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HOUSE OF REPRESENTATIVES

OF THE

NINTH CONGRESS

OF THE

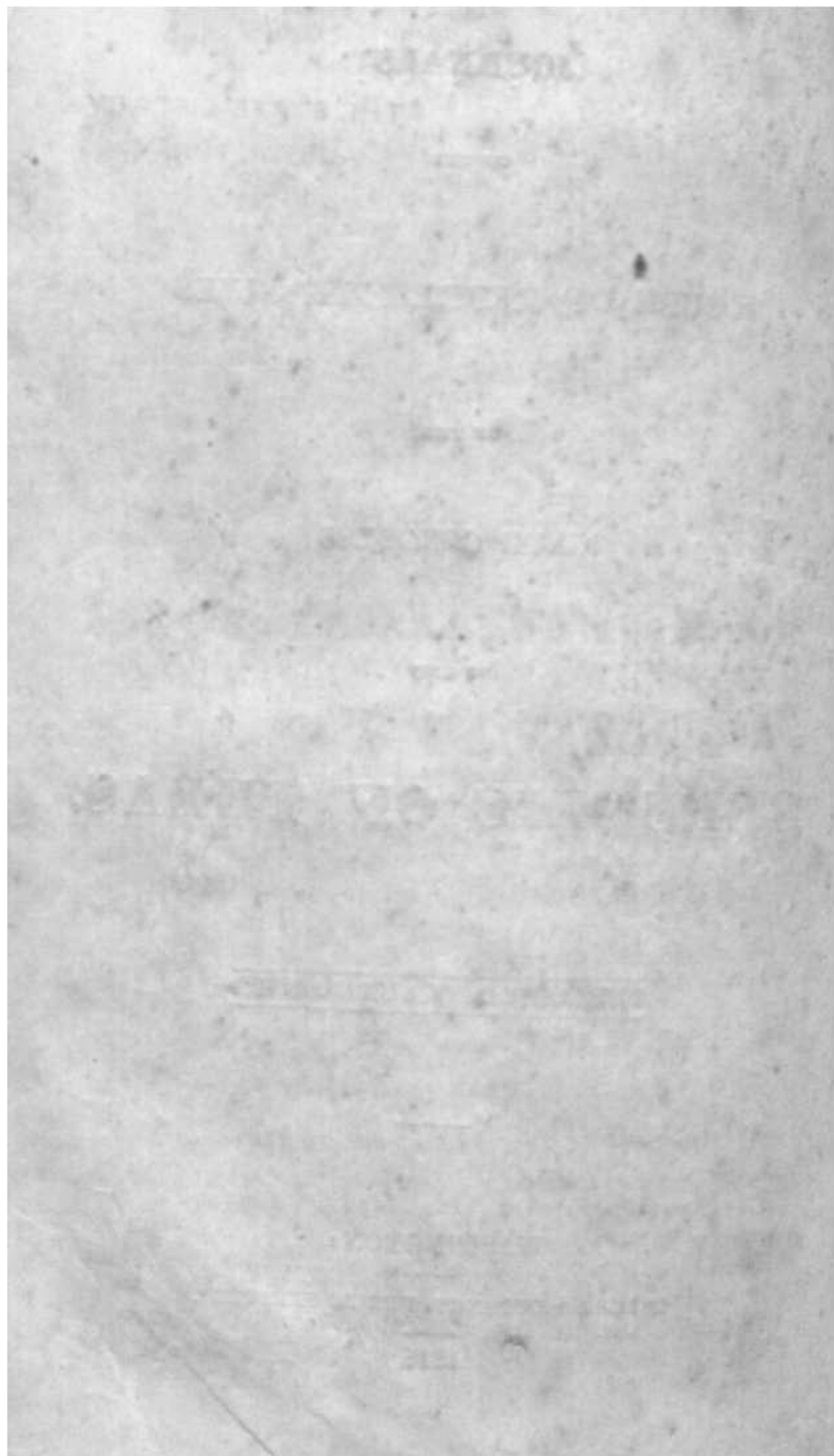
REPUBLIC OF TEXAS.

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OF THE

HOUSE OF REPRESENTATIVES,

NINTH CONGRESS,

OF THE

REPUBLIC OF TEXAS.

HOUSE OF REPRESENTATIVES, }
WASHINGTON, December 2d, 1844. }

The House of Representatives met in annual session, in accordance with law.

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

The former chief clerk, Mr. James H. Raymond, officiated as chief clerk pro tem.

The roll of counties being called in alphabetical order, the following members came forward, presented their creden-

tials, took the oath prescribed by the constitution, and their seats, to wit.

- Hon. S. K. Lewis, of Austin county,
 " S. B. Johns, of Bowie county,
 " Tod Robinson, of Brazoria county,
 " Wm. Menefee, of Colorado county,
 " G. A. Parker, of Fort Bend county,
 " A. H. Jones, of Gonzales county,
 " Wm. T. Scott, of Harrison county,
 " Wm. T. Sadler, of Houston county,
 " George Sutherland, of Jackson county,
 " D. McFarlane, of Matagorda county,
 " John M. Lewis, of Montgomery county,
 " G. B. Erath, of Milam county,
 " J. H. Moffett, of Nacogdoches county,
 " John Dunn, of Refugio county,
 " Wm. R. Scurry, of Red River county,
 " David Gage, of Rusk county,
 " John S. Ford, of San Augustine county,
 " B. R. Wallace, of do. do.
 " A. S. Cunningham, of Victoria county.

On motion of Mr. Parker, Mr. J. W. Stoddard was appointed Sergeant-at-Arms pro tem.

On motion of Mr. Gage, Mr. Cockburn was appointed door-keeper pro tem.

There not being a quorum present,

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

TUESDAY, Dec. 3d, 1844.

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

Messrs. Lewis of A., Johns, Robinson, Menefee, Parker, Jones, Scott, Sadler, Sutherland, McFarlane, Lewis of M., Erath, Moffett, Dunn, Scurry, Gage, Ford, Wallace and Cunningham.

The roll of counties being called, the following members came forward, presented their credentials, took the oath prescribed by the constitution, and their seats, to wit :

- Hon. E. Mabry, of Bastrop county,
- “ D. C. Ogden, of Bexar county.
- “ E. M. Millican, of Brazos county.
- “ S. W. Perkins, of Brazoria county,
- “ A. Williams, of Fayette county,
- “ J. W. Johnson, of Goliad county,
- “ J. W. Henderson, of Harris county,
- “ G. W. Smyth, of Jasper county,
- “ Jas. Armstrong, of Jefferson county,
- “ Benj. Hardin, of Liberty county,
- “ W. K. Cooke, of Robertson county,
- “ Jas. Truit, of Shelby county,
- “ R. M. Williamson, of Washington county.

A quorum present.

On motion of Mr. Henderson, the House proceeded to the election of a Speaker—Mr. McFarlane nominated Mr. Lewis of Montgomery, and Mr. Sutherland nominated Mr. Menefee.

Messrs. Parker, Mabry and Johns were appointed tellers.

The House then proceeded to ballot, whereupon, Mr. Lewis received 16 votes, Mr. Menefee 15.

Mr. Lewis having received a majority of all the votes, was declared duly elected Speaker of the House of Representatives, of the ninth Congress, of the Republic of Texas.

Messrs. Sutherland and Wallace were appointed a committee to wait upon the Speaker elect, and conduct him to the chair, which was accordingly done; whereupon the Speaker addressed the House as follows :

Gentlemen of the House of Representatives :

Unpractised in the duties of the station you have assigned me, I must ask in advance that indulgence at your hands, necessary to the forgiveness of the many unintentional errors I may commit, and your aid in conducting the proceedings of the House with propriety and usefulness.

Coming, gentlemen, as you do, from every part of the country—acquainted as you doubtless are, with the wants and interests of your constituents—we may, gentlemen, by a wise and judicious exercise of the powers with which we

are invested, promote the happiness and prosperity of our common country—elevate and dignify its character!

Regarded as I am, by many, as a decided partizan, I trust you will believe that I have too much regard for the obligations of official integrity, to permit the party predilections which may hitherto have characterized my political conduct, to betray me into a departure from the imperious mandates of duty and of justice.

Feeling, as I do, the most sincere commiseration for the suffering of the West, and the liveliest interest in its security, deeply concerned for the welfare of the East, and united as I am by the most sacred obligations of gratitude and affection to the middle portion of the Republic, I am conscious of a sincere and earnest desire to promote, so far as I am concerned, the varied interests of every part of the country, and to dispense stern justice to every member of this House.

I ask you then, gentlemen of the House of Representatives, to unite with me in offering up, on the altar of our country's good, all personal prejudices—all party animosities. Let the good of our country be the polar star of our legislative action.

I thank you, gentlemen, for the distinguished honor you have conferred upon me.

On motion of Mr. Robinson, the House proceeded to the election of a Chief Clerk. The Speaker appointed Messrs. Perkins, Truit and Ford tellers.

Mr. Williamson nominated Mr. Jas. H. Raymond; Mr. Smith nominated Mr. W. D. Miller; Mr. Armstrong nominated Mr. Joseph Waples.

The House then proceeded to the election. Mr. Raymond received fifteen votes; Mr. Miller received nine votes; Mr. Waples received eight votes.

There being no election, the House proceeded to a second ballot. Mr. Raymond received twenty votes; Mr. Miller received seven votes; Mr. Waples received five votes.

Mr. Raymond having received a majority of all the votes, was declared duly elected Chief Clerk of the House of Representatives.

On motion of Mr. Williamson, the House proceeded to the election of an Assistant Clerk.

Mr. Williamson nominated Mr. John M. Swisher. There

being no other nomination, Mr. Swisher was declared duly elected by acclamation.

On motion of Mr. Henderson, the House proceeded to the election of Engrossing Clerk

Mr. Henderson nominated Mr. Benj. F. Hill; Mr. Wallace nominated Mr. Jno. W. Mann; Mr. Lewis, of Montgomery, nominated Mr. Edward Banton; Mr. McFarlane nominated Mr. C. B. Snow.

The members having voted, the result was as follows:—Mr. Hill received eighteen votes; Mr. Mann received six votes; Mr. Banton received five votes; Mr. Snow received two votes.

Mr. Hill having received a majority of all the votes, was declared duly elected Engrossing Clerk.

On motion of Mr. Williamson, the House went into an election for Enrolling Clerk.

Mr. Williamson nominated Mr. Jas. M. Long; Mr. Scurry nominated Mr. M. H. Chevallie; Mr. Truit nominated Mr. U. F. Case; whereupon, the ballot was taken. Mr. Chevallie received twenty votes; Mr. Long received eight votes; Mr. Case received four votes.

Mr. Chevallie having received a majority of all the votes, was declared duly elected Enrolling Clerk.

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

Mr. Henderson nominated Mr. J. W. Stoddard; Mr. Armstrong nominated Mr. J. M. Alexander; Mr. Smith nominated Mr. N. Halbert.

The ballot being taken, the result was as follows:—Mr. Stoddard received thirteen votes; Mr. Alexander received fifteen votes; Mr. Halbert received five votes. Neither candidate having received a majority of all the votes, the House proceeded to a second ballot, when Mr. Stoddard received twelve votes; Mr. Alexander received seventeen votes; Mr. Halbert received two votes.

Mr. Alexander having received a majority of all the votes, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Erath, the House proceeded to the election of a Door-Keeper.

Mr. Erath nominated Mr. Francis Hughes; Mr. Lewis, of Montgomery, nominated Mr. Mangrum; Mr. Johnson nomi-

nated Mr. Wm. Cockburn; Mr. Wallace nominated Mr. O'Neal

The ballot being taken, the result was as follows: Mr. Hughes received nineteen votes; Mr. Mangum received three votes; Mr. Cockburn received six votes; Mr. O'Neal received three votes.

Mr. Hughes having received a majority of all the votes, was declared duly elected Door-Keeper.

The officers elect came forward, and were sworn by the Speaker, to a faithful performance of their respective duties.

On motion of Mr. Parker, a committee of three was appointed to wait upon the Senate, and inform that body that the House of Representatives, of the ninth Congress, was organized, and ready to proceed to business.

Messrs. Parker, Sutherland and Henderson were appointed committee.

A committee from the Senate, announced that the Senate had organized, and were ready to proceed to business.

On motion of Mr. Scurry, a committee was appointed to act in conjunction with a similar committee on the part of the Senate, to wait upon His Excellency, the President, and inform him that the two Houses of Congress had organized, and were ready to receive any communications he might have to make.

Messrs. Scurry, Johns and Perkins were appointed said committee; and, on motion of Mr. Williamson, the Chief Clerk was despatched to inform the Senate of the same.

The committee appointed to inform the Senate of the organization of the House, reported duty performed.

The committee appointed to act in conjunction with a committee on the part of the Senate, to wait upon His Excellency, the President, returned, and reported that the President would deliver, in person, a message to the two Houses of Congress, at 11 o'clock to-morrow morning.

Mr. Henderson moved to adopt the standing rules of the House of Representatives of the eighth Congress for the government of the present session.

Mr. Parker moved to amend by adding, "and that Jefferson's manual be adopted in all cases where the rules are silent;" accepted by Mr. Henderson, and motion carried.

On motion of Mr. Henderson, the Speaker was requested to appoint the usual standing committees.

On motion of Mr. Parker, the House adjourned until tomorrow, at half past 10 o'clock, A. M.

WEDNESDAY, Dec. 4, 10 o'clock, A. M.

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

Messrs. Speaker, Armstrong, Cunningham, Dann, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Lewis, McFarlane, Mabry, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace, Williams, and Williamson.

A quorum present.

The journals of the two preceding days were read and adopted.

On motion of Mr. Sadler, a committee was appointed, consisting of Messrs. Sadler, McFarlane and Williams, to wait upon the Senate, and invite that body to seats within the bar of the House to receive the message of the President at 11 o'clock this day.

The committee returned, and reported performance of duty.

On motion of Mr. Parker, that portion of the third rule of the standing rules of the House, requiring the Speaker to rise when a motion is put to the House, was suspended.

Mr. Henderson moved that the chief clerk of the House have a sufficient quantity of Ayes and Noes printed for the session.

Mr. Erath moved to amend, by appointing a select committee on printing to contract for the same; amendment accepted and motion lost.

A message was received from the Senate, informing the House that they had accepted the invitation to seats within the bar.

Also, the following communication from the Senate was read, viz:

SENATE CHAMBER, }
Washington, Dec. 3d, 1844. }

*To the Honorable the Speaker of the
House of Representatives :*

Sir—Under the instructions of the Senate, I have the honor herewith to transmit to your honorable body a list of the officers of the Senate, elected at its present session.

Hon. John A. Greer, President of the Senate pro tem.

Henry J. Jewett, Secretary.

Alfred W. Lockett, Assistant Secretary.

H. W. Raglin, Engrossing and Enrolling Clerk.

S. W. Pipkin, Sergeant-at-Arms.

James Neely, Door-Keeper.

Very respectfully,

HENRY J. JEWETT,

Secretary of the Senate.

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

The annual message of His Excellency the President was read by the chief clerk of the House of Representatives, as follows:

EXECUTIVE DEPARTMENT, }
Washington, December 7th, 1844. }

Gentlemen of the Senate and House of Representatives :

In meeting again, and for the last time during my official term, now about to close, the assembled representatives of the people of Texas, in their annual session, I avail myself of the occasion to congratulate them upon the condition of the country, in its foreign and domestic relations, and to join with them in unaffected thanks to a propitious Providence for the numerous favors which have been vouchsafed to us as a people. We have many reasons to feel grateful to that omnipotent arm which has been so constantly stretched out to supply our wants and sustain us in every trial, alike in peace and war.

As my services as Chief Magistrate must now so soon come to an end, it will only be necessary for me to lay before the Honorable Congress a succinct view of the principal transac-

tions of the Government within the last year, and to make such suggestions as may naturally arise out of the facts submitted—leaving to my successor the further duty of proposing for legislative consideration, such subjects as may seem to him proper for the security and welfare of the nation.

Since your last adjournment, our relations have been extended upon the continent of Europe, by the negotiation of treaties of amity, navigation and commerce with some of the German States, with which a respectable trade, convenient and profitable, has already sprung up.

The Governments of Great Britain and France, still maintain towards us those sentiments of friendship and good feeling, which have ever marked their intercourse with us, and which it should continue to be our studious care, by every proper manifestation on our part, to strengthen and reciprocate. There is no ground to suspect that the late agitation of international questions between this Republic and that of the United States, has, in any degree, abated their desire for our continued prosperity and independence, or caused them to relax their good offices to bring about the speedy and honorable adjustment of our difficulties with Mexico. That they should evince anxiety for our separate existence, and permanent independence as a nation, is not only natural, but entirely commendable. They will never require of us, I am fully assured, any sacrifice of honor or interest; and if they did, we should be quite free, as I am certain we should be ready, to refuse it. They are too well acquainted with the history of our origin and progress to suppose, for an instant, that we would under any circumstances, surrender one jot or tittle of that liberty and right to self government which we achieved in the sanguinary conflicts of revolution, or give up a single privilege secured to us by our laws and constitution. They will not ask it—they do not expect it—we would not yield it.

Our relations with the United States remain in the same condition as at the time of my last annual communication. We are still without any treaty stipulations between the two countries. Within the two last years, all attempts at their establishment have been negatived by the ratifying power of that government. That any effort for the same purpose will meet with better success, for some time to come, I am wholly unable to determine.

In all but the name, we still continue at peace with Mexico. Since the autumn of 1842, no incursion has been made within our borders. The moral effect of public opinion throughout the enlightened world, if not the decided intervention of powers mutually friendly, seems to have arrested that course of conduct heretofore practised against us, on the part of our enemy, and so plainly subversive of every rule of honorable warfare.

Those of our citizens, who surrendered to the officers of Mexico, under pledges of the treatment usually accorded to prisoners of war, have all been released from the captivity in which they were so perfidiously retained, and permitted to return home, with the exception of Mr. José Antonio Navarro, one of the ill-fated number composing the Santa Fé expedition, who alone remains to bear the vengeance of a government which seems to delight in inflicting upon a helpless individual those wrongs and cruelties which would degrade the head of any other nation to a level with the rudest savage.

The laws of the last Congress touching our prisoners in Mexico, were carried out as fully and as speedily as circumstances would permit.

The commission sent out by this government to confer with a similar commission on the part of Mexico, in regard to the establishment of an armistice between the two countries, concluded their labors in the month of February last. Under the instructions by which they were governed, it became necessary for the Executive to approve or reject their proceedings. As soon as they were submitted, he did not hesitate, for reasons palpably manifest, to adopt the latter course.

The subsequent manifesto of the Mexican Government, in relation to this subject, disregarding as it did every ordinary courtesy, even between belligerents, and descending into the vilest and most unmerited abuse of the people of Texas, forced upon the President the necessity of a response. He accordingly replied in such terms as he believed the occasion required at his hands.

Our Indian affairs are in as good condition as the most sanguine could reasonably have anticipated. When it is remembered that a great while necessarily elapsed before the various tribes, all of whom were in a state of the most bitter

hostility, could be reached through the agents of the Government, and that they are now, taken as different communities, completely pacified and in regular friendly intercourse with our trading establishments, in the judgment of the unprejudiced and impartial, the policy which would inculcate and maintain peace, and thereby save the frontiers from savage depredations and butcheries, will be viewed as satisfactorily demonstrated. It is not denied, that there are among the Indians, as among our own people, individuals who will disregard all law and commit excesses of the most flagrant character; but it is unjust to attribute to a tribe or body of men disposed to obey the laws, what is properly chargeable to a few renegades and desperadoes. Other governments of far superior resources for imposing restraints upon the wild men of the forests and prairies, have not been exempt from the infraction of treaties and the occasional commission of acts of rapine and blood. We must therefore expect to suffer in a greater or less degree from the same causes. But even this, in the opinion of the Executive, does not furnish overruling testimony against the policy which he has constantly recommended, and which he has had the happiness to see so fully and so satisfactorily tested.

The appropriation made by the last Congress, for the service of the Indian department for the present year, has been found insufficient to meet the necessary expenditures. An additional sum is therefore respectfully asked to cover outstanding liabilities necessarily incurred—amounting altogether to not more than four thousand dollars.

It will appear from the report of the Secretary of the Treasury, that the finances of the country are in the most healthy and prosperous condition. It is believed the receipts from the various sources of revenue will at least equal the expenditures—and perhaps leave a small surplus in the Treasury. The Executive has no hesitation in declaring that this would have been the case to a comparatively large amount, if the recommendations he has so frequently made in relation to the more prompt and certain collection of the revenues, had been responded to by the Hon Congress, by the enactment of the legal provisions deemed absolutely indispensable for this object. It is plainly unjust that the law-abiding citizen and faithful officer, should be charged with the burthens

of government, and the dishonest and unpatriotic be permitted by the defects of our statutes, to be relieved from the contribution of their fair proportion. Had the necessary laws been passed, as recommended, we should have received from customs, upon our eastern boundary, as is estimated, some seventy-five thousand dollars more, annually, than have been collected; making, within the last three years, the sum of two hundred and twenty-five thousand dollars, which has been totally lost, and which at this time, would enable us to be in a far better state of preparation for the contingencies to which every nation is liable, and for undertaking the various improvements which our situation, as a rising people, makes obligatory upon us.

It is only necessary to mention, in order to show the striking propriety of adequate amendments to our revenue laws, that the defalcations which have already occurred in the collection of the direct tax alone amount to more than fifty-two thousand dollars; and the defalcations of the late collectors of import duties at the two ports of Galveston and San Augustine, reach nearly thirty thousand dollars. It is obvious, therefore, that the laws must be so improved, by the action of the legislature, as to secure the more certain and prompt collection and transmission of the public moneys. Otherwise, no safe calculation can be made as to the means annually appropriated for the support of government.

The total amount of expenditures for all purposes during the present administration, up to the first of November last, excluding fifty thousand eight hundred and seventy-three dollars and eighty-two cents, incurred during the administration of my predecessor and paid by this; is four hundred and sixty thousand two hundred and nine dollars and eighteen cents. The receipts for the same period are estimated at four hundred and sixty-six thousand one hundred and fifty-eight dollars and nine cents—leaving a balance of five thousand nine hundred and forty-eight dollars and ninety-one cents, after carrying on the Government for the last three years. It should be mentioned, also, that the estimate of expenditures, dates back to the first of December, 1841, and that of receipts to the first of February, 1842, at which time Exchequer bills began to be received for revenue—a space of two months, during which the expenses of Govern-

ment were being incurred without the receipt of a dollar to meet them.

It appears from the several enactments on the subject, that the amount appropriated for sustaining the post office establishment during the administration of my predecessor, was two hundred and fifty-two thousand nine hundred and seventy dollars; and that the like appropriations during the last three years, for the same purpose, amount to but about twenty-nine thousand. Notwithstanding, however, this great difference in the means afforded for the support of this important branch of the public service, it is believed that, by the exercise of proper economy, the mails have been regularly transported upon all the routes prescribed by law, so as to give the greatest benefits possible under the means which could be applied.

This statement, it is believed, will best explain the conduct of the administration in the management of its finances; and perhaps satisfy the people of the Republic, that all within its power has been done to economise the means which they had contributed for the support of our institutions. Much hardship has been encountered, and sometimes extreme perplexity endured, by all the public officers, from the fluctuations to which the currency has been subjected. But they have the satisfaction to know, that although they have frequently received less than one half the compensation assigned them by law, for their services, they have materially assisted in sustaining their country in the time of difficulty and need.

During the past summer, dissensions of a most unfortunate character, arising from private and personal causes, and leading to the most deplorable excesses against life and property, existed in the county of Shelby and extended in some degree to the surrounding districts. The necessity for the prompt intervention of the Government, to arrest this state of things, became imperative; and, accordingly, the Executive proceeded in person to a convenient point near the scene of difficulties, and ordered out a military force deemed sufficient for the effectual attainment of the object in view. He is happy to say that the citizen soldiery obeyed the call upon their patriotic services with the utmost alacrity; by which

the reign of order and the supremacy of the laws were speedily re-established.

It was deemed prudent, in order to secure the maintenance of these blessings, and to give due protection to the civil authorities in the administration of justice, to station a company of men in the county of Shelby. For this purpose a corps of volunteers were enrolled, and continued in service as long as the Government thought it advisable for the preservation of peace.

The Executive does not doubt that the Honorable Congress will readily perceive the necessity which existed for the exertion of the strength of the Government for the suppression of the disorders alluded to; and that they will as readily make provision for the payment of the expenses incurred in doing so.

It appears that the force authorized to be kept in service for the protection of the south-western frontier has not been adequate to afford the security anticipated. The Government, being desirous to extend every facility in its power for the better security of that border, authorized the raising of a company, in addition to that already in the field. The expenses thus incurred are small; and it is hoped that the necessary means will be provided for their payment.

Reports from the several Departments and Bureaus of Government are herewith respectfully submitted; and the attention of the Honorable Congress invited to their contents.

I have now only to add the hope, that your deliberations may be characterized by that wisdom and harmony so essential to the attainment of those great ends for which you are here assembled; with my fervent desire that all your labors may, under the guidance of Heaven, give additional force and energy to all those principles of private and public virtue so indispensable to the stability, prosperity, and success of the Government and people of the Republic.

SAM HOUSTON.

The Senate having retired.

Mr. Robinson moved to have 2,000 copies of the President's message, and 500 copies of the accompanying documents printed.—Lost.

Mr. Parker moved to have 1,000 copies of the message,

and one hundred and fifty copies of the accompanying documents printed.

Mr. Henderson moved to amend, by inserting 1,500 copies of the message, and 500 copies of the accompanying documents—Amendments accepted, and the motion carried.

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

THURSDAY, Dec. 5, 10 o'clock, A. M.

House met pursuant to adjournment; the roll being called, the following members answered to their names, to wit:—Messrs. Speaker, Armstrong, Cooke of Robertson, Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of Gonzales, Lewis, McFarlane, Mabry, Menefee, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of Jasper, Wallace, Williams, Williamson—a quorum present—journals of the preceding day read and adopted.

The Speaker announced the following standing committees for the present session, to wit:

Committee on Judiciary.—Messrs. Robinson, Wallace, Scurry, Henderson and Cunningham.

Committee on Public Printing.—Messrs. Perkins, McFarlane, Jones of Gonzales, Sadler and Armstrong.

Committee on the State of the Republic.—Messrs. Henderson, Cooke of Bexar, Sutherland, Johns and Scott.

Committee on Claims and Accounts.—Messrs. Mabry, Bourland, Parker, Armstrong and Dunn.

Committee on Foreign Relations.—Messrs. Williams, Robinson, Scurry, Henderson and Ford.

Committee on Enrolled Bills.—Messrs. Wallace, Perkins, Bourland, Ogden and Mabry.

Committee on Public Lands.—Messrs. Sutherland, Erath, Smyth of Jasper, McFarlane and Gage.

Committee on Contingent Expenses.—Messrs. Parker, Hardin, Means, Millican and Johnson.

Committee on Finance.—Messrs. Smyth of Jasper, Johns, Sadler, Jones of San Patricio, and Dunn.

Committee on Post Offices and Post Roads.—Messrs. Bourland, Menefee, Lewis, Armstrong and Erath.

Committee on Internal Improvements.—Messrs. Moffett, Cooke of Robertson, Gage, Means and Millican.

Committee on Privileges and Elections.—Messrs. Jones of Gonzales, Jones of San Patricio, Cooke of Robertson, Ogden and Williams.

Committee on Naval Affairs.—Messrs. McLeod, Smith of Fannin, Sadler, Henderson and Scott.

Committee on Indian Affairs.—Messrs. Menefee, Scurry, Mabry, Parker and Ford.

Committee on Education.—Messrs. Scurry, Ford, Robinson, Ogden and McFarlane.

Committee on Military Affairs.—Messrs. Cooke of Bexar, Williams, Wallace, Lewis and Cunningham.

Committee on County Boundaries.—Messrs. Scott, Moffett, Bourland, Smith of Fannin, and Truit.

Committee on Engrossed Bills.—Messrs. Cunningham, Robinson, Cazneau, Jones of Gonzales, and McFarlane.

Committee on Retrenchment.—Messrs. Ford, Truit, Means, Gage and Perkins.

Mr. Robinson presented the petition of Calvin Sumrall, which was referred to the Committee on Public Lands.

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

Mr. Williamson offered the following resolution, to wit:—

Resolved, That a committee of five be appointed, on the part of this House, to make the necessary preparations for the inauguration of the President and Vice President elect; and that the Chief Clerk of the House inform the Senate of the appointment of the said committee, and request the appointment of a like committee on the part of the Senate, to act in conjunction with the same. Resolution adopted—and the following committee appointed, to wit: Messrs. Williamson, Mabry, Perkins, Scurry and Wallace.

A message from His Excellency, the President, was received through his Private Secretary, Mr. W. D. Miller.

On motion of Mr. Henderson, a committee of two was appointed, consisting of Messrs. Henderson and Smyth, to in-

form the Senate that the House was ready to count the votes given for President and Vice President.

The committee returned, and reported duty performed.

Mr. Robinson, by leave, introduced a bill making an appropriation for the contingent expenses of the ninth Congress. Read first time.

On motion of Mr. Williamson, the message of His Excellency, the President, was taken up and read, as follows :

EXECUTIVE DEPARTMENT, }
Washington, December 5th, 1844. }

*To the Honorable the Senate,
and House of Representatives :*

I have the honor to make known to the Honorable Congress, that during their recess, the Judgeships in the first and sixth Judicial Districts became vacant by the death of their respective incumbents, and that the same were filled by Executive appointment.

SAM HOUSTON.

Which, on motion of Mr. Williamson, was laid on the table.

A message was received from the Senate, informing the House that the Senate would be ready to count the votes given for President and Vice President, this evening at half past three o'clock.

Mr. Williamson, by leave, introduced a bill, amendatory of the several acts relative to fraudulent land certificates: read first time.

Mr. Lewis, of Montgomery, by leave, introduced a bill exempting ministers of the gospel from serving as jurors, and for other purposes: read first time.

On motion of Mr. Williamson, a bill making an appropriation for the contingent expenses of the ninth Congress, was taken up, rule suspended, read a second time; and on motion of Mr. Scurry, the rule was further suspended, bill read third time and passed.

On motion of Mr. Robinson, Messrs. Wm. L. Cazneau, of Travis county, and Wm. G. Cooke, of Bexar county, came forward, presented their credentials, took the oath of office and their seats.

On motion of Mr. Erath, the House adjourned until three o'clock, P. M.

3 o'clock, P. M.

House met; roll called; quorum present; the House proceeded to business.

On motion of Mr. Robinson, the following gentlemen came forward, presented their credentials, took the oath of office and their seats, to wit.—Messrs. Wm. H. Bourland, of Lamar county, William Means, of Sabine county, and S. L. Jones, of San Patricio county.

A message was received from the Senate, informing the House that a committee of three had been appointed on the part of the Senate, to act in conjunction with a committee on the part of the House of Representatives, to contract for the contingent printing of both Houses of Congress.

On motion of Mr. Williamson, the Committee on Public Printing were instructed to act on the part of the House of Representatives, to contract for the contingent printing of both Houses of Congress.

In pursuance of an invitation from the House of Representatives, the Senate appeared, headed by their President *pro tem.*, who was invited to a seat by the Speaker of the House of Representatives, and the Senators, to seats prepared for them.

The Speaker of the House of Representatives then proceeded to count the votes for President and Vice President, whereupon, it appears that for President, Anson Jones received six thousand four hundred and forty-three votes, and Edward Burleson received five thousand and fifty-four votes—scattering, 38 votes. For Vice President, Kenneth L. Anderson received eight thousand eight hundred and sixty-four votes—scattering, three hundred and eighty-two votes.

Of the votes informally returned for President, Anson Jones received five hundred and fifty votes, and Edward Burleson received six hundred and forty votes—scattering, nine votes. For Vice President, Kenneth L. Anderson received one thousand and eighty-seven votes—scattering, nine votes.

Anson Jones having received the greatest number of votes for President, was declared by the Speaker, duly and constitutionally elected President of the Republic, for the next ensuing three years.

Kenneth L. Anderson having received the greatest number of votes for Vice President, was declared by the Speaker, duly and constitutionally elected Vice President of the Republic, for the next ensuing three years.

The Senate having retired.

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

FRIDAY, Dec. 6, 10 o'clock, A. M.

House met pursuant to adjournment; the roll being called, the following members answered to their names, to wit:— Messrs. Speaker, Armstrong, Bourland, Cooke of B., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of San Patricio, Lewis, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace, Williams and Williamson. A quorum present—Journals of the preceding day read and adopted.

On motion of Mr. Scurry, Mr. Thomas F. Smith, the member elect from Fannin County, came forward, presented his credentials, took the oath of office and his seat.

Mr. Sutherland presented the petition of Lucy Davis, which was referred to the committee on Claims and Accounts.

Mr. Sutherland, by leave, introduced a bill more perfectly defining the boundaries of the county of Jackson; read first time.

Mr. Henderson, by leave, introduced a bill to authorize the introduction of copies of recorded writings in evidence: read first time.

Mr. Henderson offered the following resolution, to wit:—
Resolved, That the House now proceed to the election of a Reporter and Chaplain for the House of Representatives, for the present session of Congress.

Mr. Parker moved to strike out "Reporter"—motion carried, and resolution adopted.

Nominations for Chaplain being in order—

Mr. Scurry nominated the Rev. R. B. Wells: Mr. Williams nominated the Rev. John Haynie: Mr. Williamson nominated the Rev. Joseph Snead.

The ballot being taken, the result was as follows: for the Rev. Mr. Wells, ten votes: for the Rev. Mr. Haynie, twenty votes: for the Rev. Mr. Snead, three votes.

Mr. Haynie having received a majority of all the votes, was declared duly elected Chaplain of the House of Representatives.

On motion of Mr. Williamson, the Chief Clerk of the House of Representatives was instructed to wait upon the Rev. Mr. Haynie, and inform him of his election, and request him to enter upon the discharge of his duties at the next meeting of the House.

Mr. Scott, by leave, introduced a bill for the benefit of jurors: read first time.

On motion of Mr. Parker, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled, an act amendatory of the several acts relative to fraudulent land certificates: read a second time.

Mr. Scott offered the following amendment, to wit: Provided, that nothing in this act shall be so construed, as to effect the rights of persons who have acquired rights by file or survey, on lands forfeited by the expiration of the act to which this is an amendment. Which amendment, together with the bill was, on motion of Mr. Henderson, referred to the Committee on the Judiciary.

A bill to be entitled, an act exempting ministers of the gospel from serving as jurors, and for other purposes, read second time.

Mr. Erath offered the following amendment, to wit,

"Sec. 2. *Be it further enacted* That one saddle-horse and one watch, in actual use by any regular ordained minister of the gospel, shall be exempt from direct taxation." Amendment adopted.

Mr. Erath moved the engrossment of the bill.

Mr. Henderson moved its reference to the Committee on the State of the Republic: lost.

The question was then taken on the engrossment of the bill: carried.

On motion of Mr. Robinson, a committee was appointed, consisting of Messrs. Robinson, Ford and Wallace, to act in conjunction with a like committee on the part of the Senate, to wait upon the Hon. Anson Jones, and the Hon. Kenneth L. Anderson, and inform them that a majority of the Senate and House of Representatives having scrutinized the votes, have declared them constitutionally elected President and Vice President for the next ensuing three years: and that they would be ready for their instalation into office on Monday next at 11 o'clock, A. M.

A message from the Senate was received, informing the House that a committee had been appointed on the part of the Senate, to act in conjunction with the committee appointed on the part of the House, for the purpose of making arrangements for the inauguration of the President and Vice President elect, of the Republic of Texas.

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

SATURDAY, Dec. 7, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:—Messrs. Speaker, Bourland, Cooke of Robertson, Cunningham, Dunn, Erath, Ford, Gage, Hardin, Johns, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, Mabry, Means, Menefee, Millican, Moffett, Perkins, Robinson, Sadler, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace, Williams, and Williamson; a quorum present; journals of the preceding day read and adopted.

Mr. Henderson presented the petition of Messrs. Andrew B. Gray and Hamilton P. Bee, which was referred to the Committee on Claims and Accounts.

Mr. Bourland, by leave, introduced a bill for the relief of Jonathan Bird, read first time; and, on motion of Mr. Bourland, the rule was suspended, bill read a second time, and referred to the Committee on Claims and Accounts.

Mr. Gage offered the following resolution, to wit:

Resolved, by the House of Representatives, That the Head of the General Post Office Department be required to transmit to this House, copies of certain documents, to wit: two petitions, the first of which was received in the General Post Office on the 22d June last, praying the establishment of a Post Office at the residence of William Wooten, in Rusk county: the second bearing date the 13th July thereafter, asking the same favor. Also a bond, made by Mr. Vernoy, in Rusk county, for the faithful performance of his duty as Post Master. Also, the date that said bond was received in the General Post Office, which was read a first time and laid on the table one day, for further consideration.

Mr. Gage, by leave, introduced a bill, to alter and permanently establish the eastern boundary of Rusk county, and for other purposes: read first time.

Mr. Scott by leave, introduced a bill for the incorporation of the town of Marshall, in the county of Harrison: read first time.

Mr. Sadler, by leave introduced a bill to regulate public mills and millers; read a first time.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the bill, amendatory of the several acts relative the fraudulent land certificates, reported the same back to the House, with amendments, and recommended their adoption, and the passage of the bill.

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

The committee on Engrossed Bills made the following report, to wit,

HOUSE OF REPRESENTATIVES, }
Dec. 7th, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The Committee on Engrossed Bills, have examined a bill to be entitled, an act exempting ministers of the gospel from serving as jurors, and for other purposes, and find the same correctly engrossed.

A. S. CUNNINGHAM, Chairman.

The business on the Speaker's table was disposed of as follows, to wit:

A bill to be entitled, an act exempting ministers of the gospel from serving as jurors, and for other purposes, was read a third time and passed.

A bill for the relief of jurors was read a second time; and on motion of Mr. Erath, referred to the Committee on the State of the Republic.

A bill to authorize the introduction of copies of recorded writing in evidence, was read a second time; and on motion of Mr. Henderson, referred to the Committee on Judiciary.

A bill more perfectly defining the boundaries of the county of Jackson, was read a second time; and on motion of Mr. Parker, referred to the Committee on County Boundaries.

The bill amendatory of the several acts relative to fraudulent land certificates, on its second reading, with amendments from the Committee on the Judiciary was, on motion of Mr. Robinson, laid on the table.

Mr. Cazneau offered the following resolution, to wit:

Resolved, That the Committee on Printing be required to contract for the printing of a sufficient number of blank Ayes and Noes for the use of the House, for the present session—adopted.

Mr. Perkins offered the following resolution, to wit:

Resolved, That the committee on Printing be required to withdraw from the possession of the Printer, the report of the Commissioner of the General Land Office, and that the said report be referred to a select committee for examination, and said committee be instructed to report what portions of said report should be printed—adopted.

Messrs. Perkins, Scurry and Henderson were appointed the select committee.

Mr. Armstrong moved to reconsider the vote just taken—lost.

On motion of Mr. Parker, a call of the House was made.—There being a full House, a further call was suspended.

Mr. Smith, of Fannin, moved to adjourn until Monday morning at 10 o'clock—lost.

Mr. Smith, of Fannin, moved to adjourn until Monday 11 o'clock. Mr. Williamson moved to amend, by inserting 10 o'clock. Amendment accepted, and motion lost.

Mr. Parker moved to adjourn until Monday morning 10 o'clock—lost.

On motion of Mr. Menefee, Mr. Smyth, of Jasper, was ad-

ded to the select committee, to examine the report of the Commissioner of the General Land Office.

On motion of Mr. Perkins, Mr. Menefee was added to the same committee. By request, Mr. Henderson was excused from acting on said committee. On motion of Mr. Scurry, Mr. Ford was substituted.

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

MONDAY, Dec. 9, 10 o'clock A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Cooke, of Bexar, Cunningham, Dunn, Erath, Ford, Gage, Hardin, Johns, Johnson, Jones of Gonzales, Jones of San Patricio, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Perkins, Sadler, Scott, Sutherland, Smyth of Jasper, Truit, Wallace, Williams and Williamson. A quorum present—Journals of the preceding day read and adopted.

On motion of Mr. Williamson, the House retired to the spot prepared by the committee of arrangements, for the inauguration of the President and Vice President.

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

A quorum of both Houses present.

The committee appointed to wait upon the President and Vice President elect, and inform them of their election, conducted the Hon. Anson Jones and the Honorable Kenneth L. Anderson to the stand.

His Excellency, Sam Houston, President of the Republic, appeared, and was conducted to a seat on the stand, and his Cabinet invited to seats prepared for them.

