyond the limits of the Republic.

Read 2d time, and

On motion of Mr. Kaufman, referred to the Committee on the Judiciary.

A Bill for the relief of Antonio Menchaca.

Read 2d time, and passed to a third reading.

A joint resolution for the relief of Elisha Clapp and others.

Read a third time and passed.

A Bill requiring the Auditor to audit the accounts of the heirs of Erastus Smith.

Read 2d time, and passed to a third reading.

A Bill authorizing the appointment of additional Notaries Public.

Read a second time and passed to 3d reading.

A message was received from the House of Representatives, informing the Senate, that the House had passed the following bills.

A Bill for the relief of persons who have furnished supplies for the public service.

Read first time.

A Bill (from the Senate) for the protection of the South Western Frontier, with the following amendments, to wit:

1st Sec. After the word "found" in the second line from the bottom of the section, strike out all that follows, and insert "to be citizens of this Republic and not in arms against the Government at the time of their arrest, but guilty of any treasonable offence, said commander shall deliver such person or persons to the civil authorities. Those who are not citizens, and are guilty of any evil practices and designs against this Government,

shall be subjected to any penalty said Court Martial may deem proper to inflict."

2nd Sec. Strike out the word "conjointly" and insert "concurrently."

Strike out "Justice" and insert "Justices."

Strike out "Bexar" and insert "Any."

3d Sec. Strike out "the said" and insert "some."

5th Sec. second line from the end, strike out "treasonable" and insert "evil."

Which were all concurred in, save the last one.

A Bill to open and establish a National Road.

Read a third time.

Mr. Kaufman, offered the following amendments, to wit: to come in after the words "January 1845."

Sec. 15. *"Be it further enacted,* That no patents shall issue for any lauds granted under the provisions of this act, until all the work shall be completed, as provided in this act, and a certificate of the fact certified to by a majority of the Commissioners and deposited in the General Land Office, shall be sufficient evidence of the work having been completed."

Sec. 16. *"Be it further enacted,* That the foregoing section shall not be so construed, as to prevent those who may be engaged in the opening or superintending the surveying, marking and opening said road, from having the lands to which they would be entitled to located *provided,* said work shall be completed."

Which were adopted, and

The ayes and noes being called on the final passage of the bill, stood thus:

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Smith, and Webb—7.

Noes—Messrs. Greer, Pattillo, and Shaw—3.

So the bill passed.

A Bill to repeal the 9th section of an act entitled an act supplementary to an act entitled: "An act to raise a revenue by impost duties, approved Feb. 5th, 1840."

Read 2nd time, and

On motion of Mr. Shaw, referred to the Committee on Finance.

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

THREE O'CLOCK P. M.

Senate met—Mr. Greer, President pro tem in the Chair—roll called—quorum present.

A message was received from the House of Representatives, that the House had passed the following bills, to wit :

A Bill to alter the time of holding the District Courts in the County of Colorado.

Read first time.

On motion of Mr. Webb, rule suspended, read second time and passed to its third reading, rule further suspended, bill read 3d time and passed.

A Bill requiring the Auditor to audit certain claims therein named. Read 1st time.

Also, the following bills which the House have passed over the Veto of his Excellency the President, to wit :

A Bill for the relief of William G. Cooke, late acting Quarter Master General. And

A Bill for the relief of J. C. Neill.

A Bill (from the Senate) for the benefit of settlers in good faith, and to amend an act to provide the mode of trying titles to lands, with the following amendments, to wit : Add to 4th section "*Provided*, that the defendant to entitle him to the benefit of this section, shall shew that he has paid the taxes due on the land claimed by said defendant during his occupancy of the same." Which amendments were concurred in by the Senate.

A Bill for the relief of William G. Cooke, late acting Quarter Master General, was read. The message of his Excellency, containing his objections thereto, was also read ; and the question being upon the passage of the bill over the Veto of the President, and

The ayes and noes being called, were as follows :

Ayes—Messrs. Hunter, Kaufman, Lawrence, Pattillo, Rugeley, Smith and Webb—7.

Noes—Messrs. Greer, Grimes, Parker of Fort Bend, Parker of Nacogdoches, and Shaw—5.

So the bill was lost.

A Bill for the relief of J. C. Neill, was read. The message of his Excellency was also read—and the question being upon the passage of the bill over the Veto, and

The ayes and noes being called, stood thus :

Ayes—Messrs. Greer, Hunter, Kaufman, Lawrence, Rugeley, Smith and Webb—7.

Noes—Messrs. Grimes, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw—5.

~~So the bill was lost.~~

The message of his Excellency, containing his objection to the bill to fix the place for the sessions of the Supreme Court, was taken up and read.

Executive Department,
WASHINGTON, January 20th, 1844.

To the Honorable the Senate :

The bill "to fix the place for the holding the sessions of the Supreme Court," having been presented to the President for his signature, has received mature consideration.

The Judicial branch of Government in every free country is of the greatest importance to all its citizens; and in this, the Supreme Judicial Tribunal is the point to which they resort for the attainment of final justice and the protection of their rights. It is therefore but reasonable to suppose that every facility would be desired by them to enable them, whenever necessary, to give their personal attendance at its sessions, at the least possible expense. If this be true the more central it is to the body of the population, the more eligible its location. In removing it from the city of Austin to Washington, one of the arguments urged in favor of the measure was the increased convenience which would thereby be afforded to suitors, on account of its more central position. If this was a sound reason for its removal to this point, in the removal now to Galveston, the reason would seem to lose all its force; for Galveston is quite as inconvenient to the people of the country as Austin was; and, indeed, would be attended with greater expense, from its insular position, than any other situation which could be selected.

It may be urged that the convenience to Judges and lawyers would be greater in Galveston than at Washington, because they would there have access to libraries which are not, at this time, to be found here. But in the opinion of the Executive, this should not be regarded as a solid argument. It is the business of professional gentlemen to prepare and attend to the business of their clients; and if the Supreme Court should remain here permanently, or at any other convenient point, the want of libraries would soon be obviated; because necessity would furnish inducement to provide the necessary means of investigation. It certainly would be more reasonable to suppose that the use of libraries was contingent upon the location

of the Supreme Court, than that the location of the Supreme Court should depend upon the location of libraries. One is a matter of individual provision and accomplishment—the other is a matter of national convenience and general necessity.

The Government, as well as individuals, has rights to be adjudicated in this Supreme Tribunal, to which it is as necessary as expected, that the Attorney General of the Republic, should give his attention. He is compelled to reside at the seat of government, and to attend the sessions of the Court elsewhere, in the performance of his official duties, would not only be productive of great inconvenience but perhaps, in many cases, serious injury to the important interests involved. During his absence the Government would necessarily be deprived of his advice. At this time the title to many scores of leagues of valuable land is in dispute, to be decided by the Supreme Court. In the investigation of these causes, to which the Government is a party, reference must be made to the records of the General Land Office, and perhaps to those of other Departments of the Government. The removal of the Court, therefore, would in this respect, greatly embarrass the course of justice and probably the rights of parties.

Another objection to the approval of the bill, arises from the fact that, in a country like ours, not yet having assumed a fixed and compact character, it is important to give an air of unity to the national institutions, by associating them intimately together in point of locality. No danger can ever spring out of this association, so long as the functions of each coordinate branch are maintained in separate action according to the provisions of the Constitution. But by placing the seat of action of each of these branches, remote from each other, instead of establishing in the mind of the citizens one common centre as the depository of their rights and interests, it weakens the force and influence of them all upon the public mind. It is to be deplored as one of the greatest misfortunes to the country, that with the aid of the Constitution and Laws, there is but too little disposition manifested to render that respect and allegiance to the Government so necessary to the maintenance of order and the promotion of the general prosperity. The less remote the separation in locality of the different departments of government, the greater will be their combined moral influence upon the community and the conduct of every citizen—the fewer distractions will occur, and at the same time, convenience in administering the public affairs will be increased.

Whatever might be the temporary convenience of a removal

of the Supreme Court to Galveston, it would be more than countervailed by the bad influence which might hereafter be exerted on the country and its legislation. In matters of legislation, as well as in the administration of the laws, it is wise to have recourse but seldom to temporary expedients. In the management of all important affairs, a system should be pursued by which the greatest good may result and the least possible injury. It is to be deplored that diversified and sectional interest should already have had such a malign influence upon our harmony as well as our national character. In the advancement of the general interest, union and harmony are all important, and whatever is calculated to promote them would seem to be the true policy to be adopted and pursued.

If this bill were to pass into a law, it would create a new and powerful sectional interest at Galveston; and if at any future day it should be deemed expedient that the Supreme Court should be again removed, and an attempt made to do so, Galveston would have its adherents as a location, however manifest and important the general interest involved in its removal. During the agitation thus created, other measures affecting the general welfare, would be lost sight of in the legislature, and combinations formed for the exchange of influence, having reference to this sectional measure.

Believing, as the Executive does, upon a full consideration of all the circumstances connected with the passage of the bill, that it would subserve the interests of the few, and that the many would be seriously prejudiced, and that it would give just cause for complaint, the Executive is constrained to withhold his approval.

SAM HOUSTON.

And the ayes and noes being called on the final passage of the bill over the veto of his Excellency, stood thus.

Ayes—Messrs. Hunter, Lawrence, Rugeley, Smith and Webb—5.

Noes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw—7.

So the bill was lost.

The message of his Excellency, to the bill requiring the Auditor to audit certain accounts therein named, was taken up and read.

EXECUTIVE DEPARTMENT, }
 Washington, January 27th, 1844. - }

To the Honorable, the Senate :

The Executive is constrained, from motives of safety and public policy, to return the bill "requiring the Auditor to audit certain accounts therein mentioned," without his approval.

As stated in the bill, these claims are for services in transporting the mail in the year 1841; but upon inquiry at the Bureau of the General Post Office, it appears, that no such claims have ever been examined or certified by the proper officer. The Executive therefore conceives it to be a bad precedent, to approve these appropriations, unless based upon the data usually demanded of other contractors. Indeed, a different course would render the Government liable to be defrauded out of large sums of money, and to pay the same claim more than once. How is it possible to ascertain with certainty, except by reference to the records of the proper office, that a portion of this claim at least, has not already been paid? Even a transcript from the books at Austin would not be satisfactory, for who can tell that those books exhibit all the proper charges against the contractors? They may not have been fully posted up. There are doubtless numerous other contractors in precisely the same situation, and were this bill to pass, they would with equal justice call upon the Congress and the country for similar relief, and if their calls should not be met, they would have just reason to complain of partiality. The provision for the payment of these claims in drafts on Sheriffs, does not make the burthen lighter upon the country. We need every assistance in supporting the currency, and if these drafts should not be issued the taxes which they would pay would be paid in Exchequer bills.

It is a matter of serious regret to the Executive, that the finances of the Nation require that the payment of this, as well as many other claims, should be postponed, until the means of the Nation will enable it to liquidate them.

Claimants for advances to the amount of millions are importunate for remuneration. The country is unable to meet any of them. Unless our appropriations are curtailed and our resources husbanded, our money now daily depreciating from the fact of such large appropriations by the present Congress, will presently become worthless.

SAM HOUSTON.

The question being upon the passage of the bill over the veto, and the ayes and noes being called, stood thus:

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Fort Bend, Rugeley, Shaw, Smith and Webb—8.