Prayer by the Chaplain.

His Excellency, Sam Houston, then arose and delivered his valedictory address.

The Hon. Anson Jones, President elect, arose, took the oath prescribed by the Constitution, and delivered the following

INAUGURAL ADDRESS:

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

Called by the suffrages of my fellow-citizens, to discharge the duties of Chief Magistrate of the nation, I now appear before you, responsive to their call, and in obedience to the requirements of the Constitution, for the purpose of assuming the responsibilities their choice has devolved upon me. It is proper on this occasion, that I should express to you, as the immediate representatives of a common constituency, the deep and grateful sense which I entertain, of the distinguished honor which has been conferred upon me, and at the same time, declare to you and to them, the strong determination which I shall carry with me to discharge the executive functions with faithfulness and zeal; and, so far as I may be able, in such a manner as I sincerely hope, will best sustain and promote the general welfare and the common good of the Republic.

The occasion which has now called us together, is one of deep and absorbing interest to myself, as I doubt not it is so to you, the constitutional representatives of a free, sovereign and confiding people.

For my own part, I wish not to disguise the fact, that I approach the discharge of the duties which the partialities of my countrymen have assigned me, as President of this Republic, with a profound sense of the importance of the trust, which by a partial acquaintance with the embarrassing duties of the office, and a sincere distrust of my own abilities, are not, in any respect, calculated to relieve.

When I turn my eye upon the distinguished individual who has this day, for the second time, vacated the Presidential chair, under the peremptory requirements of the constitution—the man whom the people of this country have long delighted to honor with their confidence and esteem—when I recur to the decided feeling of approbation with which my other distinguished predecessor entered upon his official duties,

and recollect the difficulties and embarrassments with which they were at all times surrounded, and with which they had to contend, and then look for a few weeks, and find myself preferred, by a majority of the electors, to an individual enjoying in an eminent degree, the confidence of his fellow-citizens, I am indeed admonished of the magnitude of the high undertaking I have this day assumed, and to regard the success likely to attend my efforts, with unfeigned distrust and apprehension. I can only throw myself freely and frankly upon the co-ordinate branches of the government, for that aid and support which I have no doubt, will be promptly accorded to such measures as are best calculated to promote the general welfare of our constituents, sustain the honor and dignity of the country, in the elevated attitude it now maintains, and protect the rights and interests of the citizen, to the remotest extension of our territorial limits.

I congratulate myself, therefore, upon being thus early surrounded by the representatives of the people, assembled in general congress, from whose wisdom and patriotism, I may derive those aids which will be indispensable to a successful commencement on my part, of the administration of the government.

It belongs not to the present occasion to discuss the various subjects connected with the present or future policy of the country. Other occasions will occur for the appropriate performance of that duty. It is however due to that frankness which I intend shall ever attach to my conduct of the executive functions, to state briefly in advance, the objects which I conceive of importance to the welfare of the country, respectfully to ask your attention to the same, and your legislative aid, so far as they meet your approbation, in carrying them into effect.

Premising that I shall hold it my especial duty to preserve the Constitution sacred and inviolate, I deem of scarcely less importance a rigid and impartial execution of the laws, civil and criminal; giving consequent security to persons and to property, and a strict accountability in all the officers of the government; thus securing, to the greatest extent, the public interests. The other objects to which I have alluded, are the following:

The maintenance of the public credit and the preservation

of the national faith, both as it regards individuals and nations.

A reduction of the expenses of the government to as small an amount as is consistent with the efficient administration of its different departments.

The entire abolishment of paper money issues by government, corporations or individuals, and the consequent introduction of an exclusive hard money currency.

A tariff sufficient to provide with certainty for the current expenses of the government, and for leaving a convenient amount of surplus in the Treasury at all times to meet any unexpected emergency, with incidental protection and encouragement to our agricultural and manufacturing interests.

The establishment of a system of common schools and institutions, for the moral and religious culture of the rising generations.

The attainment of a speedy peace with Mexico, and the encouragement of a desirable immigration to the country, and the introduction of capital to develop its vast resources.

Friendly and just relations with our red brethren, a course not only according with the dictates of humanity, but the principles of acknowledged sound policy, as affording the least expensive protection and greatest safety to our extended frontier.

The introduction of a Penitentiary system into the criminal jurisprudence of the country.

Encouragement to Internal Improvements, such as the construction of bridges, the improvement of roads, and the navigation of our rivers.

An extension of our friendly and commercial relations with foreign powers, and a favorable consideration for our great staple productions, cotton, sugar and tobacco,—exempt however from inconvenient and entangling alliances.

An early settlement of the claims of our citizens to their head-right and bounty lands.

I rely, gentlemen, upon you for the necessary aid and assistance in the promotion of these objects, and all others which may be calculated to promote the general good. A brave, patriotic and struggling people have confided their most important interests to our care and keeping. It will be no less my constant desire than it is my manifest duty, to co-operate

with you in every thing by which the confidence they have reposed in us may be redeemed, our civil institutions more firmly established, and the great cause of representative freedom honored and advanced.

It only remains for me to express my fervent desire, that all your deliberations may tend to the advancement of the peace, prosperity and happiness of Texas, and that Heaven may crown your labors in the cause of your country, with its richest blessings.

ANSON JONES.

The Hon. Kenneth L. Anderson, Vice President elect, arose, took the oath of office, and delivered a very appropriate address.

The ex-President, President, Vice President and the Senate having retired.

On motion of Mr. Parker, the House adjourned until Wednesday 10 o'clock, A. M.

WEDNESDAY, Dec. 11, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names, to wit:—Messrs. Speaker, Armstrong, Bourland, Cooke of Bexar, Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of Gonzales, Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace and Williamson—a quorum present—Journals of Monday were read and adopted.

Mr. Perkins presented the petition of James W. Dallam, which was referred to the committee on the Judiciary.

Mr. Sutherland presented the petition of Hugh S. Stapp, which was referred to the committee on Public Lands.

Mr. Mcffett presented the petition of George W. Morris, which was referred to a select committee, consisting of Messrs. Moffett, Williamson and Smyth of Jasper.

On motion of Mr. Williamson, Messrs. Cooke, of Robert-

son and Erath were added to the committee on Indian Affairs.

On motion of Mr. Scurry, Mr. Armstrong was added to the committees on the Judiciary, State of the Republic, and Foreign Relations.

Mr. Cunningham, by leave, introduced a bill, to amend an act to reorganize the District Courts of the fourth Judicial District, passed January 18th, 1844: read first time.

A message was received from the Senate, informing the House of the passage of the following bills, to wit:

Joint resolution making an appropriation for a company of men raised by H. L. Kinney.

A substitute for an act making an appropriation for the contingent expenses of the ninth Congress.

Also a communication marked "private."

On motion of Mr. Scurry, the joint resolution making an appropriation for a company of men raised by H. L. Kinney, was taken up and read a first time.

On motion of Mr. Jones, of San Patricio, the rule was suspended, bill read a second time, and on motion of Mr. Jones, of San Patricio, referred to the committee on Military Affairs.

Mr. Scott, by leave, introduced a bill to legalize the acts of L. H. Dilliard, the acting Chief Justice of Harrison county: read first time.

Mr. Lewis, by leave, introduced a bill to locate the county seat of the county of Austin: read first time.

ORDERS OF THE DAY.

The resolution calling on the Head of the Post Office Department for information, was taken up and adopted.

The substitute for the bill making an appropriation for the contingent expenses of the ninth Congress was taken up, and the substitute of the Senate adopted.

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

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

The bill to alter and permanently establish the eastern

boundary line of Rusk county, and for other purposes, was read a second time.

Mr. Gage moved the engrossment of the bill.

Mr. Parker moved its reference to the committee on county boundaries ; motion carried.

The bill to incorporate the town of Marshall, in Harrison county, was read a second time.

Mr. Williamson moved to refer it to the committee on the Judiciary : motion carried.

The bill to regulate public mills and millers, was taken up and read a second time.

Mr. Gage moved to refer it to the committee on the State of the Republic.

Mr. Henderson moved its reference to the committee on Internal Improvements.

Mr. Parker moved to refer the bill to the committee on Public Printing.

The motion to refer to the committee on the State of the Republic, was put and carried.

On motion of Mr. Robinson, the House went into secret session. The doors being opened,

Mr. Bourland moved to adjourn until 3 o'clock, P. M.: lost.

Mr. Robinson moved to adjourn until to-morrow morning 10 o'clock : lost.

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

THURSDAY, Dec. 12, half past 9 o'clock, A. M.

House met pursuant to adjournment ; prayer by the Chaplain : the roll being called, the following members answered to their names to wit :—Messrs. Speaker, Armstrong, Bourland, Cooke of Bexar, Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, Mabry, Means, Menefee Millican, Moffett, Perkins, Robinson, Sadler, Scott, Sutherland, Smyth of Jasper, Truit, Wallace and Williamson—a quorum present—Journals of the preceding day read and adopted.

Mr. Johns presented the petition of Jas. W. Wauhop, which was referred to the committee on Public Lands.

Mr. Robinson presented the petition of Augustus Burr, which was referred to the committee on Internal Improvements.

Mr. McFarlane presented the petition of H. L. Cook, administrator of the estate of O. A. Cook, which was referred to the committee on Military Affairs.

The committee on the Judiciary, Tod Robinson, chairman, to whom was referred the bill for the incorporation of the town of Marshall, in the county of Harrison, reported the same back to the House with amendments, and recommended the passage thereof; which amendments, together with the bill were laid on the table, to come up among the orders of the day.

The committee on Public Lands, Mr. Sutherland, chairman, to whom was referred the petition of Daniel Parker, reported by resolution. Report received, and joint resolution for the relief of the heirs of Benjamin Parker, read first time.

The committee on the State of the Republic, James W. Henderson, chairman, to whom was referred the bill, to be entitled an act to regulate public mills and millers, reported the same back to the House, and recommended its indefinite postponement: which report, together with the bill, was laid upon the table, to come up among the orders of the day.

The committee on County Boundaries, to whom was referred a bill to be entitled, an act to alter and permanently establish the eastern boundary line of Rusk county, and for other purposes. Also, a bill to be entitled, an act more perfectly defining the boundaries of the county of Jackson, reported the same back to the House, and recommended their passage. The report, together with the bills, were laid upon the table, to come up among the orders of the day.

Mr. Gage offered the following resolution, to wit:

Be it Resolved by the House of Representatives, That the Hon. Secretary of State be required to furnish this body with a list of all the salary officers belonging to the civil list, together therewith, the amount of their respective salaries, and likewise the salaries of the various clerks connected with the dif-

ferent Departments and Bureaus. Laid on the table one day for further consideration.

Mr. Bourland offered the following resolution, to wit:

Resolved, by the House of Representatives, That His Excellency, the President, be requested to transmit to this body, copies of all contracts entered into between this government and individuals, for the purpose of colonizing the public domain of the Republic, since the first day of January, 1844: laid on the table one day, for further consideration.

On motion of Mr. Robinson, Mr. Ford was added to the committee on Finance.

Mr. Robinson offered the following resolution, to wit:

Be it Resolved, That the committee on Finance be instructed to enquire into the policy of the total repeal of all Tariff and Tonnage duties, and that they report thereon by bill or otherwise; and if in their opinion such repeal would be impolitic, that they be further instructed to enquire into the propriety of a reduction of said duties, and report thereon by bill or otherwise: resolution adopted.

Mr. Jones, of Gonzales, offered the following resolution, to wit:

Resolved, That the committee on Retrenchment be instructed to inquire into the propriety and expediency of abolishing the office of Secretary of War and Marine, and transferring the duties to the Secretary of State; also, of abolishing the office of Treasurer, and devolving the duties upon the Secretary of the Treasury: adopted.

Mr. Henderson offered the following resolution, to wit:

Resolved, That the following rule be adopted as one of the standing rules of this House: "That all the business on the Speaker's table shall be read in the order that it was introduced, and that no bill shall be read a second time until all the business shall be disposed of." Laid on the table one day for further consideration.

Mr. Robinson, by leave, introduced a bill to provide for the restoration of land sold for taxes in the county of Brazoria to the original owners; read a first time.

Mr. Sadler, by leave, introduced a bill for the relief of the Sheriff of Houston county; read a first time.

On motion of Mr. Williamson, the credentials of the dis-

ferent members of the House was referred to the committee on Privileges and Elections.

The Speaker, (Mr. Lewis of Montgomery) by leave, introduced a bill for the enumeration of the inhabitants of the Republic; read a first time.

Mr. Moffett, by leave, introduced a bill for the issuing of augmentation certificates; read a first time.

Mr. Johnson, by leave, introduced a bill for the relief of citizens of Goliad county; read a first time.

Mr. Hardin, by leave, introduced a bill to divorce Elizabeth A. Dennissee from Peter Dennissee; read a first time.

Mr. Cunningham, by leave, introduced a bill relating to the practice in the District Courts; read a first time.

Mr. Ogden, by leave, introduced a bill for the relief of the resident citizens of Bexar county; read a first time.

Mr. Scott, by leave, introduced a bill for the relief of Isaac Van Zandt, late Chargé d'Affaires to the United States: read a first time.

The House then proceeded to the

ORDERS OF THE DAY.

The bill to locate the county seat of the county of Austin, was taken up on its second reading, and, on motion of Mr. Lewis, ordered to be engrossed.

The bill to legalize the acts of L. H. Dilliard, the acting Chief Justice of Harrison county, was taken up, read a second time, and, on motion of Mr. Scott, referred to the committee on the Judiciary.

The bill to amend an act to reorganize the District Courts of the fourth judicial district, passed January 18th, 1844, was taken up on its second reading, and, on motion of Mr. Cunningham, referred to the committee on the Judiciary.

The bill for the incorporation of the town of Marshall, in the county of Harrison, with the amendments of the committee on the Judiciary, were taken up.

First amendment, at the latter part of the first section, strike out all after "property" and insert, "provided such real estate is situate within the limits of said corporation".

Second amendment, in fourth line, second section, after "aldermen" strike out "a presiding officer or" and insert

"and"—same line, after "mayor" insert "who shall be ex-officio a Justice of the Peace". In the fourteenth line, same section, strike out "presiding officer's warrant" and insert "mayor or board of aldermen."

In fifth line, third section, after "afterwards," strike out "by the presiding officer," and insert "under the direction of the Mayor." At the end of third section, insert "and in case of the death, or resignation of the Mayor, the Board of Aldermen shall elect one of their own body to act as Mayor, until the next annual election." In the third line, fourth section, after "officers," strike out "of said corporation," and insert "thereof." In the fourth line, same section, after "within," strike out "said corporation," and insert "unless he shall reside in and be a freeholder in the same." Strike out the fifth section, and insert the following, as a substitute:

Be it further enacted, That the Mayor and Board of Aldermen, of said corporation, shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the corporation limits—to levy taxes for the removal of nuisances and keeping the streets in good order, and shall have the further power to prescribe penalties for the violation of such ordinances or bye-laws: Provided, however, that in no case shall such penalty exceed one hundred dollars. Strike out "section six;" which amendments were adopted.

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

The bill to regulate public mills and millers, together with the report of the committee was taken up, and on motion of Mr. Williamson, ordered to lie on the table.

The bill to alter and permanently establish the eastern boundary of Rusk county, and for other purposes, was taken up on its second reading; and on motion of Mr. Gage, ordered to be engrossed.

The bill more perfectly defining the boundaries of the county of Jackson was taken up on its second reading; and on motion of Mr. Sutherland, ordered to be engrossed.

Mr. Henderson, by leave, introduced a bill for the relief of John S. Black, and sundry other citizens of Harris county; read a first time.

On motion of Mr. Williamson, the bill amendatory of the

several acts relative to fraudulent land certificates, together with the report of the Judiciary committee, was taken up, and the following amendments of the committee adopted, to wit: in the sixth line after "supplementary," insert "to an act:" in the twelfth line, after "as," insert "are," and strike out "is". In the 14th line for "1846" insert "1848."

Mr. Williamson moved to engross the bill.

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

Ayes—Messrs. Speaker, Cooke of Robertson, Cunningham, Erath, Hardin, Henderson, Johnson, Jones, of G., Jones of S. P., Lewis, Mabry, Menefee, Millican, Ogden, Perkins, Robinson, Sadler, Sutherland, Wallace and Williamson—20.

Noes—Messrs. Bourland, Cazneau, Cooke of Bexar, Dunn, Ford, Gage, Johns, McFarlane, Moffett, Scott, Scurry, Smyth of J. and Fruit—13.

The bill was ordered to be engrossed.

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

3 o'clock, P. M.

House met; roll called; quorum present; the House proceeded to business.

The committee on the State of the Republic, James W. Henderson chairman, to whom was referred the bill for the benefit of jurors, reported the same back to the House by substitute; which, on motion of Robinson, was taken up and adopted.

Mr. Parker moved the engrossment of the bill.

Mr. Robinson moved to lay it on the table; carried.

Mr. Lewis of Montgomery, presented the petition of John Johnson, which was referred to the committee on Claims and Accounts.

Mr. Bourland offered the following resolution, to wit:

Resolved by the House of Representatives, That the committee on Public Printing be authorized and requested to contract for three hundred copies of the "Texas National Register," to be furnished this body weekly during the present session of Congress; adopted.

Mr. Williamson, by leave, introduced a bill more effectually

ally to organize the several Judicial Districts throughout this Republic; read a first time.

Mr. Henderson offered the following resolution, to wit:

Resolved, That with the concurrence of the Senate, the two Houses of Congress will go into the election of Judges of the first and sixth Judicial Districts on Saturday next, at 11 o'clock; laid on the table one day for further consideration.

Mr. Truit presented the petition of J. A. Young, which was referred to the committee on Claims and Accounts.

The Select committee, Mr. Moffett chairman, to whom was referred the petition of George W. Morris, reported the same back to the House, and that they deem it inexpedient to grant the prayer of the petitioner, and begged to be discharged from the further consideration of the same; report adopted.

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

FRIDAY, Dec. 13, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain: the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Parker, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Wallace, Williams and Williamson—a quorum present—journals of the preceding day read and adopted.

Mr. Henderson presented the petition of Amasa Turner, which was referred to the committee on Military Affairs.

Mr. Bourland presented the petition of Abel Morgan, which was referred to the committee on Public lands.

Mr. Moffett presented the petition of John N. Fall, R. G. Anderson, and Samuel M. Flournoy, which was read, and referred to the committee on Education.

The committee on Military Affairs, William G. Cooke, chairman, to whom was referred the joint resolution making an appropriation for a company of men raised by H. L. Kinney, reported favorable, which report, together with the bill was laid on the table, to come up with the orders of the day.

The committee on Public Lands, Geo. Sutherland, chairman, to whom was referred the petition of Hugh S. Stapp, reported the same back to the House, with a joint resolution granting one-third of a league of land to Hugh S. Stapp—read a first time.

The same committee, to whom was referred the petition of Calvin Sumrall, reported unfavorable; on motion of Mr. Robinson, the report was laid on the table.

The committee on Enrolled Bills made the following report, to wit:

COMMITTEE ROOM, }

December 13th, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined, and found the following bill correctly enrolled, to wit:

An act transferring the unexpended balance of a certain appropriation therein named, which being signed by the Speaker of the House of Representatives, and President of the Senate, was this day presented to His Excellency for his approval.

B. RUSH WALLACE, Chairman.

Which report was adopted.

The select committee, S. W. Perkins, chairman, to whom was referred the report of the Commissioner of the General Land Office, with instructions to report what portion should be printed, reported that so much of said report contained between the word "gentlemen," on the first page, and the words, "the business of the General Land Office, although partially, is not fully resumed," on the fifth page, ought to be omitted; report adopted.

The committee on Engrossed Bills made the following report, to wit:

HOUSE OF REPRESENTATIVES, }
 December 13, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined the following bills, to wit :

A bill to be entitled, an act to alter and permanently establish the eastern boundary line of Rusk county, and for other purposes ; also a bill to be entitled, an act to locate the county seat of the county of Austin ; also, a bill to be entitled, an act to incorporate the town of Marshall, in Harrison county ; also, a bill to be entitled, an act amendatory of the several acts relative to fraudulent land certificates ; also, a bill to be entitled, an act more perfectly defining the boundaries of the county of Jackson, and find the same correctly engrossed.

W. L. CAZNEAU,
 one of the committee.

Mr. Robinson, by leave, introduced a bill for the relief of Calvin Sumrall ; read a first time.

On motion of Mr. Robinson, Mr. Cazneau was added to the committee on Foreign Relations.

On motion of Mr. Cunningham, Mr. Cazneau was added to the committee on Military Affairs.

Mr. Lewis, of Montgomery, by leave, introduced a bill for the appointment of an additional number of Notaries Public for the county of Montgomery : read a first time.

Mr. Erath, by leave, introduced a bill requiring the Auditor to audit all legally authenticated claims against the government ; read a first time.

Mr. Sadler, by leave, introduced a bill for the relief of Henry R. Green ; read a first time.

Mr. Cooke, of Robertson, by leave, introduced a bill for the relief of Capt. Eli Chandler, and the company under his command ; read a first time.

Mr. Scott, by leave, introduced a bill for the purpose of raising a county revenue and for other purposes ; read a first time.

Mr. Ford offered the following resolution, to wit :

Resolved, That a select committee be appointed to enquire

into the charges preferred against the Hon. Thomas Wm. Ward, Commissioner of the General Land Office, by a committee appointed by the House, during the session of the eighth Congress, to examine into the state of the land archives at Austin; adopted.

Messrs. Ford, Johns and Smyth of J., were appointed the committee. On motion of Mr. Ford, Mr. Scurry was added, and on motion of Mr. Cazneau, Mr. Cunningham was added to the said committee.

Mr. Smith of Fannin, by leave, introduced a bill to establish a mail route, and for other purposes; read a first time.

Mr. Smith, of Fannin, moved the suspension of the rule; lost.

Mr. Moffett, by leave, introduced a bill for legitimatizing and changing the name of Mary Jane Dillard; read a first time.

The House proceeded to the

ORDERS OF THE DAY.

A bill amendatory of the several acts relative to fraudulent land certificates, was taken up and read a third time.

Mr. Cazneau moved to lay it on the table.

The Ayes and Noes being called for, stood as follows, to wit:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Ford, Gage, Jones of Gonzales, McFarlane, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Wallace and Williams.—25.

Noes—Messrs. Speaker, Erath, Hardin, Henderson, Johns, Johnson, Jones of San Patricio, Lewis, Millican, Parker, Robinson, Truit and Williamson—13. Motion carried.

The bill to locate the county seat of the county of Austin, was taken up on its third reading.

The Ayes and Noes being called on the passage, stood as follows, to wit:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Gage, Hardin, Henderson, Johns, Johnson, Jones of Gonza-

les, Jones of S. P., Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace, Williams and Williamson—32.

Noes—Messrs. Parker, Sadler and Smith of Fannin—3.
So the bill passed.

A message was received from the Senate, informing the House that the bill exempting ministers of the gospel from serving as jurors, and for other purposes, had passed in the Senate, with amendments.

Also, a communication from His Excellency, the President, transmitted through the Senate.

The bill to incorporate the town of Marshall, in Harrison county, was taken up on its third reading and passed.

The bill more perfectly defining the boundaries of the county of Jackson, was read a third time and passed.

The bill to alter and permanently establish the eastern boundary line of Rusk county and for other purposes, was taken up, read a third time and passed.

The resolution appointing Saturday next, at 11 o'clock, the time to go into the election of Judges for the first and sixth Judicial Districts, was taken up.

Mr. Menefee moved to lay it on the table.

The Ayes and Noes being called, stood as follows, to wit:

Ayes—Messrs. Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Gage, Hardin, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Means, Menefee, Ogden, Perkins, Robinson, Sutherland, Smyth of J., Wallace, Williams, Williamson—26.

Noes—Messrs. Speaker, Armstrong, Ford, Henderson, Johns, Millican, Moffett, Parker, Sadler, Scurry, Smith of F. and Truit—12. Motion carried.

The resolution calling on His Excellency the President for information, was taken up and adopted.

The resolution calling on the honorable Secretary of State for information, was taken up.

Mr. Jones of S. P. moved to strike out "State" and insert "Treasury;" carried. The resolution as amended was then adopted.

The resolution to adopt another standing rule of the House

was taken up, and, on motion of Mr. Robinson, referred to a select committee.

Messrs. Robinson, Henderson and Menefee, were appointed said committee.

The bill exempting ministers of the gospel from serving as jurors, and for other purposes, together with the amendments of the Senate was taken up.

First amendment, by adding, in the 4th line, after the word "gospel," the following: "who continue to exercise the duties of their calling, unless disabled by sickness or otherwise."

Second amendment, by adding after the word "jurors." in the fourth line, "and:" and striking out, after "roads," in the fifth line, "and performing military duty."

Third amendment, by striking out the second section.

Amendments concurred in.

The following communication from His Excellency the President, was read, to wit:

EXECUTIVE DEPARTMENT, }
Washington, December 12th, 1844. }

*To the Honorable the Senate,
and House of Representatives:*

I have the honor to lay before the Congress the resignation of the Hon. Wm. B. Ochiltree, as Judge of the 5th Judicial District; received and accepted on the 10th inst.

ANSON JONES.

The bill more effectually to organize the several Judicial Districts of the Republic, was taken up and read a second time.

Mr. Henderson moved its indefinite postponement,

Mr. Gage moved its reference to the committee on the Judiciary; carried.

The bill relating to the practice in the District Courts, was taken up, and read a second time.

Mr. Parker moved its indefinite postponement.

Mr. Cunningham moved to refer it to the committee on the Judiciary;

The bill for the relief of the resident citizens of Bexar

county, was taken up, read a second time, and, on motion of Mr. Cooke, of B., referred to the committee on Finance.

On motion of Mr. Scott, Mr. Sadler was added to the committee on Finance.

The bill for the relief of Isaac Van Zandt, late Chargé d'Affaires to the United States, was taken up, read a second time, and, on motion of Mr. Gage, referred to the committee on Finance.

The bill for the relief of the Sheriff of Houston county, was taken up and read a second time.

Mr. Sadler moved its engrossment.

Mr. Scott moved its reference to the committee on the State of the Republic; carried.

The bill for the relief of the heirs of Benj. Parker, deceased, was taken up and read a second time. Mr. Jones of San Patricio, moved to lay it on the table; lost. Mr. Scott moved its engrossment. Mr. Williamson moved to lay it on the table until the 21st day of December, instant; carried.

The bill for the relief of the citizens of Goliad county, was taken up, read a second time, and on motion of Mr. Jones of San Patricio, referred to the committee on Finance.

The bill for the enumeration of the inhabitants of the Republic was taken up, read a second time, and on motion of Mr. Scurry, referred to the committee on the State of the Republic.

The bill for the issuing of augmentation certificates was taken up, read a second time, and on motion of Mr. Williamson, referred to the committee on the Judiciary.

The bill to divorce Elizabeth A. Dennissee from Peter Dennissee was taken up and read a second time.

Mr. Smith of Fannin, moved to lay it on the table; lost.

Mr. Hardin moved to refer it to a select committee; carried.

Messrs. Hardin, Perkins and Erath were appointed said committee.

The bill to provide for the restoration of lands sold for taxes, in the county of Brazoria, to the original owners, was taken up, read a second time, and on motion of Mr. Robinson, referred to the committee on the State of the Republic.

The bill, supplementary to an act for the relief of John S. Black, and sundry other citizens of Harris county was taken

up, read a second time, and on motion of Mr. Henderson, referred to the committee on the Judiciary.

Mr. Smith, of Fannin, moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Parker, by leave, introduced a bill to admit books free of duty; read a first time.

Mr. Robinson offered the following resolution, to wit:

Resolved, That so much of the 53d rule of the House as requires a bill, when engrossed, to be read on a certain day, be suspended; laid on the table one day for further consideration.

Mr. Lewis, of Montgomery, offered the following amendment to the 53th rule: "It shall be a standing order of the day throughout the session, for the House, on a motion sustained by a majority of the members present, to resolve itself into a committee of the whole on the State of the Republic; laid on the table one day for further consideration.

Mr. Cunningham moved to adjourn until to-morrow morning 10 o'clock. lost.

On motion of Mr. Gage, the bill making an appropriation for a company of men raised by H. L. Kinney, was taken up on its second reading. Mr. Scurry moved to amend by striking out "twenty-two hundred and thirty-six," and inserting "twenty-three hundred and forty-nine;" amendment adopted.

The question being on the passage of the bill to its third reading, the Ayes and Noes were called for, which stood as follows:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Ogden, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Wallace, Williams and Williamson. 37.

Noes—Mr. Cunningham—1.

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

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

SATURDAY, Dec. 14, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Bourland, Cooke of B., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Johns, Johnson, Jones of San Patricio, Lewis, McFarlane, Mabry, Means, Millican, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Truit, Wallace and Williamson—a quorum present; journals of the preceding day read and adopted; the House proceeded to business.

The committee on public lands, to whom was referred the petition J. W. Wauhop, reported the same back to the House with a bill for the relief of James W. Wauhop: read a first time.

Mr. Hardin offered the following resolution, to wit:

Resolved, That with the concurrence of the Senate, the two Houses of Congress meet in the Representative Hall on the 16th instant, at 4 o'clock P. M., for the purpose of electing a public printer: laid on the table one day for further consideration.

The resolution suspending a part of the 53d rule, was taken up and adopted.

The resolution amending the 58th rule, was taken up and adopted.

The bill granting one-third of a league of land to Hugh S. Stapp, was taken up on its second reading, and, on motion of Mr. Sutherland, ordered to be engrossed.

The bill for the benefit of Henry R. Green was read a second time, and, on motion of Mr. Sadler referred to the committee on the Judiciary.

The bill for the relief of Calvin Sumrall, was read a second time, and, on motion of Mr. Robinson, referred to the committee on Public Lands.

The bill requiring the Auditor to audit all duly authenticated claims against the government, was taken up, and, on motion of Mr. Erath, referred to the committee on Finance.

On motion of Mr. Robinson the committee were instructed to ascertain if the Auditor did not already do so.

The bill for the relief of Capt. Eli Chandler, and the com-

pany under his command, was taken up, read a second time, and, on motion of Mr. Williamson, referred to the committee on Indian Affairs.

The bill for raising a county revenue, and for other purposes, was read a second time, and on motion of Mr. Scott, referred to the committee on the State of the Republic.

The bill to establish a mail route and for other purposes, was taken up on its second reading, and, on motion of Mr. Scurry, referred to the committee on Post Offices and Post Roads.

On motion of Mr. Williamson, the committee were instructed to report as early as practicable.

The bill to legitimize and change the name of Mary Jane Dillard, came up on its second reading.

Mr. Parker moved its engrossment.

Mr. Cazneau moved its reference to the committee on the Judiciary, which motion having precedence was put and adopted.

The bill for the relief of I. Van Zandt, late Chargé d'Affaires to the United States, together with the favorable report of the committee on Finance, was taken up,

Mr. Robinson moved to lay it on the table: lost.

Mr. Parker moved its engrossment.

The Ayes and Noes were called, which stood as follows, to wit:

Ayes—Messrs. Speaker, Bourland, Cooke of B., Cooke of R., Dunn, Ford, Gage, Hardin, Henderson, Johns, Jones of S. P., Means, Menefee, Millican, Moffett, Ogden, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace, Williams and Williamson—27.

Noes—Messrs. Cazneau, Cunningham, Erath, Johnson, Lewis, McFarlane, Mabry, Sutherland and Smith of F.—9.

So the bill was ordered to be engrossed.

The bill for the appointment of an additional number of Notaries Public for the county of Montgomery, was read a second time, and, on motion of Mr. Parker, ordered to be engrossed.

The bill to admit books free of duty, was taken up on its second reading, and, on motion of Mr. Henderson, referred to the committee on Finance.

Mr. Gage, by leave, introduced a bill for the benefit of the citizens of the Republic of Texas; read first time.

Mr. Cazneau, by leave, introduced a bill directing the President and Heads of Departments to return to the City of Austin; read a first time.

Mr. Ogden, by leave, introduced a bill for the relief of Henry Castro; read a first time.

Mr. Millican, by leave, introduced a bill concerning the records and papers of county surveyors; read a first time.

Mr. Perkins, by leave, introduced a bill to establish a mail route: read a first time.

Mr. Lewis, of Montgomery, by leave, introduced a bill to provide for the better protection of the rights of married women; read a first time.

Mr. Williamson, by leave, introduced a bill authorizing and requiring the removal of the archives, General Land Office and moveable property belonging to the Republic, from the city of Austin to the town of Washington; read a first time.

On motion of Mr. Sutherland, Mr. Cazneau was added to the committee on the State of the Republic.

Mr. Scott, by leave, introduced a bill for the benefit of actual settlers; read a first time.

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

MONDAY, Dec. 16, 10 o'clock A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, Mabry, Means, Menefee, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of

Jasper, Truit, Wallace and Williams—a quorum present—Journals of Saturday were read and adopted.

Mr. Gage presented the petition of sundry citizens of Rusk county, which was referred to the committee on the State of the Republic.

The committee on Military Affairs, to whom was referred the petitions of O. A. Cook and Amasa Turner, reported the same back to the House, and recommended their reference to the committee on Claims and Accounts; report adopted.

Tom Robinson, chairman of the committee on the Judiciary, to whom was referred the bill to legitimatize and change the name of Mary Jane Dillard, reported the same back to the House, and recommended its passage.

Also, a bill to legalize the acts of L. H. Dilliard, acting Chief Justice of Harrison county, reported back to the House by substitute, and recommended its passage.

Also, a bill more effectually to organize the several Judicial Districts of the Republic.

Also, a bill for the issuing of augmentation certificates.

Also, a bill for the relief of John S. Black, and sundry other citizens of Harris county.

Also, a bill entitled an act to authorize, the introduction of copies of recorded writings in evidence, were reported back to the House, and their indefinite postponement recommended. Which reports, together with the bills, were laid upon the table to come up among the orders of the day.

The committee on Post Offices and Post Roads, Wm. H. Bourland chairman, to whom was referred the bill to establish a mail route, and for other purposes, reported the same back to the House with amendments, and recommended the passage of the bill; report and bill laid upon the table to come up among the orders of the day.

The committee on the State of the Republic, James W. Henderson chairman, to whom was referred the bill to provide for the restoration of land sold for taxes in the county of Brazoria to the original owners, reported the same back to the House by substitute, and recommended the adoption of the same.

Also, a bill for the relief of the Sheriff of Houston county, reported the facts back to the House, and no action recom-

mended ; which reports, together with the bills, were laid on the table to come up with the orders of the day.

The committee on the Judiciary, A. S. Cunningham, one of the committee to whom was referred a bill to amend an act to reorganize the District Courts of the fourth Judicial District, passed January 18th, 1844, reported the same back to the House, and recommended its passage ; which report, together with the bill, was laid on the table to come up among the orders of the day.

The Select committee, Benj. Hardin, chairman, to whom was referred the "bill to divorce Elizabeth A. Dennissee from Peter Dennissee, reported the same back to the House, and recommended its passage ; which report, together with the bill, was laid on the table to come up among the orders of the day.

Mr. Henderson, by leave, introduced a bill for the location of the seat of government at the city of Houston until the first enumeration of the inhabitants of the Republic ; read a first time.

Mr. Mabry, by leave, introduced a bill to repeal an act entitled an act to authorize the President to issue Exchequer bills, and to declare what shall be received in payment of taxes and duties on imports, approved 19th January, 1842 ; read a first time.

Mr. Robinson offered the following resolution, to wit :

Resolved, That the committee on retrenchment are required and shall have power to send for persons and papers ; adopted.

The committee on Engrossed Bills made the following report, to wit :

HOUSE OF REPRESENTATIVES, }
December 16, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a joint resolution granting one-third of a league of land to Hugh S. Stapp ; also, a bill to be entitled an act for the appointment of an additional number of Notaries Public for the county of Montgomery ; also, a joint resolution for the relief of Isaac

Van Zandt, late Chargé d'Affaires to the United States, and find the same correctly engrossed.

WM. L. CAZNEAU,
One of the Committee.

Report adopted.

Mr. McFarlane, by leave, introduced a bill establishing a light house at Passo Cavallo : read a first time.

A message was received from the Senate informing the House that the Senate had concurred in the amendment to the joint resolution making an appropriation for a company of men raised by H. L. Kinney.

Also, that the Senate had passed a resolution, with the concurrence of the House, to proceed to the election of Public Printer, to print the laws and journals of both Houses of Congress, on the 21st inst.

Also, that the Senate had instructed the committee on Military Affairs, with the concurrence of the House, to confer with the like committee on the part of the House, and report what number of men may be necessary, and what system of organization may be most efficient for the protection of our frontier, and that said committee report by bill or otherwise.

Mr. Armstrong, by leave, introduced a bill supplementary to the several acts relating to direct taxation ; read a first time.

Mr. Scott, by leave, introduced a bill for the location of the seat of government by the people ; read a first time.

Mr. Jones of S. P., by leave, introduced a bill to authorize the erection of a light house on Galveston Island ; read a first time.

Mr. Robinson, by leave, introduced a bill explanatory of an act, supplementary to an act, entitled an act to raise a revenue by impost duties, approved 5th day of February, 1840 ; read a first time.

Mr. Perkins, by leave, introduced a bill requiring the government to relinquish its title to two lots in the town of Quintana ; read a first time.

Mr. Moffett, by leave, introduced a bill for the relief of J. C. Neill ; read a first time.

Mr. Wallace, by leave, introduced a bill to prevent executors, administrators, &c., from purchasing or trading for any

debt, claim or demand against the estates of their testators or intestates, and for other purposes; read a first time.

Mr. Lewis of Montgomery, offered the following resolution, to wit:

Resolved, That the committee on Finance be instructed to enquire into the propriety and necessity of so amending the laws relative to the collection of the license tax imposed on merchants, grocers and retailers of spirits, so as to ensure the more prompt collection thereof, and that they report by bill or otherwise; adopted.

Mr. Lewis of Montgomery, by leave, introduced a bill for the establishment of a post office at the house of Jonathan Collard, in the county of Montgomery; read a first time.

Mr. Wallace, by leave, introduced a bill to repeal the 17th section of an act organizing Justices' Courts, and defining the powers and jurisdiction of the same, &c. &c., approved Dec. 20th, 1836: read a first time.

On motion of Mr. Cazneau, the House proceeded to the

ORDERS OF THE DAY.

The bill for the relief of Isaac Van Zandt, late Chargé d'Affaires to the U. States, was taken up, read a third time and passed.

The bill granting one-third of a league of land to Hugh S. Stapp, was taken up, read a third time and passed.

The bill for the appointment of an additional number of Notaries Public in the county of Montgomery, was taken up, read a third time and passed.

The resolution appointing the 16th instant the time to go into the election of public printer, was, on motion of Mr. Hardin, laid on the table.

The resolution of the Senate appointing the 21st inst. the time for said election, was taken up, and, on motion of Mr. Robinson, laid on the table.

The bill directing the President and Heads of Departments to return to Austin was taken up and read a second time.

Mr. Parker moved to lay it on the table; lost.

Mr. Scurry moved a call of the House; carried—and Sergeant-at-Arms despatched for absent members.

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

On motion of Mr. Menefee, the bill was laid on the table, and made the special order of the day for to-morrow at 11 o'clock A. M.

The bill requiring the President to remove the Archives, General Land Office, &c. &c., from the city of Austin to the town of Washington, was taken up, read a second time, and, on motion of Mr. Scurry, laid on the table and made the special order of the day for to-morrow at 11 o'clock A. M.

The bill for the benefit of the citizens of the Republic, was taken up, read a second time, and, on motion of Mr. Gage, referred to the committee on the State of the Republic.

The bill to establish a mail route, was read a second time, and, on motion of Mr. Parker, referred to the committee on Post Offices and Post Roads.

The bill concerning the records of county surveyors, was read a second time.

Mr. Parker moved its reference to the committee on county boundaries; lost.

Mr. Millican moved to refer it to the committee on the Judiciary; carried.

The bill for the relief of Henry Castro, was taken up on its second reading.

Mr. Cooke of Bexar, moved its engrossment.

Mr. Bourland moved its reference to the committee on the State of the Republic, which motion having precedence was put and carried.

On motion of Mr. Scurry, the committee were instructed to enquire into all matters concerning the said grant.

The bill for the relief of actual settlers was taken up, read a second time, and, on motion of Mr. Scott, referred to the committee on Public Lands.

The bill for the relief of James W. Wauhob was taken up and read a second time.

Mr. Jones of S. P. offered an amendment.

On motion of Mr. Gage, the bill and amendment were laid on the table.

The bill to provide for the better protection of the rights of married women, was read a second time, and, on motion of Mr. Menefee, referred to the committee on the Judiciary.

On motion of Mr. Henderson, the resolution of the Senate concerning public printer, was taken up, read and laid on the table one day for further consideration.

The bill more effectually to organize the several Judicial Districts of the Republic, together with the report of the committee recommending its indefinite postponement, was taken up; report adopted, and bill rejected.

The report of the Judiciary committee recommending a substitute for the bill to legalize the acts of L. H. Dilliard, acting Chief Justice of Harrison county, was taken up and adopted, and, on motion of Mr. Scott, ordered to be engrossed.

The bill to legitimize and change the name of Mary Jane Dillard, was taken up on its second reading, and, on motion of Mr. Scurry, ordered to be engrossed.

The unfavorable report of the committee on the Judiciary, together with the bills, for the relief of John S. Black, and sundry other citizens of Harris county, for the issuing augmentation certificates, and to authorize the introduction of copies of recorded writings in evidence, was taken up, and on motion of Mr. Henderson, ordered to lie on the table.

The bill to establish a mail route, and for other purposes, was taken up, and the following amendments of the committee adopted to wit:

In fifth line after the word "to" strike out all to the word "let." In the 7th line, after the word "of" strike out "Washington" and insert "Franklin." In 10th line after the word "of" insert "Thomas I. Smith's on." In 11th line strike out all after the word "weekly."

Additional section.

Sec. 2. *Be it further enacted*, That the Secretary of State be authorized and required to contract, as soon as practicable, for the transportation of the mail on the route specified in the foregoing section, until the time specified by law for all mail contracts to be let for the transportation of mails for the ensuing year; and that this act take effect from and after its passage.

Mr. Cooke of Robertson, offered the following amendment, which was adopted, to wit: "in the tenth line, after the word "of," insert "Atta Springs, Parker's Point and Ethan Meton's, on Richland Creek."

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

The report of the committee on the State of the Republic, together with the substitute of the bill, to provide for the restoration of land sold for taxes in the county of Brazoria, to the original owners were taken up, and substitute adopted.

Mr. Parker moved to amend by inserting in 7th line, after "and," "forty-three and;" adopted.

Mr. Cunningham moved to amend—in fourteenth line, after "lands," insert together with all costs which may have accrued to the sheriff, in advertising and selling the same; adopted.

Mr. Smyth of Jasper, moved to amend—"provided said taxes be paid to the government on or before the first day of January, 1846.

Mr. Jones of San Patricio, moved to strike out "1846," and insert "1847;" lost.

The question was then taken on Mr. Smyth's motion and carried.

Mr. Scott moved to amend, in sixth line, after the word "the," by striking out "spring," and inserting "years;" adopted.

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

A message from His Excellency, the President, was received through his Private Secretary, Mr. S. Z. Hoyle.

Mr. Parker, by leave, introduced a bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress; read a first time.

The report of the committee on the Judiciary, together with the bill to amend an act entitled an act to re-organize the District Courts of the fourth Judicial District, passed January 18th, 1844, was taken up on its second reading; report adopted, and on motion of Mr. Cunningham, bill ordered to be engrossed.

The bill for the divorce of Elizabeth A. Dennissee from Peter Dennissee, together with the report of the committee, was taken up, and on motion of Mr. Parker, ordered to be engrossed.

Mr. Robinson presented the petition of N. H. Munger.

Mr. Parker moved the reading of the accompanying documents; lost.

On motion of Mr. Robinson, the petition was referred to the committee on the Judiciary.

The bill for the relief of the Sheriff of Houston county was taken up on its second reading.

Mr. Sadler moved its engrossment.

Mr. Parker moved that the House resolve itself into a committee of the whole, to investigate the claim; lost.

The question then recurred on the engrossment, which was carried.

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

3 o'clock, P. M.

House met; roll called; quorum present; the House proceeded to business.

Mr. Erath offered the following resolution, to wit:

Be it Resolved, That the committee on Military Affairs confer with the like committee of the Senate, on the subject of the protection of the frontier; adopted.

On motion of Mr. Robinson, the communication from His Excellency, the President, was taken up and read, as follows, to wit:

EXECUTIVE DEPARTMENT, }
Washington, December 16th, 1844. }

To the Honorable the House of Representatives:

In conformity to a resolution of your honorable body, adopted on the 11th instant, I herewith respectfully transmit the statement of the acting chief clerk of the General Post Office Bureau, with accompanying documents, which I trust will furnish the desired information.

ANSON JONES.

On motion of Mr. Robinson, the accompanying documents were referred to the committee on Post Offices and Post Roads.

On motion of Mr. Scurry, the committee was instructed to call for persons and papers.

Mr. Henderson, by leave, introduced a bill for the payment of draft of Josiah G. Beatty and others; read a first time.

Mr. Smith of Fannin, moved a suspension of rule; lost.

The committee on Enrolled Bills made the following report, to wit:

HOUSE OF REPRESENTATIVES, }
Washington, Dec. 16th, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and found correctly enrolled the following bill, to wit:

“An act exempting ministers of the gospel from serving as jurors, and for other purposes.”

The same having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to the President for his approval.

B. RUSH WALLACE, Chairman.

The report of the committee on Internal Improvements, J. N. Moffett chairman, to whom was referred the petition of Augustus Burr, reported the same back to the House by a joint resolution, granting to Augustus Burr the franchise of the ferry at the west end of Galveston Island; read a first time.

Mr. Jones of G., by leave, introduced a bill to alter a mail route therein named, and for other purposes; read a first time.

On motion of Mr. Jones of S. P., Mr. Erath was added to the committee on Military Affairs.

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

TUESDAY, Dec. 17, half past 9 o'clock, A. M.

House met pursuant to adjournment ; prayer by the Chaplain : the roll being called, the following members answered to their names, to wit :

Messrs. Speaker, Armstrong, Cooke of Bexar, Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Lewis, McFarlane, Mabry, Means, Menefee, Moffett, Parker, Sadler, Scott, Scurry, Sutherland, Smyth of J., Wallace, Williams and Williamson ; a quorum present ; Journals of the preceding day read and adopted.

The committee on the State of the Republic, J.W. Henderson chairman, to whom was referred the joint resolution for the relief of Henry Castro, reported the same back to the House, by substitute, and recommended the adoption of the same.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the bill for the relief of Jonathan Bird, reported the same back to the House by substitute, and recommended its adoption.

The Committee on Finance, Geo. W. Smyth, chairman, to whom was referred two several bills, one for the relief of the citizens of Goliad county ; and the other for the relief of the resident citizens of Bexar county, reported the same back to the House by a substitute, and recommended its adoption.

The same committee to whom was referred the bill to admit books free of duty, reported the same back to the House, and recommended its indefinite postponement.

The committee on Public Lands, Geo. Sutherland, chairman, to whom was referred the bill for the relief of Calvin Sumrall, reported the same back to the House without action, and begged to be discharged from a further consideration of the same. All of which reports, together with the bills were laid on the table, to come up among the orders of the day.

Mr. Armstrong, by leave, introduced a bill to regulate the proceedings in civil suits ; read a first time.

Mr. Robinson offered the following resolution, to wit :

Resolved, That the committee on the Judiciary, of the Senate, be requested to act with a like committee of the House, in the examination of a copy of a digest of the laws of the Republic ; adopted.

Mr. McFarlane offered the following resolution, to wit :

Resolved, That the committee on the State of the Republic be instructed to enquire into the expediency of abolishing the present Tariff—raising a revenue by direct taxation, and opening the ports of Texas to a free reciprocal commerce with all nations—to report by bill or otherwise; adopted.

On motion of Mr. Erath, the House proceeded to the

ORDERS OF THE DAY.

The resolution of the Senate to elect a Public Printer was taken up.

Mr. Menefee moved to lay it on the table; lost.

The resolution was then adopted.

The bill supplementary to the several acts relative to direct taxation was taken up, read a second time, and, on motion of Mr. Armstrong, referred to the committee on Finance.

The bill to authorize the erection of a Light-House on Galveston Island was taken up, read a second time, and, on motion of Mr. McFarlane, referred to a select committee.

Messrs. McFarlane, Smyth, of Jasper and Jones of San Patricio were appointed said committee.

On motion of Mr. Robinson, Mr. Jones of San Patricio was added to the committee on Naval Affairs.

The bill explanatory of an act, supplementary to an act to raise a revenue by impost duties was taken up, read a second time, and, on motion of Mr. Robinson, referred to the committee on Finance.

The bill requiring the government to relinquish its right to two lots in the town of Quintana was taken up, read a second time, and on motion of Mr. Perkins, referred to the committee on Claims and Accounts.

The bill to establish a Light-House at Passo Cavallo, was taken up and read a second time.

Mr. McFarlane moved to refer it to the select committee, to whom was referred the bill to establish a Light-House on Galveston Island.

Mr. Smith of Fannin, moved to refer it to the committee on the State of the Republic; lost.

The question then recurred on Mr. McFarlane's motion, and carried.

On motion of Mr. Scott, Mr. Bourland was added to the select committee.

The bill to provide for the location of the Seat of government, at the city of Houston, was read a second time, and, on motion of Mr. Scurry, referred to the committee on the State of the Republic.

The bill to repeal the Exchequer system, &c., was read a second time, and, on motion of Mr. Mabry, referred to the committee on Finance.

The bill for the location of the seat of government by the people, was read a second time, and, on motion of Mr. Scurry, referred to the committee on the State of the Republic.

The bill to establish a post office at the house of Jonathan Collard, in the county of Montgomery, was taken up, read a second time, and, on motion of Mr. Erath, ordered to be engrossed.

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

Resolved, That by the concurrence of the Senate, the House will proceed to the election of Judges for the first, fifth and sixth Judicial Districts, on the 21st inst. at 4 o'clock P. M.; laid on the table one day for further consideration.

The bill to repeal the 17th section of an act organizing Justices' Courts, and defining the powers and jurisdiction of the same, &c. &c., was taken up, read a second time, and, on motion of Mr. Williamson, referred to the committee on the Judiciary.

The bill for the relief of J. C. Neill, was taken up, read a second time, and, on motion of Mr. Parker, ordered to be engrossed.

The committee on Engrossed bills made the following report, to wit:

HOUSE OF REPRESENTATIVES, }
December 17th, 1844. }

Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill legitimatizing and changing the name of Mary Jane Dillard; also, a bill to legalize the official acts of L. H. Dillard, Chief Justice of the county of Harrison; also, a bill to restore land

sold for taxes to the original owners ; also, a bill to reorgan-ize the District Court of the fourth Judicial District, passed January 15th, 1844 ; also, a bill to establish a mail route and for other purposes ; also, a joint resolution for the relief of the Sheriff of Houston county ; also, a bill for the divorce of Elizabeth A. Dennissee from Peter Dennissee, and find the same correctly engrossed.

WM. L. CAZNEAU,
One of the Committee.

Report adopted.

On motion of Mr. Scurry, the bill directing the President and Heads of Departments to return to the city of Austin, was taken up, it being the special order of the day for 11 o'clock.

Mr. Scurry moved its reference to the committee on the State of the Republic.

On motion of Mr. Cazneau, a call of the House was ordered ; there being a full house, a further call was suspended.

The Ayes and Noes, upon the reference, being called, stood as follows :

Ayes—Messrs. Speaker, Armstrong, Cooke of R., Ford, Hardin, Henderson, Johns, Means, Millican, Moffett, Parker, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace and Williamson—18.

Noes—Messrs. Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F. and Williams—20 ; lost.

Mr. Cazneau moved the engrossment of the bill.

On motion of Mr. Cooke of B., a call of the House was made. There being a full House, a further call was suspended.

The Ayes and Noes were called and stood as follows :

Ayes—Messrs. Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F. and Williams—20.

Noes—Messrs. Speaker, Armstrong, Cooke of R., Ford, Hardin, Henderson, Johns, Means, Millican, Hoffett, Par-

ker, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace and Williamson—18.

So the bill was ordered to be engrossed.

A message from His Excellency the President was received through his private secretary, Mr. S. Z. Hoyle.

A message was received from the Senate, informing the House that the Senate had passed the bill to alter and permanently establish the eastern boundary line of Rusk county, and for other purposes, with amendments.

Also, a joint resolution making an appropriation for the redemption of William and Jane Simpson.

Also, a resolution appointing Monday, the 20th day of January next, the time to adjourn *sine die*.

On motion of Mr. Williamson, the bill requiring the President to remove the Archives, &c., from the city of Austin, to the town of Washington, was taken up and laid on the table.

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

3 o'clock, P. M.

House met; roll called; quorum present; the House proceeded to business.

On motion of Mr. Scurry, the following communication from His Excellency, the President was taken up and read.

EXECUTIVE DEPARTMENT, }
Washington, December 17th, 1844. }

To the Honorable the House of Representatives:

In accordance to a resolution of the Honorable House of the 13th instant, I herewith respectfully transmit a statement from the Treasury Department, shewing all the salary officers belonging to the civil list, &c.

ANSON JONES.

On motion of Mr. Gage, the communication and accompanying documents were referred to the committee on Retrenchment.

On motion of Mr. Jones of San Patricio, the House went into secret session, upon the communications of His Excellency, the President, marked "secret."

The doors being opened, on motion of Mr. Means, the House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 18, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Bourland, Cooke of Bexar, Cooke of Robertson, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of Gonzales, Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Ogden, Parker, Perkins, Robinson, Sadler, Scott, Sutherland, Smyth of Jasper, Truit, Wallace, Williams and Williamson; a quorum present,

Mr. Wallace, by leave, introduced a bill to repeal the 17th section of an act entitled, an act establishing the jurisdiction and powers of the District Courts, approved 22d December, 1836; read a first time.

Mr. Parker presented the petition of Geo. C. Gwatheney and others, which was, on motion of Mr. Williamson, referred to the committee on Public Lands.

Mr. Wallace, by leave, introduced a bill to reduce the salaries of Judges of the District Courts, and to increase the salaries of District Attorneys; read a first time.

A message from His Excellency, the President, was received through his Private Secretary, Mr. S. Z. Hoyle.

On motion of Mr. Henderson, the message was taken up and read as follows, to wit:

EXECUTIVE DEPARTMENT, }
Washington, December 16, 1844. }

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

In the discharge of a duty imposed upon me by the Constitution, under that provision in it which requires the President from time to time to give Congress information of the

state of the Republic, and recommend for their consideration such measures as he may deem necessary; I now respectfully communicate, for your consideration, the subjoined information, with my views and opinions, in regard to such measures, connected with the public interests, as seem to me proper to engage your early attention.

The message of my distinguished predecessor, communicated to your honorable bodies at the commencement of the present session, has embraced all the information connected with the state and condition of the Republic, which to him appeared necessary for your governance, in those matters relating to the past administration of our national affairs. The full and perspicuous exposition of our foreign relations, presented in that message, leaves no further information to be communicated, touching that subject; and renders unnecessary as well as superfluous, any suggestions upon it from me at the present time.

It cannot but be remarked however, that, in the existing posture of our affairs, we have arrived at a point, perhaps at a *crisis* fraught with deep and absorbing interest in our history as a nation. But it must be a source of gratification to every patriot that, in our present position, few if any necessary causes of apprehension or alarm for the future prosperity of our country, force themselves upon our observation.

The representatives of the people, happily, are not now assembled for the paramount purpose of providing for the continuance or security of our national existence, immediately threatened by foes from without or from within our borders. That existence no longer depends upon the issue, nor involves in its continuance the hazards and calamities of impending war or immediate strife.

The history of the world demonstrates, that the infancy of every community, however exalted or distinguished, may have been its subsequent career and elevation, has been nursed and cradled amidst the stern concomitants of adversity and poverty; until nerved and fitted to win in the race of empire, regardless of the toils and difficulties of the course; and the fact, that our Republic has heretofore struggled and labored beneath the burthen of adverse and depressing influences, only shows that she could neither claim nor expect in her favor, any exception or remission of the

destiny prescribed for all. We have reason, however, for joy and congratulation, that our past history and present attitude, alike evince to the powers of the earth, our capacity for self-government, and our undeniable claim to distinct and elevated nationality; and for unfeigned gratitude to Almighty God, whose providence has guided our nation through her initiatory struggles, by exhibitions of favor and protection, not less obvious in the course of events, and in the connection of cause and effect than the pillar and the flame, which anciently preceded and led his chosen people in their journey to the promised land.

The fears of our friends touching the permanency of our institutions, and the misrepresentations of our enemies abroad, have no doubt heretofore had an effect, greatly to lessen the amount of emigration from other countries to this; but within the past year, the unpropitious influence of these causes has been greatly mitigated, though doubtless not completely removed. This is apparent, from the tide of immigration, consisting of thousands of families, which, during the last few months, has flowed into the northern, eastern and other portions of our territory—so that the rich harvests and plenteous crops, which in those sections crowned the labors of the cultivator, have not sufficed to prevent a temporary scarcity of provisions, in a land hitherto overflowing with abundance.

The administration of justice through the medium of our courts, has been constant and uninterrupted, throughout the several districts and counties, insuring the preservation and protection of private and public rights, the inviolability and enjoyment of privileges and property, the suppression of vice and immorality, the punishment of crimes and misdemeanors; and in short, circulating and diffusing the mild and beneficent influence, action and supremacy of the laws, throughout the community. In the few precincts and neighborhoods, where some disturbances arose, and instances of limited insubordination for a short time prevailed—good order has been happily restored; and, in the same sections, where the collection of the revenue has been evaded or resisted, submission to the requirements of our statutes on that subject is secured.

Primary schools and the higher institutions of learning, are generally established, and adequately supported in various portions of our Republic; extending the facilities and blessings of education and instruction to the rising generation, almost as

universally and effectually as those privileges are enjoyed in the favored portions of the United States.

— And in this connection, the cheering truth should not be passed over, that the gospel of peace, untrammelled by any species of legal intolerance or persecution, and cherished by perfect liberty to believe and worship according to the dictates of conscience, is constantly and regularly preached by its ministers of the several christian denominations, in every neighborhood and settlement; and that the millions who assemble at the call of the Sabbath bell in the cities and villages of our fatherland, are joined in their devotions and their worship by the multitudes who, at the same time, gather for a like object, throughout all our borders.

The proud and happy position, which the preceding review of our affairs evinces that we now occupy as a nation, is to be attributed, under Providence, to the operation of those elevated principles of ethics and natural justice, which govern and regulate the intercourse and conduct of the civilized and enlightened powers of the earth. From the moral influence incident to the practice of those principles, our Republic has obtained the respect of the great nations of the world; and in that respect, and in the united and unqualified reprobation with which those nations join in branding the barbarous policy of Mexico, in declaring against her a war of savage extermination, no less than in her own prowess, she finds the best guaranty for a continuance of the security she enjoys. At the risk of passing the legitimate bounds ordinarily prescribed to a document of this description, I cannot but remark, that the foregoing unexaggerated description of our present condition, stamps with deserved falsehood, the assertion of the pseudo-philanthropist and calumniator, that the Anglo-Americans, in their progress of emigration to the west, have carried along with them, and incorporated in their institutions *an inferior order of civilization*. For the history of their migrations, and that of the noble race from which they sprung, clearly demonstrates, that, neither in the climes of the farthest east, nor in the islands of Australia and the Pacific, nor in the wilds and prairies of the west, have they ever, in a single instance, as a people or a community, degenerated from the distinguishing virtues of their ancestral stock, nor become degraded by adopting in their intercourse with savages, any of the barbarous usages or customs incident to savage life.

From the preceding review of our condition, the course of

legislation naturally indicated, seems necessarily confined to such measures as Congress, in its wisdom, may deem best calculated to promote the domestic interests and internal happiness of the community, and among these, the following subjects are respectfully suggested for your consideration.

Respectfully referring the Hon. Congress to the remarks made by me on the occasion of assuming the Executive functions, I would now suggest, in reference to the very important subject of our national currency, that the experiment of sustaining a paper issue, has indeed, to a very considerable and satisfactory extent, succeeded; but it has only been by the most extraordinary prudence, with which it has been managed. Circumspect as was the preceding administration, in holding the rein on the emission of Exchequer money, it created a sort of delusion as to the fiscal ability of the government, which was made manifest in the extraordinary amount of private appropriations proposed by the different sessions of Congress. These appropriations, it is true, were in a great measure arrested, but only by the exercise of that power vested in the Executive, which is ever used with great reluctance.

That urgent necessity which three years since, required of the government a resort to the issue of Exchequer bills, has now ceased to exist, and the continuance of the system is no longer justified. I would therefore recommend the repeal of all laws by which they are authorized, and such enactments as will provide for the redemption of those now in circulation, prevent a re-issue, and require their destruction as fast as they are received into the Treasury.

The fallacy and the danger of a factitious paper currency have been demonstrated by every civilized nation upon earth, and Texas, having once participated in this demonstration, should now, when she is able to do so, abandon the experiment, and resort in time to what the experience of the past has conclusively shown to be the only safe expedient for governments—a hard money currency—as a circulating medium. As a commercial convenience, recourse may be had to a system of Treasury drafts, drawn against specie in actual deposit.

Intimately connected with the important subject of the currency, are those of the income and expenditures of the government. In relation to the latter, I would earnestly impress upon Congress the manifest importance of reducing them to the lowest amount consistent with an efficient administration of our national affairs.

The burthens of taxation, whether direct or indirect, are sorely felt by the people, and should be made as light as possible. These however constitute at the present time, the only available means for the support of our civil institutions, the maintenance of our independence, and the protection of our widely extended frontier. The current expenditures of the government should at all events, be reduced considerably within the probable amount of its current receipts; for by this course alone, can the national faith and credit be sustained, and the most difficult and unpleasant embarrassments to the administration prevented.

The statements already submitted to Congress by the Treasury Department, will show this amount, and be a safe guide to Congress, in making judicious and proper appropriations.

We are in a great measure indebted to the tariff for the present healthy condition of our finances, and past experience proves that it is impossible the government can subsist without it. No system of direct taxation can adequately supply its place. One of the most serious objections to the tariff system has heretofore been, that its burthens have fallen unequally on different sections of the country. This objection, however, in consequence of the energetic endeavors of the Treasury Department, I am happy to say, has, in a great measure, ceased to exist, and with the aid of judicious legislation, giving to the government the power to enforce the revenue laws in the case of importations by land carriage, we have every reason to expect that by the meeting of the next Congress, the Executive will be able to report a general payment of the revenue throughout the Republic.

The subject of revenue is one of which you will allow me to recommend to your very deliberate regard, and in connection with it, to express a conviction, derived from the experience of the last three years, that the present rates of duties on imports, under such regulations as will lead to their general collection in all parts of the country, and their prompt and certain payment into the Treasury, will insure to the government an amount probably sufficient, under a continuance of a state of peace, to meet the wants of an economical administration of its affairs.

So long as the right to impose duties on imports is confined to its legitimate purpose, the raising of a sufficient revenue for the constitutional wants of the government, it may not be material, in the present condition of the country to pursue any

other object of discrimination, than such as will render the returns from it secure and stable, and apply it to such articles as come most generally into common use in all parts of the country, thereby drawing, as near as may be, from all who participate in the blessings of a good government, a measurably equal contribution to its support. If these objects have been attained by the present tariff, I should hope its provisions might not be disturbed by any act on our part which will render it less deserving of public confidence.

But I cannot, at the same time, refrain from directing your attention towards the severe hardships to which our planting interests are exposed, by the inordinate duties imposed by foreign countries on our cotton, our only staple export of present particular importance; and to suggest to your especial consideration, the passage of such laws as shall mitigate the operation of our tariff on importations from such manufacturing countries as shall agree to relieve our cotton partially or entirely from the duties now imposed upon it.

No country on the face of the earth possesses so distinctly as we do, the ability to enter upon that policy of mutual free trade, which should become more and more every day the great object and aim of all enlightened governments. Let us begin then by limiting its operation to such countries as may have the wisdom and the justice to extend to our own great staples an exemption from that burthen which now bears with such severity upon our planting and landed interests.

Should the present system of direct taxation be continued, I would respectfully recommend to Congress a thorough reformation in the mode of its collection. The officers engaged in this branch of the public service, should be made immediately responsible to the government. The Treasury Department should have the power of appointing, directing, and removing all officers connected with the public income, in order to ensure its prompt application to the purposes for which it may have been collected.

Connected with the subject of our finances, I would respectfully recommend to Congress the passage of a law for ascertaining and classifying the public debt of the country, by requiring all persons having claims against it, to present the same to the Treasury Department, within a definite period, with a view to an ultimate liquidation of the same, upon principles of equality. The plighted faith of the country should be protected from all reproach; and if we shall indeed find that the patrimony of our

children has been impaired by extravagance and improvidence, we may at least relieve our own memories in their estimation, and that of the world, from the humiliating stain of repudiation.

There is another subject which will doubtless engage your deliberations, as it has that of every other Congress which preceded you; I refer to the establishment of the seat of government. This has always been a vexed question, and the agitation of it has produced much excitement in the public mind.—The efforts of the national legislature to settle it satisfactorily have heretofore proved entirely abortive, and as this desirable result would be productive of great good to the country and the interests of all her citizens, I would most respectfully, but earnestly recommend that the question of a location of the seat of government, for the next twenty years, should be at once referred to the people for their determination.)

The protection of our western and south-western frontier, is a subject of which, from its necessity and importance, will recommend itself, I doubt not, to the attention of Congress. I would recommend, that one or two additional corps of rangers, be authorized to be raised, and that they be mustered into service either permanently or temporarily as future exigencies may require. By this means, it is believed, adequate protection and safety may be extended to that interesting and hitherto suffering portion of our country.

In a letter addressed to the Secretary of State, under date of the 23d ultimo, and communicated to the Executive Department, my attention has been called to a matter of some importance in its relation to the commercial interests of the country, and the safety of vessels bound for the port of Galveston. It appears that owing to the absence of a light-house, or some conspicuous land-mark to serve as a guide to ship masters, much difficulty and delay, as well as considerable loss, have been experienced by navigators unacquainted with the coast, in entering that port. It is suggested that our government would be doing an acceptable service to foreign shipping, besides lowering freights and facilitating her commercial intercourse with Europe, now sensibly affected by the present high rates of insurance, by the construction of the necessary beacons; and to your consideration the matter is submitted.

Although there has been considerable legislation, having for its object the settlement of the claims of our citizens to head-right and bounty lands, yet the existing laws are deemed insufficient for the full adjustment of those claims. The constitution,

for instance, provides, that all citizens living in Texas at the time of its adoption, (viz: the 17th of March, 1836,) who had not received their lands in like manner as colonists, should be entitled to the same in the proportions therein specified. It is well known that a class of immigrants came and settled in the country between the 2d and 17th of March, 1836, and it is believed that, by the existing laws, no mode is provided whereby they can obtain their respective *quanta* of land. This instance is not referred to as presenting the most important class of unliquidated claims for land in favor of a portion of our citizens, but merely for the purpose of illustrating the necessity of further legislative action to provide for the speedy settlement of all just claims of a similar or analagous description, which remain dormant and unsatisfied.

To provide for perfecting the titles of our citizens by patents, in all cases where their incipient rights have been properly consummated by adequate surveys, under legal and genuine certificates, or land warrants, is also recommended to your attention. It would be proper, deliberately to consider in what cases patents should be issued, and to define, by clear and distinct enactments, the duties of officers in this behalf. It might, also, be productive of great benefit and convenience, to establish, in different sections of the country, two local land offices, subordinate to the General Land Office, to facilitate the issuance of patents to those who may be entitled to receive them.

The formation of a penal code, and the revision of the civil and criminal laws, as contemplated and required by the 7th section of the general provisions of the Constitution, are subjects which commend themselves to your attention, as well by their innate importance and bearing upon the well being of the community, as by the sacred character of the paramount law which enjoins the duty; and it will be for Congress to determine whether the time has yet arrived when it may be *convenient* for the country to be put in possession of the lasting and incalculable benefits to which she is thus entitled by her Constitution. At the present session, however, Congress can do little more in this matter than to prescribe the mode of effecting the object contemplated, by providing for the appointment of some suitable person or persons to accomplish the undertaking, under such restricted powers as you may see fit to define and grant; and to take some incipient measures for the erection of a penitentiary—thereby

carrying into practice the "principles of reformation," unalloyed by "vindictive justice," as contemplated by the framers of the constitution in the article alluded to.

It is well known, that considerable amounts of land, in different parts of our territory, have accrued to the government by forfeiture and otherwise, of which she has not been put in possession; and in suits between individuals, for the settlement of their private rights relating to land, intricate and protracted litigation not unfrequently occurs, in cases which would be adjusted without difficulty, if the rights of the government were defined and consummated. Accumulated locations and surveys have, in many instances, been made upon the same tract, under the belief, that, notwithstanding prior locations, the land was still vacant. Such a course of proceeding, growing out of delay, on the part of the government, to avail herself of the possession of her own legitimate rights in regard to the domain; inducing by its continuance, a spirit of reckless and unfair speculation in doubtful titles, and necessarily involving, in the issue, distress and ruin to many individuals—might, doubtless, be arrested by adequate and just legislation; and it is accordingly submitted to your prudent consideration, to devise the mode of effecting that object, by the passage of a law to put the government in possession of lands subject to forfeiture or escheat: to settle the claims of individuals touching the same, so far as adverse to that of the government; and, should Congress deem proper, to dispose of the same, by giving a pre-emption right in favor of persons equitably entitled to such a grant by possession or otherwise, in case they might choose to become the purchasers.

In conclusion, I must be permitted to express to you, as the representatives of a youthful, but prosperous and gallant nation, my firm reliance upon your individual and collective wisdom and integrity, in the prosecution of such measures as may best tend to promote and secure the great interests of the community confided to our charge, by a course of prudent and peaceful legislation, in which I shall be most happy to co-operate; and, by a devoted and unselfish discharge of your exalted trusts, which I shall be most proud to emulate. In the performance of the duties indicated by your official relations, I am unable to perceive any unavoidable causes of

dissention or discord, to mar the harmony of your counsels, and consequently to detract from the dignity and wisdom of your deliberations ; and, although the tares as well as the wheat, may, if sought, be found in the field of your labors, yet, I confidently trust, that like the messengers of good, you will gather for the garner of our nation, and for your own meed, the latter and not the former.

ANSON JONES.

Mr. Henderson moved that the committee on printing be instructed to have printed 1,500 copies of the message for the use of the House.

Mr. Williamson moved to amend by instructing the joint committee on printing ; amendment accepted by Mr. Henderson, and the motion carried.

On motion of Mr. Williamson, the private Secretary was authorized to take the message for the purpose of transmitting it to the Senate, there being but one copy of it.

On motion of Mr. Gage, the House proceeded to the

ORDERS OF THE DAY.

The resolution appointing the 21st instant the time of election for Judges, was taken up.

Mr. Scott moved to strike out "4 o'clock P. M." and insert "11 o'clock A. M.;" carried.

Mr. Menefee moved to strike out "21st" and insert "24th;" lost ; resolution adopted.

A message was received from the Senate, informing the House of the passage of the following bills, to wit :

A bill more perfectly defining the boundaries of the county of Jackson.

A bill for the relief of Isaac Van Zandt, late Charge d'Affaires to the United States.

A bill to locate the county seat of Austin county, and

A joint resolution providing for an amendment of the Constitution, and the establishment of a Supreme Court.

The bill to alter and permanently establish the eastern boundary line of Rusk county, and for other purposes, was taken up, with the amendment of the Senate.

Mr. Scott moved to lay it on the table until the 23d inst.; lost.

On motion of Mr. Gage, the amendment of the Senate to strike out "permanently" in the caption, was concurred in.

The resolution of the Senate to adjourn *sine die* on the 20th January next, was taken up, and, on motion of Mr. Williamson, laid on the table.

The bill to prevent administrators, executors, &c., from purchasing or trading for any debt, claim or demand against the estates of their testators or intestates, and for other purposes, was taken up, read a second time, and, on motion of Mr. Wallace, referred to the committee on the Judiciary.

The bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the 8th Congress, was read a second time, and, on motion of Mr. Henderson, referred to the committee on Claims and Accounts.

The bill for the payment of the drafts of Josiah G. Beatty, and others, was taken up, read a second time, and, on motion of Mr. Henderson, referred to the committee on Finance.

The bill granting to Augustus Burr the franchise of the ferry at the west end of Galveston Island, was taken up, and read a second time.

Mr. Millican moved its engrossment.

Mr. Henderson moved to lay the bill on the table; lost.

Mr. Williamson moved its reference to the committee on the Judiciary, which motion having precedence, was put and carried.

The bill to alter a certain mail route therein named, and for other purposes, was read a second time, and, on motion of Mr. Jones of G., referred to the committee on Post Offices and Post Roads.

The bill to legalize the official acts of L. H. Dilliard, Chief Justice of Harrison county, was read a third time and passed.

The bill to legitimize and change the name of Mary Jane Dillard, was read a third time and passed.

The bill to restore land sold for taxes to the original owners, was taken up, read a third time and, passed.

The bill to reorganize the District Courts of the fourth Judicial District, was read a third time and passed.

The bill to establish a mail route, and for other purposes, was taken up, read a third time and passed.

The bill for the relief of the Sheriff of Houston county, was taken up, read a third time and rejected.

The bill for the divorce of Elizabeth A. Dennissee from Peter Dennissee, was read a third time and passed.

The bill to admit books free of duty, together with the un-

favorable report of the Finance committee thereon, was taken up on its second reading.

Mr. Smith, of Fannin, moved to adopt the report of the committee.

Mr. Williamson moved that the report and bill lie on the table; lost.

The Ayes and Noes were called on the adoption of the report of the committee, and stood as follows, to wit:

Ayes—Messrs. Speaker, Armstrong, Cazneau, Cooke, of R., Cunningham, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of G., Jones of S. P., McFarlane, Mabry, Means, Menefee, Millican, Moffett, Perkins, Sadler, Scott, Scurry, Sutherland, Smith, of F., Smyth, of J., Truit, Wallace, Williams and Williamson—30.

Noes—Messrs. Bourland, Dunn, Erath, Lewis, and Robinson—5. Report adopted and bill rejected.

The bill for the relief of Calvin Sumrall, was taken up on its second reading, and, on motion of Mr. Williamson, ordered to lie on the table.

The bill for the relief of Henry Castro, was taken up on its second reading, and, on motion of Mr. Henderson, ordered to lie on the table.

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

3 o'clock, P. M.

Mr. Williamson presented the petition of A. Somervell, which was referred to the committee on Finance, with instructions to report as soon as practicable, by bill or otherwise.

Mr. Jones, of S. P., by leave, introduced a bill to authorize the re-organization of the counties of Refugio and San Patricio; read a first time.

Mr. Sadler, by leave, introduced a bill, supplementary to an act entitled an act, to change in part the times of holding the District Courts, in the 5th and 7th Judicial Districts. Approved, 27th January, 1844: read a first time.

Mr. Cooke, of R., by leave, introduced a bill for the protection of the northern frontier; read a first time.

The committee on Enrolled Bills, made the following report, to wit:

COMMITTEE ROOM, }
December 17th, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills, have examined a bill to be entitled, an act to locate the county seat of the county of Austin; and a joint resolution for the relief of Isaac Van Zandt, late Charge d'Affaires to the United States, and have found the same correctly enrolled. The Speaker of the House of Representatives and President of the Senate having signed them, were this day presented to His Excellency, the President, for his approval.

B. RUSH WALLACE, Chairman.

Report adopted.

On motion of Mr. Erath, Mr. Williamson was added to the committees on Public Lands and Military Affairs.

On motion of Mr. Parker, Mr. Smyth, of Jasper, was added to the committee on Claims and Accounts.

On motion of Mr. Lewis, Mr. Perkins was added to the committee on Post Offices and Post Roads.

Mr. Scott presented the petition of John Morris, which was referred to the committee on Public Lands, with instructions to report by bill or otherwise.

On motion of Mr. Scott, the bill for the benefit of actual settlers was withdrawn from the committee on Public Lands, and, on motion of Mr. Scott, laid on the table.

Mr. Wallace moved that the Speaker of the House of Representatives appoint two of the committee on Enrolled Bills of said House, to act in concert with a like number, appointed by the Senate, to discharge the duties as specified in the 7th rule of the joint rules and orders of the two Houses.

Mr. Williamson offered the following as a substitute, to wit:

Resolved. That, with the concurrence of the Senate, the 7th joint rule of the two Houses be suspended for the present session of Congress, so far as the joint action of the two committees on Enrolled Bills, in the examination of bills and their respective reports made, is required; rejected.

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

THURSDAY, Dec. 19, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Bourland, Cooke, of B., Cooke, of R., Cunningham, Erath, Gage, Hardin, Johns, Johnson, Jones of G., Lewis, McFarlane, Mabry, Means, Menefee, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith, of F., Smyth, of J., Truit, Wallace, Williams and Williamson; quorum present; Journals of the preceding day read and adopted.

On motion of Mr. Smith, of F., the vote cast yesterday, concurring in the amendment of the Senate, to a bill to alter and establish the eastern boundary line of Rusk county, was reconsidered.

Mr. Gage moved the reading of the petition, upon which the bill was founded.

Mr. Henderson presented the petition of Howard and Ogden, which was referred to the committee on Claims and Accounts, with authority to call for persons and papers.

Mr. Ford presented the petition of Neely Kimbro, which was referred to the committee on Public Lands.

Mr. Jones, of S. P., presented the petition of William Pringle, and James H. Grieve, which was referred to the committee on the State of the Republic.

The committee on the State of the Republic, J. W. Henderson, chairman, to whom was referred a bill for raising a county revenue, and for other purposes. Also, a bill for the benefit of the citizens of the Republic, reported the same back to the House, and recommended their indefinite postponement.

The committee on the State of the Republic, to whom was referred the bill for the location of the Seat of government by the people, reported the same back to the House, and recommended its passage. Signed, by Messrs. Scott, Armstrong and Johns: which reports, together with the bills, were laid on the table, to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the memorial of Lucy Davis, reported the same back to the House, by a bill, for the relief of Lucy Davis, which was read a first time.

The same committee, to whom was referred the bill requiring the government to relinquish its title to two lots in the

town of Quintana, reported the same back to the House, and recommended its passage—report and bill laid on the table, to come up among the orders of the day.

The same committee, to whom was referred the petition of J. A. Young, reported the same back to the House, with a joint resolution for the relief of J. A. Young; read a first time.

The committee on the Judiciary, Mr. Robinson, chairman, to whom was referred the bill to repeal the 17th section of an act organizing Justices' Courts, and defining the powers and jurisdiction of the same, &c., &c., reported the same back to the House, and recommended its indefinite postponement.

Mr. Smith of F., moved the adoption of the report.

Mr. Wallace moved to refer it to a select committee, which motion having precedence, was put and carried.

Messrs. Wallace, Smyth, of J. and Armstrong were appointed said committee.

Mr. Truit offered the following resolution, to wit:

Resolved, That so much of the President's message as refers to the difficulties in the county of Shelby, be referred to a select committee; adopted.

Messrs. Truit, Moffett, Parker, Robinson and Williams were appointed said committee.

Mr. Armstrong offered the following resolution, to wit:

Resolved, That the Speaker appoint a select committee, whose duty it shall be to take into consideration the several departments of our jurisprudence, and report to the House, by bill, such amendments and alterations of our laws as they think best suited to our condition; adopted.

Messrs. Armstrong, Robinson, Wallace, Smyth and Menefee were appointed said committee.

Mr. Johns, by leave, introduced a bill for the appointment of Patrols; read a first time.

Mr. Williamson moved a suspension of the rule; lost.

Mr. Bourland, by leave, introduced a bill, to change in part the times of holding the District Courts, in the 7th Judicial District; read a first time.

Mr. Perkins, by leave, introduced a bill, making an appropriation for the contingent printing of Congress; read a first time.

Mr. Ford, by leave, introduced a bill to endow the Wesleyan College of San Augustine; read a first time.

Mr. Williams, by leave, introduced a bill for the relief of Mrs. Sarah Brown; read a first time.

Mr. Cooke of Robertson, by leave, introduced a bill for the relief of Jarrett Menefee; read a first time.

Mr. Mabry, by leave, introduced a bill making an appropriation for the payment of the claims of Messrs. Rawdon, Wright, Hatch and Edson; read a first time.

The committee on Engrossed Bills made the following report, to wit:

HOUSE OF REPRESENTATIVES, }
December 16, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a joint resolution for the relief of J. C. Neill—also, a bill for the establishment of a Post Office at the house of Jonathan Collard, in the county of Montgomery—also, a bill directing the President and Heads of Departments to return to the city of Austin—and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Report adopted.

Mr. Moffett, by leave, introduced a bill prohibiting the sale of donations of land to colleges, &c., under eight years; read a first time.

Mr. Wallace, by leave, introduced a bill to allow defendants to plead a partial failure of consideration; read a first time.