Noes—Messrs. Greer, Grimes, Parker of Nacogdoches, and Pattillo—4.

So the bill passed.

Mr. Kaufman, moved to reconsider a vote which passed a bill for the relief of A. C. Davidson.

Motion lost.

Mr. Parker of Fort Bend, by leave, introduced a bill to repeal an act for the permanent location of the Seat of Government.

Read first time.

Mr. Kaufman, from the Committee on Conference, on the part of the Senate, upon a bill to define and fix the practice of Probate Courts in certain cases, reported that the Committee had examined the same and recommend the adoption of the amendments with the following, to wit: In Sec. 2nd, 9th line strike out the words "or widow of the deceased." In Sec. 4, after word "title" in seventh line, insert "in favor of the heirs of said estate or wards, as the case may be."

Which report was adopted by the Senate.

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

The doors being opened—

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

TEUSDAY, January 30th, 1844. }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Grimes, Hunter, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw, Rugeley, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported, that the Committee had examined the following bills, to wit:

A Bill for the benefit of settlers in good faith, and to amend

An act to provide the mode of trying titles to lands, approved Feb. 5th, 1840.

A joint resolution for the relief of League, Andrews & Co.

A joint resolution providing for an amendment of the Constitution and the establishment of a separate Supreme Court, 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, for his approval.

Mr. Smith, Chairman of the Committee on Public Lands, a bill for the relief of John Saunders, reported the same back without amendment and recommend its passage. Also

A Bill to authorize the boards of land Commissioners, to issue certificates to those entitled in any County where the evidence may be produced, and recommend that the same be laid on the table.

The question being called, on the adoption of the report, the same was rejected.

Mr. Parker of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred a bill for the relief of Rose Mahoney and Mary Haley, reported a substitute therefor, entitled: "A joint resolution for the relief of Rose Mahoney and Mary Haley, which was adopted."

Mr. Hunter, Chairman of the select Committee, to which was referred a bill to exempt the citizens of San Patricio from taxation, reported the same with the following amendments, to wit: In 1st Sec. 8th and 9th line, strike out the words "and on their moveable property in any other County," and insert "where the quantity of land does not exceed one league and one labor."

Mr. Pattillo, by leave of the Senate, presented documents in relation to the contested election of Messrs. Hunter and Power, and,

On motion of Mr. Webb, the same were referred to the Committee on Privileges and Elections.

Mr. Greer, Chairman of the Committee on Finance, to which was referred, a bill for the relief of Bryan, Austin & Co., reported the same, with the following, to wit: In Sec. 2, 7th line strike out the word "lawful" before the word "interest" and insert "five per cent." In 3d Section, strike out all after the words "direct taxes" in the 8th line to the word "and" in the 10th line—and recommend its passage.

On motion of Mr. Smith, a bill for the relief of the heirs of John Hibbins, deceased, was taken up and placed among the orders of the day.

Mr. Pattillo, moved a reconsideration of the vote taken on yesterday, which adopted the report of the select Committee, which recommended that a bill to repeal the Caney Navigation Company, be laid on the table until the first Monday in December next. Motion carried.

The ayes and noes, being as follows :

Ayes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw—7.

Noes—Messrs. Hunter, Rugeley, Smith and Webb—4.

Mr. Webb, moved to lay the bill on the table, and

The ayes and noes being called, stood as follows .

Ayes—Messrs. Greer, Grimes, Hunter, Parker of Nacogdoches, Pattillo, Rugeley, Shaw and Webb—8.

Noes—Messrs. Kaufman, Parker of Fort Bend, and Smith—3. And so the motion carried

Mr. Parker of Nacogdoches, by leave, introduced a bill donating 640 acres of land to actual settlers on the lands formerly known as the Cherokee lands—also, appropriating three leagues of said Cherokee lands, to the County of Rusk, for school purposes, and for other purposes.

Read first time.

On motion of Mr. Parker of Nacogdoches, the rule was suspended, bill read 2nd time.

On motion of Mr. Pattillo, "640 acres" were stricken out, and "320 acres" were inserted, and bill ordered to be engrossed.

Mr. Parker of Nacogdoches, moved a further suspension of the rule, which motion was carried, and bill read a third time and passed.

Mr. Kaufman, by leave, introduced a bill requiring individuals giving in lands for taxation, to specify the names of the original grantees, or claimants, and to designate the County where said land is situated.

Read first time.

On motion of Mr. Kaufman, the rule was suspended, bill read a second time, and ordered to be engrossed.

A message was received from the House of Representatives, that the House had passed the following bills, to wit .

A Bill authorizing the transcription of the County Records of Milam County.

Read first time.

A joint resolution for the relief of Josiah G. Beaty.

Read first time, and

On motion of Mr. Webb, the rule was suspended, bill read a second time and referred to the Committee on Finance.

A Bill for the relief of George W. Smyth, Administrator, &c.
Read first time, and

On motion of Mr. Pattillo, the rule was suspended, bill read a second time, and referred to a select Committee.

Messrs. Pattillo, Shaw, and Parker of Nacogdoches, were appointed said Committee

A Bill (from the Senate) to provide the mode of serving process or notice in certain cases, with the following amendments: at the end of Sec. 2nd, insert—

“And further provided, That in cases now on the docket where publication has already been made in accordance with the practice heretofore adopted by the Courts, judgment may be taken final at the first term of the Court, without publication as above required in suits hereafter to be commenced.”

Which amendment was concurred in by the Senate.

Also, that the House have concurred in the amendments of the Senate, to the following bills, to wit:

A joint resolution for the relief of midshipman A. J. Bryant.

A Bill to change a mail route, therein named.

A Bill to prescribe the mode of settling the claims of deceased persons in certain cases.

A Bill allowing District Attorneys, ten per cent. upon all monies collected by them on Government liabilities.

A Bill to authorize Sylvanus Dunham, to establish a Ferry across the Matagorda Bay.

A Bill for the protection of the South Western Frontier.

A Bill to alter and amend the various acts relating to the duties of Chief Justices, and prescribing the manner in which Commissions shall issue.

A Bill to incorporate the Fannin Artillery in the City of Houston.

A Bill to open and establish a National Road.

A Bill to repeal in part and to amend an act regulating the duties of Probate Courts in the settlement of successions, and have also adopted the report of the Committee of Conference, on a bill to alter in part and fix the duties on imposts.

Mr. Greer, Chairman of the Committee of conference, on the part of the Senate, upon a bill to alter in part and fix the duties on imposts, reported the following:

After the word “enacted” in third Sec. insert “That there shall be levied and collected, a duty of twelve per cent ad valorem on the importations of the following articles, to wit: Coffee, brown Sugar, Salt, Iron, Steel, Bagging and Bale Rope, and that on the importation of all other articles and description of

goods, wares and merchandize, other than those enumerated and provided for in this act, there shall be levied and collected, a duty of seventeen per cent. ad valorem. Also, this additional section, to wit:

“Be it further enacted, That the first proviso in section 27, of an act altering the several acts to raise a revenue by impost duties, approved Feb. 5, 1840, so far as the same applies to the United States be, and the same is hereby repealed.” Also, that the Senate recede from their fourth amendment, and recommend that the two Houses agree thereto.

Which report was adopted.

On motion of Mr. Parker of Fort Bend, a bill to repeal an act for the permanent location of the Seat of Government, was taken up.

Read a 2d time,

Mr. Shaw, offered the following substitute for the second section, to wit:

“Be it further enacted, That for the public as well as the private convenience of the general mass of the present population of the Republic, the Seat of Government is hereby established at the Town of Washington until otherwise removed by a vote of the People or by subsequent Legislative enactment, and that the President is hereby authorized and required to use all necessary means to cause the Archives, Records, and all other Public Documents, belonging to all of the Departments of Government, to be removed from the city of Austin, on the Colorado river, to the aforesaid town of Washington.”

“Be it further enacted, That the sum of — dollars be, and the same is hereby appropriated to carry out the provisions of the preceding Section, and that this act take effect from its passage.”

Mr. Rugeley moved the reference of the bill, together with the substitute, to the Committee on the State of the Republic.

Motion lost.

Mr. Greer, moved to strike out these words in substitute, to wit: the ‘Town of Washington’ and insert ‘such point on the Brasos river, as the President may deem expedient.’

Motion carried.

The ayes and noes being as follows:

Ayes — Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—7.

Noes — Messrs. Hunter, Rugeley, Smith and Webb—4.

Mr. Webb, moved to amend the substitute by inserting after

the word "at" the words "some other place, than the town of Washington."

Motion lost.

Mr. Greer, moved to strike out "Town of Washington," in the last line of Sec. 2nd, and insert "point or place."

Carried, and

On further motion of Mr. Greer, the blank in the last section of substitute with \$2000.

Mr. Webb, offered the following:

"*Provided*, That if in the use of said means, it should become necessary to order out a military force, the President shall command said force in person."

Which was rejected.

The ayes and noes standing as follows:

Ayes—Messrs. Hunter, Rugeley, Smith and Webb—4.

Noes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend Parker of Nacogdoches, Pattillo and Shaw—7.

A call of the House was made—call withdrawn.

Mr. Parker of Nacogdoches, moved to strike out "Brasos" in said substitute and insert "Trinity." Lost.

The question was now upon the adoption of the substitute as amended.

Which was carried.

The question was now on the engrossment of the bill, and

The ayes and noes, were as follows:

Ayes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—7.

Noes—Messrs. Hunter, Rugeley, Smith and Webb—4.

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

THREE O'CLOCK, P. M.,

Senate met—the President pro tem Mr. Greer, in the Chair—roll called—quorum present.

Mr. Kaufman, moved to reconsider a vote which passed on yesterday, over the Veto of his Excellency, a bill requiring the Auditor to audit certain accounts therein named, and further moved, that the motion lay on the table, which was carried.

A Bill for the relief of Antonio Menchuca.

Read a third time, and

On motion of Mr. Rugeley, made the special order of the day for to-morrow.

Mr. Parker of Nacogdoches, from the Committee on Enrolled

and Engrossed bills, reported that the Committee had examined a bill donating 320 acres of land to actual settlers on the lands, formerly known as the Cherokee lands, &c., and find the same correctly engrossed.

Mr. Kaufman, from the Judiciary Committee, by leave of the Senate, reported a bill to provide for punishing public Ferry-men, who refuse or neglect to cross Mail Carriers *gratis*, and also, Post Masters who neglect to report to the State Department, every failure of the mail on their respective routes; and recommend its passage.

Mr. Kaufman, by leave, introduced a bill to authorize the Chief Justice of Red River County, to take possession of the papers and records of Miller County Court.

Read 1st time.

Mr. Kaufman, moved to suspend the rule--carried, and bill read 2nd time, and ordered to be engrossed.

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

A Bill requiring the Auditor to audit the accounts of the heirs of Erastus Smith.

Read 3d time.

The ayes and noes, upon its final passage, stood thus:

Ayes---Messrs. Hunter, Kaufman, Parker of Fort Bend, Rutgeley, Smith and Webb---6.

Noes---Messrs. Greer, Grimes, Parker of Nacogdoches, Patillo and Shaw---5.

So the bill passed.

On motion of Mr. Kaufman, this vote was reconsidered, and

On motion of Mr. Webb, the bill was referred to the Committee on the Judiciary.

A joint resolution for the relief of Thomas William Ward^c was taken up, and the Senate, on motion, recessed from their amendments thereto.

A Bill for the relief of Bryan, Austin & Co.

Read 2nd time, the first amendment of the Committee adopted and the 2nd was rejected, and

On motion of Mr. Kaufman, the bill was made the special order of the day, for to-morrow.

On motion of Mr. Grimes, the vote which refused to pass a bill for the relief of J. C. Neill, on yesterday, over the Veto of the President, was reconsidered, and on further motion of Mr. Grimes, the bill was laid on the table.

Mr. Parker of Fort Bend, moved to reconsider a vote taken on yesterday, which refused to pass over the Veto of his School

fency, a joint resolution for the relief of William G. Cooke, late acting Quarter Master General, and

On motion of Mr. Kaufman, the motion was laid on the table.

A joint resolution for the relief of the heirs of John Hibbins deceased.

Read a third time and passed.

A Bill for the relief of Rose Muhoney and Mary Haley.

Read second time, and passed to a 3d reading.

A Bill to prescribe the mode of punishing public Ferrymen who neglect or refuse to cross Mail Carriers *gratis*, &c.

Read a 2nd time.

On motion of Mr. Kaufman, the bill was so amended, as to fix the punishment against delinquent Post Masters, by fine of fifty and one hundred dollars, instead of \$100 and \$200, as named in said bill. Bill ordered to be engrossed.

Mr. Kaufman, moved to suspend the rule, and

The ayes and noes, were as follows :

Ayes—Messrs. Greer, Grimes, Kaufman, Parker of Nacogdoches, Rugeley, Shaw, Smith and Webb—8.

Noes—Messrs. Hunter, Parker of Fort Bend, and Pattillo—3.

So the rule was suspended, bill read a third time and passed.

A message was received from the House, that the House had passed a bill (over the Veto of the President) to repeal all laws now in force, authorizing the President to form Colonization Contracts, and to forfeit such as have already been made where the conditions of the same have not been strictly complied with. Also

A Bill from the Senate, making appropriations for the support of the Government, for the year 1844, with amendments, which was taken up by the Senate—the amendments were read when,

Mr. Webb, moved to make the said bill the special order of the day for to-morrow.

Which motion was lost, whereupon a call of the House was made. Also,

That the House had disagreed to the amendments of the Senate, to a bill to prohibit slaves from carrying fire arms, which was taken up, and the Senate insists upon its first and second amendments to the said bill, whereupon a Committee of Conference, consisting of Messrs. Kaufman, Pattillo and Parker of Nacogdoches, was appointed to confer with a like Committee on the part of the House, upon the said amendments.

The call of the House upon the bill making appropriations

For the support of the Government, for the year 1844, having been withdrawn, the bill was,

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

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

WEDNESDAY, Jan. 31st, 1844, }
10 o'clock A. M. }

The Senate met--the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Grimes, Hunter, Kaufinan; Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb--quorum present.

The journal of the preceding day was read and adopted.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined the following bills, to wit:

A Bill to authorize the Chief Justice of Red River County, to take possession of the papers and records of Miller County Court.

A Bill requiring individuals giving in lands for taxation, to specify the names of the original grantees or claimants, and to designate the County in which said land is situated.

A Bill to repeal an Act for the permanent location of the Seat of Government, and find the same correctly engrossed.

Also, an Act to prescribe the mode of serving process or notice in certain cases.

An Act for the protection of the South Western Frontier; 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, for his approval.

Mr. Rugeley, Chairman of the Committee on Naval Affairs, to which was referred a joint resolution for the relief of certain disabled seamen and landsmen; reported that the same be laid on the table, which report was adopted.

Mr. Parker of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred a joint resolution for the relief of Henry M. Smyth; reported the same back to the Senate, with the following amendments, to wit: Additional Section,

"Be it further resolved, That any County Court, may lay and levy a tax upon the citizens of such County, equal to the

State tax, in lieu of the present County tax—any thing in any law to the contrary, notwithstanding.

Mr. Greer, Chairman of the Committee on Finance, to which was referred a bill for the relief of Josiah G. Beaty and others; reported the same, with the following amendments: In 4th line after the word "ten" insert "Treasury." In 5th line after the word "Beaty" strike out "another" and insert "in full." In same line, after the word "Treasury" insert "warrants."

Mr. Webb, from the Judiciary Committee, to which was referred a bill requiring the Auditor to audit the accounts of the heirs of Erastus Smith, deceased; reported the same back for the action of the Senate.

Mr. Kaufman, from the Judiciary Committee, to which was referred, a bill to provide the mode of taking interrogatories where witnesses reside beyond the limits of the Republic; reported the same back, with the following amendments, to wit: in Sec. 1, after the word "party" in 9th line, insert "or Attorney." In Sec. 2, strike out the words "or sooner if notice is named." Add,

Sec. 7. "*Be it further enacted:* That the translations of all such original Spanish documents, as may be in the General Land Office, which have been made by the translator of that office under the hand and seal of the Commissioner or Chief Clerk of the General Land Office, shall be competent evidence in the trial of all suits where copies of the originals would be evidence."

Amend the caption, by adding the following words "and for other purposes."

Mr. Pattillo, Chairman of the select Committee, to which was referred a bill for the relief of George W. Smyth, Administrator &c.; reported the same with the following amendments. Add to 3d Sec. "any law to the contrary, notwithstanding."

Mr. Smith, by leave, presented a communication, which was referred to the Committee on Privileges and Elections.

On motion of Mr. Greer, the Senate proceeded to the

ORDERS OF THE DAY.

A Bill making appropriations for the support of the Government, for the year 1844, was taken up, and on motion, the Senate refuse to concur in the amendments of the House to said bill, whereupon a Committee of Conference, consisting of Messrs. Lawrence, Kaufman and Webb, was appointed to confer with a like Committee on the part of the House, upon said amendments, and

On motion of Mr. Kaufman, Mr. Greer, was added to said Committee.

A Bill for the relief of Antonio Menchaca.

Read 3d time and passed.

A joint resolution for the relief of Bryan, Austin & Co.

Read 2d time, and passed to 3d reading.

A message was received from the House, that the House had passed the following bills, to wit :

A joint resolution authorizing the President to commission the Major General of Militia.

• Read 1st time.

On motion of Mr. Shaw, the rule was suspended, bill read a second time and referred to the Military Committee.

A joint resolution for the relief of Thomas D. Yokum's Administrator.

Read a first time,

A Bill supplementary to an act amending the several acts incorporating the City of Houston.

Read 1st time.

On motion of Mr. Lawrence, the rule was suspended, bill read a second time, and referred to the Committee on the Judiciary.

A joint resolution for the relief of E. W. Moore.

Read 1st time. Also,

That the House have concurred in the amendments to the bill for the relief of A. C. Davidson. Also,

That the House have adopted the report of the Committee of Conference, to a bill to define and fix the practice of Probate Courts in certain cases.

That the House have concurred in part only, to the amendments of the Senate, to a bill regulating Elections; whereupon,

Mr. Kaufman, moved that the Senate recede from the first amendment in which the House refuse to concur, which was carried. Also,

Mr. Kaufman moved that the Senate insist on the second amendment not concurred in by the House.

Which motion was lost—when

Mr. Grimes, moved that the Senate insist on the third amendment not concurred in by the House.

Which motion was carried. Whereupon,

Messrs. Grimes, Hunter, and Shaw, were appointed a Committee of Conference, to confer with a like Committee on the part of the House, upon the said amendments.

• On motion of Mr. Parker of Fort Bend, a bill to repeal an act

for the permanent location of the Seat of Government, was taken up, bill read 3d time, and

The ayes and noes upon the final passage of the bill, stood as follows :

Ayes—Messrs. Greer, Grimes, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw and Webb—9.

Noes—Messrs. Hunter, Rugeley, and Smith—3.

On motion of Mr. Kaufman the Senate went into secret session.

The doors being opened, on motion of Mr. Parker of Fort Bend, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Senate met—Mr. Kaufman, being called to the Chair, the roll was called—no quorum—the Sergeant-at-arms was despatched after absent members—returned and a quorum present.

A Bill for the relief of George W. Smyth, Administrator, &c.

Read 2d time, and passed to its third reading.

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

A Bill requiring the Auditor to audit the accounts of the heirs of Erastus Smith.

On motion of Mr. Parker of Fort Bend, laid on the table.

A Bill authorizing the appointment of additional Notaries Public.

Read a third time, and

On motion of Mr. Parker of Nacogdoches, the bill was so amended as to allow an additional Notary Public for the Northern division of Houston County, and bill passed.

A Bill to protect the property of Texian prisoners.

Read a third time and passed.

A joint resolution for the relief of E. W. Moore, (introduced in the Senate) was laid on the table.

A Bill to provide the mode of taking interrogatories where witnesses reside beyond the limits of the Republic:

Read second time, and amendments adopted, and

On motion of Mr. Parker of Fort Bend, the bill was laid on the table.

Mr. Rugeley, Chairman of the Committee on Naval Affairs, to which was referred, a bill for the encouragement and protection of the Commerce of the Republic of Texas, reported the same back to the Senate and recommend its passage.

Read second time and ordered to be engrossed.

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

A Bill to authorize the Boards of Land Commissioners to issue certificates in any County where the evidence may be produced.

Read second time, and the question being on the engrossment of the bill, the same was lost.

A Bill to exempt the citizens of San Patricio from Taxation.

Read second time, amendment adopted, and

The ayes and noes on the passage of the bill to its third reading, stood thus :

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley and Smith—6.

Noes—Messrs. Grimes, Parker of Fort Bend, Pattillo and Shaw—4.

So the bill passed to its third reading.

A Bill for the relief of Rose Mahoney and Mary Maley.

Read third time and passed.

A Bill for the relief of John Saunders.

Read a second time, and passed to third reading.

A Bill requiring the Auditor to audit certain claims therein named.

Read a second time, and referred to the Committee on Post Offices and Roads.

A Bill for the relief of persons who have furnished supplies for public service.

Read second time.

Mr. Shaw, moved its reference to the Committee on Claims and Accounts. Lost, and

On motion of Mr. Parker of Nacogdoches, referred to the Committee on Finance.

A Bill to authorize the transcribing the Records of the County of Milam.

Read 1st time.

A joint resolution for the relief of Josiah G. Beaty.

Read second time, amendments adopted, and bill passed to its third reading.

Mr. Grimes, moved to reconsider a vote which receded from the amendment of the Senate, to a bill for the relief of Thomas Wm. Ward.

Motion carried—whereupon,

Mr. Parker of Nacogdoches, moved that the Senate insist upon the amendment, which was carried.

A joint resolution for the relief of Henry M. Smyth.

Read second time, amendments of Committee rejected, and bill passed to its third reading.

A Bill to provide for the National defence by organizing the Militia, was

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

A Bill requiring individuals giving in lands for taxation, to specify the names of the original grantees or claimants, &c.

Read third time.

Mr. Grimes, moved to lay on table. Lost, and

On motion of Mr. Parker of Fort Bend, made the special order of the day for to-morrow.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, to-morrow.

THURSDAY, February 1st, 1844. }
10 o'clock, A. M. }

The Senate met—Mr. Greer, President *pro tem.*, in the Chair; the roll of members being called, the following gentlemen answered to their names, :

Messrs. Greer, Grimes, Hunter, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith, and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Lawrence, chairman on the part of the Senate, of the Committee of Conference of the Two Houses, to which was referred the amendments of the House of Representatives, to a bill making appropriations for the support of the Government for the year 1844, made the following report:

They recommend that ten thousand dollars be inserted in said bill, for pay and mileage of Members of the eighth Congress, in lieu of fifteen thousand dollars.