Mr. Wallace, by leave, introduced a bill to abolish capital punishment within the limits of the Republic of Texas; read a first time.

Mr. Cooke of Robertson, by leave, introduced a bill to regulate in part the location of land claims; read a first time.

Mr. Menefee, by leave, introduced a bill authorizing Sam'l J. Redgate to adopt a certain person therein named; read a first time.

Mr. Menefee, by leave, introduced a bill making legitimate a certain person therein named; read a first time.

Mr. Sadler, by leave, introduced a bill to review and make a road therein named; read a first time.

Mr. Smyth of Jasper, by leave, introduced a bill authorizing the Secretary of the Treasury to settle the accounts pending

between Gail Borden, Jr., late Collector of Galveston, and the Government of the Republic of Texas; read a first time.

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

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

Mr. Henderson moved a further suspension of the rule.

The Ayes and Noes being called, stood as follows, to wit:

Ayes—Messrs. Armstrong, Dunn, Gage, Henderson, Jones of S. P., Lewis, McFarlane, Mabry, Means, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Smyth of J., Truit and Williams—19.

Noes—Messrs. Speaker, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Erath, Ford, Hardin, Johns, Johnson, Jones of G., Menefee, Millican, Moffett, Parker, Sadler, Smith of F., Wallace and Williamson—20; lost.

On motion of Mr. Ford, the vote on the engrossment of the bill was re-considered.

On motion of Mr. Cazneau, the bill was referred to the committee on Finance.

Mr. Smith of Fannin, moved to adjourn until 3 o'clock P. M.; lost.

Mr. Cazneau moved to take up the orders of the day.

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

3 o'clock, P. M.

House met; roll called; quorum present.

A message was received from the Senate, informing the House, that in conformity with the 7th joint rule of the two Houses, Senators Caldwell and Roman had been appointed a committee on the part of the Senate, to act in conjunction with a like committee of the House, to compare the Enrollment with the Engrossed Bills, as passed in the Houses—also, asking the withdrawal of the bill to alter and permanently establish the eastern boundary line of Rusk county.

On motion of Mr. Gage, the request was granted.

The committee on Post Offices and Post Roads, William H. Bourland, chairman, to whom was referred the message of his Excellency, the President, with accompanying documents, in reply to a resolution adopted by the House, on the 11th instant, calling for information, together with other documents referred,

by motion of Mr. Gage, reported the same back to the House, by a joint resolution establishing a Post Office, and for other purposes; read a first time.

Mr. Cooke, of R., by leave, introduced a bill to provide for carrying the public mail from Franklin, in Robertson county, to Crocket, in Houston county; read a first time.

The committee on the State of the Republic, James W. Henderson, chairman, to whom was referred the petition of sundry citizens of Rusk county, praying for the rights of citizenship for Earley Cordray, reported the same back to the House, with a bill for that purpose; read a first time.

Mr. Scurry offered the following resolution, to wit:

Resolved, That that portion of the President's message which refers to the abolition of the Exchequer system be referred to the committee on Finance: and that portion referring to the formation of treaties upon the basis of free trade, be referred to the committee on Foreign Relations; adopted.

On motion of Mr. Henderson, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Henderson, the motion of Mr. Wallace, of yesterday, concerning the 17th joint rule was laid on the table.

Messrs. Wallace and Perkins were appointed the committee on the part of the House, to act in conjunction with a like committee on the part of the Senate, on Enrolled Bills.

The bill supplementary to an act to regulate proceedings in civil suits was taken up, read a second time, and on motion of Mr. Armstrong, referred to the committee on the Judiciary.

On motion of Mr. McFarlane, the bill requiring the President to remove the Archives, &c., from the city of Austin, to the town of Washington was taken up, read a second time, and on motion of Mr. Scurry, referred to the committee on the State of the Republic.

Mr. Ogden moved to take up the bill for the relief of Henry Castro; lost.

Mr. Williamson moved to take up the bill for the location of the seat of government by the people; lost.

The bill making an appropriation for the redemption of William and Jane Simpson was taken up; read a first time.

The bill providing for an amendment of the Constitution, and for the establishment of a Supreme Court was taken up; read a first time.

The bill for the protection of the northern frontier was read a second time, and on motion of Mr. Cooke of R., referred to the committee on Military Affairs.

The bill supplementary to an act entitled an act to change in part the times of holding the District Courts in the 5th and 7th Judicial Districts, approved January 27th, 1844, was taken up; read a second time.

Mr. Sadler moved its engrossment.

Mr. Gage moved its reference to the committee on the Judiciary; carried.

The bill to repeal the 17th section of an act establishing the powers and jurisdiction of the District Courts was taken up, read a second time, and on motion of Mr. Wallace, referred to the committee on the Judiciary.

The bill to reduce the salaries of Judges of the District Courts, and to increase the salaries of District Attorneys was taken up, read a second time and on motion of Mr. Williamson, referred to the committee on the Judiciary.

The bill to authorize the re organization of Refugio and San Patricio counties was taken up, read a second time, and on motion of Mr. Jones of San Patricio, referred to the committee on the State of the Republic.

The bill directing the President and Heads of Departments to return to the city of Austin was taken up and read a third time.

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

Mr. Armstrong being absent, the Sergeant at Arms was despatched for him. The Sergeant at Arms having returned with Mr. Armstrong—on motion of Mr. Jones of San Patricio, he was discharged from custody without the payment of fees.

Mr. Smith of Fannin, moved the previous question.

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

Mr. Parker moved to adjourn until 6 o'clock, P. M.; lost.

The Ayes and Noes being called, on the motion to lay the bill on the table, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of R., Ford, Hardin, Henderson, Johns, Means, Millican, Moffett, Parker, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace and Williamson—18.

Noes—Messrs. Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F. and Williams—20.

Mr. Parker moved to adjourn until half after 5 o'clock, P. M. ;
lost.

Mr. Henderson moved that Mr. Williamson have leave to
discuss the previous question ; lost.

Mr. Williamson moved to adjourn until to-morrow morning
10 o'clock ; lost.

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

Mr. Parker being absent, the Sergeant-at-Arms was despatched
for him.

Mr. Smith of F., moved a suspension of the call ; lost.

Mr. Wallace moved to adjourn until to-morrow morning 10
o'clock ; lost.

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

FRIDAY, Dec. 20, 10 o'clock, A. M.

The House met pursuant to adjournment ; prayer by the
Chaplain—the roll being called, the following members an-
swered to their names, to wit :

Messrs. Speaker, Bourland, Cooke of B., Cunningham, Dunn,
Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones
of G., Lewis, Mabry, Menefee, Millican, Moffett, Parker, Per-
kins, Sadler, Scott, Sutherland, Smith of F., Smyth of J., Truit,
Wallace and Williams.

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

Mr. Cazneau moved that the fine imposed upon Mr. Parker
for his absence yesterday, by the rule of the House, be remitted ;
carried.

Mr. Jones of San Patricio, presented the petition of Samuel
Ricker, Jr., which was referred to the committee on Claims and
Accounts.

Mr. Moffett presented the several petitions of A. Stern, John
Evans and John Engledon, which were referred to the com-
mittee on Claims and Accounts.

The committee on Post Offices and Post Roads, William H.
Bourland, chairman, to whom was referred the bill to alter a
certain mail route therein named, and for other purposes, re-

ported the same back to the House, and recommended its passage. Report, together with the bill was laid on the table, to come up among the orders of the day.

The committee on finance to whom was referred the bill authorizing the Secretary of the Treasury to make a final settlement of the accounts pending between Gail Borden, Jr., late collector of Galveston, and the Republic of Texas, reported the same back to the House, and recommended its passage.

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

Mr. Bourland moved a suspension of the rule.

The Ayes and Noes being called, stood as follows, to wit:

Ayes—Messrs. Bourland, Cunningham, Dunn, Gage, Henderson, Johns, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane Mabry, Menefee, Ogden, Perkins, Sadler, Scott, Senry, Sutherland, Smith of F., Smyth of J., Truit and Williams—23.

Noes—Messrs. Speaker, Cooke of B., Cooke of R., Ford, Hardin, Means, Millican, Moffett, Parker and Wallace—10. Carried.

Mr. Smith of Fannin, moved the indefinite postponement of the bill; lost.

Mr. Parker moved a call of the House; lost. The bill was then read a third time and passed.

Mr. Bourland, by leave, introduced a bill supplementary to an act to open and establish a National Road, approved 5th February, 1844; read a first time.

Mr. Jones of S. P., by leave, introduced a bill to authorize the transportation of goods coastwise; read a first time.

On motion of Mr. McFarlane, a committee of Commerce and Navigation was added as a standing committee of the House of Representatives.

Mr. Wallace, by leave, introduced a bill to rescind the joint resolution fixing a salary for the Clerk of the Supreme Court; read a first time.

On motion of Mr. McFarlane, the Speaker was authorized to introduce bills, &c., &c.

Mr. Speaker, (Mr. Lewis of Montgomery,) by leave, introduced a bill prescribing the routine of military duty, and for other purposes; read a first time.

Mr. Perkins, by leave, introduced a bill to prevent the retailing of spirituous liquors in quantities less than a quart; read a first time.

Mr. Hardin, by leave, introduced a bill to reduce the tax on neat cattle; read a first time.

On motion of Mr. Henderson, the House proceeded to the

ORDERS OF THE DAY.

A bill requiring the President and Heads of Departments to return to the city of Austin, the Seat of Government, with a motion for the previous question on its final passage—a call of the House pending. The Sergeant-at-Arms despatched after absent members.

Mr. Parker moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Smith of F., moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Smith of Fannin, moved a suspension of the call.

Mr. Wallace moved to adjourn until 3 o'clock P. M.; lost.

On motion of Mr. Menefee, the question was put upon the suspension of the call of the House and carried.

The question, shall the main question be now put: the Ayes and Noes being called, stood as follows, to wit:

Ayes—Messrs. Caznean, Cooke of B., Cunningham, Dunn, Erath, Johnson, Jones of G., Lewis, Ogden, Sutherland, and Smith of F.—11.

Noes—Messrs. Speaker, Armstrong, Bourland, Cooke of R., Ford, Gage, Hardin, Henderson, Johns, Jones of S. P., McFarlane, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace and Williams—26. Lost.

On motion of Mr. Parker, a call of the House was made.—There being a full House, the doors were opened.

Mr. Parker moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Parker moved to adjourn until half past 3 o'clock, P. M.; lost.

On motion of Mr. Means, a call of the House was made—full House—the doors were opened.

Mr. Armstrong moved to lay the bill on the table; lost.

Mr. Parker moved a call of the House; lost.

Mr. Lewis of Montgomery, moved to adjourn until 3 o'clock P. M.; lost.

Mr. Henderson moved to adjourn until 3 o'clock P. M.; lost.

Mr. Parker moved to adjourn until ten minutes before 3 o'clock P. M.; lost.

The question was then on the passage of the bill.

The Ayes and Noes were called for, and stood as follows, to wit :

Ayes—Messrs. Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of Fannin and Williams—20.

Noes—Messrs. Speaker, Armstrong, Cooke of R., Ford, Hardin, Henderson, Johns, Means, Millican, Moffett, Parker, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace and Williamson—18.

So the bill passed.

Mr. Menefee moved to excuse Mr. Wallace from voting; lost.

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

SATURDAY, Dec. 21, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:—

Messrs. Speaker, Bourland, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Means, Menefee, Moffett, Perkins, Robinson, Scott, Scurry, Sutherland, Truit and Williams.

A quorum present; the journals of the preceding day read and adopted.

Mr. Williams presented the petition of J. C. Eckles, which was referred to the committee on Claims and Accounts.

The committee on Public Lands, George Sutherland, chairman, to whom was referred the petition of John Morris, reported the same back to the House with a bill for his relief; which was read a first time.

The same committee, to whom was referred the petition of Neely Kimbro, reported the same back to the House by a bill for his relief; which was read a first time.

The committee on Engrossed Bills made the following report, to wit:

COMMITTEE ROOM, }
December 20th, 1844. }

*To the Honorable John M. Lewis,
Speaker of the House of Representatives :*

The committee on Engrossed Bills have examined and found correct a joint resolution authorizing the Secretary of the Treasury to make a final settlement of the accounts pending between Gail Borden, Jr., late Collector at Galveston, and the Government of the Republic of Texas.

A. CUNNINGHAM, Chairman.

Report adopted.

On motion of Mr. Cazneau, the Hon. Hugh McLeod, the member elect from Galveston county, came forward, took the oath prescribed by the Constitution, and his seat.

Leave was granted Mr. Williamson to withdraw the petition and accompanying documents of J. B. Robertson, presented to the last Congress.

Mr. Wallace offered the following resolution, to wit :

Resolved by the House of Representatives, That the Chief Clerk of the House be authorized to procure a room for the use of the Enrolling, Engrossing, and other Clerks of the House, and that the rent, if any, shall be paid out of the contingent fund of Congress ; adopted.

The committee on Public Lands, Geo. Sutherland chairman, to whom was referred the petition of Rob't C. Campbell, attorney, reported the same back to the House by a bill for the relief of the heirs of James Garrard, deceased ; which was read a first time.

Mr. McLeod presented the petition of sundry citizens of Galveston county, retailers of ardent spirits, praying a reduction of the license tax ; which was referred to the committee on Finance.

Mr. McLeod presented the petition of Charles G. Bryant ; which was, on motion of Mr. Jones of S. P., referred to the committee on Claims and Accounts.

On motion of Mr. Scott, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Scott, the substitute of the Judiciary committee for the bill for the benefit of Jurors, was taken up.

Mr. McLeod offered an amendment.

On motion of Mr. Cazneau, the substitute and amendment were re-committed to the Judiciary committee.

On motion of Mr. Cazneau, the two following letters were ordered to be spread upon the journals :

MEXICO, 20th Feb. 1844.

SIR:—

I have the honor to acknowledge the receipt of your letter inclosing me a copy of the resolutions passed by the House of Representatives of Texas, thanking Gen. Waddy Thompson, Mr. Pakenham and myself for our exertions in behalf of their fellow countrymen in prison in this country.

In begging that you will do me the favor to convey my thanks for the honor they have conferred on me, I beg to assure you that in any steps I have taken to assist your fellow countrymen, in their unfortunate position in this country, I have acted strictly in conformity with the instructions I have received from Her Majesty's Government.

I have the honor to be, sir,

Your most obedient, humble servant,

PERCY W. DOYLE.

JAMES H. RAYMOND, Esq., &c., &c.

WASHINGTON, D. C., Nov. 6, 1844.

SIR:—

I take advantage of the return to Texas of Captain Elliott, Her Majesty's Chargé d'Affaires, to acknowledge the receipt of your obliging letter of 27th December, communicating to me the resolution of the Honorable the House of Representatives, of the Republic of Texas, in which the thanks of that House are tendered to me, for my interference in behalf of those citizens of Texas who were detained as prisoners of war in Mexico, during my residence as British Minister in that country.

I request you to be assured, sir, that I am fully sensible of the honor conferred upon me by the resolution of the Honorable House of Representatives above referred to, and that it was with sincere pleasure that I co-operated with my colleague, the Minister of the United States, in Mexico, in endeavoring to allevi-

ate the sufferings of your countrymen, whom the chances of warfare had reduced to the condition of prisoners of war.

I have the honor to be, sir,

Your most obedient, humble servant,

R. PAKENHAM.

Her Britannic Majesty's Envoy Extraordinary and Minister
Plenipotentiary to the United States.

JAMES H. RAYMOND, Esq. &c., &c.

On motion of Mr. Jones of S. P., the bill for the relief of Jas. W. Wanhop was taken up on its second reading.

Mr. Jones of S. P., withdrew the amendment offered several days ago, and offered another amendment.

On motion of Mr. Gage, the bill and amendment were referred to the committee on Public Lands.

On motion of Mr. Jones of S. P., a committee was appointed, consisting of Messrs. Jones of S. P., Parker and Hardin, to wait upon the Senate and request them to repair to the House of Representatives, for the purpose of electing a Public Printer.

The committee returned, and reported duty performed.

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

The following propositions were received and read from the committee on Public Printing, to wit:

WASHINGTON, December 17, 1844.

To the Honorable the Committees on Public Printing, of the Senate and House of Representatives:

GENTLEMEN:—

The undersigned, proprietors and publishers of the Texas National Register, respectfully propose to print, on good paper, fold, stitch, properly finish and deliver to the Secretary of State, the usual number of the Laws and Journals of the ninth Congress of the Republic, at one-third of a cent per page—to be completed within thirty days after the adjournment of Congress, or after copy is furnished.

Very respectfully,

MILLER & CUSHNEY.

OFFICE OF THE NATIONAL VINDICATOR, }
 Washington, 20th Dec., 1844. }

GENTLEMEN:—

I will print the Laws and Journals of the ninth Congress, of the Republic of Texas, at the following rates, to wit:

2,000 copies of the Laws, at the rate of 25 cents per hundred pages,—500 copies of the Journals, at the same rate: folding, stitching and binding included.

All of which is respectfully submitted,

THOMAS JOHNSON.

The Laws will be ready for delivery within ten days after the rising of Congress—the Journals within thirty days thereafter.

THOMAS JOHNSON.

Messrs. Miller & Cushney, and Thomas Johnson were put in nomination. The House proceeded to vote *viva voce*. The following members voted for Miller & Cushney, to wit:

Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Johnson, Jones of G., Jones of S. P., McLeod, Mabry, Means, Menefee, Moffett, Ogden, Robinson, Scott, Sutherland and Smyth of J.,—19.

The following members voted for Thomas Johnson, to wit:

Messrs. Speaker, Cooke of R., Erath, Ford, Gage, Hardin, Henderson, Johns, Lewis, McFarlane, Millican, Parker, Perkins, Sadler, Scurry, Smith of F., Truit, Wallace, Williams and Williamson—20.

Miller & Cushney received seven votes in the Senate, and Thomas Johnson 6.

There being a tie vote, the House proceeded to a second vote.

The following members voted for Miller & Cushney, to wit:

Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Johnson, Jones of G., Jones of S. P., McFarlane, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Robinson, Sadler, Scott, Sutherland and Smith of J.,—21.

The following members voted for Thomas Johnson, to wit:

Messrs. Speaker, Cooke of R., Erath, Ford, Gage, Hardin, Henderson, Johns, Lewis, Millican, Parker, Perkins, Scurry, Smith of F., Truit, Wallace, Williams and Williamson—18:

Messrs. Miller & Cushney received seven votes in the Senate, and Thomas Johnson received six votes,

Miller & Cushney having received a majority of all the votes, were declared duly elected Public Printers.

The Senate having retired.

The bill to establish a Post Office at the house of Jonathan Collard, in the county of Montgomery, was read a third time and passed.

The bill amendatory of the several acts to detect fraudulent land certificates was taken up, read a third time.

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

Messrs. McFarlane and Parker were absent—the Sergeant-at-Arms was despatched for them—they returned—a full House—the doors were opened.

Mr. Menefee moved a suspension of the rule prohibiting bills from being amended on their third reading; lost.

The question being the passage of the bill, the Ayes and Noes were called, which stood as follows, to wit:

Ayes—Messrs. Speaker, Cazneau, Cooke of B., Cooke of R., Cunningham, Erath, Hardin, Henderson, Johnson, Jones of S. P., Lewis, McLeod, Mabry, Millican, Parker, Robierson, Sadler, Sutherland, Wallace and Williamson—20.

Noes—Messrs. Armstrong, Bourland, Dunn, Ford, Gage, Johns, Jones of G., McFarlane, Means, Menefee, Moffett, Ogden, Perkins, Scott, Scurry, Smith of F., Smyth of J., Truit and Williams—19.

So the bill passed.

Mr. McLeod presented the petition of Anthony B. Shelby; which was referred to the committee on the Judiciary.

The bill for the relief of J. C. Neill was taken up, read a third time and passed.

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

MONDAY, Dec. 23, 10 o'clock A. M.

House met pursuant to adjournment, prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Cooke of B., Cunningham, Erath, Gage, Hardin, Henderson, Johns, Johnson, Jones of G., Lewis, Mabry,

Means, Menefee, Millican, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit, Wallace, Williams and Williamson.

A quorum present; the journals of Saturday were read and adopted.

Mr. Scurry presented the petition of sundry citizens of Red River county; which was referred to the committee on the State of the Republic.

Mr. Scurry presented the petition of Major Farris; which was referred to the committee on Public Lands.

Mr. Wallace presented the petition of Mary Patter, Candes, and others; which was referred to the committee on Public Lands.

Mr. Erath, presented the petition of sundry citizens of Milam county; which was referred to the committee on Military Affairs.

The committee on Public Lands, George Sutherland chairman, to whom was referred the petition of Abel Morgan, reported the same back to the House, with a bill for his relief; which was read a first time.

The committee on Finance, to whom was referred the bill requiring the Auditor to audit all legally authenticated claims against the government; also, a bill supplementary to the several acts relating to direct taxation, reported them back to the House by substitutes; which were laid upon the table to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred a bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress, reported the same back to the House, and recommended its passage; which, together with the bill, was laid on the table to come up among the orders of the day; also, the same committee to whom was referred the account of John Evans, reported unfavorable; which report was adopted.

The select committee, B. Rush Wallace chairman, to whom was referred the bill to repeal the 17th section of an act organizing Justices' Courts, and defining the powers and jurisdiction of the same, &c., &c., approved Dec. 20th, 1836, reported the same back to the House, and recommended its passage; which report, together with the bill, was laid on the table to come up among the orders of the day.

Mr. Johns, by leave, introduced a bill to repeal an act au-

thorizing the holding of a District Court in two places in Red River county, and for other purposes ; read a first time.

Mr. Perkins offered the following resolution, to wit :

Resolved, That the House of Representatives now go into the election of a Reporter for the present Congress.

Mr. Smith of F., moved to amend, by inserting after the word "Resolved," "by the House of Representatives of the Republic of Texas in Congress assembled;" amendment accepted by Mr. Perkins, and resolution rejected.

Mr. Millican, by leave, introduced a bill, amendatory of the several acts regulating the sales of the estates of deceased persons and minor heirs ; read a first time.

Mr. Erath, by leave, introduced a bill regulating License Tax ; read a first time.

Mr. Wallace, by leave, introduced a bill to reduce the compensation or pay of members of Congress ; read a first time.

A message from the Senate was received, informing the House of the passage of the following bills, to wit :

A bill to incorporate the town of Marshall, in Harrison county—also, a bill granting one third of a league of land to Hugh S. Stapp—also, a bill to make the Secretary of the Senate an annual officer—also, a bill for the relief of Martha B. Runnels, and others—and also, that the Senate had concurred in the resolution of the House, requesting the committee on the Judiciary, of the Senate, to act with a like committee of the House, in the examination of a copy of a digest of the laws of the Republic.

Mr. Scurry presented the following

PROTEST :

The undersigned, availing themselves of their constitutional privilege, enter their solemn protest against the vote taken in the House of Representatives, on the 20th day of December, 1844, on the final passage of a joint resolution, requiring the President and Heads of Departments to return to the city of Austin, and assign the following as reasons therefor :

The situation of the city of Austin, on the extreme Northwestern frontier, liable at any moment to hostile incursions from the Indian and Mexican foe, renders that point at all times an insecure repository for the Archives of the nation ; and its remoteness from the main body of the people, subjects the citizen, having business with the government, to great danger and inconvenience in going to and from that place.

The undersigned believe that the location of the seat of government is a matter so intimately connected with the interest of every individual citizen of the nation, that it should be selected at some point affording equal facilities to every portion of the Republic; and they humbly conceive that it will not be contended, that the city of Austin is such a location. It is true that it would meet the approbation and suit the convenience of the people of the *West*; but *we* are *here* to legislate for *the mass*, not for sections or fractions of the Republic. The people of the northern and eastern portions of the country, when they have business to transact with either of the Departments of the Government, (should the President and Heads of Departments be removed to the city of Austin,) would be compelled to traverse the almost entire extent of the Republic to reach that point. Aside from the want of centrality, either as it regards territory or population, of the locality of the city of Austin, it is beyond the reach of navigation, and renders that intercourse so essential to the preservation of friendly relations with foreign powers, at all times difficult, and at some periods almost impracticable.

The act providing for the location of the seat of government at the city of Austin was, in the opinion of the undersigned, clearly violative of the Constitution; inasmuch as they can find in that instrument no power delegated to Congress, to make a location of the seat of government; and were such power delegated, still they believe that act infringes that provision of the Constitution which reads as follows: "No person holding an office of profit under the government shall be eligible to a seat in either house of Congress; *nor shall any member of either house be eligible to any office which may be created, or the profits of which shall be increased during his term of service.*"—(Art. I., Sec. 23 of the Constitution.) By reference to the journals of 1838—'39, it will be seen that four of the five Commissioners appointed under that act, were then members of Congress; and that the office of "Commissioners to locate the Seat of Government," was *created during their term of service.* Had those Commissioners not have been members of Congress, and had the power to make a location of the Seat of Government been delegated to Congress by the Constitution; still, in the opinion of the undersigned, that act was unconstitutional: because the members of Congress are the agents of the people, acting under a special letter of attorney, which letter of attorney is the Constitution; and there is no legal principle better settled

than that the agent, unless there be an express grant of power so to do, cannot appoint a sub agent, by whose acts his principal will be bound; then in the appointment of sub-agents or Commissioners, the Congress overstepped the limits of the authority vested in them, by their letter of attorney, the Constitution, and their principal, the *sovereign people*, and are not bound by their acts. Were we to establish the converse of this position, Congress would have the power to grant to five other Commissioners the right "to declare war, make peace, levy and collect taxes and imposts, excise and tonnage duties," and perform all other acts within the purview of their expressly delegated powers. In view of the foregoing facts, the undersigned can come to no other conclusion, than that the act under which the supposed location of the Seat of Government was made at the city of Austin, was in direct contravention of the plainest provisions of the Constitution, and is therefore neither binding upon Congress or the people.

If Austin be not the seat of government, the question which naturally presents itself, is, where is it? To which, if we take the Constitution for our guide, we can make but one response. If there be any, it is the town of Washington. In support of this position, we would adduce the following act of that original convention of the people of all Texas, which assembled in solemn consultation in 1835, at the town of San Felipe de Austin, "Resolved by the General Council of the Provisional Government aforesaid, that a convention of delegates of the people of each municipality of the three departments of Texas, shall be called to assemble on the first day of March next, at the town of Washington. (Acts of Consultation, page 77.)

That act pointed to Washington as the future place at which the business of the people of Texas should be transacted; or, in other words, as their future seat for the administration of public affairs. By that act was called into existence that secondary convention, which was the germ of a new nation—the nucleus around which gathered the elements of revolution and discord, and which were converted by the hand of patriotism and wisdom into materials for the construction of that beautiful fabric, which is the basis of all law, the *magna charta* of freedom, and is regarded by every Texian patriot as the *bible of liberty*; the Constitution. Up to the period of the adoption of that Constitution, the acts of the Consultation were in full force as the fundamental law of the land; and in that Constitution we find that act of the Consultation fixing the provisional seat of gov-

ernment at Washington, ratified and perpetuated by the following clause: "That no inconvenience may arise from the adoption of this Constitution, it is declared by this Convention that *all laws now in force in Texas* and not inconsistent with this Constitution, shall remain in full force until declared void, repealed, altered or expire by their own limitation." (Sched. sec. V, Constitution. No part of the aforesaid act of the Consultation can, by the most far-fetched or over-strained reasoning, be construed to be "inconsistent with the Constitution." By the third section of the General Provisions of the Constitution, "The President and Heads of Departments shall keep their offices at the seat of government. It would seem a singular absurdity, to require the President and Heads of Departments to keep their offices at a place not in existence. If there was no seat of government, where were the President and Heads of Departments to keep their offices until one should be created?—"at the seat of government" is the answer and requirement of the Constitution. The question again recurs, where is that point? The answer is almost inevitable—the town of Washington, where independence was declared and that Constitution framed.

This brings us to the consideration of this "Joint Resolution." By the section of the Constitution, last above quoted, we find that "the President and Heads of Departments shall keep their offices at the Seat of Government, unless removed by the permission of Congress, or unless in cases of emergency, in time of war, the public interest may require their removal." This clause authorizes the removal of the President and Heads of Departments, from the Seat of Government, but not the removal of the Seat of Government itself; to which removal the Congress may give their assent or permission; but it gives them no authority to order it. Again, the President, &c., in cases of emergency, &c., may be removed. The undersigned would respectfully inquire, what is the emergency requiring the removal of the President, &c., from this the provisional Seat of Government? They know of none, nor do they believe any such exists. Should we be threatened by an invading army, or any of those dangers incident to a state of warfare, would it not be madness and folly to remove the Archives, Heads of Departments, &c., from this place, which is surrounded by a densely and widely extended population of brave and chivalrous people, to the city of Austin, situated as it is, upon the extreme verge of the frontier, liable to every vicissitude incidental to an unset-

bled country, surrounded by hordes of hostile Indians, and exposed to the ravages and incursions of our national enemy, the Mexicans, unless we resort to the monstrous absurdity of creating a *standing army* to protect the President and Heads of Departments.

If, then, the opinions of the undersigned are correct that, under the Constitution, Washington is the Provisional Seat of Government, and Congress have not the Constitutional right to locate one, the question naturally arises, where is that power lodged? To this we would answer, it is one of the *reserved rights of the people*, reserved to them by the first paragraph in the declaration of rights, which is in the following words: "in order to guard against the *transgression* (?) of the high powers which we have delegated, we declare that every thing in this bill of rights contained, and *every other right not hereby delegated, is reserved to the people.*"

Should Washington be considered an improper location for the Seat of Government, the only remedy left open by the Constitution, is an appeal to *the decision of the people*; and any action upon this subject, by Congress, would, in the opinion of the undersigned, be a "*transgression of the high powers delegated,*" unless it be to place the matter in such shape that the people can attain this — *one of their reserved rights.*

The undersigned, then, protest against the passage of this "Joint Resolution;" 1st. because they believe that, under the Constitution, Washington is, Provisionally, the seat of Government, until such time as the same shall be located by the people; 2d. because they believe there is no emergency now existing, requiring a removal of the President and Heads of Departments, from this, the Provisional Seat of Government; 3d. because if such emergency does exist, the city of Austin is not, for the reasons shown, a proper point, to which to remove them.

JOHN S. FORD.

WM. R. SCURRY.

G. A. PARKER.

JAMES TRUIT.

WM. T. SADLER.

E. M. MILLICAN.

S. B. JOHNS.

JOHN M. LEWIS.

BENJAMIN HARDIN.

Mr. Wallace gave notice that he would, in due season, move a re-consideration of the vote rejecting the resolution to elect a Reporter.

Mr. McLeod presented the petition of the administrator of the estate of Lieut. J. P. Lansing—also, the petition of George C. Bunner, which were referred to the committee on Naval Affairs.

Mr. McLeod, by leave, introduced a bill to incorporate the Galveston Guards—also, a bill to establish and incorporate the Galveston Lyceum; which bills, were read a first time.

On motion of Mr. Cazneau, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Cazneau, the bill for the relief of Henry Castro, was taken up on its second reading, and the substitute of the committee adopted.

On motion of Mr. Cazneau, it was referred to a select committee.

Messrs. Cazneau, Williamson and Cunningham were appointed the committee.

The bill to alter a certain mail route therein named, and for other purposes, was read a second time; and, on motion of Mr. Menefee, ordered to be engrossed.

The bill for the relief of Jonathan Bird, was taken up on its second reading: the substitute of the committee adopted; and on motion of Mr. Parker, ordered to be engrossed.

On motion of Mr. Parker, the resolution of the Senate, to adjourn *sine die* on the 20th January next, was taken up.

Mr. Henderson moved to strike out "20th January," and insert "5th February."

Mr. Smith of Fannin, moved to lay it on the table until the 20th January. The Ayes and Noes being called on the motion, stood as follows:

Ayes—Messrs. Speaker, Cooke of B., Ford, Gage, Hardin, Henderson, Johnson, Lewis, Mabry, Moffett, Ogden, Robinson, Sadler, Sutherland. Smith of F., Williams and Williamson—17.

Noes—Messrs. Armstrong, Bourland, Cazneau, Cunningham, Dunn, Erath, Johns, Jones of G., Jones of S. P., McLeod, Means, Menefee, Millican, Parker, Perkins, Scott, Scurry, Smyth of J., Truit and Wallace—20. Lost.

Mr. Armstrong moved to strike out "20th," and insert

"27th"—a division of Mr. Henderson's motion. The question on striking out was carried.

Mr. Smith of F., moved to lay the resolution on the table. The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Speaker, Armstrong, Cooke of B., Cooke of R., Cunningham, Gage, Hardin, Henderson, Johnson, Lewis, Mabry, Moffett, Ogden, Robinson, Sutherland, Smith of F., Smyth of J., Williams and Williamson—19.

Noes—Messrs. Bourland, Cazneau, Dunn, Erath, Ford, Johns, Jones of G., Jones of S. P., McLeod, Means, Menefee, Millican, Patker, Perkins, Sadler, Scott, Scurry, Truit and Wallace—19.

Motion lost.

Mr. Gage moved to fill the blank with "27th."

Mr. Henderson moved to fill the blank with "5th February."

Mr. Scurry moved to lay the resolution, with amendments, on the table.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Speaker, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Ford, Gage, Hardin, Henderson, Johnson, Jones of G., Lewis, Mabry, Menefee, Moffett, Ogden, Robinson, Sadler, Scurry, Sutherland, Smith of F., Smyth of J., Williams and Williamson—25.

Noes—Messrs. Armstrong, Bourland, Erath, Johns, Jones of S. P., McLeod, Means, Millican, Parker, Perkins, Scott, Truit and Wallace—13.

The resolution was laid on the table.

A message was received from the Senate informing the House of the passage of the following bills :

Joint resolution authorizing the Secretary of the Treasury to make a final settlement of the accounts pending between Gail Borden, Jr., late Collector of Galveston, and the government of the Republic of Texas ;

And, a bill to be entitled an act to alter and permanently establish the eastern boundary line of Rusk county, and for other purposes—with amendments.

The bill for the relief Lucy Davis was taken up on its second reading, and, on motion of Mr. Sutherland, ordered to be engrossed.

On motion of Mr. Robinson, the bill for the relief of Calvin Sumrall was taken up on its second reading.

Mr. Parker moved its engrossment.

The Ayes and Noes being called, stood as follows :

Ayes—Messrs. Cazneau, Jones of S. P., McLeod, Moffett, Ogden, Perkins, Robinson and Williams—8.

Noes—Messrs. Speaker, Armstrong, Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of G., Lewis, Mabry, Means, Menefee, Millican, Parker, Sadler, Scott, Sutherland, Smith of F., Smyth of J., Truit and Williamson—26.

So the bill was rejected by refusing to engross.

The bill to provide for carrying the public mail from Franklin, in Robertson county, to Crocket in Houston county, was taken up, read a second time and, on motion of Mr. Henderson, referred to the committee on Post Offices and Post Roads.

The bill to confer the rights of citizenship on Early Cor-dray, was taken up, and read a second time.

Mr. Gage moved its engrossment.

The Ayes and Noes were called for, and stood as follows:

Ayes—Messrs. Armstrong, Cazneau, Cook of B., Cunningham, Dunn, Erath, Ford, Gage, Henderson, Johns, Johnson, Jones of G., Lewis, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Scott, Scurry, Sutherland, Smyth of J., Truit, Wallace and Williams—27.

Noes—Messrs. Speaker, Cooke of R., Hardin, Jones of S. P., Millican, Parker, Robinson, Sadler, Smith of F. and Williamson—10.

The bill was ordered to be engrossed.

A message was received from the Senate transmitting a copy of a colonization contract, at the request of the President.

Mr. Wallace intimated that in due season he would move a re-consideration of the vote just taken.

Mr. Henderson moved a re-consideration of the vote.

Mr. Robinson moved to adjourn until 10 o'clock to-morrow morning; lost.

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

3 o'clock, P. M.

House met; roll called; a quorum present.

The question before the House was Mr. Henderson's motion to re-consider the vote on the engrossment of the bill to confer

rights of citizenship on Early Cordray ; which motion was put and lost.

On motion of Mr. Cazneau, Mr. McLeod was added to the committees on Foreign Relations, State of the Republic and Military Affairs.

On motion of Mr. Williamson, Mr. Menefee was added to the committee on Foreign Relations.

Mr. Williamson presented the petition of S. B. Giles ; which was referred to the committee on Public Lands.

The bill establishing a post office, and for other purposes, was taken up, read a second time, and, on motion of Mr. Gage, ordered to be engrossed.

The bill to abolish capital punishment within the limits of the Republic of Texas, was taken up, read a second time, and, on motion of Mr. Ford, referred to the committee on the Judiciary.

The bill for the relief of J. A. Young, was taken up, read a second time, and, on motion of Mr. Jones of S. P., ordered to be engrossed.

The bill for raising a county revenue, and for other purposes, was taken up on its second reading, with the unfavorable report of the committee on the State of the Republic, and, on motion of Mr. Jones of S. P., laid on the table.

The bill for the benefit of the citizens of the Republic, was taken up on its second reading, with the unfavorable report of the committee on the State of the Republic, and, on motion of Mr. Gage, was re-committed to same committee.

The bill requiring the government to relinquish its title to two lots in the town of Quintana, was taken up on its second reading, and, on motion of Mr. Perkins, ordered to be engrossed.

The bill for the location of the seat of government by the people, was taken up on its second reading.

Mr. Robinson moved to lay it on the table, and make it the special order of the day for Thursday next.

Mr. Williamson moved to lay it on the table, and make it the special order of the day for Monday next, the 30th instant, at 11 o'clock ; which motion, having precedence, was put and carried.

The bill prohibiting the sale of donations of lands to colleges, &c., under eight years, was taken up and read a second time.

Mr. Gage moved to refer it to the committee on Public Lands ; lost.

On motion of Mr. Henderson, it was referred to the committee on Education.

The bill making an appropriation for the redemption of William and Jane Simpson, was taken up, read a second time, and, on motion of Mr. Parker, passed to its third reading.

The bill providing for an amendment of the Constitution, and for the establishment of a Supreme Court.

Mr. Henderson moved to pass it to a third reading.

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

The bill to allow defendants to plead a partial failure of consideration, was taken up, read a second time, and, on motion of Mr. Wallace, referred to the committee on the Judiciary.

The bill making an appropriation for the payment of the claims of Messrs. Rawdon, Wright, Hatch and Edson, was taken up on its second reading.

Mr. Jones of S. P., moved its engrossment ; lost.

The bill was rejected, by refusing its engrossment.

Mr. Cazneau presented the petition of William Bugg, which was referred to the committee on Military Affairs.

The bill for the relief of Jarret Menefee, was taken up on its second reading ; and on motion of Mr. Cooke of R., ordered to lie on the table.

The bill for the relief of Mrs. Sarah Brown, was taken up on its second reading ; and on motion of Mr. Williams, ordered to be engrossed.

The bill to endow the Wesleyan College of San Augustine, was read a second time ; and on motion of Mr. Ford, referred to the committee on Education.

Mr. Henderson, by leave, introduced a bill for the relief of L. S. Hargous, of the city of Vera Cruz, and others.

On motion of Mr. McLeod, the vote rejecting the resolution to elect a Reporter, was re considered.

Mr. Williamson offered the following substitute for the resolution :

Resolved, That the Chief Clerk of the House of Representatives be instructed to wait upon Mr. Weeks, and inform him that the House wanted his services, to report the proceedings ; substitute adopted.

The Ayes and Noes were then called upon the passage of the resolution, and stood as follows :

Ayes—Messrs. Speaker, Armstrong, Cazneau, Cooke of B., Cooke of R., Ford, Henderson, Jones of S. P., Lewis, McLeod,

Means, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Smith of F., Truit and Williamson—21.

Noes—Messrs. Cunningham, Dunn, Erath, Gage, Hardin, Johns, Johnson, Jones of G., Mabry Menefee, Millican, Parker, Sutherland, Smyth of J., Wallace and Williams—16.

Resolution adopted.

The bill making an appropriation for the contingent printing of Congress, was taken up on its second reading; and on motion of Mr. Perkins, was ordered to be engrossed.

Mr. Perkins moved a suspension of the rule.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of B., Cooke of R., Dunn, Erath, Ford, Gage, Henderson, Johns, Jones of G., Lewis, McLeod, Mabry, Menefee, Moffett, Ogden, Parker, Perkins, Scott, Scurry, Sutherland, Smith of F., Smyth of J., Truit, Williams and Williamson—27.

Noes—Messrs. Cunningham, Hardin, Johnson, Means, Millican, Robinson, Sadler and Wallace—8.

The rule was suspended—bill read a third time and passed.