They further recommend that the House of Representatives recede from its amendment in relation to the contingent fund of the Executive Department.

They further recommend that the Senate concur with the House, in filling the blank with \$12,000, for carrying the mails for 1844.

They further recommend, that the House recede from its

amendment respecting the contingent fund for the Treasury Department.

They further recommend, that the sum of \$800 be inserted in the bill, in lieu of the sum of one thousand, for the contingent expenses of the Department of War and Marine.

They further recommend, that the House recede from its amendments, in reference to the contingent fund of the Attorney-General's Department.

They further recommend, that the Senate concur in the amendments of the House, making appropriation for the General Land-office.

They further recommend, that the provisions of the Senate's bill, and the amendments of the House, in relation to the clerks employed in the various departments of the Government, be so modified as to insert 17 clerks in lieu of 21, provided for in said bill; and that they be so arranged for the different departments, as specified in the amendment of the House, with the exception that there be allowed three clerks for the Treasury Department, in lieu of two, named in said amendment; and that the sum of twelve thousand three hundred dollars be appropriated for the salaries of said clerks.

The Committee further recommend, that the House recede from its amendment, respecting the kind of funds in which said clerks are to be paid.

They further recommend, that the amendments of the House, respecting the appropriation for printing the laws and journals of the eighth Congress, be so amended as to strike out of the section, all after the words "Eighth Congress," and insert "provided the said Cruger and Moore comply with such conditions as have heretofore been required, to secure the speedy publication of the laws and journals, and for their delivery to the Secretary of State," and that said amendment be concurred in by the Senate.

They further recommend, that the House recede from its amendment, making appropriations for the salaries due M. B. Lamar and David G. Buruet; and that the two houses strike out of the original bill, the appropriations for James Riley, and for Ward & Ingram.

They further recommend, that the two Houses strike out of the original bill, the appropriation of \$4,000 for printing the laws and journals of the eighth Congress.

They further recommend, that the amendment of the House, providing \$6 per diem to the Clerks, Sergeant-at-Arms, and

Door-Keepers of the two Houses of the eighth Congress, be concurred in by the Senate.

On motion of Mr. Kaufman, the same was taken up by articles, and, in part, adopted.

The ayes and noes being called on the article making appropriation for Messrs. Ward and Ingram, stood thus:

Ayes—Messrs. Greer, Grimes, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Shaw and Rugeley,—8.

Noes—Messrs. Hunter, Kaufman, Smith and Webb—4.

So the article was adopted.

The ayes and noes being called, on the proposition of giving \$6, per diem, to the officers of both Houses of the eighth Congress, stood as follows:

Ayes—Messrs. Hunter, Kaufman, Lawrence, Smith and Webb—5.

Noes—Messrs. Greer, Grimes, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, and Shaw—7.

So the proposition was rejected.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined the following bills, to wit:

A Bill to provide for punishing public Ferry-men who refuse, or neglect, to cross mail-carriers, *gratis*; and, also, post-masters who neglect to report to the State Department, every failure of the mail on their respective routes; also,

A substitute to a joint resolution for the relief of Rose Mahoney and Mary Haley; also,

A bill for the encouragement and protection of the commerce of the Republic of Texas, and find the same correctly engrossed.

Mr. Webb moved to re-consider a vote, which passed a bill to repeal an act for the permanent location of the Seat of Government.

Motion lost.

Mr. Grimes, from the Military Committee, to which was referred a bill, requiring the President to commission the Major-General of Militia, reported a substitute for the same; which was adopted—read 2nd time, and passed to 3rd reading.

Mr. Lawrence, by leave, introduced a joint resolution for the relief of Memucan Hunt. Read first time.

The Senate then proceeded to the

ORDERS OF THE DAY.

A bill requiring persons giving in land for taxation, to specify

the names of the original grantees, or owners, &c.

Read third time, and

The ayes and noes, upon the final passage of the bill, being called, stood thus :

Ayes—Messrs Greer, Grimes, Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo, Rugeley, Shaw and Smith—9.

Noes—Messrs. Parker of Fort Bend, and Webb—2.

So the bill passed.

A joint resolution for the relief of Josiah G. Beaty.

Read third time and passed.

A joint resolution for the relief of Henry M. Smyth.

Read third time, and passed.

A bill for the relief of John Saunders.

Read 3d time and passed.

A bill to exempt the citizens of San Patricio county from taxation.

Read 3rd time.

Mr. Kaufman moved to strike out the last clause of the bill, which was lost ; and the ayes and noes, upon the final passage of the bill, being called, stood thus .

Ayes—Messrs. Hunter, Rugeley, Smith and Webb—4.

Noes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—7.

So the bill was lost.

A bill requiring the Auditor to audit the accounts of the heirs of Erastus Smith.

Read third time, and

The ayes and noes, on the final passage, of the bill, stood thus :

Ayes—Messrs. Greer, Hunter, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Smith and Webb—9.

Noes—Messrs. Grimes and Shaw,—2.

A bill for the relief of Bryan, Austin & Co.

Read 3rd time, and passed.

A joint resolution for the relief of E. W. Moore.

Read second time.

Mr. Pattillo moved its reference to the Committee on the Judiciary.

Motion lost.

Mr. Grimes moved its reference to the Committee on Naval Affairs. Lost ; and,

On motion of Mr. Parker, of Fort Bend, the same was referred to a select committee—Messrs. Parker of Fort Bend, Lawrence and Smith.

A joint resolution for the relief of Thomas D. Yokum's administrator.

Read 2nd time, and

On motion of Mr. Pattillo, referred to a select committee.

Messrs. Pattillo, Lawrence and Grimes were appointed said committee.

A bill authorizing the transcribing the county records of the county of Milam.

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

Mr. Kaufman, from the Judiciary Committee, to which was referred a bill, amendatory of the several acts incorporating the city of Houston, reported the same back to the Senate, and recommend its passage.

Read second time, and

On motion of Mr. Kaufman, the words "all laws," in 4th section, were stricken out, and bill passed to its third reading.

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

A message was received from the House of Representatives, that the House had passed the following bills, to wit :

A bill supplementary to the several laws regulating license tax.

Read first time, and

On motion of Mr. Smith, the rule was suspended, bill read second time and referred to the Committee on Finance.

A bill to suppress private banking.

Read first time.

A bill to authorize the holding of the District Court in two places in Fannin county, and for other purposes.

Read first time.

A bill to regulate proceedings in cases of forcible entry and detainer.

Read a first time.

A joint resolution (from the Senate) for the relief of George W. Smyth.

A joint resolution (from the Senate) in relation to the able and patriotic services of Captain Luis Sanchez.

A bill (from the Senate) amendatory of an act regulating Indian intercourse.

Also, that the House have passed, over the veto of His Excellency, a bill for the relief of Sarah N. Hubert, which was read, in connection with the message of His Excellency in relation thereto; and the question being upon the passage of the

bill over the veto, and the ayes and noes being called, stood thus:

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Nacogdoches, Rugeley, Shaw, Smith, Webb and Greer—9.

Noes—Messrs. Grimes, Parker of Fort Bend, and Pattillo—3.

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

THREE O'CLOCK P. M.

Senate met—roll called—quorum present.

Mr. Pattillo, by leave, introduced a bill for the relief of James Riley.

Read 1st time.

On motion of Mr. Kaufman, the rule was suspended, bill read second time; and,

On motion of Mr. Greer, referred to the Committee on Finance.

On motion of Mr. Parker, of Fort Bend, the motion made on yesterday, and laid on the table, to re-consider a vote which passed, over the veto of His Excellency, a bill requiring the Auditor to audit certain accounts therein named, was taken up, and carried.

The question now was, shall the bill pass? and the ayes and noes stood as follows:

Ayes—Messrs. Hunter, Kaufman, Lawrence, Parker of Fort Bend, Rugeley, Shaw, Smith and Webb—8.

Noes—Messrs. Greer, Grimes, Parker of Nacogdoches, and Pattillo—4.

So the bill passed.

A message was received from His Excellency, the President, containing his objections to the bill making an appropriation to pay, in part, the officers of the navy, as follows.

Executive Department,
WASHINGTON, February 1st, 1844.

To the Honorable the Senate:

A Bill "making an appropriation to pay in part the officers of the Navy," having been submitted to the President, he returns the same without his approval, together with his reasons therefor.

None can feel a more lively interest for, nor a more ardent desire to see compensation afforded to all those who have rendered the country faithful service, than the Executive; yet he cannot give his sanction to a measure which, he conceives, is only calculated to deceive and embarrass those for the benefit of whom it was intended.

The bill requires the Auditor to "audit the account of each of the officers of the navy, *pro rata*, according to the amount due to each," &c., to be paid out of the appropriation therein made. To comply with this, would require that the *precise amount* due to each officer who has rendered service in the navy, since its first establishment, should be ascertained, before the amount for which any single claim should be audited, could be known; which, as must be evident to all, could not be done at present, as it would require an examination of the entire records of the proper departments, to which access cannot, at this time, be had, to enable the proper officers of Government to ascertain the entire amounts paid, and other deductions which may be necessary—and by a neglect of which, the public interest might, and would, in the opinion of the Executive, materially suffer.

Could these objections to the bill be obviated, no claim could be audited while it retains its present requirements. Of the crew of the schooner *San Antonio*, no report has been received at the proper department, since some time prior to the voyage which resulted so unfortunately in her loss.

To ascertain, at present, the amount due the officers who were on board that vessel, would be impossible. Until this could be accomplished, no claim could be paid, should the bill become a law.

If the revenues of the country were such as to enable the proper department to control an issue, (in addition to other appropriations) of the amount named in the bill, the Executive would esteem it but an act of justice, that the honest seamen (whose necessities may be considered, at least, as urgent as those of the officers) should have afforded him, at least, some portion of that amount—no provision for which, however, is made in the bill.

Could the amounts due to officers and seamen be paid, or could they be really benefitted by the provisions of this bill, there would be no objection to its passage. Their case is one of great hardship, as is that of every just claimant against the Government. But when we reflect, that individuals have made cash advances for Government, amounting to millions, and that

we are unable to pay any portion of their debts, or even the interest upon any portion of them, the reason for deferring the payment of smaller debts not based upon better grounds, cannot be censured. It arises solely from the inability of the Government to pay them. The present administration, with a diminished revenue, and laboring under the postponement and non-payment of the direct taxes, has been burthened with the payment of many thousand dollars, contracted and owing previous to its commencement. Could the navy have been sold, as provided for by law, some sixty or seventy thousand dollars might have been placed at the disposition of the Government, for the payment of the claims of both officers and seamen; as it is, however, the Government is now wholly unable to do so.

The effects of this measure, should it become a law, are not doubtful. Officers to whom the Government is indebted, learning that an appropriation is made for their payment, will visit the seat of government, and, after days spent in fruitless attempts to obtain funds, will have to leave with all the effects which follow disappointment, and the unprofitable expenditure of time and means.

SAM HOUSTON.

Which was read, and laid on the table one day.

A message was received from the House of Representatives, that they had appointed Messrs. Green, Kendrick, Ogden, Davis and Maverick, a Committee of Conference upon the disagreement of the two Houses, to the report of the Committee of Conference to the amendments of the House, to a bill making appropriations for the support of the Government for the year 1844, and request the appointment of a like committee on the part of the Senate; whereupon,

On motion of Mr. Kaufman, the Senate proceeded to elect a Committee of Conference, of three members, to confer with a like committee on the part of the House, respecting the disagreement of the two Houses, upon the report of the Committee of Conference, upon the amendments, of the House, to a bill making appropriations for the support of the Government for the year 1844; whereupon, Messrs. Shaw, Grimes, and Pattillo, were elected said committee.

The message of His Excellency, containing his objections to a joint resolution for the relief of Messrs. Cruger & Moore, was taken up; and,

On motion of Mr. Lawrence, the same was laid on the table.

On motion of Mr. Kaufman, a bill providing the manner of

taking interrogatories, where witnesses reside beyond the limits of the Republic, was taken up.

Read 2nd time.

Mr. Greer moved to amend, so as to prevent the translation of any copy of an original document, from being competent evidence; which was carried, and bill passed to its 3rd reading.

On motion of Mr. Parker, of Fort Bend, Mr. Greer was added to the Committee on Privileges and elections; and,

On motion of Mr. Greer, Mr. Parker, of Fort Bend, was added to the same committee.

On motion of Mr. Parker, of Fort Bend, the Senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, February 2nd, 1844. }
10 o'clock A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Grimes, Hunter, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Greer, Chairman of the Committee on Finance, to which was referred, an Act supplementary to the several acts regulating License Tax, reported the same back to the Senate, and recommend its passage. Also,

A joint resolution for the relief of Menucan Hunt, and recommend its rejection. Also,

A joint resolution for the relief of James Reily, and recommend its passage. Also,

A Bill for the relief of persons who have furnished supplies for the public service, and recommend the same to the action of the Senate.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that they had examined the following bills, to wit:

A joint resolution in relation to the able and patriotic services of Capt. Luis Sanchez.

A joint resolution for the relief of George W. Smith.

An act amendatory of an act to provide for the establishment and maintenance of peace, and to regulate friendly intercourse

with the Indians; 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, for his approval. Also,

A substitute to a joint resolution, authorizing the President to commission a Major General of Militia, and find the same correctly engrossed.

Mr. Pattillo, Chairman of the Select Committee, to which was referred a joint resolution for the relief of Thomas D. Yocum's Administrator; reported the same with the following amendments, and recommend its passage.

After the words "Harris County" in 13th line, add the following: "which shall be as valid as though the administration had been opened in the said County of Harris."

Mr. Grimes, Chairman of the Committee of conference on the part of the Senate, to which was referred the subject matter of difference between the two Houses, upon a bill regulating Elections, reported that they had agreed that the Senate recede from its amendment to said bill, and that in Sec. 6, 4th line after the word "and" strike out all to the words "return day" inclusive, and insert these words: "transmitted to the Chief Justice, by one of the managers or by some responsible person, under the penalties of this act, or by mail free of postage, so that it shall reach the Chief Justice, before the return day."

Which report was adopted.

On motion of Mr. Rugeley, a bill for the relief of certain disabled seamen and landsmen was taken up.

Read a second time.

Mr. Rugeley, moved to strike out all names in first section except the names of Dick Stretchout and Thomas Adkins.

Carried, bill passed to third reading, and

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

Mr. Parker of Fort Bend, Chairman of the Committee on Post Offices and Roads, to which was referred a bill requiring the Auditor to audit certain accounts therein named, reported the same back to the Senate, and recommend its passage.

On motion of Mr. Seaw, the Senate proceeded to the

ORDERS OF THE DAY.

A Bill to provide the mode of taking interrogatories where witnesses, reside beyond the limits of the Republic.

Read a third time, and

The ayes and noes upon the final passage of the bill stood as follows :

Ayes—Messrs. Hunter, Lawrence, Kaufman, Rugeley, Smith and Webb—6.

Noes—Messrs Greer, Parker of Nacogdoches, Parker of Fort Bend and Shaw—4.

So the bill passed.

Mr. Parker of Fort Bend, asked leave to change his vote upon this question, and

The ayes and noes being called, were as follows :

Ayes—Messrs. Greer, Lawrence, Parker of Nacogdoches, Shaw, Smith and Webb—6.

Noes—Messrs. Hunter, Kaufman, and Rugeley—3.

So leave was granted, and Mr. Parker voted for the passage of the bill.

A joint resolution authorizing the President to commission a Major General of Militia.

Read 3d time, and

The ayes and noes, upon the final passage of the bill stood thus :

Ayes—Messrs. Grimes, Hunter, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Lawrence, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—6.

There being a tie, the President decided in the affirmative. So the bill passed.

On motion of Mr. Parker of Fort Bend, the message of his Excellency, containing his objections to the bill making an appropriation to pay in part the officers of the Navy, was taken up and read.

Executive Department, }
WASHINGTON, February 1st, 1844. }

To the Honorable the Senate :

A Bill "making an appropriation to pay in part the *officers* of the Navy," having been submitted to the President, he returns the same without his approval, together with his reasons therefor.

None can feel a more lively interest for, nor a more ardent desire to see compensation afforded to all those who have rendered the country faithful service, than the Executive ; yet he

cannot give his sanction to a measure which he conceives is only calculated to deceive and embarrass those for the benefit of whom it was intended.

The bill requires the Auditor to "audit the account of each of the officers of the Navy, *pro rata*, according to the amount due to each," &c., to be paid out of the appropriation therein made. To comply with this, would require that the *precise amount* due to each officer who has rendered service in the Navy, since its first establishment, should be ascertained before the amount for which any single claim should be audited, could be known; which, as must be evident to all, could not be done at present, as it would require an examination of the entire records of the proper Departments, to which access cannot at this time be had, to enable the proper officers of Government to ascertain the entire amounts paid, and other deductions which may be necessary—and by a neglect of which the public interests might and would, in the opinion of the Executive, materially suffer.

Could these objections to the bill be obviated, no claim could be audited while it retains its present requirements. Of the crew of the schooner *Sau Antonio*, no report has been received at the proper Department since some time prior to the voyage which resulted so unfortunately in her loss.

To ascertain at present the amount due the officers who were on board that vessel would be impossible. Until this could be accomplished, no claim could be paid, should the bill become a law.

If the revenues of the country were such as to enable the proper Department to control an issue, (in addition to other appropriations) of the amount named in the bill, the Executive would esteem it but an act of justice that the honest seamen (whose necessities may be considered at least as urgent as those of the officers) should have afforded him at least some portion of that amount—no provision for which, however, is made in the bill.

Could the amounts due to officers and seamen be paid, or could they be really benefitted by the provisions of this bill, there would be no objection to its passage. Their case is one of great hardship, as is that of every just claimant against the Government. But when we reflect that individuals have made cash advances for Government amounting to millions, and that we are unable to pay any portion of their debts or even the interest upon any portion of them, the reason for deferring the payment of smaller debts not based upon better grounds, cannot

be censured. It arises solely from the inability of the Government to pay them. The present administration, with a diminished revenue, and laboring under the postponement and non-payment of the direct taxes, has been burthened with the payment of many thousand dollars contracted and owing previous to its commencement. Could the Navy have been sold, as provided for by law, some sixty or seventy thousand dollars might have been placed at the disposition of the Government for the payment of the claims of both officers and seamen. As it is, however, the Government is now wholly unable to do so.

The effects of this measure, should it become a law, are not doubtful. Officers to whom the Government is indebted, learning that an appropriation is made for their payment, will visit the seat of Government, and after days spent in fruitless attempts to obtain funds, will have to leave with all the effects which follow disappointment and the unprofitable expenditure of time and means.

SAM HOUSTON.

And the question being upon the passage of the bill over the Veto, and the ayes and noes being called, stood as follows :

Ayes—Messrs. Hunter, Lawrence, Pattillo, Rugeley and Smith—5.

Noes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Shaw and Webb—7.

So the bill was lost.

A Bill requiring the Auditor to audit certain claims therein named.

Read second time, and

The ayes and noes upon its passage to a third reading, being called, were as follows :

Ayes—Messrs. Hunter, Kaufman, Pattillo, Rugeley, Smith and Webb—6.

Noes—Messrs. Greer, Grimes, Parker of Nacogdoches, and Shaw—4.

The President decided that as this was a bill appropriating money for a private purpose, it came within the provision of the Constitution, which required a vote of two thirds, to pass it, and there not being a vote of two thirds of the Senate for its passage, the bill was lost ; from which decision Mr. Webb appealed, and

The question now was, is the Chair out of order ?

Upon which question the ayes and noes stood as follows.

Ayes—Messrs. Hunter, and Webb—2.

Noes--Messrs. Grimes, Greer, Kaufman, Parker of Nacogdoches, Pattillo, Rugeley, Shaw and Smith--8.

So the Chair was sustained.

On motion of Mr Kaufman, 250 copies of the caption of the laws passed at the present session of Congress, were ordered to be printed.

A Bill to suppress private Banking.

Read second time.

Mr. Pattillo, moved its reference to the Committee on the State of the Republic.

Which motion was lost.

Mr. Greer, moved its reference to the Committee on Finance, which was also lost.

Mr. Kaufman, moved its reference to the Committee on Judiciary; with instructions to report in the evening. Carried.

A Bill regulating proceedings in cases of forcible entry and detainer.

Read second time, and

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

A joint resolution for the relief of Thomas D. Yokum's Administrator.

Read second time, amendments adopted, and bill passed to its third reading.

A Bill for the relief of persons who have furnished supplies for the public service.

Read second time and passed to its third reading.

The ayes and noes standing as follows :

Ayes--Messrs. Greer, Grimes, Hunter, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb--10.

Noes--0

Mr. Smith, moved to take up a motion which was laid on the table, to reconsider a vote which refused to pass over the Veto of his Excellency, a joint resolution for the relief of William G. Cooke, late acting Quarter Master General. Carr.ed, and

The ayes and noes upon the reconsideration of the vote, being called, stood as follows :

Ayes --Messrs. Hunter, Lawrence, Kaufman, Rugeley, Smith and Webb--6.

Noes--Messrs. Greer, Grimes, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw--6.

There being a tie, the President decided in the affirmative.

So the vote was reconsidered, and the question now was

upon the passage of the bill over the Veto, upon which the ayes and noes were as follows :

Ayes—Messrs. Hunter, Lawrence, Kaufman, Rugeley, Smith and Webb—6.

Noes—Messrs. Greer, Grimes, Parker of Fort Bend, Parker of Nacogdoches, Pattillo and Shaw—6.

So the bill was lost.

A message was received from the House of Representatives, that the House had passed the following bills, to wit :

A joint resolution for the relief of Ward & Ingram.

Read first time.

On motion of Mr. Kaufman, the rule was suspended, bill read second time and passed to its third reading.

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

A Bill to authorize the County of Fort Bend, to levy a tax, for a special purpose.

Read first time, rule suspended, read second time, and

On motion of Mr. Kaufman, referred to the Committee on the State of the Republic.

A Bill to prevent the obstruction of navigable rivers.

Read first time, and

On motion of Mr. Pattillo, the rule was suspended, bill read second time, and passed to its third reading ; rule further suspended, and

The ayes and noes being called on the final passage of the bill, stood thus :

Ayes—Messrs. Grimes, Hunter, Kaufman, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—9.