Mr. Williamson moved a re-consideration of the vote refusing to engross the bill, making an appropriation for the payment of the claims of Messrs. Rawdon, Wright, Hatch and Edson.

On motion of Mr. Robinson, the motion to re-consider was laid on the table.

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

TUESDAY, Dec. 24, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit, Wallace, Williams and Williamson.

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

Mr. Cooke of B., presented the petition of James P. Hudson, which was laid on the table.

Mr. Scott presented the petition of W. M. Steel, which was referred to the committee on Military Affairs.

Mr. McLeod presented the petition of Thomas P. Anderson, late Surgeon Texas Navy; which was, on motion of Mr. Cooke of B., referred to the committee on Naval Affairs.

Mr. Wallace presented the petition of Henry Smith, which was, on motion of Mr. Wallace, referred to a select committee, consisting of Messrs. Wallace, Moffett and Mabry.

Mr. Cooke of R., presented the petition of Thomas Middleton, which was, on motion of Mr. Cooke of R., referred to the committee on Public Lands.

The committee on Public Lands, Geo. Sutherland, chairman, to whom was referred the petition of the heirs of Joseph English, reported the same back to the House, with a bill for their relief; read a first time.

The committee on Education, Wm. R. Scurry, chairman, to whom was referred the bill to endow the Wesleyan College of San Augustine, reported the same back to the House, and recommended its passage.

The committee on Finance, Geo. W. Smyth, chairman, to whom was referred the bill to repeal the Exchequer system, reported the same back with amendments, and recommended its passage; which reports, together with the bill and amendments, were laid on the table, to come up among the orders of the day.

The committee on Finance, Geo. W. Smyth, chairman, to whom was referred the petition of sundry citizens of Galveston, keepers of public houses, restaurats, and ordinaries, praying a reduction of the License Tax, reported the same back to the House, deeming it impolitic to pass any act upon the subject; which report was adopted.

The committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
Dec. 24th, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined a bill for the relief of Lucy Davis—also, a bill to alter a certain mail

route therein named, and for other purposes—also, a bill for the relief of Jonathan Bird—also, a joint resolution requiring the government to relinquish its title to two lots in the town of Quintana—also, a bill to confer rights of citizenship on Earley Cordray—also, a bill for the relief of Mrs. Sarah Brown—also, a bill establishing a Post Office, and for other purposes—also, a bill for the relief of J. A. Young—also, a bill making an appropriation for the contingent printing of Congress, and find the same correctly engrossed.

TOD ROBINSON,
One of the Committee.

Report adopted.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of Andrew B. Gray, and Hamilton P. Bee, reported the same back to the House, by bill, for their relief; read a first time.

The committee on Enrolled Bills, made the following report, to wit:

COMMITTEE ROOM, }
December 23d, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and found the following bills correctly enrolled, to wit:

A bill to be entitled an act more perfectly defining the boundaries of the county of Jackson—and, a joint resolution authorizing the Secretary of the Treasury to make a final settlement of the accounts pending between Gail Borden, Jr., late Collector of Galveston, and the government of the Republic of Texas.

They were signed by the Speaker of the House of Representatives and the President of the Senate, and were this day presented to the President for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The select committee, Wm. L. Cazneau chairman, to whom was referred the substitute for the bill for the relief of Henry Castro, reported the same back to the House, and recommended its passage; which report, together with the bill, were laid on the table to come up among the orders of the day.

Mr. Johns offered the following resolution, to wit:

Be it resolved by the House of Representatives of the Republic of Texas in Congress assembled, That the committee on Public Printing be authorized to contract for 300 copies of the National Vindicator, to be furnished this House *weekly* during the present session.

Mr. Gage moved to strike out "Vindicator" and insert "Houston Telegraph;" lost.

The Ayes and Noes being called on the adoption of the resolution, stood as follows :

Ayes—Messrs. Speaker, Cazneau, Cooke of R., Henderson, Johns, McFarlane, Means, Millican, Robinson and Truit—10.

Noes—Messrs. Armstrong, Bourland, Cooke of B., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Johnson, Jones of G., Jones of S. P., Lewis, Mabry, Menefee, Ogden, Perkins, Sadler, Scott, Sutherland, Smyth of J., Wallace, Williams and Williamson—24.

The resolution was rejected.

Mr. Bourland offered the following resolution, to wit :

Be it resolved, That a committee of five be appointed to examine and investigate the propriety of re-organizing the General Land Office, and report by bill or otherwise, as soon as practicable. Adopted.

Messrs. Bourland, Henderson, Scurry, Cunningham and Erath were appointed said committee.

Mr. Jones of S. P., offered the following resolution :

Be it resolved That the committee on Military Affairs be requested to enquire into the expediency of affording some relief to the unfortunate persons lately returned from Mexico, and who were among the Mier prisoners, and report by bill or otherwise; adopted.

Mr. Cazneau, by leave, introduced a bill to continue in force an act for the relief of the purchasers of lots in the city of Austin, and upon the tract adjoining; read a first time.

Mr. Cunningham, by leave, introduced a bill to re-establish certain mail routes therein named; read a first time.

On motion of Mr. Perkins, Mr. McFarlane was added to the committee on Claims and Accounts.

Mr. Sadler, by leave, introduced a bill authorizing the county surveyor of Houston county to transcribe the archives of his office in a bound book; read a first time.

Mr. Smith of Fannin, moved its indefinite postponement; lost.

Mr. Scott, by leave, introduced a bill to amend an act to re-

gulate proceedings in civil suits, approved Feb. 5th, 1840; read a first time.

Mr. Moffett, by leave, introduced a bill to charter the Nacogdoches University; read a first time.

Mr. Bourland moved a suspension of the rule; lost.

On motion of Mr. Cazneau, the House proceeded to the

ORDERS OF THE DAY.

Mr. Means moved to take up the resolution of the Senate to adjourn *sine die*.

The Ayes and Noes being called, stood as follows, to wit:

Ayes—Messrs. Erath, Gage, Jones of S. P., Mabry, Means, Millican, Parker, Sadler, Scott, Truit and Wallace—11.

Noes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Ford, Hardin, Henderson, Johnson, Jones of G., Lewis, McFarlane, McLeod, Menefee, Moffett, Ogden, Perkins, Robinson, Sutherland, Smith of F., Smyth of J., and Williams—25. Lost.

The bill to alter and permanently establish the eastern boundary line of Rusk county and for other purposes, was taken up, with the amendments of the Senate.

Mr. Gage moved to concur.

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

The Ayes and Noes being called, stood as follows, to wit:

Ayes—Messrs. Speaker, Cooke of R., Ford, Hardin, Henderson, Means, Millican, Moffett, Parker, Sadler, Scott, Scurry, Truit, Wallace and Williamson—15.

Noes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F., Smyth of J. and Williams—23. Lost.

The amendment of the Senate, to strike out the word "permanently," in the caption, was then concurred in.

The bill making an appropriation for the redemption of William and Jane Simpson, was read a third time and passed.

The bill for the relief of the heirs of Benjamin Parker, deceased, was taken up on its second reading; and on motion of Mr. Scurry, ordered to be engrossed.

The bill for the relief of J. A. Young, was read a third time and passed.

The bill for the relief of Mrs. Sarah Brown, was taken up, read a third time and passed.

A message was received from the Senate, informing the House of the passage of a bill, granting to settlers on vacant public domain, pre-emption privileges.

The bill to confer rights of citizenship on Earley Cordray, was taken up and read a third time.

The Ayes and Noes being called for on its passage, stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Dunn, Erath, Ford, Gage, Henderson, Johnson, Jones of G., Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit and Williams—24.

Noes—Messrs. Speaker, Bourland, Cooke of R., Cunningham, Hardin, Jones of S. P., Means, Millican, Parker, Robinson, Smith of F., Wallace and Williamson—13.

So the bill passed.

The bill requiring the government to relinquish its title to two town lots in the town of Quintana, was read a third time and passed.

On motion of Mr. Cazneau, the bill for the relief of Henry Castro, was taken up.

Mr. Henderson moved to adjourn until 3 o'clock, P. M., lost.

Mr. Parker offered the following amendment :

“Provided, that each emigrant arriving in this Republic, under the contract of said Castro shall, before entering on the lands, take the oath of citizenship.”

The Ayes and Noes being called, stood as follows :

Ayes—Messrs. Speaker, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of G., Jones of S. P., Lewis, McLeod, Mabry, Means, Millican, Moffett, Ogden, Parker, Perkins, Robinson, Scott, Scurry, Smith of F., Truit and Wallace—28.

Noes—Messrs. Armstrong, Dunn, McFarlane, Menefee, Sadler, Sutherland, Smyth of J., Williams and Williamson—9.

The amendment was adopted.

Mr. Scott moved to amend, by inserting, after “Henry Castro,” “and J. Taussaud,” where it occurs ; adopted.

Mr. Smith of F., moved to lay the bill on the table until 20th January ; lost.

Mr. Bourland moved to strike out two years, and insert six months.

A division of the question being called: The motion to strike out, was put and lost.

Mr. Cazneau moved the engrossment of the bill.

The Ayes and Noes being called, stood thus:

Ayes—Messrs. Armstrong, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Johnson, Jones of G., Jones of S. P., McFarlane, McLeod, Mabry, Menefee, Ogden, Parker, Perkins, Robinson, Scott, Scurry, Sutherland, 'Truit, Williams and Williamson—23.

Noes—Messrs. Speaker, Bourland, Erath, Gage, Hardin Henderson, Lewis, Means, Millican, Moffett, Sadler, Smith of F., Smyth of J. and Wallace—14.

So the bill was ordered to be engrossed.

Mr. Cazneau, by leave, introduced a bill amending the Constitution; read a first time.

Mr. Millican moved to adjourn until Friday morning 10 o'clock.

The Ayes and Noes were called, and stood as follows:

Ayes—Messrs. Cooke of R., Ford, Henderson, Johnson, Millican, Scurry and Wallace—7.

Noes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cunningham, Dunn, Erath, Gage, Hardin, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Parker, Perkins, Robinson, Sadler, Scott, Sutherland, Smith of F., Smyth of J., 'Truit, Williams and Williamson—30.

Motion lost.

Mr. Robinson moved to adjourn until Saturday morning 10 o'clock.

The Ayes and Noes being called, stood thus:

Ayes—Messrs. Cunningham, Ford, Henderson, Johnson, Lewis, Ogden, Robinson, Scurry and Wallace—9.

Noes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of R., Dunn, Erath, Gage, Hardin, Jones of G., Jones of S. P., McLeod, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Sadler, Scott, Sutherland, Smith of F., Smyth of J., 'Truit, Williams and Williamson—27.

Motion lost.

Mr. Williamson moved to adjourn until Friday morning 10 o'clock.

The Ayes and Noes were called, and stood thus:

Ayes—Messrs. Erath, Ford, Henderson, Johnson, Lewis, Mil-

lican, Moffett, Ogden, Robinson, Scurry, Wallace and Williamson—12.

Noes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of R., Cunningham, Dunn, Gage, Hardin, Jones of G., Jones of S. P., McFarlane, McLeod, Mabry, Means, Menefee, Parker, Perkins, Sadler, Scott, Sutherland, Smith of F., Smyth of J., Truit and Williams—25. Lost.

Mr. Scott moved to adjourn until Thursday morning 10 o'clock.

Mr. Williamson moved to adjourn until Friday morning 9 o'clock.

The Ayes and Noes were called, and stood thus :

Y Ayes—Messrs. Cooke of R., Dunn, Erath, Henderson, Johnson, Lewis, Millican, Moffett, Ogden, Robinson, Scurry, Wallace and Williamson—13.

Noes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cunningham, Gage, Hardin, Jones of G., Jones of S. P., McFarlane, McLeod, Mabry, Means, Menefee, Parker, Perkins, Sadler, Scott, Sutherland, Smith of F., Smyth of J., Truit and Williams. 23. Motion lost.

Mr. Robinson moved to adjourn until Thursday, 3 o'clock, P. M.

The Ayes and Noes were called for and stood thus :

Ayes—Messrs. Cooke of R., Erath, Henderson, Johnson, Lewis, Moffett, Ogden, Robinson and Wallace—9.

Noes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cunningham, Dunn, Gage, Hardin, Jones of G., Jones of S. P., McFarlane, McLeod, Mabry, Means, Menefee, Millican, Parker, Perkins, Sadler, Scott, Sutherland, Smith of F., Smyth of J., Truit, Williams and Williamson—26. Lost.

Mr. Henderson moved to take up the business on the Speaker's table; carried.

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

Half past 3 o'clock P. M.

House met; roll called; quorum present.

Mr. Parker moved to take up the resolution of the Senate to adjourn *sine die*.

Mr. Gage offered the following resolution, to wit :

Be it resolved by the House of Representatives, That the room now occupied for legislative purposes by the members of the Lower House of Congress, be reserved exclusively for their use during the present session, except it may be used for purposes of divine worship on Sabbath days only.

Mr. Williamson moved to adjourn until Friday, at 3 o'clock p. m.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Cazneau, Cooke of B., Dunn, Hardin, Henderson, Johns, Johnson, Lewis, McFarlane, McLeod, Moffett, Ogden, Perkins, Robinson, Sadler, Sutherland and Williamson—17.

Noes—Messrs. Speaker, Armstrong, Bourlard, Cunningham, Gage, Jones of G., Mabry, Means, Menefee, Millican, Parker, Scott, Smyth of J. and Truit—14.

So the House adjourned until 3 o'clock p. m. on Friday.

FRIDAY, Dec. 27, 3 o'clock, p. m.

House met pursuant to adjournment, the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Cunningham, Dunn, Erath, Ford, Gage, Johns, Jones of G., Jones of S. P., Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of F., Truit, Wallace, Williams and Williamson.

Mr. Williamson moved to adjourn until Monday morning, 10 o'clock; lost.

Mr. Scurry moved to adjourn until Monday morning, at 9 o'clock; lost.

The journals were read.

Mr. Smith of F., moved to amend the journals by striking out "half after," so as to make it appear that the House met at "3 o'clock, p. m.;" lost.

The journals were then adopted.

Mr. Perkins presented the petition of sundry citizens, praying the repeal of the tariff on books; which was referred to the committee on Finance.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the bill relating to practice in the District Courts—also, a joint resolution for the benefit of Henry R. Green—also, the bill for the benefit of jurors, with substitute and amendment—also, the bill to amend the act regulating the proceedings in the District Courts—also, the bill to abolish capital punishment within the limits of the Republic of Texas—reported the same back to the House, and recommended their indefinite postponement.

Also, the same committee to whom was referred the bill to provide for the better protection of the rights of married women; also, the bill supplementary to an act, entitled an act to change in part the times of holding the District Courts, in the 5th and 7th Judicial Districts; approved, Jan. 27th, 1844—also, the bill granting to Augustus Burr the franchise of the Ferry, at the west end of Galveston Island, reported the same back to the House, and recommended their passage.

And also, the same committee to whom was referred the bill to reduce the salaries of District Judges, and to increase the salary of District Attorneys—also, the bill to prevent executors, administrators, &c., from purchasing or trading for any debt, claim or demand, against the estates of their testators, intestates, and for other purposes—also, a bill concerning the records and papers of County Surveyors, reported the same back to the House, with amendments, and recommended their passage—all of which reports and bills were laid on the table, to come up among the orders of the day.

The same committee to whom was referred the memorial of Anthony B. Shelby, praying for an appropriation for the payment of his salary as District Judge, reported the same back to the House, with a bill for his relief; read a first time.

The select committee, Tod Robinson and William Menefee, to whom was referred the resolution making an additional rule for the regulation of business in the House of Representatives, reported the following substitute:

Resolved, That when a member shall call up a bill, or other subject, on the Speaker's table, the question shall be decided without debate.

The substitute was concurred in, and the resolution adopted.

Mr. Jones of G., offered the following resolution:

Resolved, by the House of Representatives, That Joseph Waples be, and he is hereby authorized to copy the Journals of the House of Representatives, for the Public Printer, and com-

pare the proof-sheets of the same when printed, with the original: and that he be allowed fifteen cents for every hundred words for said services, to be paid out of the contingent appropriation for both houses of Congress; adopted.

Mr. Cunningham, by leave, introduced a bill for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned; read a first time.

Mr. Scott, by leave, introduced a bill for the relief of John R. Taylor, administrator of the estate of William Nelson; read a first time.

Mr. Sadler, by leave, introduced a bill for the relief of William Legare; read a first time.

Mr. Williamson moved to adjourn until Monday morning 10 o'clock; lost.

Mr. Scott moved to take up the orders of the day.

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

SATURDAY, Dec. 28, 10 o'clock, A. M.

House met pursuant to adjournment, prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Henderson, Johns, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of F., Smyth of J., Truit, Wallace and Williams.

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

Mr. Johns presented the petition of Edward Hughart, which was read, and referred to the committee on Claims and Accounts.

Mr. Jones of S. P., presented the petition of sundry citizens, praying an amendment to the militia laws, &c., which were referred to the committee on Military Affairs.

The committee on Claims and Accounts, E. Mabry, chair-

man, to whom was referred the petition of John Johnston, reported that the committee see no ground for legislative interposition; and ask to be discharged from a further consideration of the subject; report adopted.

Also, the same committee, to whom was referred the memorial of Charles G. Bryant, reported that they have had the same under consideration, and can see no just grounds for legislative action in his behalf, and also ask to be discharged from a further consideration of the subject; report adopted.

The committee on Finance, George W. Smyth, chairman, to whom was referred a joint resolution for the payment of Josiah G. Beatty, and others, with accompanying documents, reported that they have had the same under consideration, and recommend a substitute therefor: which report was received, and bill laid on the table, to come up among the orders of the day.

The committee on Indian Affairs, made the following report:

COMMITTEE ROOM, }
December 28th, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Indian Affairs, to whom was referred a joint resolution for the relief of Captain Eli Chandler, and the company under his command, have had the same under consideration, and instruct me to report, as follows:

They find the nature of the relief contemplated by the bill, to be an appropriation for a considerable sum, to pay for services done in the year 1842, for guarding the Commissioners, while engaged in making the treaty with the Indians; and, although your committee are satisfied of the fact and merits of those services, they deem it impolitic to make the appropriation, as in the opinion of your committee, all claims of equal merit would, in justice, be entitled to a similar relief; and, if granted, would require a sum impossible at present to pay.

They, therefore, recommend a substitute for the bill, in which a recognition of the claims of individuals therein referred to is recommended, the same to be audited, subject to future appropriation.

WILLIAM MENEFEE, Chairman.

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

Mr. Jones of S. P., introduced a bill to regulate the Naval establishment of the Republic of Texas; read a first time.

Mr. Speaker, Mr. Lewis of Montgomery, introduced a bill to establish and incorporate Houston College; read a first time.

Mr. Gage introduced a bill to be entitled an act supplementary to an act creating the county of Rusk; approved 16th January, 1843, and amendatory to an act supplementary to the former, approved January 3d, 1844; read a first time.

Mr. Gage introduced a bill to be entitled an act to abolish the duties on certain articles; read a first time.

A message was received from the President, by his Private Secretary, Mr. S. Z. Hoyle, which, on motion of Mr. Gage, was read as follows:

EXECUTIVE DEPARTMENT,
Washington, December 27th, 1844.

*To the Honorable the Senate
and House of Representatives:*

I have the honor herewith to transmit, for the information of your honorable bodies, the annual report of the Superintendent of Indian Affairs, together with an estimate showing the amount due over and above the appropriation for the past year.

ANSON JONES.

On motion of Mr. Erath, the message was referred to the committee on Indian Affairs.

On motion of Mr. Erath, the House proceeded to the

ORDERS OF THE DAY.

A bill for the relief of Jonathan Bird, was read a third time. The Ayes and Noes were called on its final passage, which stood thus:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Dunn, Erath, Johns, Gage, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Moffett, Ogden, Parker, Perkins, Sadler, Scott, Sutherland, Scurry, Wallace and Williams—24.

Noes—Messrs. Speaker, Cooke of R., Cunningham, Ford, Henderson, Means, Menefee, Millican, Robinson, Smith of F. and Smyth of J.—11.

So the bill passed.

A bill to alter a mail route therein named, was read a third time and passed.

A bill for the relief of Lucy Davis, was read a third time.

The Ayes and Noes being called on its final passage, stood thus :

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Dunn, Gage, Jones of G., Jones of S. P., McLeod, Mabry, Menefee, Ogden, Sutherland and Williams—14.

Noes—Messrs. Speaker, Cunningham, Erath, Ford, Henderson, Johns, Lewis, McFarlane, Means, Millican, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Smith of F., Smyth of J., Wallace and Williamson—20.

So the bill was rejected.

A bill to establish a post office, and for other purposes, was read a third time and passed.

A bill for the relief of the citizens of Goliad county, with the substitute of the Finance committee, came up on its second reading.

Mr. Cunningham moved to amend, by striking out "Bexar;" lost.

Mr. Cunningham moved to insert "Victoria" after "Bexar."

Mr. Jones of G., moved to insert "Gonzales."

Mr. Sutherland moved to insert "Jackson."

Mr. Ford moved to insert "San Augustine."

Mr. Dunn moved to lay the bill on the table; carried.

An act to change in part the time of holding the District Courts in the 7th Judicial District, was taken up on its second reading, and, on motion of Mr. Scurry, was referred to a select committee, consisting of Messrs. Scurry, Bourland, Smith of F., Johns and Scott.

On motion of Mr. Ogden, a bill for the relief of Henry Castro was taken up.

Mr. Bourland moved to lay the bill on the table, and make it the special order of the day for Monday next.

Mr. Robinson moved to make it the special order for Tuesday next; carried.

A bill to regulate in part the location of land claims; read a second time, and, on motion of Mr. Williamson, referred to the committee on Public Lands.

A bill to authorize Samuel J. Redgate to adopt a certain person therein named; read a second time, and, on motion of Mr. Menefee, ordered to be engrossed.

A bill making legitimate a certain person therein named; read a second time, and, on motion of Mr. Menefee, ordered to be engrossed.

A bill to review and mark a road therein named, was taken up on its second reading.

Mr. Sadler moved to refer it to the committee on Internal Improvements; carried.

A bill for the appointment of patrols was taken up on its second reading, and, on motion of Mr. Johns, was referred to the committee on the State of the Republic.

A bill supplementary to an act to open and establish a national road, approved 5th February, 1844; read a second time.

Mr. Smith of F., moved its indefinite postponement.

On motion of Mr. Williamson, the bill was referred to the committee on the State of the Republic.

A message was received from the Senate, informing the House that the Senate had passed a resolution, to go into the election of Judge for the fifth Judicial District, on Monday, the 30th instant—also, a bill relative to Public Printing—also, a substitute for a bill, to amend an act to re-organize the District Courts in the fourth Judicial District; passed January 18th, 1844.

Also, a bill to legalize the official acts of L. H. Dilliard, Chief Justice of Harrison county—also, a bill legitimatizing and changing the name of Mary Jane Dillard—all of which they respectfully ask the concurrence of the House.

Mr. Cazneau, by leave, presented the petition of Henry F. Fisher, which was read, and referred to the committee on the State of the Republic.

Mr. McLeod, by leave, introduced a bill to appropriate the License Tax of Galveston county to county purposes; read a first time.

A bill to reduce the tax on neat cattle, was read a second time, and on motion of Mr. Armstrong, referred to the committee on Finance.

A bill to prevent the retailing of spirituous liquors in quantities less than a quart; read a second time.

Mr. Perkins moved its engrossment.

Mr. Ford moved to strike out "quart," and insert "barrel."

A division of the question was called for—question on striking out was carried.

Mr. Henderson moved to fill the blank with "40 drops;" lost.

Mr. Henderson moved to fill the blank with "60 drops;" lost.

The question recurred on filling the blank with "barrel."

Mr. Gage moved to lay the bill and amendments on the table, until the first day of March next.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cooke of B., Dunn, Erath, Ford, Gage, Henderson, Johns, Jones of G., Jones of S. P., Lewis, Mabry, Means, Millican, Moffett, Ogden, Parker, Scott, Scurry, Sutherland, Smyth of J., Williams and Williamson—25.

Noes—Messrs. Cazneau, Cunningham, McFarlane, McLeod, Menefee, Perkins, Sadler, Smith of F. and Wallace—9.

Carried; and bill laid on the table.

Mr. Cazneau, one of the committee on Engrossed Bills, reported that they had examined a joint resolution for the relief of Henry Castro, and J. Jaussaud, and a joint resolution for the relief of the heirs of Benjamin Parker, and found them correctly engrossed; report adopted.

A bill to authorize the transportation of goods coastwise, was read a second time, and on motion of Mr. Cazneau, referred to the committee on Naval Affairs.

Mr. Erath moved to take up the Senate's resolution to adjourn *sine die*; lost.

Mr. Jones of S. P., introduced the following resolution:

Resolved, That this House will not receive any new business after the 25th January, 1845.

Mr. Menefee moved to strike out "25th January," and insert "1st February."

Mr. Williamson moved to amend Mr. Menefee's motion, by inserting "5th February."

Mr. Henderson moved to lay the resolution and amendments on the table.

Mr. Williamson moved to adjourn until Monday morning 10 o'clock; lost.

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

3 o'clock, p. m.

House met pursuant to adjournment; quorum present.

The resolution of Mr. Jones of S. P., which was under consideration, was laid on the table one day, for further consideration.

On motion of Mr. Gage, the resolution of the Senate, to go into the election of Judge of the fifth Judicial District, on Monday, the 30th instant, was taken up and read.

A joint resolution to rescind the law fixing the salary of the Clerk of the Supreme Court; read a second time, and on mo-

tion of Mr. Cazneau, was referred to the committee on the Judiciary.

A bill prescribing the routine of military duty, was read a second time; and on motion of Mr. Erath, referred to the committee on Military Affairs.

A joint resolution for the relief of Nealy Kimbro, was read a second time; and on motion of Mr. Erath, ordered to be engrossed.

A bill for the relief of John Morris, was read a second time.

Mr. Jones of S. P., moved to lay the bill on the table.

The Ayes and Noes being called, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cunningham, Cooke of R., Johns, Jones of S. P., Lewis, Millican, Parker, Robinson, Smith of F., Wallace, Williams and Williamson—15.

Noes—Messrs. Cazneau, Cooke of B., Dunn, Erath, Gage, Henderson, Jones of G., McFarlane, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Sadler, Scott, Sutherland and Smyth of J.—18.

Motion lost.

Mr. Gage moved the engrossment of the bill; carried.

Mr. Armstrong moved to take up a bill supplementary to the direct tax law; carried—and on motion of Mr. Armstrong, referred to the committee on Finance.

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

MONDAY, Dec. 30, 10 o'clock A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cunningham, Dunn, Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of G., Lewis, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Smith of F., Smyth of J., Truit, Wallace and Williams.

A quorum present; Journals of Saturday were read and adopted.

Mr. Robinson presented a number of resolutions from the citi-

zens of Brazoria county, making known their sentiments in regard to annexation, and disapproving the apparent opposition of the late Executive to that measure.

Mr. Smith of F., moved to refer them to the appropriate committee without reading.

There being no committee named, the Speaker suggested the committee of the whole House on the State of the Republic

Mr. Scurry made a motion to that effect, which was carried.

On motion, the committee arose, reported progress, and begged leave to be discharged from a further consideration of the same.

On motion of Mr. Robinson, the resolutions were referred to the committee on Foreign Relations.

Mr. McLeod presented the petition of sundry citizens of Liberty county, praying the establishment of a mail route, &c., which was referred to the committee on Post Offices and Post Roads—also, the petition of George Simpton, Pilot; which, on motion of Mr. Jones of S. P., was referred to the committee on Claims and Accounts.

The committee on Military Affairs, Wm. G. Cooke, chairman, to whom was referred the resolution of the House, requesting the committee on Military Affairs to examine into the expediency of affording relief to the Mier prisoners, &c., reported by bill for their relief; read a first time.

The committee on Post Offices and Post Roads, William H. Bourland, chairman, to whom was referred a joint resolution to establish a mail route therein named, reported the same back to the House by substitute, and recommended its passage; which report was laid on the table, to come up among the orders of the day.

The committee on Internal Improvements, John H. Moffett, chairman, to whom was referred the bill to review and make a road therein named, reported the same back to the House with amendments, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition and accounts of Howard and Ogden and T. A. Sulley, reported the same back to the House with a bill for their relief; read a first time.

The Select Committee, D. McFarlane, chairman, to whom was referred a bill to authorize the erection of a Light-House on Galveston Island—also, a bill for establishing a Light-House at

Passo Caballo, reported the same back to the House and recommended their passage.

Also, the Select committee, S. B. Johns, chairman, to whom was referred the bill to change in part the times of holding the District Courts in the seventh Judicial District, reported the same back to the House by substitute, and recommended its passage; which reports, together with the bills, were laid on the table, to come up among the orders of the day.

The Select Committee, B. Rush Wallace, chairman, to whom was referred the petition of Henry Smith, George West and Mary West, reported the same back to the House by bill, to change the name of Henry Smith, and for other purposes; read a first time.

Mr. Henderson, by leave, introduced a bill establishing a mail route therein named; read a first time.

Mr. Hardin presented the petition of Thomas W. Key, which was referred to the committee on Claims and Accounts.

Mr. Cunningham, by leave, introduced a bill to establish and incorporate the Victoria College; read a first time.

Mr. Wallace offered the following resolution:

Resolved, That the Chief Clerk of the House of Representatives be, and he is hereby authorized and instructed to procure ten bound copies of the laws of the Republic of Texas, for the use of said House.

Mr. Scott moved to strike out "ten," and insert "five;" carried; and resolution adopted.

Mr. Williams, by leave, introduced a bill to appropriate the direct tax to county purposes; read a first time.

On motion of Mr. Armstrong, Mr. Smyth of J., was added to the committee on Foreign Relations.

On motion of Mr. Scott, Mr. Williamson was added to the committee on the State of the Republic.

Mr. Williamson moved to go into an election of Judges of the first, fifth and sixth Judicial Districts, on to-morrow, at 3 o'clock, P. M.

Mr. Wallace moved to amend, by inserting Friday, 11 o'clock, A. M., in lieu of to-morrow, 3 o'clock, P. M.; lost.

Mr. Cazneau offered the following, as a substitute, which was adopted:

Resolved, That a committee of three members be appointed to wait on the Senate, and invite that body to meet this House for the purpose of electing Judges for the vacant Judicial Districts (1st, 5th and 6th,) on Wednesday morning at 11 o'clock.

Messrs. Cazneau, Williamson and Mabry were appointed said committee.

The House then proceeded to the special orders of the day, which was the bill for the location of the seat of government.

Mr. Williamson moved to strike out "15th of May," and insert "first Monday in March."

Mr. Smith of Fannin, moved to lay the bill on the table.

On motion of Mr. Jones of S. P., a call of the House was made.

There being a full house, a further call was suspended.

The Ayes and Noes being called on the motion to lay the bill on the table, stood as follows, to wit:

Ayes—Messrs. Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Gage, Johnson, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Smith of F., Williams and Williamson—20.

Noes—Messrs. Speaker, Armstrong, Bourland, Ford, Hardin, Henderson, Johns, Means, Millican, Moffett, Parker, Robinson, Sadler, Scott, Scurry, Smyth of J., 'Truit and Wallace—18.

So the bill was laid on the table.

Mr. Williamson moved a re-consideration of the vote refusing to pass the bill for the relief of Lucy Davis.

On motion of Mr. Menefee, the motion to re-consider was laid on the table.

The committee on Engrossed Bills, made the following report, to wit:

COMMITTEE ROOM, }
December 30th, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined and found correctly engrossed, the following bills, to wit:

Joint resolution making legitimate a certain person therein named—also, a joint resolution authorizing Sam'l J. Redgate to adopt a certain person therein named—also, a joint resolution for the relief of Neely Kimbro—and, a bill for the relief of John Morris.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

A resolution to take in no new business after — day, was taken up, and on motion of Mr. Williamson, laid on the table.

The Senate's substitute of the bill to re-organize the District Courts of the fourth Judicial District, passed January 18, 1844, was taken up, and, on motion of Mr. Cunningham, adopted.

On motion of Mr. Williams, the petition of James P. Hudson was taken up, and, on motion of Mr. Scurry, referred to the committee on Claims and Accounts.

The bill making legitimate a certain person therein named, was taken up, read a third time, and passed.

The bill authorizing Sam'l J. Redgate to adopt a certain person therein named, was read a third time, and passed.

The bill for the relief of John Morris; read a third time.

Mr. Williamson moved to adjourn until 3 o'clock P. M. ; lost.

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

3 o'clock P. M.

House met; roll called; quorum present.

The question before the House was the bill for the relief of John Morris, which was taken up.

Mr. Williamson moved its indefinite postponement.

Mr. Wallace moved to lay the bill on the table; lost.

Mr. Wallace moved to lay it on the table until the 10th day of January next; lost.

Mr. Wallace moved to re-commit the bill to a select committee; lost.

Mr. Henderson moved a call of the House; lost.

Mr. Millican moved to adjourn until to-morrow morning, 9 o'clock; lost.

The question then recurred on the motion to indefinitely postpone, was put and lost.

Mr. Williamson moved to lay the bill on the table until the 13th January next; lost.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning; lost.

Mr. Henderson moved a call of the House; lost.

Mr. Menefee moved the previous question.

Mr. Williamson moved to adjourn until to-morrow morning, 10 o'clock; lost.

The question, shall the main question be now put? was put and carried.

The main question being the passage of the bill, the Ayes and Noes were called for and stood thus :

Ayes—Messrs. Armstrong, Bourland, Cazneau, Dunn, Ford, Gage, Johns, Johnson, Jones of G., McLeod, Mabry, Means, Menefee, Moffett, Ogden, Robinson, Sadler, Scott, Smyth of J., Truit, Wallace and Wilhams—22.

Noes—Messrs. Speaker, Cooke of R., Cunningham, Hardin, Henderson, Lewis, Millican, Parker, Scurry and Williamson—10.

So the bill passed.

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

TUESDAY, Dec. 31, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain.

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

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Smith of F., Smyth of J., Truit, Wallace, Williams and Williamson.

A quorum present; the journals of the preceding day read and adopted.

Mr. Henderson presented the petition of James Morgan; which was referred to the committee on Naval Affairs.

The committee appointed to request the Senate to meet the House for the purpose of electing Judges, reported, duty performed.

A message was received from the Senate, informing the House of the passage of the bill making an appropriation for contingent printing of Congress, with an amendment.

Mr. McFarlane presented the petition of sundry citizens of Matagorda county, which was referred to a select committee, consisting of Messrs. McFarlane, Henderson and Cazneau.

Mr. Sadler presented the petition of Nancy Landrum, which was referred to the committee on Claims and Accounts.

Mr. Cooke of R., by leave, introduced a bill concerning the collection and payment of direct taxes; read a first time.

The committee on the State of the Republic, James W. Henderson, chairman, to whom was referred an act to authorize the re-organization of the counties of Refugio and San Patricio, reported the same back to the House, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The same committee, to whom was referred the petition of Wm. Pringle and James Hall Grieve, reported the same back to the House unfavorably.

Mr. Jones of S. P., moved to lay the report on the table; lost.

Mr. Jones of S. P., moved to re-commit it to a select committee.

The Ayes and Noes were called, and stood thus:

Ayes—Messrs. Cazneau, Cooke of B., Cunningham, Dunn, Gage, Jones of G., Jones of S. P., McFarlane, McLeod, Ogden, Robinson, Scurry and Williams—13.

Noes—Messrs. Speaker, Armstrong, Bourland, Cooke of R., Erath, Ford, Hardin, Henderson, Johnson, Lewis, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Sadler, Scott, Smith of F., Smyth of J., Truit and Williamson—23.

So the motion was lost.

The question on the adoption of the report, was put and carried.

A message was received from the Senate, informing the House of the passage of the bill to regulate the salaries of District Judges and District Attorneys, in which they had suspended the rules, and requested a like suspension on the part of the House.

The committee on the State of the Republic, James W. Henderson, chairman, to whom was referred the petition of Henry F. Fisher and B. Miller, reported unfavorably; which report, on motion of Mr. Scurry, was laid on the table.

The committee on Finance, George W. Smyth, Chairman, to whom was referred the petition of Alexander Somervell, reported unfavorably; which report was adopted.

The committee on Military Affairs, Wm. G. Cooke, chairman, to whom was referred the petition of Wm. M. Steel, reported unfavorably; which report was adopted.

Also, the same committee, to whom was referred the petition

of William Bugg, reported the same back to the House, with a bill for his relief; read a first time.

Mr. Smith of F., moved a suspension of the rule; lost. The committee on Enrolled Bills made the following report:

COMMITTEE ROOM. }
Dec. 30, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined a joint resolution granting one-third of a league of land to Hugh S. Stapp; an act to incorporate the town of Marshall, in Harrison county; and an act to alter and establish the eastern boundary line of Rusk county, and for other purposes, and have found them correctly enrolled. They have been signed by the Speaker of the House of Representatives, and President of the Senate, and were this day presented to the President for his approval.

B. RUSH WALLACE, Chairman.

Report adopted.

The committee on Naval Affairs, Hugh McLeod, chairman, reported the following resolution:

Resolved, by the House of Representatives, That the Executive be requested to furnish this House with the reasons for the dismissal of Surgeon Thomas P. Anderson, Lieutenant A. Irvin Lewis, and Lieutenant Geo. C. Bunner—whether charges were preferred against said officers, at the late General Court Martial—whether said officers are now borne upon the rolls of the Navy—and included among those entitled to a *pro rata* of their pay, appropriated at the last session of Congress.

Resolved further, That he be requested to furnish the House with the reasons for the stoppage of the pay due the estate of J. P. Lansing, deceased.

Mr. McLeod moved a suspension of the rule; lost.

Resolution laid on the table for one day, for further consideration.

Mr. Gage, by leave, introduced a bill for the benefit of the county of Rusk; read a first time.

Mr. Wallace, by leave, introduced a bill to allow assets in suits instituted by executors or administrators; read a first time.

Also, a bill to change the name of Mary Nettle, and for other purposes; read a first time.

Mr. Moffett, by leave, introduced a bill for the relief of Na-

thaniel Amory, late Secretary of Legation to the United States; read a first time.

Mr. Hardin, by leave, introduced a bill to regulate mills and millers; read a first time.

Mr. Fruit offered the following resolution:

Resolved, That the committee on the Judiciary be directed to enquire into the expediency of providing by law, that Judges of Probate, and other county officers, elected to supply vacancies occurring in cases where the periods for which their predecessors had been elected had not expired, shall go out of office at the expiration of the term for which their predecessors were elected; adopted.

Mr. Speaker, (Mr. Lewis of Montgomery,) by leave, introduced a bill to re-organize the Boards of County Commissioners for the several counties of the Republic; read a first time.

On motion of Mr. Henderson, the bill regulating the pay of District Judges and District Attorneys, was taken up and read a first time.

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

Mr. Smith of F., moved to strike out "\$1,500" and insert "\$2,000.

A division of the question being called, the question on striking out was put and lost.

Mr. Cunningham moved to strike out "\$300" and insert "\$500."

A division of the question on striking out was put and lost.

Mr. Scurry moved a further suspension of the rule.

The Ayes and Noes being called, stood thus:

Ayes—Messrs. Speaker, Armstrong, Cazneau, Cooke of R., Dunn, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of G., Lewis, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Sadler, Scott, Scurry, Smyth of J., Fruit, Williams and Williamson—28.

Noes—Messrs. Bourland, Cooke of B., Cunningham, Jones of S. P., McFarlane, Robinson, Smith of F. and Wallace—8.

So the rule was suspended and the bill read a third time.

The Ayes and Noes being called for on the passage of the bill, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cazneau, Cooke of R., Dunn, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of G., Lewis, McLeod, Mabry, Means, Menefee, Millican, Mot-

fett, Ogden, Perkins, Sadler, Scott, Scurry, Smith of J. Truit, Wallace and Williamson—28.

Noes—Messrs. Bourland, Cooke of B., Cunningham, Jones of S. P., McFarlane, Robinson, Smith of F. and Williams—8.

So the bill passed.

On motion of Mr. Cunningham, the bill for the relief of Henry Castro and J. Jaussaud, was taken up, and read a third time.

Mr. Williamson moved to lay it on the table until to-morrow; 10 o'clock; lost.

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

On motion, the call was suspended.

Mr. Williamson moved to adjourn until 3 o'clock P. M.; lost.

Mr. Williamson moved a call of the House; lost.

Mr. Williamson moved to adjourn until 3 o'clock P. M.; lost.

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

A committee from the Senate appeared, and informed the House that the Senate would go into the election for Judges on to-morrow.

Mr. Williamson moved to adjourn until 3 o'clock, P. M.; lost.

The Sergeant-at-Arms was despatched for absent members.

Mr. Williamson moved to adjourn until half past 2 o'clock, P. M.; lost.

Mr. Smith of Fannin, moved to adjourn until quarter past 3 o'clock, P. M., lost.

Mr. Smith of Fannin, moved to adjourn until quarter before 3 o'clock, P. M.; lost.

Mr. Scurry moved a suspension of the call; lost.

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

3 o'clock, P. M.

House met; roll called; quorum present.

A call of the House pending.

M. Menefee moved to suspend the call.

Mr. Williamson moved to lay the motion on the table, until to-morrow morning 11 o'clock; lost.

The question on the suspension of the call was put and lost.

Mr. Cunningham moved to adjourn until to-morrow morning 10 o'clock; lost.

Mr. Parker moved to adjourn until half past nine o'clock to-morrow morning; lost.

Mr. Menefee moved to despatch the Sergeant-at-Arms for absent members ; lost.

On motion of Mr. Scott, the call was suspended.

Mr. Williamson moved to adjourn until to-morrow morning 10 o'clock ; lost.

Mr. Williamson moved to lay the bill on the table until 11 o'clock to-morrow morning ; lost.

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

On motion of Mr. Bourland, the call was suspended.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning ; lost.

Mr. Williamson moved to adjourn until 9 o'clock to-morrow morning ; lost.

Mr. Wallace moved to lay the bill on the table ; lost.

On motion of M. Wallace, a call of the House was made.

Mr. Williamson moved to adjourn until to-morrow morning 10 o'clock ; lost.

Mr. Scurry moved a suspension of the call ; lost.

Mr. Williamson moved to adjourn until 9 o'clock to-morrow, A. M. ; lost.

Mr. Jones of San Patricio, moved a suspension of the call ; lost.

Mr. Sadler moved to adjourn until 9 o'clock to-morrow morning ; lost.

Mr. Smith of Fannin, moved to adjourn until half past 9 o'clock to-morrow morning ; lost.

On motion of Mr. McLeod, the call of the House was suspended.

Mr. Wallace moved to lay the bill on the table ; lost.

Mr. Henderson moved the indefinite postponement of the bill.

Mr. Cazneau moved the previous question.

The question, shall the main question be now put ? it was put and carried.

The main question being the indefinite postponement, the Ayes and Noes were called, and stood thus :

Ayes—Messrs. Speaker, Bourland, Erath, Hardin, Henderson, Lewis, Means, Millican, Moffett, Parker, Sadler, Smith of Fannin, Truit, Wallace and Williamson—15.

Noes—Messrs. Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Johnson, Jones of Gonzales, Jones of San Patricio, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Scurry and Williams—16.

So the motion was lost.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning.

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

Mr. Williamson moved to adjourn until 9 o'clock to-morrow morning; lost.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning; lost.

Mr. Smith of Fannin, moved to adjourn until to-morrow morning 9 o'clock; lost.

Mr. McLeod moved a suspension of the call; lost.

Mr. Cazneau moved to despatch the Sergeant-at-Arms for absentees.

Mr. Williamson moved to adjourn until to-morrow morning; lost.

Mr. Smith of Fannin, moved to adjourn until to-morrow morning 9 o'clock.

The Ayes and Noes were called, and stood as follows:

Ayes—Messrs. Speaker, Bourland, Erath, Hardin, Henderson, Lewis, Means, Millican, Moffett, Parker, Sadler, Scott, Smith of Fannin, Truit, Wallace and Williamson—16.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Gage, Johnson, Jones of Gonzales, Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Scurry and Williams—19.
lost.

Mr. Williamson moved to adjourn until half past 9 o'clock to-morrow morning; lost.

Mr. Scurry moved a suspension of the call.

Mr. Williams moved to despatch the Sergeant-at-Arms for absent members.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning; lost.

Mr. Williamson moved to adjourn until to-morrow morning 9 o'clock; lost.

Mr. Williamson moved to adjourn until half past 8 o'clock to-morrow morning; lost.

Mr. Williamson moved to adjourn until half past 9 o'clock to-morrow morning.

Mr. Means moved a suspension of the call; lost.

Mr. Smith of Fannin, moved to adjourn until to-morrow morning; lost.

Mr. Williamson moved to adjourn until to-morrow morning 10 o'clock; lost.

Mr. Williamson moved to adjourn until to-morrow morning 9 o'clock; lost.

Mr. Williamson moved to adjourn until half past 9 o'clock; lost.

Mr. Scurry moved a suspension of the call; lost.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning; lost.

Mr. Williamson moved to adjourn until half past 9 o'clock to-morrow morning; lost.

Mr. Parker moved to adjourn until 10 o'clock to-morrow; lost.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning.

The Ayes and Noes were called for and stood thus:

Ayes—Messrs. Speaker, Bourland, Erath, Hardin, Henderson, Lewis, Means, Millican, Moffett, Parker, Sadler, Scott, Smith of Fannin, Smyth of Jasper, Truit, Wallace and Williamson—17.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cunningham, Dunn, Gage, Johnson, Jones of Gonzales, Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Scurry and Williams—18.

So the motion was lost.

Mr. Williamson moved to adjourn until 9 o'clock to-morrow morning; lost.

Mr. Williamson moved to adjourn until half past 9 o'clock to-morrow; lost.

Mr. Parker moved to adjourn until half past 8 o'clock to-morrow; lost.

Mr. Hardin moved to adjourn for one hour; lost.

Mr. Williamson moved to adjourn until 9 o'clock to-morrow; lost.

Mr. Hardin moved to adjourn until 9 o'clock to-morrow; lost.

Mr. Williamson moved to adjourn until after 9 o'clock; lost.

Mr. Hardin moved to adjourn until 10 o'clock to-morrow morning; lost.

Mr. Robinson moved to adjourn until 11 o'clock to-morrow morning; lost.

Mr. Williamson moved to adjourn until half past 10 o'clock to-morrow morning; lost.

Mr. Menefee moved a suspension of the call; lost
The Sergeant-at-Arms appeared with Messrs. Ford and Johns,
in custody.

On motion of Mr. Bourland, they were released without pay-
ing their fees to the Sergeant-at-Arms.

Mr. Williamson moved to adjourn until to-morrow morning
10 o'clock; lost.

On motion of Mr. Menefee, a committee was appointed to
wait upon Mr. Sutherland, and receive his vote. Messrs. Bour-
land and Menefee were appointed the committee.

A full House—the call was suspended.

The Ayes and Noes being called for on the passage of the
bill, and stood thus:

Ayes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke
of Robertson, Cunningham, Dunn, Johns, Johnson, Jones of
Gonzales, Jones of San Patricio, McFarlane, McLeod, Mabry,
Menefee, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland
and Williams—21.

Noes—Messrs. Speaker, Bourland, Erath, Ford, Gage, Har-
din, Henderson, Lewis, Means, Millican, Moffett, Parker, Sadler,
Smith of Fannin, Smyth of Jasper, Truit, Wallace and William-
son—18.

So the bill passed.

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

WEDNESDAY, January 1st, 1845.

The House met pursuant to adjournment; prayer by the
Chaplain.

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

Messrs. Speaker, Bourland, Cazneau, Cunningham, Erath,
Ford, Gage, Hardin, Henderson, Johns, Johnson, Jones of G.,
Jones of S. P., Lewis, Mabry, Means, Menefee, Millican, Mof-
fett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Suther-
land, Smyth of J., Wallace, and Williams.

A quorum present; the journals of the preceding day read
and adopted.

Mr. Williamson presented the petition of Benj. J. White, which was referred to a select committee, consisting of Messrs. Williamson, Perkins and Erath.

The committee on Naval Affairs, Hugh McLeod chairman, to whom was referred the bill for the transportation of goods coastwise, reported it back to the House, verbally, recommending its passage.

The bill was laid on the table to come up among the orders of the day.

The committee on Enrolled Bills, made the following report, to wit:

COMMITTEE ROOM, }
December 31st, 1844. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and found correctly enrolled, the following:

An act to legalize the official acts of L. H. Dilliard, Chief Justice of the county of Harrison;

An act to re organize the District Courts in the 4th Judicial District, passed January 18th, 1844, and,

An act legitimatizing and changing the name of Mary Jane Dillard.

The same having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to the President for his approval.

B. RUSH WALLACE, Chairman.

Report adopted.

The committee on Finance, G. W. Smyth chairman, to whom was referred a certain bill, resolutions, &c., relating to direct taxation, reported a substitute for them, and recommended its passage; which report and bill were laid on the table to come up among the orders of the day.

The same committee reported to the House a bill supplementary to an act entitled an act establishing the jurisdiction and powers of District Court; which was read a first time.

Mr. Moffett, by leave, introduced a bill for the benefit of Constables; read a first time.

Mr. Scott, by leave, introduced a bill to reduce the impost duty to 10 per cent ad valorem.

Mr. Williamson moved a suspension of the rule; lost.

Mr. Moffett, by leave, introduced a bill to amend and alter the laws relating to Probate Courts and settlement of successions; read a first time.

Mr. Mabry offered the following resolution:

Resolved, by the House of Representatives, That the committee on the Judiciary be instructed to take into consideration and investigate the propriety of an alteration to obviate the difficulty now existing relative to counting of the votes for President and Vice President, and report by bill or otherwise; adopted.

Mr. Williams, by leave, introduced a bill regulating in part the proceedings of District Courts; read a first time.

Mr. Johns, by leave, introduced a bill to provide for the issuance of patents to assignees; read a first time.

A message was received from the Senate informing the House of the passage of a resolution showing that it was the sense of the Senate and House of Representatives to dispense with foreign ministers—also, that the Senate was ready to go into the election of Judges.

On motion of Mr. Williamson, the House of Representatives declared themselves ready to receive the Senate for that purpose.

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

Nominations for Judge of the first Judicial District being in order, John B. Jones was put in nomination.

Mr. McLeod nominated A. B. Shelby.

The House of Representatives, after the Senate had voted, proceeded to vote *viva voce*.

The following members voted for John B. Jones:

Messrs. Speaker, Armstrong, Cazneau, Cunningham, Dunn, Ford, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, Means, Menefee, Parker, Perkins, Robinson, Sadler; Sutherland, Smyth of Jasper and Williamson—20.

And the following members voted for A. B. Shelby:

Messrs. Bourland, Cooke of Bexar, Cooke of Robertson, Erath, Gage, Hardin, Henderson, Johns, McLeod, Mabry, Millican, Moffett, Ogden, Scott, Scurry, Smith of Fannin, Truit, Wallace and Williams—19.

Mr. Jones received eleven votes in the Senate, and Mr. Shelby received two votes.

Mr. John B. Jones having received a majority of all the votes, was declared duly elected Judge of the First Judicial District. Nominations for Judge of the Fifth Judicial District being in order.

Mr. R. T. Wheeler was put in nomination.

Mr. Gage nominated Mr. T. J. Jennings.

The following members voted for Mr R. T. Wheeler:

Messrs. Armstrong, Cooke of Bexar, Cunningham, Dunn, Erath, Ford, Henderson, Jones of San Patricio, McLeod, Millican, Moffett, Ogden, Parker, Robinson, Sadler, Scott, Scurry, Smyth of Jasper, Truit, Wallace, Williams and Williamson—22.

The following members voted for Mr. T. J. Jennings:

Messrs. Speaker, Bourland, Cazneau, Cooke of Robertson, Gage, Hardin, Johns, Johnson, Jones of Gonzales, Lewis, McFarlane, Mabry, Means, Menefee, Perkins, Sutherland and Smith of Fannin—17.

Mr. Wheeler received ten votes in the Senate, and Mr. Jennings received three votes.

Mr. R. T. Wheeler having received a majority of all the votes, was declared duly elected Judge of the Fifth Judicial District.

Nominations for Judge of the Sixth Judicial District being in order.

Mr. M. P. Norton, and Mr. ——— Scott were put in nomination.

Mr. Williamson nominated Mr. Lawrence.

The following members voted for Mr. M. P. Norton:

Messrs. Speaker, Armstrong, Erath, Ford, Hardin, Henderson, Johns, Means, Millican, Ogden, Parker, Robinson, Sadler, Scurry, Smyth of Jasper and Truit—16.

The following members voted for Mr. William Lawrence,

Messrs. Bourland, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Gage, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Perkins, Sutherland and Smith of Fannin, Williams and Williamson—19.

The following members voted for Mr. ——— Scott:

Messrs. Cunningham, Moffett, Scott and Wallace—4.

Mr. Norton received six votes in the Senate: Mr. Lawrence received six votes; and Mr. Scott one.

Neither candidate having received a majority of all the votes, the House proceeded to a second vote.

Mr. Scott was withdrawn.

The following members voted for Mr. Norton:

Messrs. Speaker, Armstrong, Erath, Ford, Hardin, Hender-

son, Johns, Means, Millican, Moffett, Ogden, Parker, Robinson, Sadler, Scott, Scurry, Smyth of Jasper, Truit and Wallace—19.

The following members voted for Mr. William Lawrence :

Messrs. Bourland, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Gage, Johnson, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Perkins, Sutherland, Smith of Fannin, Williams and Williamson—20.

Mr. Norton received seven votes in the Senate, and Mr. Lawrence received six votes.

There being a tie, the two Houses again proceeded to vote, which resulted as before : whereupon, the two Houses proceeded to a fourth vote, which produced the same result—no member having changed his vote. The two Houses being unable to make a choice, the Senate retired.

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

3 o'clock, P. M.

House met pursuant to adjournment ; quorum present.

On motion of Mr. Henderson, the House proceeded to the

ORDERS OF THE DAY.

The resolution calling on the President, for information, was taken up and adopted.

The joint resolution making an appropriation for the contingent printing of Congress was taken up, with the amendment of the Senate, which amendment was concurred in.

The bill for the relief of the heirs of Benjamin Parker, deceased, was taken up and read a third time.

Mr. Wallace moved to lay it on the table, and make it the special order of the day for the 10th inst. ; lost.

Mr. Henderson moved to lay it on the table ; lost.

Mr. Henderson moved its indefinite postponement ; lost.

Mr. Wallace offered an amendment.

The chair decided it out of order.

Mr. Wallace appealed from the decision of the chair.

The question being put, the chair was sustained.

The question on the passage of the bill was then put and carried.

The bill for the relief of Neely Kimbro, was read a third time and passed.

The bill to make the Secretary of the Senate an annual officer, was read a first time.

The bill for the relief of Martha B. Runnels, and others, read a first time.

The bill granting to settlers on public domain pre-emption privileges, read a first time.

The bill relative to Public Printing, read a first time.

The bill to repeal the 17th section of the act organizing Justices' Courts, and defining the powers and jurisdiction of the same, &c., &c., approved, December 20th, 1836, was taken up on its second reading; and on motion of Mr. Menefee, ordered to lie on the table.

Mr. Armstrong, by leave, introduced a bill supplementary to the several acts on impost duties; read a first time.

The bill requiring the Auditor to audit all legally authenticated claims against the government, was taken up on its second reading, and the substitute of the committee on Finance adopted.

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

The bill for the relief of L. S. Hargous, of the city of Vera Cruz, and others, was read a second time; and on motion of Mr. Williamson, referred to the committee on Foreign Relations.

The bill to incorporate the Galveston Guards, was read a second time.

Mr. Henderson moved its reference to the committee on the Judiciary; lost.

On motion of Mr. Henderson, it was referred to the committee on Military Affairs.

The bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress, was taken up on its second reading; and, on motion of Mr. Bourland, ordered to be engrossed.

Mr. Henderson moved to adjourn until to-morrow 10 o'clock, A. M.; lost.

On motion of Mr. Scott, the House adjourned until to-morrowing 9 o'clock.

THURSDAY, Jan. 2d, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names:

Messrs. Speaker, Cunningham, Ford, Gage, Hardin, Johns, Johnson, McFarlane, Mabry, Menefee, Moffett, Robinson, Sadler, Scott, Scurry, Truit and Williamson.

Not a quorum present

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

FRIDAY, Jan. 3d, 9 o'clock, A. M.

House met pursuant to adjournment, prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson, Jones of G., Lewis, McFarlane, McLeod, Mabry, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Smyth of J. Wallace, Williams and Williamson.

A quorum present; Journals of Wednesday and Thursday were read and adopted.

Mr. Bourland presented the accounts of James Long; which were referred to the committee on Claims and Accounts.

Mr. McLeod presented the petition of Leander Wescott; which was referred to the committee on Claims and Accounts;

Also, the petition of Edward Drew, which was referred to the committee on the State of the Republic.

Mr. Williams presented the petition of W. B. Goodman; which was referred to the committee on Claims and Accounts.

The committee on Post Offices and Post Roads, W. H. Bourland chairman, to whom was referred the bill to provide for carrying the public-mail from Franklin in Robertson county to Crocket in Houston county, reported the same back to the House by substitute, and recommended its passage; which report was laid on the table, to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry chair-

man, to whom was referred the petition of Amasa Turner, reported unfavorably on the same; which report was, on motion of Mr. Henderson, laid on the table.

The same committee to whom was referred the petition of Geo. Simpton, reported the same back to the House, with a request that it be referred to the committee on Naval Affairs; which report was adopted.

The same committee to whom was referred the petition of Nancy Landrum, reported it back to the House, with a request that it be referred to the committee on Military Affairs; which report was adopted.

Also, the same committee to whom was referred the petitions of John Engledow and Edward Hughart, reported unfavorably; which report was, on motion of Mr. Bourland, laid on the table.

The committee on the State of the Republic, James W. Henderson chairman, to whom was referred the petition of sundry citizens of Red River county, praying for a collectoral district, reported it back to the House, with a request that it be referred to the committee on Finance; adopted.

The same committee, B. Rush Wallace, one of the committee, to whom was referred the joint resolution to rescind the joint resolution fixing a salary for the Clerk of the Supreme Court, reported the same back to the House, and recommended its passage.

Also, to whom was referred the bill to allow a defendant to plead a partial failure of consideration reported, a portion of said committee in favor, and a portion against the passage of the bill; which report and bill was laid on the table, to come up among the orders of the day.

The committee on Education, W. R. Scurry, chairman, to whom was referred the bill prohibiting the sale of donations of land to colleges, &c., for eight years, reported unfavorably; which report and bill was laid on the table, to come up among the orders of the day.

The committee on the Judiciary, A. S. Cunningham, one of the committee to whom was referred the bill relating to the practice in the District Courts, reported the same back to the House by substitute, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on the Judiciary, Tod Robinson, chairman, to whom was referred the resolution to enquire into the expediency of providing by law, that Judges of Probate, and other

county officers, elected to supply vacancies occurring in cases where the period for which their predecessors had been elected had not expired, shall go out of office at the expiration of the term for which their predecessors were elected, reported that it was the opinion of the committee, that the tenure by which the above officers hold their offices, is not subject to legislative control, and begged to be discharged from the further consideration of the same; which report was, on motion of Mr. Bourland, laid on the table.

The Select Committee, Dugald McFarlane, chairman, to whom was referred the petition of sundry citizens of Matagorda county, reported the same back to the House, with a bill to repeal the act incorporating the Matagorda Caney Navigation Company, which was read a first time.

The select committee, R. M. Williamson, chairman, to whom was referred the petition of Benjamin L. White, reported the same back to the House, with a bill for the relief of Mary Lawson Williams, which was read a first time.

On motion of Mr. Williamson, the rule was suspended, bill read a second time, and referred to the committee on Public Lands.

On motion of Mr. Jones of San Patricio, Mr. Menefee was added to the committee on Public Lands.

Mr. Williamson presented the petition of George W. Miller, which was referred to a select committee, consisting of Messrs. Cazneau, McLeod and Menefee.

Mr. Scott offered the following resolution:

Be it Resolved, That the committee on Finance be requested to take into consideration the propriety of declaring Port Caddo a Port of Entry: and further, the propriety of appointing a Collector for said Port.

The committee on the State of the Republic, to whom was referred the petition and joint resolution for the relief of Henry F. Fisher, reported the same back to the House, by substitute, and recommended its passage. Signed by Messrs. McLeod, Cazneau, Cooke of Bexar, Sutherland and Armstrong; which report was laid on the table, to come up among the orders of the day.

Mr. Moffett, by leave, introduced a bill for the improvement of the navigation of the Angelina and Snow rivers; read a first time.

Mr. Erath, by leave, introduced a bill to define more perfectly the jurisdiction of the District Courts; read a first time.

On motion of Mr. Williamson, the rule was suspended, bill read a second time, and on motion of Mr. Erath, referred to the committee on the Judiciary.

Mr. Henderson, by leave, introduced a bill for the relief of Amasa Turner; read a first time.

Mr. Cunningham, by leave, introduced a bill to encourage the compilation of a digest of the laws; read a first time, and on motion of Mr. Cunningham, rule suspended, bill read a second time, and referred to the committee on the Judiciary.

Mr. Hardin, by leave, introduced a bill for the relief of Thos. W. Key, Assessor of Liberty county; read a first time.

The committee on the State of the Republic, James W. Henderson, chairman, to whom was referred the bill for the benefit of the citizens of the Republic of Texas, reported the same back to the House, and recommended its passage; which report and bill was laid on the table, to come up among the orders of the day.

On motion of Mr. Bourland, the House proceeded to the

ORDERS OF THE DAY.

The bill to establish and incorporate the Galveston Lyceum was taken up, read a second time, and on motion of Mr. McLeod, ordered to be engrossed.

The bill to reduce the per diem pay of members of Congress was taken up and read a second time.

Mr. Sadler moved its indefinite postponement.

The Ayes and Noes being called, stood thus:

Ayes—Messrs. Armstrong, Bourland, Cunningham, Erath, Ford, Gage, Henderson, Johnson, Jones of Gonzales, Lewis, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Smith of Fannin, Smyth of Jasper, Truit and Williams—23.

Noes—Messrs. Speaker, Dunn, Hardin, Johns, Jones of San Patricio, McFarlane, Millican, Parker and Wallace—9.

So the bill was indefinitely postponed.

The bill regulating license tax was read a second time, and on motion of Mr. Erath, referred to the committee on Finance.

The bill amendatory of the several acts regulating the sales of the estates of deceased persons and minor heirs, was read a second time, and on motion of Mr. Millican, referred to a select committee, consisting of Messrs. Millican, Gage, Jones of Gonzales, Armstrong and Williams.

The bill to repeal an act authorizing the holding of a District Court in two places in Red River county, and for other purposes, was read a second time; and, on motion of Mr. Scott, referred to the committee on County Boundaries.

The bill for the relief of Abel Morgan was read a second time, and, on motion of Mr. Bourland, referred to a select committee, consisting of Messrs. Dunn, McFarlane, Henderson, Perkins and Cunningham.

The bill for the relief of the heirs of James Garrard, deceased, was taken up on its second reading, and, on motion of Mr. Henderson, ordered to be engrossed.

The bill to amend an act to regulate proceedings in civil suits, approved February 5th, 1840, was taken up, read a second time, and, on motion of Mr. Armstrong, referred to the committee on the Judiciary.

The bill to authorize the county surveyor of Houston county to transcribe the archives of his office in a bound book, was taken up, read a second time, and, on motion of Mr. Sadler, referred to a select committee, consisting of Messrs. Sadler, Scott and Menefee.

A message was received from the Senate informing the House of the passage of the following bills, to wit:

An act directing the President and Heads of Departments to return to the city of Austin;

An act to provide that all laws shall take effect from and after their passage, unless a different time be specified in said law.

An act to repeal certain acts relative to the creation of a Board of Medical Censors &c., &c.;

And, also, a bill providing for the location of the seat of government by the people of Texas.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 3d, 1845. }

To the Honorable John^x M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress—also, a bill to be entitled an act supplementary to an act defining the duties of the officers of the Treasury Department,

approved February 5th, 1840, and find the same correctly engrossed.

A. H. JONES,
One of the Committee.

Adopted.

The bill to establish certain mail routes therein named, was read a second time, and, on motion of Mr. Cunningham, referred to the committee on Post Offices and Post Roads.

The bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the 8th Congress, was read a third time and passed.

The bill supplementary to the act defining the duties of the officers of the Treasury Department, approved 5th Feb. 1840, was read a third time.

Mr. Smith of F., moved its indefinite postponement; lost.

So the bill passed.

The bill to charter the Nacogdoches University, was read a second time, and, on motion of Mr. Henderson, referred to the committee on Education.

The bill to amend the Constitution, was read a second time, and, on motion of Mr. Cazneau, referred to the committee on the State of the Republic.

On motion of Mr. Henderson, the bill from the Senate providing for the amendment of the Constitution and the establishment of a Supreme Court, was taken up and referred to the committee on the State of the Republic.

The bill for the relief of A. B. Gray and H. P. Bee, was read a second time.

Mr. Henderson offered a substitute for the bill.

Mr. Jones of San Patricio offered an amendment to the substitute; adopted.

Mr. Smith of Fannin, moved to lay the bill and substitute on the table; lost.

The substitute was then adopted, and, on motion of Mr. Henderson, ordered to be engrossed.

A bill for the relief of the purchasers of lots in the city of Austin, &c., was taken up, read a second time, and, on motion of Mr. Scott, referred to the committee on the State of the Republic.

The bill for the relief of the heirs of Joseph English, was read a second time, and on motion of Mr. Smith of Fannin, ordered to be engrossed.

On motion of Mr. Henderson, the bill for the relief of John

S. Black, and others, was taken up from the table and placed among the orders of the day.

On motion of Mr. Jones of San Patricio, the bill for the relief of the citizens of depopulated counties, was taken from the table, and placed among the orders of the day.

The bill to abolish capital punishment within the limits of the Republic of Texas, came up on its second reading, with the unfavorable report of the committee on the Judiciary; which report, on motion of Mr. Scurry, was adopted.

The bill for the relief of the citizens of depopulated counties, was taken up on its second reading.

Mr. Jones of San Patricio, moved to strike out the word "Bexar"; carried; and on motion of Mr. Jones of San Patricio, ordered to be engrossed.

The bill for the relief of John S. Black, and others was taken up, and on motion of Mr. Henderson, referred to the committee on the State of the Republic.

On motion of Mr. McLeod, the bill for the relief of A. B. Shelby was taken up, and ordered to be engrossed.

The bill to amend the act regulating the proceedings of the District Courts, came up on its second reading, with the unfavorable report of the committee; which report was, on motion of Mr. Williamson, adopted—and bill rejected.

The bill for the benefit of Henry R. Green, was taken up on its second reading, with the unfavorable report of the committee on the Judiciary; which report was adopted, and bill rejected.

On motion of Mr. Bourland, the petition of Edward Hughart was taken up, and referred to a select committee, consisting of Messrs. Bourland, Gage and Scurry.

The chairman of the committee on the Judiciary, withdrew the unfavorable report on the bill relative to the practice in the District Courts.

The bill to provide for the better protection of the rights of married women was taken up on its second reading, and on motion of Mr. Henderson, laid on the table.

The bill to repeal the Exchequer system, was taken up on its second reading.

Mr. Robinson moved to lay it on the table, and make it the special order of the day for the 20th instant, and that 100 copies of it be printed.

Mr. McLeod moved to amend by inserting 10th instant, in lieu of 20th, accepted by Mr. Robinson.

Mr. Smith of Fannin, moved to lay the bill on the table; lost

A division of the question being called—the question on laying on the table until 10th instant, was carried.

The question on printing was put and lost.

On motion of Mr. Armstrong, the resolution from the Senate, showing the sense of the two Houses, relative to dispensing with Foreign Ministers was taken up, and on motion of Mr. Menefee, referred to the committee on Foreign Relations.

The bill to endow the Wesleyan College of San Augustine was taken up on its second reading, and on motion of Mr. Henderson, re-committed to the committee on Public Lands.

The bill supplementary to an act to change in part the times of holding the District Courts in the 5th and 7th Judicial Districts, was taken up on its second reading; and on motion of Mr. Robinson, ordered to be engrossed.

Mr. Millican moved to adjourn until 3 o'clock, P. M.

Mr. Henderson moved to adjourn until 9 o'clock to-morrow morning, which motion was put and carried.

SATURDAY, Jan. 4, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Bourland, Cazneau, Cooke of Bexar, Cunningham, Erath, Ford, Gage, Hardin, Johns, Johnson, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Millican, Moffett, Perkins, Sadler, Scott, Scurry, Smith of Fannin, Smyth of Jasper, Wallace and Williamson.

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

On motion of Mr. Truit, the Hon. M. T. Johnson, member elect from Shelby county, came forward, presented his credentials, took the oath prescribed by the Constitution and his seat.

Mr. Cooke of Bexar, presented the petition of Bourgeois de Orvanne, and Ducos, which was, on motion of Mr. Gage, referred to the committee on the State of the Republic.

On motion of Mr. Henderson, Mr. Johnson of Shelby, was added to the committee on the State of the Republic.

On motion of Mr. Truit, Mr. Johnson of Shelby, was added to the committee on Retrenchment.

Mr. Jones of San Patricio, presented the petition of Isabella T. Scott, which was referred to the committee on Public Lands.

The committee on Post Offices and Post Roads, William H. Bourland, chairman, to whom was referred the petition of the citizens of the lower part of Liberty county, praying the establishment of a mail route, &c., reported the same back to the House, with a bill for the creation of a mail route from the city of Galveston, to the town of Liberty; read a first time.

The committee on Public Lands, G. B. Erath, one of the committee to whom was referred the joint resolution for the relief of Mary Lawson Williams, reported the same back to the House, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The same committee, to whom was referred the petition of S. B. Giles, reported a bill for his relief; read a first time.

The same committee to whom was referred the bill to regulate in part the location of land claims, made a report recommending its indefinite postponement; which report was laid on the table to come up among the orders of the day.

The same committee to whom was referred the petition of Mary Potter, and others, reported unfavorably; which report was adopted.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the petition of Sam. Ricker, Jr., reported a bill for his relief for \$399 52-100; which was read a first time—from the consideration of the balance of the claim, the committee begged to be discharged for want of the necessary information thereon.

The same committee to whom was referred the claim of J. P. Hudson, for making a map of Fayette county, begged to be discharged from its further consideration for the want of proper vouchers; which report was adopted.

The committee on Public Printing, S. W. Perkins chairman, reported having made the following contract with Thomas Johnson: for 1,500 copies of President Houston's message for \$11 25; 500 copies of accompanying documents at 3-4 cents per page; 2 quires Ayes and Noes at \$4 per quire; 1,500 copies of President Jones' message for \$18.

With Messrs. Miller & Cushney for 300 copies of the Texas National Register for \$30 per week during the session; which report was laid on the table.

The committee on the Judiciary, to whom was referred the bill supplementary to an act to regulate the proceedings in civil suits, reported the same back to the House, and recommended its passage. Signed by Messrs. Armstrong, Wallace, Scurry and Henderson; which report was laid on the table to come up among the orders of the day.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM. }
Jan. 3d, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and find correctly enrolled,

A joint resolution making an appropriation for the contingent printing of Congress.

It has been signed by the Speaker of the House of Representatives and President of the Senate, and was this day presented to the President for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The committee on Public Lands, D. Gage one of the committee, to whom was referred the joint resolution for the relief of James W. Wanhop, reported the same back to the House, and recommended its passage; which report was laid on the table to come up among the orders of the day.

The special committee Wm. Menelee chairman, to whom was referred the petition of George W. Miller, reported a bill for his relief; which was read a first time.

Mr. Hardin offered the following resolution, to wit:

Resolved, That the House of Representatives will go into the election of a Judge of the 6th Judicial District, at 3 o'clock this day; rejected.

Mr. Scott offered the following resolution, to wit:

Be it resolved, That the Finance committee be requested to take into consideration the propriety of levying a direct tax on all property owned by citizens of this Government, at an ad valorem rate of one quarter of one per cent. on the value of the same; adopted.

Mr. Scott, by leave, introduced a bill to incorporate the Trinity University; read a first time.

Mr. Johns, by leave, introduced a bill for the benefit of De Kalb College; read a first time.

Mr. Cooke of Robertson, presented the petition of George W. Sevier, and others; which was referred to the committee on Public Lands.

Mr. Smith of Fannin, by leave, introduced a bill making an appropriation for the pay of the members and officers of the 9th Congress; read a first time, and, on motion of Mr. Smith of Fannin, the rule was suspended, bill read a second time, and, on motion of Mr. Williamson, referred to the committee on Finance.

Mr. Johns, by leave, introduced a bill to incorporate the town of Boston; read a first time.

Mr. Means, by leave, introduced a bill to provide for altering the attachment laws; read a first time.

The House proceeded to the

ORDERS OF THE DAY.

Mr. Henderson moved to take up the resolution to adjourn *sine die*; lost.

A message was received from the Senate informing the House of the passage of the following bills:

An act for the relief of Jonathan Bird—a bill for the relief of John Trussell—a bill to abolish the office of Secretary of Legation—and, a bill allowing mileage to Sheriffs, Coroners and Constables—and, also, a bill to incorporate Orphans' Friend Lodge, No. 17.

The bill providing for the location of the seat of government by the people of Texas, was read a first time.

The bill to repeal certain acts relative to the creation of a Board of Medical Censors, &c., was taken up, and read a first time.

The bill to provide that all laws shall take effect from and after their passage, unless a different time be specified in said law, was read a first time.

The bill to make the Secretary of the Senate an annual officer, was taken up, read a second time, and, on motion of Mr. Robinson, referred to the committee on Retrenchment.

The committee on Naval Affairs, H. McLeod, chairman, to whom was referred the memorial of James Morgan, late Naval Commissioner, reported a joint resolution for his relief; read a first time.

The bill for the relief of Martha B. Runnels, and others, was

taken up, read a second time, and, on motion of Mr. Jones of San Patricio, referred to the committee on Public Lands.

The bill granting to settlers on vacant public domain, pre-emption privileges, was taken up and read a second time; and on motion of Mr. Gage, referred to the committee on Public Lands.

The joint resolution relative to Public Printing, was taken up, read a second time, and on motion of Mr. Robinson, referred to the committee on Retrenchment.

The bill to amend and alter the laws relative to Probate Courts, and the settlement of successions, was read a second time, and on motion of Mr. Gage, referred to the committee on the Judiciary.

The bill supplementary to an act defining the jurisdiction and powers of the District Courts, approved, December 22d, 1836, was taken up, read a second time, and on motion of Mr. Gage, referred to the committee on the Judiciary.

The bill for the benefit of Constables, was read a second time, and on motion of Mr. Jones of San Patricio, referred to the committee on the Judiciary.

The bill to reduce the impost duties to ten per cent., ad valorem, was read a second time, and on motion of Mr. Cazneau, referred to the committee on Finance.

The bill regulating in part the proceedings in the District Courts was read a second time, and on motion of Mr. Scott, indefinitely postponed.

The bill to provide for the issuance of Patents to assignees, was read a second time, and on motion of Mr. Henderson, referred to the committee on Public Lands.

The bill supplementary to the several acts on impost duties, was read a second time, and on motion of Mr. Armstrong, referred to the committee on Finance.

The bill for the relief of William Legare, was read a second time, and on motion of Mr. Sadler, referred to the committee on Public Lands.

The bill for the encouragement of learning, &c., &c., was read a second time, and on motion of Mr. Cunningham, referred to the committee on the Judiciary.

The bill for the relief of John R. Taylor, administrator of the estate of Wm. Wilson, was read a second time; and on motion of Mr. Scott, referred to the committee on Military Affairs.

The bill appropriating the license tax of Galveston county

to county purposes, was read a second time ; and on motion of Mr. Gage, referred to the committee on Finance.

The bill to abolish the duties on certain articles, was read a second time ; and on motion of Mr. Gage, referred to the committee on Finance.

The bill supplementary to an act creating the county of Rusk, &c., &c., was read a second time ; and on motion of Mr. Gage, referred to the committee on the Judiciary.

The bill to establish and incorporate the Houston College, was read a second time ; and on motion of Mr. Henderson, referred to the committee on Education.

The bill to regulate the Naval establishment was read a second time ; and on motion of Mr. Cazneau, referred to the committee on Naval Affairs.

The bill appropriating the direct taxes to county purposes, was read a second time ; and on motion of Mr. Scott, referred to the committee on Finance.

The bill to establish and incorporate the Victoria College, was read a second time ; and on motion of Mr. Cunningham, referred to the committee on Education.

The bill to establish a mail route therein named, was read a second time ; and on motion, referred to the committee on Post Offices and Post Roads.

The bill to change the name of Henry Smith, and for other purposes, came up on its second reading ; and on motion of Mr. Henderson, ordered to be engrossed.

On motion of Mr. Williamson, the motion to re-consider the vote refusing to engross the bill making an appropriation for the payment of the claim of Rawdon, Wright, Hatch & Edson, was taken up.

On motion of Mr. Williamson, the vote was re-considered, and the bill referred to the committee on Finance.

The joint resolution for the relief of the Mier prisoners, was read a second time, and referred to the committee on Military Affairs.

The bill for the relief of Rusk county, was read a second time ; and on motion of Mr. Gage, referred to the committee on Education.

The bill to allow assets in suits instituted by executors or administrators, was read a second time, and on motion of Mr. Wallace, referred to the committee on the Judiciary.

On motion of Mr. Cazneau, the vote referring the bill for the relief of the Mier Prisoners, to the committee on Military Af-

fairs, was re-considered ; and on motion of Mr. Cazneau, ordered to be engrossed.

On motion of Mr. McFarlane, the bill to repeal an act incorporating the Matagorda Caney Navigation Company, was taken up on its second reading ; and on motion of Mr. Parker, ordered to be engrossed.

The bill to change the name of Mary Nettle, and for other purposes, was read a second time, and on motion of Mr. Henderson, ordered to be engrossed.

The bill for the relief of Nathaniel Amory was taken up, read a second time, and on motion of Mr. Williamson, referred to the committee on Finance.

The bill to regulate mills and millers, was read a second time, and on motion of Mr. Hardin, referred to the committee on the State of the Republic.

The bill to re-organize the Boards of County Commissioners for the several counties of the Republic, was read a second time, and on motion of Mr. Henderson, referred to the committee on the Judiciary.

The bill concerning the collection and payment of the direct taxes, was read a second time, and on motion of Mr. Henderson, referred to the committee on Finance.

The bill for the relief of William Bugg, was taken up on its second reading, and ordered to be engrossed.

The bill to authorize the re-organization of Refugio and San Patricio counties, was taken up on its second reading.

Mr. Jones of San Patricio, moved to amend by filling the first blank with the name of Peter Teal ; and the second blank, with the name of William Mann ; adopted.

Mr. Cunningham moved to amend, by striking out the first section.

Mr. Williamson moved to lay the bill and amendment on the table, until Monday morning 10 o'clock ; lost.

The question on the amendment was put and lost.

On motion of Mr. Jones of San Patricio, the bill was ordered to be engrossed.

The committee on Engrossed Bills made the following report :

COMMITTEE ROOM, }
 January 4, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill to be entitled an act for the relief of the heirs of James Garrard, deceased—also, a bill to be entitled an act for the relief of the citizens of the depopulated counties—also a bill to be entitled an act for the relief of the heirs of Joseph English, deceased—also, a bill to be entitled an act to incorporate the Galveston Lyceum—also, a bill to be entitled an act supplementary to an act entitled an act to change in part the times of holding the District Courts, in the 5th and 7th Judicial Districts, approved, January 27th, 1844—also, a joint resolution for the relief of A. B. Shelby—also, a joint resolution for the relief of H. P. Bee, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,

One of the Committee.

Report adopted.

The committee on Enrolled Bills, made the following report, to wit:

COMMITTEE ROOM, }
 Jan. 4, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined an act directing the President and Heads of Departments to return to the city of Austin, and found the same correctly enrolled. It was signed by the Speaker of the House of Representatives, and President of the Senate, and was this day presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Report adopted.

On motion of Mr. Ford, Mr. Cooke of Bexar, was added to the committee on Retrenchment.

On motion of Mr. Jones of San Patricio, Mr. Mabry was added to the committee on Military Affairs.

On motion of Mr. Bourland, the bill to change in part the times of holding the District Courts, in the 7th Judicial District,

was taken up on its second reading, and the substitute of the select committee adopted; and on motion of Mr. Bourland, ordered to be engrossed.

On motion of Mr. Cazneau, the bill for the relief of Josiah G. Beatty, and others, was taken up on its second reading, and the substitute of the Finance committee adopted; and ordered to be engrossed.

On motion of Mr. Bourland, the House adjourned until Monday morning 9 o'clock.

MONDAY, Jan. 6, 10 o'clock A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cooke of Bexar, Cunningham, Erath, Ford, Gage, Hardin, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, Mabry, Moffett, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Wallace, Williams and Williamson.

A quorum present; the journals of Saturday read and adopted.