Noes—Mr. Parker of Fort Bend—1.

A joint resolution for the relief of Daniel Alexander.

A Bill to mount, equip, unspike and purchase amunition for the artillery of the Republic at Galveston.

A Bill to repeal in part and amend an act incorporating the City of Galveston.

A Bill more permanently to establish the County seat of Bowie County.

A joint resolution for the relief of Holland Coffee.

Also, that the House have concurred in the amendments of the Senate, to a joint resolution for the relief of Josiah G. Beaty.

An act supplementary to an act amending the several acts incorporating the City of Houston. Also,

That the House have rejected the following bills from the Senate.

A Bill to repeal an act for the permanent location of the Seat of Government.

A Bill preventing the retail of spirituous liquors in quantities less than a quart. Also,

A Bill (from the Senate) to authorize the Secretary of War and Marine, to contract for keeping the Navy in ordinary, with the following amendment, to wit:

Strike out the 4th Section, which was concurred in by the Senate.

Mr. Parker of Fort Bend, from the select Committee, to which was referred a joint resolution for the relief of E. W. Moore, made the following report, to wit: "That they seriously doubt the Constitutionality of such a Tribunal as the one thus sought to be erected—they can only view the resolutions as an intention to erect a Tribunal for the trial of offences already committed, and as such, have no hesitation in pronouncing them as retroactive in their bearing. These are the conclusions they have come to, if they are to view the resolutions as obligatory, either upon the Captain to accept such Tribunal or the Secretary of War to prefer the charges.

Your Committee consider, however, that it will be perfectly competent for the Congress to erect such a tribunal as is contemplated by the resolutions, provided that the applicant seeks an investigation in this matter before such a Tribunal, but they do not as they have expressed above, consider it obligatory on either party, and would view such an action by the Congress, in no other light, than as a compromise between the parties consenting, to wit: Captain Moore and the Representatives of the people.

Your Committee in coming to the above conclusions, have only contemplated the resolutions laid before them, and have not deemed themselves authorized to investigate the merits of the case, either as affects the Government or the applicant; they therefore have not thought proper to seek how far the opinions they have here expressed, conflict with the proper and legitimate rights of the Executive."

On motion of Mr. Lawrence, the report, together with the joint resolution, was made the special order of the day for tomorrow.

A Bill authorizing the holding of the District Court in two places in Faunin County.

Read second time, and passed to third reading.

The ayes and noes being as follows:

Ayes—Messrs. Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, and Webb—6.

Noes—Messrs. Greer, Grimes Hunter, Shaw, Lawrence and Smith—6.

There being a tie, the President decided in the affirmative.

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

THREE O'CLOCK, P. M.

Senate met—roll called—no quorum.

Mr. Greer, moved that the Senate adjourn until to-morrow 10 o'clock, A. M. Lost, and

On motion of Mr. Shaw, the Senate adjourned until 4 o'clock, P. M.

4 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Kaufman, from the Judiciary Committee, to which was referred a bill to suppress private Banking, reported the same back to the Senate, and recommend its passage.

Mr. Parker of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred an act making an appropriation for pay of seamen; reported the same back for the action of the Senate.

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

SATURDAY, February 3rd, 1844, }
10 o'clock, A. M. }

Senate met—Mr. Greer, President pro tem in the Chair.

The roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Grimes, Hunter, Kaufman, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Pattillo, Chairman of the Committee on Engrossed and Enrolled bills, reported that the Committee had examined a bill authorizing the Secretary of War and Marine, to contract for keeping the navy in ordinary;

A Bill, authorizing the Chief Justice of Red River to take possession of the papers and records of Miller County Court: and

An act for the relief of Monia E. Goodwin, Louisiana Harris, and Eliza V. Harris, and other heirs of Robert W. Harris, deceased, 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, for his approval.

Mr. Parker of Nacogdoches, Chairman of the Committee on Claims and Accounts, to which was referred sundry relief bills and petitions, reported the same back to the Senate, and recommend that the Senate take no further action upon them.

Which report was adopted.

Mr. Webb, from the Committee on Privileges and Elections, to which was referred sundry documents relative to the contested election between Messrs. Power and Hunter, made the following report, to wit:

The Committee on Privileges and Elections, to which was referred the memorial of James Power, Esq., contesting the seat of the Hon. Wm. L. Hunter, as senator elect from the district of Refugio, submit, for the consideration of the Senate, the following statement of facts:

From returns made to the Department of State, it appears, that at elections held in the town of Victoria, on the first Monday of September last, for the depopulated counties of Refugio, San Patricio, and Goliad, Mr. Hunter received 10 votes for the county of Refugio, 28 votes for the county of San Patricio, and 7 votes for the county of Goliad; and from returns made by the Chief Justice of Harris county, of an election held by citizens of San Patricio, temporarily residing there, it appears that Mr. Hunter received 7 additional votes in that county, making an aggregate of 52 votes cast for him, as senator for said district. It also appears, from said returns, that at an election held at Corpus Christi, for the county of San Patricio, Mr. Power received 21 votes; and at an election held on the San Antonio river, for the county of Refugio, he received 17 votes, making an aggregate of 38 votes cast for him as senator for the district.

From these returns, it is seen that Mr. Hunter received a majority of 14 votes, over Mr. Power. It was urged, however, by Mr. Power, in his memorial, that of the votes cast for Mr. Hunter, many were illegal; and if the illegal votes be discarded, he had received a majority. To arrive at the truth of this allegation, time was given, by a resolution of the Senate, to both parties, to take testimony; and it is a summary of the testimo-

by thus taken, that the committee now propose to submit to the consideration of the Senate, so far as they have been enabled to collate it, from the confused and heterogeneous mass of documents, and contradictory statements presented to them.

The resolution of the Senate required either party, to give notice to the other, of the time and place of taking the testimony intended to be relied upon. The object was to give to both, an opportunity of examining the witnesses, for the purpose of eliciting the truth. But this obvious intention of the Senate, seems to have been disregarded, on this occasion, by the contestor. From the affidavits of Maj. R. Roman, A. S. Cunningham, and Geo. W. Palmer, Chief Justice of Victoria county, it appears, that on the 17th of January, the day appointed by Mr. Power, to take testimony at Victoria, J. C. Allen, Esq., appeared as his attorney, before Judge Palmer, to take the testimony of witnesses in regard to the legality of the votes polled at that place: at the same time, Fielding Jones, Esq., appeared as the attorney of Mr. Hunter; and upon his requesting the magistrate to put down the answers of the witnesses, to the questions propounded to them, *in their own words*, he was told by Mr. Allen, that he had no right to interfere in the examination; that as a *matter of right*, he would not be permitted even to cross-examine the witnesses; but, as a *matter of courtesy*, that privilege would be extended to him. Mr. Jones then appealed to the magistrate, and asked if he were not taking testimony under the authority of the resolution of the Senate? To which the magistrate replied, that he knew of no resolution of the Senate, and was not acting under any such authority; that he was acting as a Notary Public, by the request, and at the instance, of Mr. Allen; and that he considered the examination as an *ex parte* one, and wholly under the direction of Mr. Allen. Upon which Mr. Jones desisted from further interference, and the examination of the witnesses was conducted by Mr. Allen alone.

It being the intention of the committee, to present facts alone, for the consideration of the Senate, they forbear to make any comments upon this proceeding, leaving it for the Senate to determine, whether testimony taken under such circumstances, and in such direct and palpable violation of the spirit and intention of their resolution, ought to be received for any purpose. Should it be discarded, there is but little left to act upon, so far as the claim of Mr. Power is concerned, as nearly all the testimony he has taken, is obnoxious to this objection; but should the Senate regard it as legal, it will then become necessary to examine and compare it with the testimony taken by the other

party, for the purpose of ascertaining how far the votes cast for either, have been invalidated.

From the documents referred to the Committee, it appears that Mr. Powers objects to 5 votes polled for Mr. Hunter, at the Refugio election, to 6 votes polled at the San Patricio election, and to one vote polled at the Goliad election—making, in all, 12 votes. Two of these votes are objected to, on account of the non-age of the voters, and the testimony shows that they were under age at the time they voted; the other ten are objected to on account of an alleged forfeiture of the rights of citizenship in the depopulated counties, by having voted in the county of Victoria. The testimony shows that 7 of them had voted in the corporation elections in the town of Victoria, but had always refused to vote for county officers, or for members to Congress, except at polls opened for the counties in which they claimed their residence. The other three had voted at elections for county officers in Victoria, though one of them, Willard Post, had subsequently returned to his residence in Refugio county, and had resided in that county for twelve months, immediately antecedent to the election in September last.

If these 12 votes, however, be deducted from the number cast for Mr. Hunter, it still leaves him a majority of two votes over Mr. Power, even should it appear that no illegal votes had been cast for Mr. Power at the other polls. It is true, that Mr. Power objects to all the votes for San Patricio county, which were polled in Victoria, upon the alleged ground that the election was conducted unfairly and illegally; but so far from this objection being sustained by the testimony, it is abundantly shown, that the election for that county was conducted with fairness, openness, and more than usual care, to prevent the introduction of illegal votes.

Of the 12 votes objected to by Mr. Powers, the illegality of six of them is attempted to be sustained by the *ex parte* affidavit of Edmd. St. John, taken on the 20th of January, three days after the time appointed for taking the testimony in Victoria, and when neither Mr. Hunter or his attorney were present, or had any notice that such an affidavit was to be taken. This Mr. St. John is the same individual who swore, in the first instance, that 25 out of the 28 votes polled at the San Patricio election were illegal; and in reference to his credibility, the Committee refer to his depositions, taken before Judge Palmer, which they submit as a part of this report. As some excuse, however, for his contradictions, and apparent recklessness in

making his statements, the Committee would also refer to the affidavit of Mr. Archibald Bass, which shows that he was too much intoxicated on the day of election, to form a correct opinion as to what was going on, or to recollect afterwards what had taken place.

In regard to the votes polled at Corpus Christi for Mr. Powers, it appears, from the testimony of Joseph Welis, Patrick Quin, and John James, and the written statement of the Hon. W. Philips, of the House of Representatives, that 14 of them were illegal, the individuals giving them, never having resided in that, or either one of the depopulated counties. From the testimony, it appears that no person has lived in San Patricio county since the battle of Lipantitlan, until some time in the month of August last, when Mr. Kinney returned to his ranch at Corpus Christi, with three or four others, who had formerly resided in that county; and that at the election in September, Mexicans, sailors, and all strangers who were present, voted for Mr. Powers.

In support of the legality of the election held at Corpus Christi, Mr. Powers has introduced a certificate, signed by a number of persons, not under oath, several of whom were not there at the time of the election, and some of them had never been in the county previous to December last.

If these 14 votes taken at Corpus Christi, which are proved to be illegal, by several witnesses, be deducted from the number cast for Mr. Powers, it will leave Mr. Hunter's majority 16, even if the 12 votes objected to by Mr. Powers, should also be deducted from Mr. Hunter's poll; and if 10 out of the 12 who were objected to, on account of the alleged forfeiture of their citizenship in the depopulated counties, be not deducted from Mr. Hunter's poll, his majority will then be 26 votes over Mr. Powers.

All of which is respectfully submitted.

JAMES WEBB,
One of the Committee.

And on motion of Mr. Webb, the report, together with the documents referred to, be laid upon the table until Monday next.