Mr. Gage presented the petition of Sundry citizens of Rusk county, praying for the establishment of a College, which was referred to the committee on Education.

Mr. McLeod presented the petition of sundry citizens of Galveston county, praying that ice be imported free of duty, which was referred to the committee on Finance.

A Message was received from His Excellency, the President, by his Private Secretary, Mr. S. Z. Hoyle.

Mr. McLeod presented the petition of Charles A. Seefeld, which was referred to the committee on Military Affairs—also, the memorial of Post Captain E. W. Moore, which was, on motion of Mr. Cazneau, referred to the committee on Naval Affairs.

Also the memorial of Isaac D. Boyce, which was referred to the committee on Public Lands.

Mr. Wallace presented the petition of H. McHanks, which was referred to the committee on Military Affairs.

Mr. Gage presented the petition of sundry citizens of Rusk

county, praying the incorporation of the town of Henderson, which was referred to the committee on the Judiciary.

Mr. McFarlane presented the petition of the Stockholders in the Matagorda Caney Navigation Company, protesting against the repeal of the charter; which was referred to the committee on the Judiciary.

The committee on Military Affairs, Wm. G. Cooke, chairman, to whom was referred the bill prescribing the routine of military duty, and for other purposes, reported the same back to the House, with amendments, and recommended its passage.

The same committee, to whom was referred the bill to incorporate the Galveston Guards, reported the same back to the House, and recommended its passage.

The same committee, to whom was referred the bill for the protection of the Northern Frontier—also, a petition from Robertson county, reported the same back to the House, and begged to be discharged from further consideration of the same; as a general bill for the protection of the frontier will supersede the necessity; which reports and bills were laid on the table, to come up among the orders of the day.

The same committee to whom was referred the memorial of sundry citizens of Galveston, asking to be exempted from military duty in time of peace, reported unfavorably upon the same; adopted.

The same committee to whom was referred the petition of Nancy Landrum, reported unfavorably on account of the Archives being at Austin; report adopted.

The committee on Education, W. R. Scurry chairman, to whom was referred a bill for the benefit of Rusk county—also a bill to establish and incorporate the Victoria College—also, a bill to establish and incorporate the Houston College—reported the same back to the House, and recommended their passage; which report and bills were laid on the table to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the petition of Adolphus Sterne, reported the same back to the House with a joint resolution for his relief; which was read a first time.

The committee on the Judiciary, Tod Robinson chairman, reported a bill to alter the times of holding the District Courts in the first Judicial District; which was read a first time.

The committee on Foreign relations, R. M. Williamson chairman, to whom was referred the resolution of the Senate ex-

pressive of the sense of dispensing with foreign ministers, reported the same back to the House, and recommended its passage; which report was, on motion of Mr. McLeod, laid on the table.

A message was received from the Senate informing the House of the rejection of the bill to divorce Elizabeth A. Dennisse from Peter Dennissee, and of the passage of the following bills, to wit:

A bill for the relief of J. A. Young—a bill for the relief of the heirs of John Williams, deceased—and, a bill for the relief of Abram Skidmore.

The committee on Naval Affairs, to whom was referred the petition of George Simpton, pilot, reported a joint resolution for his relief; which was read a first time.

The select committee, Wm. H. Bourland chairman, to whom was referred the resolution to enquire into the propriety of re-organizing the General Land Office, reported a bill for that purpose; which was read a first time, and, on motion of Mr. Cazneau, 150 copies of the bill was ordered to be printed.

The select committee, Wm. T. Sadler chairman, to whom was referred the bill authorizing the county surveyor of Houston county to transcribe the archives of his office in a bound book, reported the same back to the House and recommended its passage; which report and bill were laid on the table to come up among the orders of the day.

Mr. Lewis of Montgomery, offered the following resolution, to wit:

Resolved, That the committee on the State of the Republic be instructed to enquire into the expediency of so changing or amending the Constitution, as to make a longer residence in this Republic necessary before emigrants to it shall be entitled to all the rights of citizenship herein; adopted.

Mr. McLeod offered the following resolution, to wit:

Be it resolved, That the Executive be requested to furnish this House with the proceedings of the late Naval Court Martial, in the cases of Post Captain E. W. Moore, and others—and to inform this House to whom the said proceedings were addressed by the Court.

On motion of Mr. McLeod, the rule was suspended, and the resolution adopted.

Mr. Scurry, by leave, introduced a bill to legalize certain surveys; read a first time.

Mr. Means offered the following resolution, to wit:

Resolved, That the committee on the State of the Republic be instructed to take into consideration the propriety and necessity of amending the Constitution so far as relates to the election of members of Congress from depopulated counties in this Republic; rejected.

Mr. McLeod, by leave, introduced a bill to amend the several acts regulating the Post Office Department; read a first time.

On motion of Mr. Williamson, the message of the President was taken up, and read as follows:

EXECUTIVE DEPARTMENT, }
Washington, January 6th, 1845. }

To the Honorable

The House of Representatives:

The Executive embraces this opportunity to transmit, in compliance with a resolution of your honorable body of the 1st instant, a communication from the acting Secretary of War and Marine, with documents accompanying, containing the required information.

ANSON JONES.

On motion of Mr. Cazneau, the message and accompanying documents, were referred to the committee on Naval Affairs.

On motion of Mr. Parker, the House proceeded to the

ORDERS OF THE DAY.

The bill concerning the records and papers of county surveyors, was taken up on its second reading, and the amendments of the committee (two additional sections;) were adopted.

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

On motion of Mr. Scott, Mr. Johns was added to the committee on County Boundaries.

The bill granting to Augustus Burr the franchise of the Ferry at the west end of Galveston Island, was taken up, and, on motion of Mr. Cazneau, laid on the table.

The bill to reduce the salaries of District Judges and to increase the salaries of District Attorneys, was taken up on its second reading, and, on motion of Mr. Scott, indefinitely postponed.

On motion of Mr. Robinson, the bill granting to Augustus

Burr the franchise of the Ferry at the west end of Galveston Island, was taken up.

Mr. McLeod moved its engrossment.

Mr. Smith of F., moved its indefinite postponement.

The Ayes and Noes being called, stood as follows :

Ayes—Messrs. Speaker, Cunningham, Dunn, Hardin, Henderson, Johnson of Shelby, Parker, Scott, Smith of Fannin and Truit—10.

Noes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cooke of Robertson, Erath, Ford, Gage, Johns, Johnson of Goliad, Jones of Gonzales, Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler, Scurry, Sutherland, Smyth of Jasper, Wallace, Williams and Williamson—30.

So the House refused to indefinitely postpone the bill.

Mr. Parker moved to amend, by striking out "exclusive" where it occurs ; lost.

Mr. Smith of F., moved to amend, by striking out "10 years" and inserting "10 days ;" lost.

Mr. Henderson moved to strike out "10 years."

Mr. Scurry moved the previous question—Shall the main question be now put ?—was put and carried.

The main question being the engrossment of the bill, was put and carried.

The committee on Engrossed Bills made the following report :

COMMITTEE ROOM, }
Jan. 6, 1845. }

To the Hon. John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill to change the name of Mary Nettle, and for other purposes—also, a joint resolution for the relief of Wm. Bugg—also, a bill to repeal an act to incorporate the Matagorda Caney Navigation Company—also, a bill to change the name of Henry Smith, and for other purposes—also, a joint resolution for the relief of the Mier prisoners, and others—also, a bill to change in part the times of holding the District Courts in the 7th Judicial District—also, a joint resolution for the payment of the drafts of Josiah G. Beatty, and others—also, a bill to authorize the re-

organization of Refugio and San Patricio counties—and find the same correctly engrossed.

WM. L. CAZNEAU, one of the committee.

Adopted.

On motion of Mr. Bourland, the bill to change in part the times of holding the District Courts in the 7th Judicial District, was taken up, read a 3d time and passed.

Mr. Gage moved to adjourn until 3 o'clock p. m.

M. Robinson moved to adjourn until to-morrow morning, 9 o'clock, which motion having precedence, was put and carried.

TUESDAY, Jan. 7, 9 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Cooke of B., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson, of G., Lewis, McFarlane, Mabry, Menefee, Millican, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of J., Wallace and Williams.

A quorum present.

Mr. Sutherland presented the petition of Basil Dearborn; which was referred to a select committee, consisting of Messrs. Sutherland, Williamson and Moffett.

Mr. Scott presented the petition of Levy A. McLaughlin, which was referred to a select committee, consisting of Messrs. Scott, Armstrong Gage and Smith of Fannin.

Mr. Lewis of Montgomery, presented the petition of sundry citizens of Montgomery county, praying the establishment of a Post Office, at the house of Jonathan Collard, which was referred to the committee on Post Offices and Post Roads.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of Leander Wescott, reported unfavorably, (a law having been passed heretofore for his relief,) which report was adopted.

The same committee, to whom was referred the petition of Wm. B. Goodman, reported the same back to the House, with a

request that it be referred to the committee on Military Affairs ; adopted.

The committee on Public Lands, George B. Erath, one of the committee, to whom was referred the bill for the relief of Martha B. Runnels, and others, reported the same back to the House, and recommended its passage.

The same committee, to whom was referred the bill granting to settlers on vacant public domain pre-emption privileges, reported the same back to the House, with amendments, and recommend its passage ; which reports and bills were laid on the table, to come up among the orders of the day.

The committee on County Boundaries, S. B. Johns, one of the committee, to whom was referred the bill to repeal an act authorizing the holding of the District Court in two places in Red River county, and for other purposes, reported the same back to the House, recommending its passage, which was adopted ; and on motion of Mr. Johns, the bill was taken up and ordered to be engrossed.

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

The committee on the State of the Republic, Jas. W. Henderson, chairman, to whom was referred the petition of Edward Drew, praying for a divorce, reported unfavorably ; which report was adopted.

The committee on Retrenchment, John S. Ford, chairman, to whom was referred a joint resolution relative to Public Printing—also, a bill to make the Secretary of the Senate an annual officer, reported the same back to the House, and a majority of said committee recommended its passage.

Mr. Gage, one of the same committee, made a counter report, recommending the indefinite postponement of both bills ; which reports and bills were laid on the table, to come up among the orders of the day.

The committee on Finance, George W. Smyth, chairman, to whom was referred the bill making an appropriation for the claim of Rawdon, Wright, Hatch and Edson, reported the same back to the House, and recommended its passage ; which report and bill was laid on the table, to come up among the orders of the day.

Mr. Parker presented the petition of the heirs of Wm. Bryan, which was referred to the committee on Public Lands.

On motion of Mr. Scurry, the House proceeded to the

ORDERS OF THE DAY.

The bill for the relief of the heirs of James Garrard, was taken up, read a third time and passed.

The bill for the relief of H. P. Bee, was read a third time and passed.

The bill for the relief of the heirs of Joseph English, deceased, was read a third time and passed.

The bill for the relief of the citizens of depopulated counties, was read a third time and passed.

The bill to establish and incorporate the Galveston Lyceum, was read a third time and passed.

The bill for the relief of A. B. Shelby, was read a third time and passed.

The bill for the payment of the drafts of Josiah G. Beatty, and others, was read a third time and passed.

The bill supplementary to an act to change in part the times of holding the District Courts in the 5th and 7th Judicial Districts, was read a third time and passed.

The bill to change the name of Henry Smith, and for other purposes, was read a third time and passed.

The bill to repeal the act to incorporate the Matagorda Caney Navigation Company, was taken up, and read a third time.

Mr. McFarlane moved to lay it on the table; lost.

The Ayes and Noes were called on the final passage of the bill, and stood thus:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Erath, Gage, Henderson, Johns, Johnson of Goliad, McLeod, Means, Millican, Moffett, Ogden, Parker, Sadler, Scurry, Truit, Wallace, Williams and Williamson—21.

Noes—Messrs. Speaker, Hardin, Jones of San Patricio, Lewis, McFarlane, Mabry, Menefee, Perkins, Robinson, Scott and Sutherland—11.

So the bill passed.

The bill for the relief of William Bugg, was read a third time and passed.

The bill to change the name of Mary Nettle, was read a third time and passed.

A message was received from the Senate, informing the House of the passage of the following bills:

A bill for the relief of Neely Kimbro.

A joint resolution authorizing Samuel J. Redgate to adopt a certain person therein named, with an amendment.

A joint resolution legalizing the instructions of John P. Borden, late Commissioner of the General Land Office, in regard to government dues upon land.

A bill to incorporate the town of Huntsville.

A bill providing for and regulating arbitrations and references.

A bill for the relief of Alexander Stephenson.

A substitute for the bill allowing two additional Notaries Public for the county of Montgomery.

A bill to authorize and require the Commissioner of the General Land Office to issue Patents in certain cases.

The bill for the relief of the Mier prisoners, and others, was read a third time, and on motion of Mr. Williamson, laid on the table.

The bill to authorize the re-organization of the counties of Refugio and San Patricio, was taken up, read a third time and passed.

The bill to incorporate the Orphans' Friend Lodge, No. 17, was taken up and read a first time.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
Jan. 7, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill granting to Augustus Burr, the franchise of the Ferry at the west end of Galveston Island—also, a bill concerning the records and papers of County Surveyors, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

The bill concerning County Surveyors, was taken up and read a third time.

Mr. Smith of Fannin, moved its indefinite postponement; lost.

The bill was then passed.

Mr. McLeod presented the petition of Memucan Hunt, which was referred to the committee on Claims and Accounts.

The select committee, E. M. Millican, chairman, to whom was referred the bill amendatory of the several acts regulating

the sales of the estates of deceased persons and minor heirs, reported the same back to the House, and recommended its passage.

On motion of Mr. Parker, it was ordered to be engrossed.

On motion of Mr. Johns, the bill for the relief of James W. Wauhop, was taken up on its second reading, and on motion of Mr. Scurry, ordered to be engrossed.

Leave was granted Mr. McFarlane, to withdraw the petition of the Stock-holders in the Matagorda Caney Navigation Company.

The bill granting to Augustus Burr the franchise of the Ferry at the west end of Galveston Island, was read a third time.

The Ayes and Noes being called on the passage of the bill, stood thus:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Erath, Gage, Johns, Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland and Wallace—24.

Noes—Messrs. Speaker, Dunn, Hardin, Henderson, Parker, Smith of F., Truit, Williams and Williamson—9.

So the bill passed.

The bill to abolish the office of Secretary of Legation, &c. was read a first time.

The bill allowing mileage to Sheriffs, Coroners and Constables, was read a first time.

The bill for the relief of John Trussell, was read a first time.

The bill for the relief of Abram Skidmore, was read a first time.

A joint resolution for the relief of the heirs of John Williams, deceased, was read a first time.

The bill to prevent executors, administrators, &c., from purchasing or trading for any debt, &c., against the estates of their testators, intestates, and for other purposes, came up on its second reading, with the amendment of the committee on the Judiciary to strike out "the third section;" adopted.

The bill was then, on motion of Mr. Williamson, laid on the table.

The bill for the benefit of Jurors was taken up on its second reading.

Mr. Smith of Fannin, moved to amend, by adding an additional section:

"Section 3d. That the Jurors receive nothing for their services as Jurors in the District Courts."

Mr. Bourland moved to lay the bill and amendment on the table; lost.

The question on the amendment was put, and rejected.

Mr. Scott moved the engrossment of the bill.

Mr. Jones of San Patricio moved to amend, by adding an additional section:

"Section 3d. *Be it further enacted*, That the certificate obtained for jury services, shall not be transferable;" lost.

Mr. Henderson moved to amend by striking out the words "have or;" lost.

Mr. Smith of Fannin, moved to lay the bill on the table; lost.

On motion of Mr. McLeod, the bill was referred to a select committee, consisting of Messrs. Scott, McLeod, Bourland and Williamson.

A message was received from the Senate, informing the House of the passage of a bill, for the relief of Mrs. Sarah Brown—also, a bill for the relief of the heirs of Thomas R. Townsend, deceased.

Mr. Bourland offered the following resolution:

Resolved, by the House of Representatives, That the committee on Finance be instructed to enquire into the expediency of appropriating a certain portion of the direct tax assessed in each and every county, for the payment of costs which have already accrued in the District Courts, against the Republic, and report by bill or otherwise; adopted.

A portion of the committee on Indian Affairs, to whom were referred the documents from the Indian Department, made the following report:

COMMITTEE ROOM, }

January 5, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The undersigned, members of the committee on Indian Affairs, to which was referred the documents from the Indian Department—not being able to coincide in the opinion of the chairman of the said committee, beg leave to report separately on the subject; for as they conceive that the claims enumerated in the statement of the Superintendent of Indian Affairs are just, and that the faith of the government is pledged for their

liquidation—both honor and expediency requires that they should be promptly satisfied.

The undersigned, therefore recommend the passage of the accompanying bill, making an appropriation for the payment of those liabilities ; as also, one of a hundred dollars, for reimbursing the redemption of a slave, redeemed by friendly Indians.

WILDS K. COOKE
 GEORGE B. ERATH.
 JOHN S. FORD.
 WM. R. SCURRY.

The undersigned, one of the committee on Indian Affairs, to whom was referred the documents of the Indian Department, agree with the above committee, in all except the payment of one hundred dollars, for reimbursing the redemption of a slave redeemed by friendly Indians.

G. A. PARKER.

Which bill making an appropriation for the payment of the outstanding liabilities of the government, incurred for Indian purposes, was read a first time.

Mr. Scurry moved a call of the House ; carried.

Mr. Gage moved a suspension of the call ; lost.

A message was received from the Senate, informing the House of the passage of a joint resolution requiring the government to relinquish its title to two lots in the town of Quintana.

Mr. Menefee moved to adjourn until 3 o'clock, P. M.

Mr. Robinson moved to adjourn until 9 o'clock to-morrow morning ; lost.

The Ayes and Noes being called for on Mr. Menefee's motion, stood as follows :

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneat, Erath, Ford, Gage, Hardin, Henderson, Johnson of G., Johnson of S., Jones of G., Lewis, McLeod, Mabry, Means, Menefee, Millican, Moffett, Perkins, Sadler, Scott, Smith of F., Smyth of J., Truit, Williams and Williamson—27.

Noes—Messrs. Cooke of R., Cunningham, Dunn, Johns, Ogpen, Parker, Robinson, Scurry, Sutherland and Wallace—10.

So the House adjourned until 3 o'clock, P. M.

Half past 2 o'clock, P. M.

On motion of Mr. Bourland, Mr. Scurry took the chair.

House met; roll called; quorum present.

A call of the House pending.

Mr. McFarlane moved to adjourn until 9 o'clock to-morrow morning; lost.

On motion of Mr. Menefee, the call was suspended.

The bill to authorize the county surveyor of Houston county to transcribe the archives of his office in a bound book, was taken up on its second reading.

Mr. Jones of S. P., moved to amend by adding an additional section.

Sec. — *Be it further enacted*, That it shall be the duty of the said county surveyor to preserve the original records.

Adopted.

Mr. Johns moved to amend by inserting, "that the provisions of this act be extended to all other counties in this Republic; adopted.

Mr. McFarlane moved a re-consideration of the vote just taken; carried.

The amendment offered by Mr. Johns was then rejected.

Mr. Robinson moved to strike out "10 cents" and insert "5 cents."

A division of the question being called, the question on striking out was put and carried.

Mr. Scott moved to fill the blank with "12 1-2 cents;" lost.

Mr. Scott moved to fill the blank with "8 cents;" lost.

Mr. McLeod moved to fill the blank with "6 cents; carried.

Mr. Gage offered the following amendment: insert after the word "words" "to be paid out of the county Treasury of Houston county;" adopted.

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

The bill to incorporate the town of Boston, was taken up, read a second time, and, on motion of Mr. Johns, was ordered to be engrossed.

The bill regulating the practice in the District Courts, was taken up on its second reading, and the substitute of the committee on the Judiciary adopted.

Mr. Cunningham moved the engrossment of the bill.

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

The bill for the relief of Henry F. Fisher and B. Miller, was, on motion of Mr. Cazneau, taken up on its second reading.

Mr. Wallace moved to lay it on the table; lost.

Mr. Wallace moved to refer the bill and substitute to a select committee.

The Ayes and Noes being called, stood thus:

Ayes—Messrs. Bourland, Johnson of Shelby, Lewis, Means, Millican, Sadler, Scott, Scurry, Truit and Wallace—11.

Noes—Messrs. Speaker, Armstrong, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Johnson of G., Jones of G., Jones of S. P., McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Sutherland, Smyth of J., Williams and Williamson—25.

So the motion was lost.

The substitute of the committee was then adopted.

Mr. Williamson moved to refer the bill to a select committee; lost.

On motion of Mr. Williamson, the bill was referred to the committee on Foreign Relations.

The bill for the benefit of the citizens of the Republic was taken up on its second reading, and, on motion of Mr. Williamson, referred to the committee on Finance.

The bill for the relief of Amasa Turner was taken up and read a second time.

Mr. McLeod moved the engrossment of the bill; lost, and bill rejected.

The bill for the relief of Thomas W. Key was read a second time, and, on motion of Mr. Hardin, referred to the committee on Finance.

The bill for the improvement of the navigation of the Angelina and Snow rivers, was read a second time, and, on motion of Mr. Moffett, referred to a select committee, consisting of Messrs. Moffett, Hardin, Smyth of J. and Armstrong.

On motion of Mr. Armstrong, the bill for the relief of Martha B. Runnels, and others, was taken up, read a third time, and passed.

The bill to authorize the transportation of goods coastwise was taken up on its second reading.

Mr. McLeod moved the engrossment of the bill.

On motion of Mr. Williamson, 100 copies of the bill was ordered to be printed.

The bill to provide that all laws shall take effect from and after their passage, unless a different time be specified in said

law, was taken up, read a second time, and, on motion of Mr. Robinson, referred to the committee on the Judiciary.

The bill to repeal certain acts relative to the creation of a board of Medical Censors, &c., &c., was read a second time, and, on motion of Mr. Williamson, referred to the committee on the Judiciary.

On motion of Mr. Menefee, the motion of Mr. Williamson, to re-consider the vote refusing to pass the bill for the relief of Lucy Davis, was taken from the table. The vote was re-considered, and the bill passed.

Mr. Sadler moved to adjourn until 9 o'clock to-morrow morning; lost.

Mr. Parker moved to adjourn until to-morrow morning 10 o'clock; lost.

Mr. Parker moved to adjourn until to-morrow morning half past 9 o'clock; lost.

On motion of Mr. Williamson, the bill for the relief of Mary Lawson Williams, was taken up on its second reading, and ordered to be engrossed.

On motion of Mr. Armstrong, the bill to provide for the better protection of the rights of married women, was taken up on its second reading.

Mr. Armstrong moved the engrossment; lost—and bill rejected.

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

WEDNESDAY, Jan. 8, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of F., Smyth of J., Truit, Wallace, Williams and Williamson.

A quorum present; journals of the preceding day read and adopted.

Mr. Robinson moved to re-consider the vote refusing to engross the bill for the better protection of the rights of married women—and that the motion lay on the table; carried.

On motion of Mr. Smyth of J., the vote was re-considered, refusing to engross the bill for the relief of Amasa Turner, and on motion of Mr. Henderson, the bill was laid on the table.

The committee on Public Lands, George B. Erath, one of the committee, to whom was referred the petition of Isaac D. Boyce, reported unfavorably; report adopted.

The same committee, to whom was referred the petition of the heirs of Wm. Bryan, reported a bill for their relief; read a first time.

The same committee, to whom was referred the petition of Isabella T. Scott, reported a bill for her relief; read a first time.

The same committee, to whom was referred the bill to provide for the issuance of Patents, reported the same back to the House, and recommended its passage.

The committee on the State of the Republic, Jas. W. Henderson, chairman, to whom was referred the bill supplementary to an act for the relief of John S. Black, and sundry citizens of Harris county, reported the same back to the House, and recommended its passage; which reports and bills were laid on the table, to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of H. L. Cook, administrator of O. A. Cook, reported unfavorable; report adopted.

The committee on the State of the Republic, James W. Henderson, chairman, to whom was referred the bill supplementary to an act, to open and establish a National Road, approved, 5th February, 1844, reported the same back to the House, with an amendment, and recommended its passage; which report and bill was laid on the table, to come up among the orders of the day.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 8, 1845. }

*To the Hon. John M. Lewis,
Speaker of the House of Representatives :*

The committee on Enrolled Bills have examined an act for the relief of Jonathan Bird, and find it correctly enrolled.

It has been signed by the Speaker of the House of Representatives and President of the Senate, and was this day presented to the President for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The committee on Military Affairs, W. G. Cooke, chairman, to whom was referred the petition of Charles A. Seefeld, reported the same back to the House, and recommended its rejection ; adopted.

The same committee, to whom was referred the joint resolution for the relief of John R. Taylor, administrator of Wm. Nelson, reported the same back to the House, recommending no action, on account of the Archives being at Austin ; which report and bill was laid on the table, to come up among the orders of the day.

The committee on Finance, George W. Smyth, chairman, to whom was referred the bill supplementary to the several acts on impost duties, reported the same back to the House, and recommended its passage ; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Finance, made the following report :

COMMITTEE ROOM, }
January 6, 1845. }

*To the Honorable John M. Lewis,
Speaker of the House of Representatives :*

The committee on Finance, to whom was referred "a resolution instructing them to inquire into the policy of a total repeal of all tariff and tonnage duties, &c.;" and, also, "so much of the President's message as relates to the finances of the country"—have had the same under consideration, and beg leave to

REPORT :

That, in obedience to the duty enjoined by said resolution, they have endeavored to collect such facts as would enable them to arrive at satisfactory and safe conclusions upon the subjects before them.

By reference to the report of the Secretary of the Treasury it will be seen that the amount disbursed on account of the appropriations for the year 1843, was \$147,271 38-100; for the year 1844, \$147,850 32-100; which makes an annual average of \$147,560 85-100, which may be taken as the probable amount of expenditures for the ensuing year. Would it be practicable or expedient, at present, to rely upon a direct tax as a resource to meet these expenditures? In answer to this, we would beg leave to place the following facts before the Hon. Congress for their consideration. By again referring to the report of the Secretary of the Treasury, we discover that the amount of direct taxes collected for the years 1842 and 1843, was \$53,203 90-100—one half of which is equal to \$26,601 95-100, to which add one-third of the license tax for the years 1842, 1843 and 1844, namely: \$16,503 50 100; one-third of which is \$5,501 16-100; which, added to \$26,601 95-100, makes \$32,103 11-100. Of this amount, the property purchased by the government at forced sales for the collection of taxes, was \$7,376 18-100; amount of assessors' commissions \$3,551 57-100; the commission for collecting amounted to \$2,503 57-100; which, added together, makes the following sum, namely: \$13,441 54-100; one half of which, \$6,726 76-100, deducted from the gross amount of direct taxes collected for one year, to wit: \$32,103 11-100, will leave a balance of \$25,382 35-100 as the average amount of net revenue arising from direct taxes for the years 1842 and 1843, which will, so far as we can learn, be the amount for 1844. Then, as the probable amount of expenditures for the ensuing year, will be \$147,000; to meet this by direct taxation, we should necessarily have to increase those already levied, to nearly *six fold!* Your committee are of opinion that it will be almost impossible to make but a small reduction in the current expenses of the government, for the present year; and they would respectfully leave it for the wisdom of the honorable Congress to determine whether, under the existing state of facts, it would be "politic" to increase the direct taxes in such a ratio, when it is obvious that the difficulties of collection will increase correspondently;

and when it is notorious, that our citizens have ever been tardy in meeting the demands of the government thus made. The committee will not trespass upon the time and patience of the House, by instituting a comparison between the two modes of taxation known to our laws—suffice it to say, that the indirect method has, heretofore, proved the only certain and available resource for the maintenance of the government. Admonished by the past, having no surer criterion to judge of the future, your committee would conceive it an act of madness and folly were we even to dream of attempting to draw a sustenance for our government, from a revenue derived from a direct tax alone. It would be, as it were, casting the destiny of our country upon the uncertain result of an *experiment*.

Before proceeding to the consideration of the policy of an entire abolition, or even reduction of the tariff, your committee beg leave to call your attention to a subject blending itself, inseparably, with the financial concerns of the country; and in so doing, gladly avail themselves of some important suggestions, emanating from the late Secretary of the Treasury; a gentleman to whose prudence and eminent abilities we are in a great degree indebted, for the healthy condition of our monetary affairs. In a letter addressed to two members of the Honorable Senate, he uses the following language:

“The most important measure connected with the subject, as I conceive, and which most claims the attention of Congress, is the disposition to be made relative to the Exchequer system.

“In my opinion, nothing save extreme necessity could ever have justified its adoption. From the facilities it offers for abuse—from the false data it continually imposes on the Government and Legislature, in making their financial estimates—from the embarrassment to which the Department is subjected, by fluctuations in the value of paper, liable as it is, to be influenced by the speculations of receivers, I am convinced that the system ought to be discontinued, so soon as any other means of supporting the government can be resorted to. The use of a currency of government paper, receivable for revenue, unless managed with the utmost caution, will augment the embarrassment which led to its creation; and thus entail on the country, the necessity of its continuance and increase, until utter bankruptcy and repudiation are the result. If we have, in the case of the present issue, avoided any immediate risk of those evils, it has been only by persevering circumspection; and the fact offers no reason why we should not, as effectually as possible,

secure the country from the future recurrence of such catastrophes.

"I am satisfied that, from the amount of specie the government is now able to command, it has no further need of forstalling its revenue for subsistence: that the Exchequer system is an evil, whose necessity has, happily, passed away; and that it ought to be speedily extinguished."

Your committee cheerfully recommend those suggestions to the consideration of the Honorable Congress, and hope to see them adopted, by the entire abolishment of the Exchequer system.

The amount of exports for the year ending 31st July, 1843, was \$415,768 74-100: the amount of imports for the same year, \$484,153, 43-00. Our exports for the year ending 31st July, 1844, amounted to \$615,119 34-100: the value of our imports for the same period, \$686,503 3-00. Thus exhibiting a direct proportion between the value of our exports and our imports. That the value of our exports, for the ensuing year, will not exceed that of the last, we infer from the facts here adduced. The number of bales of cotton exported in the year ending 31st July, 1843, was \$12,944: the number exported last year, was 18,367—showing an increase of 5,423. Estimating the present crop at 24,000 bales, and supposing an average bale to contain 450 pounds, and taking 4 cents as the probable price of cotton, the value of our present crop will be \$432,000—against \$580,156 12-100, the value of our last year's crop, according to the report from the Treasury Department which leaves a balance of \$148,156 12-100 in favor of last year's crop. As our principle article of export is cotton, and as the amount of our imports must, of necessity, be governed by our exports, we are led to the conclusion, from the above data, that our imports for the year which will end 31st July, 1845, will not exceed, in value, those of the last year; consequently, we cannot safely calculate upon an increase of revenue from impost and tonnage duties, for the very obvious reason, that there will not be an increase of importations. It is true, that a reduction of duties might have an influence upon the amount of importations; but this could not, by any possibility, extend much beyond the actual diminution of impost duties, as our ability to pay for importations would not be increased beyond this sum.

The net revenue arising from import duties, during the past year was, according to the report of the Secretary of the Treasury, \$177,861 85-100,—add to this, the probable amount of

net revenue derived from direct taxes, \$25,382 25-100, the sum will be \$203,244 20-100. Estimating the expenditures of the government, for the incoming year, at \$147,000; and adding to this the amount of outstanding Exchequer bills, namely: \$43,000, (and which must be thrown out of circulation, if the Exchequer system be repealed,) the sum will be \$190,000; which would, at the end of the year, leave a balance of \$13,000 in the Treasury. And \$13,000 on the amount of importations for last year, would be but 18-10 per cent. And it must not be forgotten, that the Honorable Congress have already made individual appropriations sufficient to cover a large portion of this sum.

Could we even reduce the tariff to an amount equal to the entire revenue we expect to derive from direct taxes, namely: \$25,382; this would only amount to 36-10 per cent. on the sum total of the importations for last year.

Your committee are of opinion that, consistent with an efficient maintenance of the government, but very small, if any reduction can be made upon impost duties.

In coming to the conclusions here submitted to your honorable body, your committee would beg leave to observe, that they have been guided alone, by what they deemed the interests of the country, independent of all personal predilections.

GEORGE W. SMYTH.

JOHN S. FORD.

JOHN DUNN.

WILLIAM T. SADLER.

S. L. JONES.

Mr. Johns, one of the committee on Finance, made the following report:

COMMITTEE ROOM. }
January 6, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The undersigned, dissenting from some of the positions taken by the Finance committee, of which he has the honor to be a member, feels bound, in justice to himself, to lay his reasons for such dissent before this House and his constituents. In the recommendation of the discontinuance of the exchequer system, the undersigned would most cordially concur; believ-

ing, as he does, that the productive industry of the country alone can add solid wealth to the nation—the multiplication of paper money adds nothing to the aggregate of value, and that the wild experiments of the famous John Law, and the repeated national bankruptcies which have been entailed upon every nation of the civilized world, should teach us that the only sure method by which communities or individuals can maintain their credit untarnished, is *never to use it at all*. Give us an exclusive currency of the precious metals, and our revenue will be sure and stable, amid all the fluctuations of paper credit.

The undersigned also concurs with the committee as to the resources at present to be relied on to meet the current expenditures of the government, but that his concurrence is based wholly upon the view he takes of the present condition and probable exigencies of the country during the present year. The undersigned would respectfully dissent from the committee, in, that he believes it to be wholly practicable to sustain the government by revenues arising *exclusively* from a system of direct ad valorem taxation—that he believes such a system would be much less onerous to the great body of the people, and much more conducive to individual and national wealth, and that he would express the settled conviction that a gradual repeal of all laws for the collection of impost and tonnage duties, would be most consistent with sound political economy, and most in accordance with the true policy of Texas, as an independent Republic. The reasons which have influenced the mind of the undersigned in arriving to those conclusions, cannot be admitted into the narrow limits at present allowed him, and would be foreign to the objects of this report. He concurs with the committee, because, all great and sudden changes in the mode of collecting the revenue, must necessarily cause, for a while, much confusion and uncertainty until the great body of the people become familiar with the change—and because the present delicate and *peculiar* position of this Republic, in respect to its foreign relations, will, ere long, destroy the necessity for all our independent action on this subject—or else establish the strongest necessity for stability in the revenue, to enable us to meet vigorously the foes of our country. These are some of the reasons why the undersigned would feel reluctant at the present crisis in our affairs, to risk or recommend a total repeal of all impost and tonnage duties; however much he may admire the system of “Free Trade,” as the ultimate true policy of Texas.

If, however, we are to remain an independent people, nothing can more speedily conduct us to a respectable and enviable stand among the nations of the earth, than the "Free Trade" system. Throw open the ports of Texas to the world, and the commerce of all nations will pour its rich treasures in our lap; affording us a ready exchange of commodities, and by enhancing first individual wealth, add incalculable depth and richness to the resources of the nation. It is this which would soon hew down our extended and solitary forests, and make our beautiful and grand prairies, our fertile valleys and rich alluvions "blossom as the rose," under the plastic hand of agricultural enterprise. It is this which is to whiten every sea with our canvass, and carry the Lone Star gallantly into every port of the habitable globe;—and this will make our country deserve that emphatic appellation, which has been accorded to her by common consent, "*the Eden of America.*"

S. B. JOHNS,
One of the Committee.

On motion of Mr. Robinson, the reports were laid on the table, and 500 copies of each ordered to be printed.

The committee on the State of the Republic, James Armstrong, one of the committee, to whom was referred the resolution to enquire into the expediency of abolishing the present tariff,—raising a revenue by direct taxation, and opening the Ports of this Republic to Free Trade with all nations, reported that it was entirely inexpedient.

Mr. Gage moved to lay the report on the table; lost.

The Ayes and Noes were called for on the adoption of the report, and stood as follows:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of R., Cunningham, Dunn, Erath, Ford, Hardin, Henderson, Johnson of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Millican, Parker, Perkins, Sadler, Scurry, Sutherland, Smyth of J., Truit, Wallace, Williams and Williamson—29.

Noes—Messrs. Gage, Johnson of S., Menefee, Robinson and Scott—6.

So the report was adopted.

The committee on the State of the Republic, James Armstrong, one of the committee, to whom was referred the bill to continue in force, an act for the relief of the purchasers of lots

in the city of Austin, and the tract adjoining, reported the same back to the House, and recommended its passage.

The same committee, to whom was referred the bill to regulate mills and millers, reported the same back to the House, and recommended its indefinite postponement.

The committee on Foreign Relations, R. M. Williamson, chairman, to whom was referred the bill for the relief of L. S. Hargous, of the city of Vera Cruz, and others, reported the same back to the House, with a substitute, and recommended its passage.

The select committee, Wm. T. Scott, chairman, to whom was referred the bill for the benefit of jurors, reported the same back to the House, with amendments, and recommended its passage; all of which reports and bills were laid on the table, to come up among the orders of the day.

The select committee, Wm. T. Scott, chairman, to whom was referred the petition of Levy A. McLaughlin, praying for a Ferry on Big Cypress, reported a bill for that purpose; read a first time.

Mr. Henderson moved the rejection of the bill; lost.

The select committee, George Sutherland, chairman, to whom was referred the petition of Basil Dearborn, reported the same back to the House, with a joint resolution for his relief; read a first time.

The select committee, James Truit, chairman, to whom was referred that portion of the President's message that relates to the difficulties in the county of Shelby, reported a bill for the relief of certain persons therein named; which was read a first time.

Mr. Armstrong, by leave, introduced a bill for the relief of W. D. Thomason; read a first time.

Mr. Armstrong moved a suspension of the rule; lost.

Mr. Gage, by leave, introduced a bill to change in part the times of holding the District Courts in the 5th Judicial District; read a first time.

The committee on Military Affairs, W. G. Cooke, chairman, to whom was referred the petition of Horatio McHanks, reported the same back to the House, with a bill for his relief; read a first time.

On motion of Mr. Scott, the House proceeded to the

ORDERS OF THE DAY.

The bill to authorize the appointment of two additional Notaries Public for the county of Montgomery, with the substitute of the Senate, was taken up ; and the substitute of the Senate concurred in.

The bill to authorize Samuel J. Redgate to adopt a certain person therein named was taken up, with the amendment of the Senate, which was concurred in.

The bill for the relief of Alexander Stephenson was read a first time.

The bill to incorporate the town of Huntsville, was read a first time.

The bill for the relief of the heirs of Thomas R. Townsend, deceased, was read a first time.

The bill to authorize and require the Commissioner of the General Land Office to issue patents in certain cases, was read a first time.

The bill providing for and regulating arbitrations and references, was read a first time.

Mr. Henderson, by leave, introduced a bill to repeal the 14th section of an act to raise a revenue by direct taxation, approved 16th January, 1844 ; read a first time.

The bill supplementary to the several acts relative to direct taxation, was taken up on its second reading, and the substitute of the committee ; adopted.

Mr. Robinson offered an amendment.

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

The committee on Engrossed Bills, made the following report, to wit :

COMMITTEE ROOM, }
January 8, 1845. }

To the Hon. John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill to repeal an act authorizing the holding of a District Court in two places in Red River county, and for other purposes—also, a joint resolution for the relief of Mary Lawson Williams—also, a bill to incorporate the town of Boston—also, a bill amendatory of the several acts regulating the sales of the estates of de-

ceased persons and minor heirs—also, a joint resolution for the relief of James W. Wauhob—and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

The committee on Public Lands, George B. Erath one of the committee, to whom was referred the petition of George W. Charles and A. H. Sevier, reported the same back to the House, with a bill for their relief; which was read a first time.

Mr. Wallace, by leave, introduced a bill amendatory of an act regulating fees of office, &c.; read a first time.

On motion of Mr. Cazneau, the petition of Leander Wescott was taken up and referred to the committee on Naval Affairs.

Mr. Jones of San Patricio, offered the following resolution, to wit:

Resolved, That the committee on Military Affairs be requested to examine into the propriety of instructing the Auditor to audit the claims of a company of rangers, raised by order of His Excellency, Gen. Mirabeau B. Lamar, in the year 184—, and commanded by Capt. J. W. Karnes, and to make such provision for their payment as may be just and right, and report by bill or otherwise; rejected.

Mr. Means moved to take up the bill altering the attachment laws; lost.

The committee on Foreign Relations, R. M. Williamson chairman, to whom was referred the bill for the relief of Henry F. Fisher and B. Miller, reported the same back to the House with a substitute, and recommended its passage.

Mr. Henderson moved to lay it on the table; lost.

The substitute was read and adopted.

Mr. Cazneau moved the engrossment of the bill.

Mr. Bourland moved a call of the House.

Mr. Cunningham moved to adjourn until to-morrow morning at 9 o'clock; lost.