Mr. Smith, Chairman of the Committee on Public Lands, to which was referred the joint resolution for the relief of John Trussel, reported the same back to the Senate, and recommend that it be indefinitely postponed.

Report adopted.

Also a joint resolution for the relief of Stephen Jones, and recommend that the same be laid on the table.

Report adopted.

The Senate then proceeded to the

ORDERS OF THE DAY.

A joint resolution for the relief of Edwin W. Moore.

On motion of Mr. Webb, was laid on the table.

A bill supplementary to an act regulating license tax.

Read 2d time, and passed to third reading.

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

Mr. Kaufman, from the Committee on the Judiciary, to which was referred a bill to levy a tax upon the county of Fort Bend, for a special purpose, reported the same back to the Senate, and recommend its passage.

Read 2d time, and passed to a third reading.

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

Also, a bill to regulate proceedings in cases of forcible entry and detainer, and recommend its passage.

Which was read a second time.

Mr. Pattillo moved to lay the same on the table; and the ayes and noes being called, stood thus:

Ayes—Messrs. Hunter, Pattillo, Rugeley, Shaw, Smith and Webb—6.

Noes—Messrs. Greer, Grimes, Kaufman, Parker of Fort Bend, Parker of Nacogdoches—5.

So the motion carried.

A bill to authorize the holding of the District Courts in two places in Fannin county, and for other purposes.

Read a third time; and the ayes and Noes upon the final passage of the bill, stood thus:

Ayes—Messrs. Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley and Webb—6.

Noes—Messrs. Greer, Grimes, Hunter, Shaw and Smith—5.

So the bill passed.

A joint resolution for the relief of Thomas D. Yokum's administrator.

Read 3d time and passed.

A bill for the relief of persons who have furnished supplies for the public service.

Read third time and passed.

On motion of Mr. Parker, of Nacogdoches, the resolution, from the House, to adjourn *sine die* on the 5th of Feb., (inst.) was taken up, and the ayes and noes being called on its adoption, stood thus:

Ayes—Messrs. Greer, Grimes, Hunter, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—12.

Noes— ———.

Mr. Kaufman, from the Committee on the State of the Republic, to which was referred the petition of Stephen G. McClenny, praying for a divorce, reported the same back to the Senate, also,

A bill to suppress private banking; which was read a second time, and passed to a 3rd reading.

A joint resolution for the relief of James Riley.

Read 2nd time, and passed to 3d reading.

On motion of Mr. Pattillo, the rule was suspended, bill read 3rd time, and passed.

A joint resolution for the relief of Memucan Hunt.

Read 2nd time.

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

Lost; and the report, recommending the rejection of the bill, was adopted.

So the bill was rejected.

A bill making an appropriation to pay, in part, the seamen of the navy.

Read a second time; and,

On motion of Mr. Rugeley, the same was laid on the table.

A joint resolution for the relief of Daniel Alexander.

Read a first time,

A bill to repeal, in part, an act incorporating the city of Galveston.

On motion of Mr. Hunter, the same was laid on the table.

A joint resolution for the relief of Holland Coffee.

Read 1st time.

On motion of Mr. Shaw, the rule was suspended, bill read 2nd time, and referred to select committee. Messrs. Grimes, Shaw, and Kaufman, were appointed said committee.

A bill, more permanently, to establish the county seat of Bowie county.

Read 1st time.

Mr. Kaufman moved to suspend the rule.

Carried, and bill read 2nd time.

On motion of Mr. Greer, the following amendments were made:

Strike out the word "permanent."

Add the words "until otherwise provided for by law;" and,
On motion of Mr. Kaufman, the bill was laid on the table.

A message was received from the House of Representatives, that the House had passed the following bills:

A joint resolution for the election of Chief Justices of the counties of Refugio, Goliad, and San Patricio.

Read 1st time; and,

On motion of Mr. Kaufman, the rule was suspended, bill read 2nd time, and passed to 3rd reading.

Rule further suspended 3rd time, and passed.

A bill making appropriation for part pay of officers and seamen of the navy.

Read 1st time.

Mr. Rugeley moved to suspend the rule.

Lost.

A bill to endow the Wesleyan male and female college of San-Augustine.

Read 1st time.

On motion of Mr. Hunter the rule was suspended, bill read 2nd time.

Mr. Parker moved to amend, so as to donate 4 leagues of land to Trinity college.

Mr. Shaw offered to amend the amendment, so as to have the land located in the Cherokee country—accepted.

Mr. Parker's amendment was lost.

Mr. Grimes moved to amend, so as to donate 4 leagues of land to Washington college.

Lost.

Mr. Rugeley moved to strike out "4 leagues of land," in said bill, and insert "one league of land."

Motion lost, and the ayes and noes, upon the passage of the bill to a third reading, stood thus:

Ayes—Messrs. Hunter, Kaufman, Pattillo and Webb—4.

Noes—Messrs. Greer, Grimes, Parker of Nacogdoches, Rugeley, Shaw, and Smith—6.

So the bill was rejected.

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

THREE O'CLOCK, P. M.

Senate met—Mr. Greer, President *pro tem.*, in the Chair—roll called—quorum present.

On motion of Mr. Kaufman, a bill to repeal, in part, and amend an act incorporating the city of Galveston, was taken up.

Mr. Kaufman moved to suspend the rule.

Carried, bill read 2nd time, and passed to 3rd reading; rule further suspended, bill read 3rd time, and passed.

On motion of Mr. Grimes, a joint resolution for the relief of Dan'l Alexander, was taken up.

Rule suspended, bill read 2nd time, and referred to the Committee on the Judiciary.

A bill to mount, equip, unspike, and purchase ammunition for the artillery of the Republic, at Galveston.

Read 1st time; rule suspended, read 2nd time, and passed to 3rd reading; rule further suspended, bill read a 3rd time, and passed.

Mr. Grimes, from the select committee, to which was referred a joint resolution for the relief of Holland Coffee, reported the same back to the Senate, with the following amendment, to wit:

In section 1, 8th line, insert, after the word "cents," these words—"upon his producing the proper vouchers." Adopted, bill read 2nd time, and passed to 3rd reading.

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

Mr. Grimes moved to re-consider a vote, which refused to suspend the rule on a bill, making appropriation for part pay of officers and seamen of the navy.

Carried. Rule suspended, bill read 2nd time, and passed to 3rd reading: rule further suspended, read 3d time, and passed.

The ayes and noes being as follows:

Ayes—Messrs. Grimes, Hunter, Kaufman, Parker of Fort Bend, Rugeley, Shaw and Smith --7.

Noes—Messrs. Greer, Parker of Nacogdoches, and Pattillo--3.

Mr. Kaufman moved to re-consider a vote, which adopted the amendments to a bill, to more permanently fix the county seat of Bowie county.

Carried, and amendments rejected; bill passed to its third reading.

On motion of Mr. Kaufman, rule suspended, bill read a 3rd time and passed.

A message was received from the House of Representatives, that the House had passed the following bills:

A joint resolution for the relief of Texian prisoners in Mexico: Read 1st time:

A bill (from the Senate) for the relief of McKinney & Williams, with the following amendments, to wit:

Add to first section, "and shall be issued to said McKinney & Williams, whenever they shall produce, to said Commissioner General of the Land-office, a certificate from the Auditor; that, as appears from his records, no part of said claim for fifty-four thousand four hundred and eight dollars and eleven cents, has heretofore been allowed to said McKinney & Williams.

In section 5, strike out all after the words "McKinney & Williams."

Strike out 3rd section.

Which amendments were concurred in by the Senate.

Also, that the House had passed a resolution to go into an election, by and with the concurrence of the Senate, for a Judge for the 4th District, on Monday, at 11 o'clock; which was adopted by the Senate.

Also, a resolution calling upon the Senate, for documentary evidence, in their possession, in relation to the elections in San Patricio county.

Mr. Kaufman moved that the Committee on Privileges and Elections, of the House, have access to said documents.

Motion lost.

The Senate then went into "secret session."

The doors being opened,

On motion of Mr. Rugeley, the Senate adjourned until 8 o'clock P. M.

8 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Kaufman, from the Judiciary Committee, to which was referred a joint resolution for the relief of Daniel Alexander, reported the same, with the following amendment, and recommend its passage, to wit:

Strike out the words "and notwithstanding the regular claim of transfer may not be in proof."

Amendment adopted, bill read 2nd time, and passed to 3rd reading; rule suspended, bill read 3rd time, and passed.

On motion of Mr. Parker, of N., leave was granted to individuals who have presented documents to the Senate, and which have not been acted upon, to withdraw the same.

Mr. Patton, Chairman of the Committee on Enrolled and

Enrolled Bills, reported that the Committee had examined a bill for the relief of McKinney & Williams, 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, for his approval.

A message was received from the House of Representatives, that the House have concurred in the amendments of the Senate, to a joint resolution for the relief of Holland Coffee;

That they have passed a bill to regulate the tonnage on steam-packets;

That they have rejected a bill to incorporate the Texas Land and Emigrating Company.

On motion of Mr. Parker of Fort Bend, the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, February 5th, 1844. }
10 o'clock, A. M. }

Senate met—the roll of members being called, the following gentlemen answered to their names, to wit: Messrs. Greer, Grimes, Lawrence, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, Rugeley, Shaw, Smith and Webb—quorum present.

Prayer by the Chaplain.

The journal of the preceding day was read and adopted.

Mr. Shaw, Chairman of the Committee of Conference on the part of the Senate, appointed to confer with a like Committee on the part of the House, upon the disagreement of the two Houses upon the Bill making appropriations for the support of the Government, for the year 1844; reported that the Committee had agreed to sundry amendments, which report was adopted.

Mr. Lawrence, from the Committee on Privileges and Elections, to which was referred the credentials of members elect to the Senate of the eighth Congress, reported the same back to the Senate as duly and legally authenticated.

Mr. Greer, Chairman of the Committee on Finance, to which were referred the following bills:

A Bill to exempt Distilleries from taxation.

A Bill requiring the Auditor to audit all duly authenticated claims against the Government.

▲ Bill to repeal the 9th Sec. of an act, approved January 27th 1842, entitled: "An act supplementary to an act to raise a revenue by impost duties, approved Feb. 5th, 1840," and recommend that the same be laid on the table without day adopted.

Mr. Pattillo offered a resolution giving the officers of the Senate, two dollars per diem, in addition to the amount allowed them by law, to be paid, out of the contingent fund of the 8th Congress.

Mr. Rugeley, offered to amend by striking out "two" and insert "one," and

The ayes and noes being called on the amendment, stood thus:

Ayes—Messrs. Greer, Grimes, Hunter, Parker of Fort Bend, Parker of Nacogdoches, Rugeley and Smith—6.

Noes—Messrs. Lawrence, Kaufman, Pattillo, Shaw and Webb—5.

So the amendment was adopted—the question now was, upon the adoption of the resolution as amended, which was carried.

A Bill to suppress private Banking,

Read third time and passed.

Mr. Greer, presented the account of Messrs. Cruger & Moore, for articles furnished the Senate, at the called session of Congress, 1842, which was on motion ordered to be paid out of the contingent fund of the eighth Congress.

An act to mount, equip, unspike and purchase ammunition for the artillery of the Republic at Galveston.

On motion of Mr. Webb, the same was laid on the table.

Mr. Smith, moved to take up a motion which was laid on the table to reconsider a vote, which rejected a joint resolution for the relief of L. S. Hargous.

Motion lost.

On motion of Mr. Smith, a bill for the relief of Stephen Jones, was taken up.

Read second time.

Mr. Greer, offered to amend so as to require the Secretary of War and Marine, to issue a warrant to H. H. Hall, for 320 acres of land.

Carried, and bill passed to third reading.

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

Mr. Pattillo, from the Committee on Engrossed and Enrolled bills, reported, that the Committee had examined the following bills.

A Bill making appropriations for the support of the Government, for the year 1844.

A Bill to regulate the tonnage on Steam-packets.

A Bill for the relief of John Gregg, 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, for his approval.

A joint resolution for the relief of Texian prisoners in Mexico.

Read a second time.

Mr. Webb, offered an amendment, which was adopted, and bill passed to its 3rd reading—rules further suspended, bill read a third time and passed.

On motion of Mr. Webb, a joint resolution for the relief of E. W. Moore, was taken up.

Mr. Webb, offered the following amendment, to wit:

Strike out in first section after the word "charges against him" in 5th line "for which he was dismissed" and insert "upon which an order was issued dismissing him."

Concurred in.

Strike out in second section, the word "forthwith."

Concurred in.

Mr. Greer, moved to amend as follows:

Strike out Sec. 4th. Carried.

Mr. Shaw, moved to amend the caption thus:

Joint resolution to establish a Tribunal for the impartial trial of Post Captain E. W. Moore, and others.

Passed to 3rd reading, and

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

A message was received from the House of Representatives, that the House had passed the following bills:

A Bill for the relief of A. B. Shelby, with amendments, which were concurred in by the Senate. Also,

That the House have concurred in the amendments of the Senate to a bill to suppress private Banking.

A Bill incorporating the Galveston Guards.

Read first time, rule suspended, bill read a second time, and passed to third reading—rule further suspended, read 3rd time and passed.

A joint resolution from the Senate for the relief of John Gregg.

A Bill from the Senate to prescribe the duties of District Judges in regard to charging juries. Also,

That the House have receded from their amendments to a joint resolution for the relief of Thomas William Ward, and have adopted the amendments of the Senate to the same.

That the House have disagreed to the amendments of the Senate, to a bill to provide the mode of taking interrogatories where witnesses reside beyond the limits of the Republic, whereupon,

Mr. Kaufman, moved that the Senate insist on its amendments thereto, which was carried—and whereupon,

Messrs Kaufman, Greer and Parker of Nacogdoches, were appointed a Committee of Conference.

A message was received from the House, through a Committee appointed for this purpose, inviting the Senate to the Hall of Representatives for the purpose of going into an election for a Judge of the 4th Judicial District, whereupon the Senate proceeded to the House, and the Hon. Wm. E. Jones, being put in nomination, received the unanimous vote of the Senate.

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

THREE O'CLOCK P. M.

Senate met—roll called—quorum present.

Mr. Pattillo, by leave, introduced a bill to revive a certain Act therein named.

Read first time, rule suspended, read second time and ordered to be engrossed, rule further suspended, bill read a third time and passed.

Mr. Greer, offered the following resolution, to wit :

Whereas, many grave charges have been made by the enemies of Sam Houston and of Texas—against the President, which if true, would deservedly consign his name to infamy and to the loathing of all good men, and

Whereas, these various charges, to wit :

Bribery, corruption, treason, and abolitionism have found their way into the public prints, and

Whereas, if these charges would admit of proof, they would be good cause for impeachment, and which attaching a lasting disgrace to the individual, would at the same time save the nation from such machinations, and

Whereas, it is as much the bounden duty of all good patriots to guard the Republic from domestic foes as from external enemies, and

Whereas, after a setting of the Hon. Congress for, nearly

eight weeks, no such charges have been preferred, although some of them have been traced to persons who should stand high in the estimation of the nation, and

Whereas, His Excellency the President has permitted all correspondence of the Government to be *inspected* by Senators wishing to examine into the same, and

Whereas, after a careful inspection of all correspondence, a careful review of his numerous services to the country, both in war and in peace, a careful examination of the able and efficient manner of conducting our foreign relations, as well as our Indian affairs, the honest and economical administration of the financial affairs of the country. The firm and manly stand he has ever taken against faction and the excitements of the day, and in fine, the *able* administration of the affairs and laws of the nation, we see much to admire and approve, and but little to condemn. Therefore

Be it resolved by the Senate, the Constitutional advisers of the Executive: That Sam Houston, President, &c., for his able, faithful, honest and economical administration of the Government, is justly entitled to the admiration and gratitude of the nation, and to the support of the Senate.

Mr. Rugeley, moved to lay the same on the table, and the ayes and noes, stood as follows:

Ayes—Messrs. Hunter, Rugeley, Shaw and Webb—4.

Noes—Messrs. Greer, Grimes, Lawrence, Kaufman, Parker of Fort Bend, Parker of Nacogdoches, and Pattillo—7.

So the motion was lost.

And the ayes and noes being called on the adoption of the resolution, stood thus:

Ayes—Messrs. Greer, Grimes, Kaufman, Lawrence, Parker of Fort Bend, Parker of Nacogdoches, Pattillo, and Shaw—8.

Noes—Messrs. Hunter, Rugeley, Smith, and Webb—4.

On motion of Mr. Kaufman, the Senate went into secret session. The doors being opened.

Mr. Smith introduced the following resolution, to wit:

Resolved, That the officers of the Senate be, and they are hereby allowed one dollar in addition to the amount allowed this morning, to be paid out of the contingent fund of the 5th Congress, making two dollars in addition to the amount allowed by law to each of the officers of the Senate.

And the ayes and noes being called for on its adoption stood thus:

Ayes—Messrs. Hunter, Kaufman, Lawrence, Pattillo, Smith and Webb—6.

Noes—Messrs. Greer, Grimes, Parker of Nacogdoches, Rugeley and Shaw—5.

So the resolution was adopted.

Mr. Pattillo, from the Committee on Engrossed and Enrolled bills, reported that the Committee had examined the following bills :

A Bill making an appropriation to pay A. B. Shelby, for attending to the case of H. H. Williams vs. Gail Borden, &c.

A Bill to prescribe the duties of District Judges, in regard to charging Juries, 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 for his approval.

A Bill to amend a supplementary act to an act entitled: "An act supplementary to an act to raise a revenue by impost duties, approved January 27, 1842."

On motion of Mr. Kaufman, the same was laid on the table.

A joint resolution making an appropriation for Samuel G. Norval.

Read first time, rule suspended, read second time and passed to third reading, rule further suspended, read third time and passed.

Mr. Kaufman, by leave, introduced a bill to be entitled: "An act for the more prompt collection of the direct taxes."

Read first time, rule suspended, bill read second time, and ordered to be engrossed, rule further suspended, bill read third time and passed.

On the question of a suspension of the rule in the first instance, the ayes and noes were as follows :

Ayes—Messrs. Greer, Grimes, Kaufman, Lawrence, Parker of Nacogdoches, Pattillo Rugeley, Shaw and Webb—9.

Noes—Messrs. Hunter, Parker of Fort Bend, and Smith—3.

The contested election between Messrs. Hunter and Power, was taken up, when

Mr. Parker of Nacogdoches, offered the following resolution, to wit :

Resolved, That the votes polled out of the Senatorial District composed of the Counties of Refugio, Goliad and San Patricio, in the last election for Senator for said District, were illegal and in violation of that article of the Constitution which provides: that six months residence in the County or District, preceding the election, is required to entitle a citizen to the right of suffrage for Senators or Members to Congress.

Resolved, that the Hon. James Power, having received the

highest number of legal votes polled within the Senatorial District, composed of the Counties of Refugio, Goliad and San Patricio, is hereby declared legally entitled to his seat for the term for which he was elected.

Mr. Smith, offered the following as a substitute, to wit :

Be it resolved, that the seat of the sitting member for the Senatorial District, composed of the Counties of Goliad, Refugio and San Patricio be, and the same is hereby declared vacant, and that the President be, and he is hereby required to order an election for Senator in said District, and that the Secretary of the Senate, shall notify the Hon. Wm. L. Hunter, of the passage of this resolution.

And the ayes and noes being called on its adoption, stood thus :

Ayes—Messrs. Greer, Grimes, Lawrence, Parker of Fort Bend, Rugeley, Shaw, Smith and Webb—8.

Noes—Messrs. Kaufinan, Parker of Nacogdoches, and Pattillo—3.

So the substitute was adopted in lieu of the original resolution.

On motion of Mr. Webb, the Senate adjourned until 8 o'clock,
P. M.

8 o'clock, P. M.
February, 5th, 1844.

Senate met—roll called—quorum present.

A message was received from the House—that the House had passed the following Bills, to wit :

A Bill for the protection and encouragement of the Commerce of the Republic of Texas.

A joint resolution to revive a certain act therein named ; also, that they have passed over the Veto of the President, a bill to alter and fix the duties on imports.

Which Veto was taken up and read, and the question being upon the passage of the bill over the Veto, the ayes and noes were called for thereou, and stood thus .

Ayes—Messrs. Greer, Kaufman, Parker of Nacogdoches, Rugeley and Webb—5.

Noes—Messrs. Grimes, Lawrence, Parker of Fort Bend, Pattillo, Shaw and Smith—6.

So the bill was lost.

On motion of Mr. Parker of Nacogdoches, a Committee was appointed to inform the House that the Senate will adjourn *sine die* at 10 o'clock. Also,

A Committee was appointed to act in conjunction with a like

Committee on the part of the House, to wait upon his Excellency and know if he has any further communications to make to them.

The House having informed the Senate of the appointment on their part of similar Committees, Messrs. Parker of Fort Bend, and Parker of Nacogdoches, were appointed on the part of the Senate.

The Committee returned and reported duty performed.

Mr. Pattillo, Chairman of the Committee on Enrolled bills, reported, that the Committee had examined the following bills:

A Bill to encourage and protect the commerce of the Republic of Texas. And

A joint resolution to revive a certain act therein named, 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 for his approval.

Report adopted.

Mr. Parker of Nacogdoches, offered the following Resolution, to wit:

Resolved, That the Secretary of the Senate furnish the Executive Department with a list of the names of the members of the Senate, for the 8th Congress of the Republic.

Adopted.

Mr. Rugeley, offered the following Resolution, to wit:

Resolved, That the Secretary of the Senate be authorized to approve the accounts for liabilities incurred at the present session of the Senate, for wood, candles, chairs, &c., to be paid out of the unexpended appropriation for printing.

Adopted.

Mr. Kaufman, offered the following Resolution, to wit:

Resolved, That the thanks of the Senate be, and they are hereby tendered to the Hon. Edward Burleson, President of the Senate, for the able, dignified and impartial manner in which he has presided over its deliberations during the session now drawn to a close.

Resolved, That the thanks of the Senate be, and they are hereby tendered to the Hon. John H. Greer, President pro tem of the Senate, for the able, dignified and impartial manner in which he has filled the Chair during the session of this Congress now about to terminate.

Which resolutions were *unanimously* adopted.

Mr. Webb, offered the following Resolution

Resolved, That the Senate feel entirely satisfied with the

manner in which the duties of Chaplain have been performed at the present session, by the Rev. Mr. Tryon.

Adopted.

A message from the House—that the House have rejected a bill for the more prompt collection of the direct taxes.

On motion of Mr. Kautman, the Senate adjourned *sine die*.