The question on the call was put and carried.

Mr. Scurry moved to suspend the call.

Mr. Williamson moved to adjourn until 3 o'clock p. m.

Mr. Williams moved to adjourn until to-morrow morning, 9 o'clock; lost.

Mr. Williamson's motion was put and carried.

3 o'clock P. M.

House met; roll called; a quorum present.

A call of the House pending.

Mr. Gage moved to suspend the call; lost.

On motion of Mr. Smith of Fannin, the call was suspended.

Mr. Bourland moved to lay the bill on the table, until to-morrow morning 10 o'clock; lost.

Mr. Wallace moved to amend, by striking out the second section.

The Ayes and Noes being called, stood as follows:

Ayes—Messrs. Speaker, Bourland, Cunningham, Gage Hardin, Johnson of Shelby, Lewis, Means, Millican, Parker, Sadler, Scott, Smith of Fannin, Truit and Wallace—15.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Erath, Ford, Henderson, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Scurry, Sutherland, Smyth of Jasper, Williams and Williamson—24.

So the motion was lost.

Mr. Scott offered the following amendment:

“That the emigrants introduced by Fisher & Miller, shall be required to procure a certificate from the State Department of the Government from which they emigrated, certifying that they have supported the character of good citizens of the same.”

The Ayes and Noes being called for on the amendment, stood as follows:

Ayes—Messrs. Speaker, Bourland, Ford, Hardin, Henderson, Johnson of Shelby, Lewis, Means, Millican, Parker, Sadler, Scott, Truit and Wallace—14.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Erath, Gage, Johnson of Goliad, Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Williams and Williamson—25.

So the amendment was rejected.

Mr. Parker moved to adjourn until to-morrow morning 9 o'clock; lost.

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

On motion of Mr. Henderson, the call was suspended.

Mr. Wallace moved to strike out the enacting clause.

Ayes and Noes were called, and stood thus :

Ayes—Messrs. Speaker Bourland, Cunningham, Gage, Hardin, Henderson, Johnson of Shelby, Lewis, Means, Millican, Parker, Sadler, Scott, Truit and Wallace—15.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of R., Dunn, Erath, Ford, Johnson of G., Jones of G., Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Williams and Williamson—24.

So the motion was lost.

Mr. Wallace moved to lay the bill on the table; lost.

The Ayes and Noes were called for on the engrossment of the bill, and stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Erath, Ford, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Robinson, Sutherland, Scurry, Smith of Fannin, Smyth of Jasper, Williams and Williamson—23.

Noes—Messrs. Speaker, Bourland, Cunningham, Gage, Hardin, Henderson, Johnson of Shelby, Lewis, Means, Millican, Parker, Perkins, Sadler, Scott, Truit and Wallace—16.

So the bill was ordered to be engrossed.

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

THURSDAY, JAN. 9, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names :

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Erath, Gage, Hardin, Johns, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Parker, Perkins, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Wallace, Williams and Williamson.

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

Mr. McLeod presented the petition of J. M. Jones, praying the abolishment of duties on books, which was referred to the committee on Finance.

A message was received from His Excellency, the President, by his Private Secretary, Mr. S. Z. Hoyle.

A message was received from the Senate, informing the House of the passage of the following bills:

A bill for the relief of John Morris.

A bill for the relief of the heirs of Benjamin Parker, deceased.

A bill for the relief of Thomas Tomlinson.

A bill to incorporate the Baylor University.

Mr. McLeod presented the petition of Thomas Brown, and Clement Guir, which was referred to the committee on Claims and Accounts.

On motion of Mr. Cazneau, the Message of His Excellency, the President, was taken up, and read as follows:

EXECUTIVE DEPARTMENT, }
Washington, January 8, 1845. }

To the Honorable

The House of Representatives:

The Executive has received and maturely considered the bill to be entitled an act directing the President and Heads of Departments to return to the city of Austin, which he feels constrained, by a sense of official duty, to return to the House in which it originated, without his signature.

This bill contemplates that the emergency which existed for the removal of these officers from the city of Austin has ceased. The Executive is aware that the immediate dangers which for a time threatened our western frontier have for some time past been interrupted. The Indian tribes have many of them been pacified, and those who still maintain a hostile attitude are, in a great degree, prevented from committing serious depredations by the influence and aid of the friendly tribes, and it is confidently anticipated by the President, that in the course of the ensuing spring, or at farthest, by fall, a treaty of peace will have been concluded with all the tribes within our limits. Mexico, also, either from inability to do so, or under the restraining moral influence of the United States and other powers, mutually friendly, has omitted for more than two years to send an invading force, or a predatory party, into the country. The President trusts that this cause and these influences will continue to

prevent Mexico from setting on foot any such invasion, or any predatory expeditions against Texas. But Mexico may at any moment assume a different attitude from that which she at present maintains.

The intelligence recently received from that country is, that the government of General Santa Anna has been overthrown, and another one installed in its place. The main reason assigned, is the same as was given by Santa Anna himself in subverting the government of Bustamente, that the government of that chieftain had not pursued with sufficient vigor the war against Texas.

If this information be correct, as there can be little doubt it is, it indicates a strong disposition on the part of the people of Mexico to renew the war against us. In such an event, the city of Austin would be eminently exposed to the attack of the enemy, and the government being there, might offer an inducement for such attack which otherwise would not exist.

In view of all the facts within the knowledge of the Executive, he cannot therefore conscientiously declare, by signing this bill, that the emergency has ceased to exist. It is only dormant, and may again recur in full force at no distant period, or between this time and the adjournment of the present Congress, when it is contemplated the Executive and Heads of Departments shall return to the seat of government at Austin. In this event, it would manifestly be the duty of the President to remain at a place where the greatest security could be insured; and the law, if signed, would necessarily have to be violated by him, in discharging the higher duty imposed on him by the Constitution.

Another consideration which induces the President to withhold his signature from this bill, is a thorough conviction on his part, that the Constitution has devolved upon him the responsibility of judging of the emergency which might, while the country is at war, require the removal of the President and Heads of Departments from the seat of government; at least at all times during the recess of Congress. It is not within the power of any officer or Department of the Government, while the country is in a state or condition of war, to judge correctly of a *future* emergency. This bill not only declares that the emergency which existed has now ceased, but it in effect declares that no emergency will arise between this and the adjournment of Congress, which would prevent the President and Heads of Departments from returning to Austin. It also abates from that dis-

cretion which the Constitution has vested in the Executive, and which he alone can exercise in such a contingency, and thus directly encroaches upon the distinct and separate action which is required of him in this paramount law of the country.

So far as this bill may be considered as advisory in its character, the President will give to it all the consideration and weight to which an expression of the kind from the two Houses of Congress is so justly entitled.

Should the President exercise this constitutional action at any time improperly—should he refuse to return with his officers to the seat of Government at Austin, after the emergency which caused their removal thence had ceased to exist, he would be directly responsible to Congress and liable to be censured or impeached by that body, as they might thereafter determine in the premises.

If Congress coincides with the Executive in his views, he would respectfully suggest that an appropriation of at least five thousand dollars be made at the present session of Congress, for the purpose of enabling him to remove to Austin, and place the public buildings there in a suitable state of repair, if in the exercise of his constitutional duty, he should deem that course advisable and proper at any period between the adjournment of the ninth and the assembling of the tenth Congress.

ANSON JONES.

On motion of Mr. Cazneau, the message and bill were laid on the table.

Mr. Jones of San Patricio, presented the petition of Norman Hurd; which was referred to the committee on Naval Affairs—also, the petition of James Denny, which was referred to the committee on Naval Affairs.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the memorial of Memucan Hunt, reported a bill for his relief, which was read a first time.

The committee on Finance, George W. Smyth chairman, to whom was referred the petition of certain citizens of Harrison county, praying for a collectoral district—also, a resolution requesting them to take into consideration the propriety of declaring Port Caddo a port of entry, &c. reported the same back to the House with a bill to form the collectoral district of Soda Lake; which was read a first time.

The committee on Education, W. R. Scurry chairman, to whom was referred the bill to charter the Nacogdoches Univer-

sity, reported the same back to the House, and recommended its passage; which report and bill was laid on the table to come up among the orders of the day.

Mr. Cazneau presented the petition of S. Cummings and A. Swift; which was referred to the committee on Claims and Accounts.

The select committee, John Dunn chairman, to whom was referred the bill for the relief of Abel Morgan, reported the same back to the House, and recommended its passage; which report and bill were laid on the table to come up among the orders of the day.

On motion of Mr. Gage, Mr. Johnson of Shelby was added to the committee on Education.

On motion of Mr. Smith of Fannin, the House proceeded to the

ORDERS OF THE DAY.

The bill legalizing the instructions of John P. Borden, late Commissioner of the General Land Office, in regard to the government dues on land; read a first time.

On motion of Mr. Scurry, the bill to authorize and require the Commissioner of the General Land Office to issue patents in certain cases, was taken up, read a second time and referred to a select committee, consisting of Messrs. Scurry, Johns, Cooke of R. and Bourland.

Mr. Bourland offered the following resolution:

Resolved, That His Excellency the President be requested to cause to be transmitted to this House a copy, of a contract heretofore entered into between the President of this Republic and Henry F. Fisher and B. Miller; laid on the table one day for further consideration.

Mr. Cooke of R., offered the following resolution:

Resolved by the House of Representatives, That His Excellency, the President, be respectfully requested to lay before this House, as soon as practicable, a copy of the contract made by this government with C. Fenton Mercer—also, copies of all documents relating thereto—also, a copy of the report of said Mercer, or his agent, if such there be in the possession of the government; laid on the table one day for further consideration.

The joint resolution for the relief of Mary Lawson Williams was taken up and read a third time.

The Ayes and Noes were called, and stood thus :

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Dunn, Erath, Ford, Gage, Jones of S. P., McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Sutherland, Smyth of Jasper, Wallace, Williams and Williamson—26.

Noes—Messrs. Cunningham, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Lewis, Means, Millican, Scurry, Smith of F. and Truit—12.

So the bill passed.

The bill to incorporate the town of Boston, was read a third time and passed.

The bill amendatory of the several acts relative to the sales of the estates of deceased persons and minor heirs, was read a third time, and, on motion of Mr. Henderson, referred to the committee on the Judiciary.

The bill for the relief of James W. Wauhob was read a third time, and, on motion of Mr. Cunningham, referred to the committee on the Judiciary.

The bill for the relief of Abram Skidmore was read a second time, and, on motion of Mr. Bourland, referred to the committee on Public Lands.

The bill for the relief of the heirs of John Williams, deceased, was read a second time, and, on motion of Mr. Henderson, referred to the committee on Public Lands.

The bill for the relief of John Trussell was read a second time; and referred to the committee on Public Lands.

The bill allowing mileage to Sheriffs, Coroners and Constables, was read a second time.

Mr. Gage moved its indefinite postponement.

On motion of Mr. Robinson, it was referred to the committee on the Judiciary.

On motion of Mr. Perkins, the vote referring the bill for the relief of James W. Wauhob to the committee on the Judiciary, was re-considered, and, on motion of Mr. Robinson, referred to the committee on Engrossed Bills.

The bill to abolish the office of Secretary of Legation, and for other purposes, was read a second time, and, on motion of Mr. Robinson, referred to the committee on Foreign Relations.

The bill to incorporate the Orphans' Friend Lodge, No. 17, was taken up, and read a second time.

Mr. Henderson offered an amendment, to wit: an additional section: which was adopted.

On motion of Mr. McLeod, the bill was referred to a select committee, consisting of Messrs. McLeod, Henderson and Smyth of Jasper.

The bill for the re-organization of the General Land Office, was read a second time.

On motion of Mr. Robinson, the House resolved itself into a committee of the whole for the consideration of the said bill: Mr Menefee in the chair.

The committee arose, reported progress, and asked leave to sit again on Saturday next, at 11 o'clock; report adopted.

Mr. Perkins moved to have 50 additional copies of the bill printed; lost.

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

3 o'clock, P. M.

House met; roll called; quorum present.

On motion of Mr. Henderson, Mr. Cazneau was added to the select committee to whom was referred the bill to incorporate the Orphans' Friend Lodge, No. 17.

The bill for the creation of a mail route from the city of Galveston to the town of Liberty; read a second time.

Mr. Hardin offered the following amendment:

"Be it further enacted that the aforesaid route be extended to the town of Swartwout."

Adopted.

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

The committee on Engrossed Bills, to whom was referred the bill for the relief of James W. Wauhob, returned the same back to the House corrected.

On motion of Mr. Erath, the bill was taken up and passed.

Mr. McLeod, by leave, introduced a bill to repeal in part, and amend an act repealing in part and amending an act entitled an act for the incorporation of the city of Galveston, approved 5th Feb. 1844; read a first time.

The bill for the relief of Captain Eli Chandler and the company under his command, was taken up on its second reading; and the substitute of the committee on Indian Affairs adopted.

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

The bill for the relief of Howard and Ogden, and T. A. Sully, was taken up on its second reading; and, on motion of Mr. Armstrong, ordered to be engrossed.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM. }
January 9, 1845. }

*To the Honorable John M. Lewis,
Speaker of the House of Representatives:*

The committee on Engrossed Bills have examined a bill for the relief of Henry F. Fisher & B. Miller, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

On motion of Mr. Cazneau, the bill for the relief of Henry F. Fisher & B. Miller, was taken up.

Mr. Henderson moved to lay the bill on the table, until to-morrow morning 11 o'clock; lost.

Mr. Wallace moved the indefinite postponement of the bill.

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

On motion of Mr. Johns, the call was suspended.

Mr. Cunningham moved to amend, by striking out all after the enacting clause, save the second section; lost.

The Ayes and Noes were called on the final passage of the bill, and stood as follows:

Ayes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Erath, Ford, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Moffatt, Ogden, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Wallace, Williams and Williamson.—23.

Noes—Messrs. Speaker, Bourland, Cunningham, Gage, Hardin, Henderson, Johns, Johnson of Shelby, Lewis, Millican, Parker, Perkins, Robinson, Sadler, Scott and Truit—16.

So the bill passed.

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

FRIDAY, January 10, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of Robertson, Cunningham, Dunn, Erath, Ford, Hardin, Johns, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace, Williams and Williamson.

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

Mr. Ford moved a re-consideration of the vote given yesterday, on the passage of the bill for the relief of Henry F. Fisher & B. Miller.

A message was received from the Senate, informing the House of the passage of the following bills:

A bill to change the name of Mary Nettle, and for other purposes.

A bill to change the name of Henry Smith, and for other purposes.

A bill to authorize the appointment of trustees in certain cases.

Mr. Parker moved to adjourn until 3 o'clock, P. M.; lost.

The Ayes and Noes being called on the motion of Mr. Ford, to re-consider, stood as follows:

Ayes—Messrs. Speaker, Bourland, Cunningham, Ford, Gage, Hardin, Henderson, Johns, Johnson of Shelby, Lewis, Means, Millican, Parker, Perkins, Robinson, Sadler, Scott, Truit and Wallace—19.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Erath, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Williams and Williamson—21.

So the motion to re-consider was lost.

Mr. Williamson moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Dunn presented the petition of Morgan O'Brien, and Michael Fox, which were referred to the committee on Claims and Accounts.

On motion of Mr. Robinson, the bill to repeal the Exchequer system, which was made the special order of the day, for to-day at 11 o'clock, was taken up, and laid on the table.

Mr. Cazneau presented the petition of C. B. Acklin, and C. R. Perry, which was referred to the committee on Military Affairs.

Mr. Mabry presented the petition of G. Elley, which was referred to the committee on Military Affairs.

Mr. McFarlane presented the petition of sundry citizens of Brazoria and Matagorda counties, which was referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Williams, the petition of James P. Hudson, was taken up, and re-committed to the committee on Claims and Accounts.

The committee on Public Lands, George Sutherland, chairman, to whom was referred the bill for the relief of John Trussel, reported the same back to the House, and recommended its passage; which was laid on the table, to come up among the orders of the day.

The same committee, to whom was referred the petition of Major Farris, reported unfavorably; which report was adopted.

The committee on Education, Wm. R. Scurry, chairman, to whom was referred the petition of the citizens of Rusk county, praying for the incorporation of the Rusk County Academy, reported to the House, a bill for that purpose; read a first time.

The committee on Public Lands, Geo. W. Smyth, one of the committee to whom was referred the bill to endow the Wesleyan College, reported unfavorably; which report and bill were laid on the table, to come up among the orders of the day.

The committee on the Judiciary, James Armstrong, for the majority of the committee, to whom was referred a bill supplementary to the several acts relative to direct taxation, reported the same back to the House, with an amendment, and recommended its passage.

The select committee, Hugh McLeod, chairman, to whom was referred the bill to incorporate the Orphans' Friend Lodge No. 17, reported it back to the House, with a substitute, and recommended its passage; which reports and bills were laid on the table, to come up among the orders of the day.

The select committee, W. R. Scurry, S. B. Johns, Wilds K. Cooke and W. H. Bourland, to whom was referred the bill to authorize and require the Commissioner of the General Land Office, to issue Patents in certain cases, reported the same back to the House, and recommended its passage, as follows:

COMMITTEE ROOM, }
 January 10th, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The select committee to whom was referred an act to authorize and require the Commissioner of the General Land Office to issue patents in certain cases, have had the same under consideration, and after bestowing upon it that attention which its importance demands, beg leave to report :

That this bill contemplates legalizing the surveys that have been or may be made within the limits of the colony granted to Charles Fenton Mercer, in all cases where the proper files had been made in the office of the county surveyor of that district prior to said surveyor's receiving notice of the existence and territorial limits of said contract—they would premise that their residence in the vicinity of this colony, has the better enabled them to judge of the justice and merit of many of the headright claims which have been there filed and located ; and they take pleasure in recommending them to the Honorable Congress, as a class of the most meritorious claims in our country. Time after time have these claimants taken up arms in defence of that frontier ;—they have ever guarded it with that vigilance and heroic courage which is characteristic of the race from which they sprung, and the country to which they owe their allegiance.—Whenever duty or their country called, they have obeyed the summons with promptness and alacrity ; and the cries of bleeding innocence or suffering humanity have never appealed to them in vain. The tomahawk and scalping knife have never been imbrued in the blood of that frontier, without being pursued with retributive vengeance by the white man, until the Olive Branch has been extended, and the red man sues for peace. Then had arrived the long wished for time, when their services and their labors were to meet their reward, for they had made no mercenary demands upon the government, and up to this period had received no recompence, but the silent plaudits of a conscience which ever glows in a patriot's bosom, and throbs in a brave and generous heart. Just at this crisis of affairs, they are astounded with the unexpected and unwelcome intelligence, that the President of the Republic had sold their birth-right to Gen. Fenton Mercer—that that boon for which they had struggled, through many a "hair breadth 'scape" and bloody tragedy, had been snatched from their lips, and transferred by the contract of

29th January, 1844, to a pampered foreigner, whose timid foot never dared to make its impress upon Texian soil, until the chivalry and indomitable valor of Texian soldiery, penniless and in rags, had nobly redeemed and disenthralled this beautiful country from all domestic dangers and from all foreign aggression.

Thus did this ungrateful government upon which they had fondly leaned for justice, at least, rudely snatch from their grasp that "Hesperian Fruit," which after years of toil and labor they had hoped to garner up as the richest heritage of their posterity.

The class of claimants alluded to in this bill, had reserved their land claims with the intention of having them located within what are now supposed to be the limits of said colony,—so soon as the country should be redeemed from the dominion of the savage, and the surveyor could perform his office without the jeopardy of life. This was the only reward they ever anticipated for the arduous and patriotic services they have rendered that frontier; and their claim to this reward, your committee would respectfully urge, as one which seems to them to be founded on principles of justice and equity, which should be held inviolable.

Your committee believing that the Congress is not the proper tribunal before which the *legality* of this contract of colonization should be tested, have, for that reason alone, refrained from the expression of any opinion on that question. They would, however, take this occasion to express their settled conviction that the condition of the North-western frontier was not such as to demand for its protection a colony contract, and the concomitant prodigality of the public domain. They would not impeach the motives of that great Statesman and Patriot, who signed that contract on the part of this government, but they do humbly conceive the said contract to have been uncalled for, inexpedient and impolitic, and do most sincerely regret its formation. For, whether legal or illegal, the mere fact of its existence will hang like an incubus upon the future settlement and prosperity of that interesting, rich and beautiful region, and will retard the developement of its vast resources.

Your committee would therefore respectfully recommend this bill to the favorable consideration of the House.

WILLIAM R. SCURRY.

S. B. JOHNS.

WILDS K. COOKE,

William H. Bourland, one of the committee, to whom was referred the act referred to in the foregoing, subscribes to all of the foregoing report except that part which denies the right to Congress to test the legality of such contracts. And, also, that part which says—"They would not impeach the motives of that great Statesman and Patriot, who signed that contract on the part of this government."

W. H. BOURLAND.

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

The committee on Engrossed Bills made the following report ;

COMMITTEE ROOM, }
January 10, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill authorizing the county surveyor of Houston county, to transcribe the archives of his office in a bound book—also, a joint resolution for the relief of Captain Eli Chandler, and the company under his command—also, a bill for the creation of a mail route from the city of Galveston, to the town of Liberty—also, a bill for the relief of Howard & Ogden, and T. A. Sully, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

Mr. Erath, by leave, introduced a bill to enable the holders of legal land claims to obtain Patents ; read a first time.

Mr. Cooke of Bexar, by leave, introduced a bill for the relief of the resident citizens of Bexar county ; read a first time.

Mr. Johnson of Goliad, by leave, introduced a bill to provide for the re-organization of Goliad county ; read a first time.

On motion of Mr. Johnson of Goliad, the rule was suspended, bill read a second time, and referred to the committee on Privileges and Elections.

Mr. Johns offered the following resolution :

Be it Resolved by the House of Representatives, That from and after the 25th day of January, 1845, no new business shall be introduced for the consideration of this House, at its present session ; laid on the table one day, for further consideration.

Mr. Menefee, by leave, introduced a bill for the relief of J. W. E. Wallace—also, a bill to admit the testimony of guardians, executors, administrators, and all other trustees, on the trial of civil actions; read a first time.

The committee on Public Lands, George B. Erath, one of the committee, to whom was referred the bill for the relief of Wm. Legare, reported unfavorably; which report and bill were laid on the table, to come up among the orders of the day.

Mr. Armstrong, by leave, introduced a bill to establish a mail route from Beaumont to Jasper; read a first time.

The House proceeded to the

ORDERS OF THE DAY.

The bill for the relief of Howard & Ogden, and T. A. Sully, was taken up, read a third time and passed.

Mr. Means moved to adjourn until 3 o'clock, P. M.

Mr. Johnson of G., moved to adjourn until to-morrow morning 9 o'clock.

The Ayes and Noes being called thereon, stood as follows:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Ford, Johns, Johnson of G., Jones of G., Jones of S. P., McFarlane, McLeod, Robinson, Smyth of J., Wallace, Williams and Williamson—19.

Noes—Messrs. Speaker, Gage, Hardin, Johnson of S., Lewis, Mabry, Means, Menefee, Millican Moffett, Parker, Perkins, Saddle, Scott, Sutherland, Smith of F. and Fruit—17.

So the House adjourned until 9 o'clock to-morrow morning.

SATURDAY, Jan. 11, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Means, Menefee,

Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Truit, Wallace, Williams and Williamson.

A quorum present; the journals of the preceding day were read and adopted.

Mr. McLeod presented the petition of Charles Power; which was referred to the committee on Claims and Accounts.

Mr. Scott presented the petition of Levi Jordan, which was referred to the committee on Claims and Accounts.

The committee on the State of the Republic, J. W. Henderson chairman, to whom was referred the bill for the appointment of patrols, reported the same back to the House, with amendments, and recommended its passage.

The same committee, to whom was referred the joint resolution providing for an amendment to the Constitution, reported the same back to the House, and recommended its passage.

Which reports and bills were laid on the table to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the petition of Brown & Gujar, reported unfavorably on account of the absence of the necessary vouchers; which report was adopted.

The same committee, to whom was referred the petition of Arthur Swift and S. Cummings, reported a bill for their relief; which was read a first time.

The committee on Public Lands, Geo. Sutherland chairman, to whom was referred the bill for the relief of Abram Skidmore, reported the same back to the House, and recommended its rejection; which report and bill were laid on the table to come up among the orders of the day.

A message was received from the Senate, informing the House of the passage of the following bills:

A bill to restore lands sold for taxes to the original owners, with amendments—a bill for the relief of John Robinson—a bill for the relief of Sam'l Brooks—a bill to provide for carrying the public mails from April 1st, 1845, to April 1st, 1846, establishing routes and rates of postage, &c.—a bill making an appropriation for contingent printing.

The committee on Public Lands, Geo. Sutherland chairman, to whom was referred the bill for the relief of the heirs of John Williams, deceased, reported the same back to the House and recommended its passage.

The committee on the Judiciary, James Armstrong one of the committee, to whom was referred the bill to define more per-

fectly the jurisdiction of the District Courts, reported the same back to the House, with a substitute, and recommended its passage.

The same committee to whom was referred the bill to provide that all laws shall take effect from and after their passage, unless a different time be specified in said law, reported the same back to the House, and recommended its indefinite postponement.

The same committee, to whom was referred the bill to re-organize the Board of County Commissioners for the several counties of the Republic, reported the same back to the House, and recommended its indefinite postponement.

The same committee, to whom was referred the bill for the encouragement of learning &c., reported the same back to the House, with an amendment, and recommended its passage.

The same committee, to whom was referred the bill to allow offsets in suits instituted by executors or administrators, reported the same back to House, and recommended its rejection.

All of which reports and bills were laid on the table to come up among the orders of the day.

The same committee, to whom was referred the resolution instructing the committee to obviate the difficulty relative to the counting of the votes for President and Vice President, reported the same back to the House, and begged to be discharged, believing that the Constitution regulated the matter; report adopted.

The same committee, to whom was referred the bill to amend an act entitled an act to regulate the proceedings in civil suits, approved 5th Feb. 1840, reported the same back to the House, and recommended its indefinite postponement; which report and bill were laid on the table to come up among the orders of the day.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 10, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and find correctly enrolled:

An act for the relief of Mrs. Sarah Brown—an act allowing two additional Notaries Public for the county of Montgomery,

and one for each of the counties of Sabine and Harrison—a joint resolution for the relief of the heirs of Benj. Parker, deceased, and a joint resolution for the relief of J. A. Young.

They were signed by the Speaker of the House of Representatives and President of the Senate, and were this day presented to the President for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The committee on the Judiciary, B. Rush Wallace one of the committee, to whom was referred a bill supplementary to an act defining the jurisdiction and powers of the District Courts, approved December 22d, 1836, reported the same back to the House, and recommended its passage; which report and bill were laid on the table to come up among the orders of the day.

The committee on Military Affairs, A. Williams one of the committee, to whom was referred the petition of Wm. B. Goodman, reported the same back to the House, with a bill for his relief; which was read a first time.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the memorial of the citizens of Rusk county, praying for an act of incorporation of the town of Henderson, reported a bill for that purpose, which was read a first time.

The same committee, to whom was referred a bill supplementary to an act creating the county of Rusk, approved 15th January, 1843, and amendatory of an act supplementary to the former, approved January 3d, 1844, reported the same back to the House, and recommended its passage.

Also, to whom was referred the bill allowing mileage to Sheriffs, Coroners and Constables, reported the same back to the House, with amendments, and recommended its passage.

Also, to whom was referred the bill to repeal certain acts relative to the creation of a Board of Medical Censors, and so much of the 22d section of an act regulating the duties of Probate Courts, &c., approved 5th February, 1840, as gives a preference to Physicians' and Surgeons' claims, reported the same back to the House, with amendments, and recommended its passage.

All of which reports and bills were laid on the table, to come up among the orders of the day.

The committee on Finance, Geo. W. Smyth chairman, to whom was referred the bill for the benefit of the citizens of the Republic of Texas, reported the same back to the House, with

a substitute, and recommended its passage; which report and bill were laid on the table to come up among the orders of the day.

The same committee, to whom was referred a resolution requiring them to take into consideration the propriety of levying a direct tax of one-fourth of one per cent. on all property owned by citizens of this Republic, reported that it would be inexpedient to depend on direct taxation for the support of the government, and recommend that no material change be made; report adopted.

The same committee, to whom was referred the bill appropriating the license tax of Galveston county to county purposes, reported the same back to the House, and recommended the rejection of the bill; which was laid on the table, to come up among the orders of the day.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 11, 1815. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined the following, and find them correctly enrolled: a joint resolution authorizing Samuel J. Redgate to adopt a certain person therein named; and a joint resolution for the relief of Neely Kimbro.

They were signed by the Speaker of the House of Representatives and President of the Senate, and were, on the 10th inst., presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The committee on Privileges and Elections, A. H. Jones, chairman, to whom was referred the bill to provide for the reorganization of Goliad county, reported the same back to the House, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Finance, George W. Smyth, chairman, to whom was referred a bill making an appropriation for pay of members and officers of the ninth Congress, reported the same back to the House, and recommended its indefinite postponement.

Mr. Cunningham moved to refer the bill to a select committee, with instructions to report as early as practicable.

On motion of Mr. Gage, the bill and report were laid on the table.

Mr. Perkins, by leave, introduced a bill to admit books and pamphlets free of duty, which was read a first time.

On motion of Mr. Perkins, the rule was suspended, bill read a second time, and referred to the committee on Finance.

Mr. Cazneau, by leave, introduced a bill to repeal certain portions of an act therein named ; read a first time.

On motion of Mr. Parker, the House resolved itself into a committee of the whole on the State of the Republic, for the consideration of the bill for the re-organization of the General Land Office—Mr. Smyth of Jasper, in the chair.

On motion of Mr. Williamson, the committee arose, reported progress, and begged to be discharged from the further consideration of the same ; report adopted.

On motion of Mr. Cazneau, the bill was taken up on its 2d reading.

Mr. Williamson moved to refer the bill to a select committee, to act in conjunction with a similar committee on the part of the Senate.

On motion of Mr. Gage, the bill was referred to the committee on Public Lands.

On motion of Mr. Parker, the bill for the relief of the heirs of Wm. Bryan, was taken up on its second reading, and ordered to be engrossed.

On motion of Mr. Mabry, the bill to repeal the Exchequer system, was taken up on its second reading ; and the following amendment of the Finance committee adopted : after the word "bills," in third line of third section, insert " and such other liabilities of the government as are at present made receivable by law : " at the end of the said third section, add the following proviso : " Provided, that all land dues (except the land tax,) and all payments for Patents shall be receivable as hertofore, in the liabilities of the government."

Mr. Smith of Fannin, moved to lay the bill on the table ; lost.

Mr. Cunningham offered the following amendment :

" Section — *Be it further enacted*, That all Exchequer bills now in circulation shall be received at par in the custom-houses ; adopted.

Mr. Smith of Fannin, moved to lay it on the table, and have 150 copies printed.

Mr. Robinson offered an amendment.

Mr. Smith of Fannin, offered an amendment to Mr. Robinson's amendment.

On motion of Mr. McLeod, the bill was referred to the committee on Finance, and 150 copies of it ordered to be printed.

The committee on Public Lands, George Sutherland, chairman, to whom was referred the petition of Thomas Middleton, reported to the House a bill for his relief; read a first time.

On motion of Mr. Cazneau, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Johns, the bill to form the collectoral district of Soda Lake was taken up, read a second time, and referred to a select committee, consisting of Messrs. Johns, Scurry, Bourland, Henderson and Gage.

The bill to continue in force an act for the relief of the purchasers of lots in the city of Austin, and upon the tract adjoining, was taken up on its second reading; and, on motion of Mr. Cazneau, ordered to be engrossed.

On motion of Mr. Williamson, the petition of Alexander Semervell was taken up, and referred to a select committee, consisting of Messrs. Williamson, Cooke of R., and Erath.

The committee on the Judiciary, Tod Robinson, chairman, to whom was referred the bill amendatory of the several acts regulating the sales of the estates of deceased persons and minor heirs, reported the same back to the House, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

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

3 o'clock, P. M.

House met; roll called; quorum present.

A Message was received from His Excellency, the President, by his Private Secretary, Mr. S. Z. Hoyle.

On motion of Mr. McFarlane, the bill to authorize the erection of a Light-House on Galveston Island, and the bill establishing a Light-House at Passo Cavallo, were taken up, and referred to the committee on Naval Affairs.

On motion of Mr. Henderson, the communication from His Excellency, was taken up and read, as follows:

EXECUTIVE DEPARTMENT,
Washington, January 9th, 1845.

To the Honorable

The House of Representatives :

The Executive, responding to the resolution adopted on the 6th instant, requesting him to furnish the House with the proceedings of the late Naval Court Martial, in the cases of Post Captain E. W. Moore, and others, and to inform the House to whom said proceedings were addressed, by the Court, respectfully transmits the enclosed communication from the acting Secretary of War and Marine, relating to the subject matter of the resolution and containing the information required by the concluding clause.

ANSON JONES.

Mr. Williamson moved the printing of 150 copies of the message and accompanying communication; lost.

Mr. McLeod moved to refer the message and accompanying communication to a select committee, with authority to call for persons and papers.

Mr. Henderson moved to refer them to the committee on Military Affairs; carried.

The bill for the creation of a mail route from the city of Galveston to the town of Liberty, was read a third time and passed.

The bill for raising a county revenue, and for other purposes, was, on motion of Mr. Scott, taken from the table, and placed among the orders of the day.

The bill to authorize the county surveyor of Houston county to transcribe the archives of his office in a bound book was taken up, read a third time, and, on motion of Mr. Sadler, referred to the committee on the State of the Republic.

Mr. Cazneau offered the following resolution:

Resolved by the House of Representatives, That the balance due for copying the journals of the eighth Congress, under a resolution of the same, be paid out of any appropriation that is or may be made for the use of Congress; adopted.

The bill for the relief of Captain Eli Chandler, and the company under his command, was read a third time and passed.

On motion of Mr. Erath, the caption was amended, so as to read, "for the relief of Captain Eli Chandler and others."

The bill for raising a county revenue, and for other purposes,

was read a second time, and, on motion of Mr. Menefee, referred to the committee on Finance.

Mr. Cooke of R., moved to take up the bill to require the Commissioner of the General Land Office to issue Patents in certain cases ; lost.

The resolution calling on the President for information relative to the contract of C. Fenton Mercer, was adopted.

The resolution calling on the President for information relative to the contract of Henry F. Fisher & B. Miller was taken up, and, on motion of Mr. Bourland, laid on the table.

The resolution to take no new business after the 25th January next was taken up.

Mr. Smith of F., moved to lay it on the table ; lost.

Mr. Williamson moved to lay it on the table until Monday morning 10 o'clock ; lost.

The resolution was then adopted.

The bill to change a mail route, and for other purposes, was taken up on its second reading, and, on motion of Mr. Perkins, ordered to be engrossed.

The bill for the relief of Thomas Tomlinson, and the bill to incorporate the Baylor University, were taken up and read a first time.

The bill to review and mark a road therein named, was taken up on its second reading ; and the amendment of the committee to strike out \$3 and insert \$2 was adopted.

On motion of Mr. Henderson, all after "two dollars per day" was stricken out, save the last section.

Mr. Henderson offered an amendment.

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

Leave of absence was granted to the Hon. R. M. Williamson, for an indefinite period of time.

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

MONDAY, January 13, 10 o'clock A. M.

The House met pursuant to adjournment ; prayer by the Chaplain—the roll being called, the following members answered to their names :

Messrs. Speaker, Bourland, Cazneau, Cooke of B., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson of G., Jones of G., Jones of S. P., Lewis, McLeod, Mabry, Menefee, Millican, Moffett, Parker, Perkins, Sadler, Scott, Sutherland, Smith of F., Smyth of J., Wallace, Williams and Williamson.

A quorum present; Journals of Saturday read and adopted.

Mr. Smyth of J., by leave, introduced a bill making an appropriation for the support of the government for the year 1845; read a first time.

A committee appeared from the Senate, Senator Kaufman, chairman, and informed the House that the Senate had passed a resolution requesting the House of Representatives to meet them in their chamber, at half past 10 o'clock, to join in procession for the interment of the Hon. John W. Smith, deceased, late Senator from the District of Bexar.

On motion of Mr. Williamson, the House accepted the invitation.

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

TUESDAY, January 14, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of S. P., Jones of G., Lewis, McFarlane, McLeod, Mabry, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit, Wallace, Williams and Williamson.

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

Mr. Scott presented the petition of Thomas Cox, praying for the emancipation of two children, which was referred to a select committee consisting of Messrs. Scott, Moffett and Henderson.

Mr. McLeod presented the petition of sundry citizens of Galveston and Harris counties, which were referred to a select com-

mittee consisting of Messrs, McLeod, Robinson, Smyth of J., Jones of S. P. and Johns.

Mr. Sadler presented the petition of W. A. Ferris, which was referred to the committee on Claims and Accounts.

Mr. McFarlane presented the petition of Wm. Haddon, which was referred to the committee on Claims and Accounts.

Mr. Wallace presented the petition of Edward Teal, administrator of Henry Teal, deceased, which was referred to the committee on the Judiciary.

Mr. Williams presented the petition of Thomas Robinson, which was referred to a select committee, consisting of Messrs. Williams, Jones of G. and Mabry.

Mr. Means presented the petition of Jeremiah Latham, which was referred to the committee on Public Lands.

Mr. Speaker, (Mr. Lewis of Montgomery,) presented the petition of sundry citizens of Montgomery county, which was referred to the committee on Post Offices and Post Roads.

A message was received from the Senate, informing the House of the passage of a bill to authorize the re-organization of Refugio and San Patricio counties.

Mr. Wallace presented the petition of Burrell J. Thompson, which was referred to the committee on the Judiciary.

Mr. Moffett presented the petition of C. A. Serrell, which was referred to the committee on Indian Affairs.

Mr. Millican offered the following resolution :

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the two Houses of Congress will, on the 3d day of February next, adjourn sine die ; laid on the table one day for consideration.

Mr. Williamson presented the petition of John Sutherland, which was referred to a select committee, consisting of Messrs. Williamson, Erath and Wallace.

Mr. Wallace presented the petition of Clementine G. Holman, which was referred to a select committee, consisting of Messrs. Wallace, Scott and Means.

The committee on Education, Wm. R. Scurry, chairman, to whom was referred the petition for the charter of the Ceres Academy, reported a bill for that purpose ; which was read a first time.

The committee on Military Affairs, Wm. G. Cooke, chairman, to whom was referred the petition of G. Elley, reported a bill for his relief ; read a first time.

The committee on Finance, Geo. W. Smyth, Chairman, to

whom was referred the bill to repeal the Exchequer system, reported the same back to the House, and recommended its passage in the shape that it was previously recommended by the committee on Finance; which report and bill were laid on the table to come up among the orders of the day.

The same committee, to whom was referred the bill to admit books and pamphlets free of duty, reported as follows:

COMMITTEE ROOM, }
January 13, 1845. }

*To the Hon. John M. Lewis,
Speaker of the House of Representatives:*

The committee on Finance, to whom was referred a bill to admit Books and Pamphlets free of duty, and, also, several petitions on the same subject, have had the same under consideration, and have instructed me to report, that they discover no good and sufficient reasons for changing the views which they have heretofore given on an occasion very similar to the present. The kind of knowledge, which it is so important that every free government should foster and protect, is, that intelligence, the rudiments of which are imparted in the common school, and which should, if possible, pervade the whole community; and to this end the Legislature of the country has wisely contributed by admitting Bibles, Testaments and primary school books free of duty. As to persons of professional pursuits, who make a profitable investment of their acquirements, or gentlemen of literary leisure, who have no other method of disposing of their time, your committee can see no good reason why they should be released from contributing their portion of the public burthens, whenever the implements of husbandry, indispensable to the cultivation of the earth, and other articles of absolute necessity, cannot be freed from them. Your committee beg leave to state, that, in making this report, they are actuated by no malevolent feelings. They would be as much gratified as others, to witness the general diffusion of useful knowledge; but those who have taste and leisure for such pursuits, have generally the means also of gratifying their desire—and we cannot believe that the super-addition of the duty, to the cost of the book, would prevent its acquisition. When, at a future period, (which we hope is not distant,) the finances of the country will justify a material reduction of impost duties, your committee would be pleased to see books

enumerated amongst those articles of primary importance which are entirely freed from it; but at present they do not believe that books should be made a solitary exception to the general rule.

Wherefore, the committee recommend that the Hon. Congress take no further action on the subject.

GEO. W. SMYTH, Chairman.

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

The committee on Naval Affairs, Hugh McLeod, chairman, to whom was referred the bill to erect a Light-House on Galveston Island, reported the same back to the House by substitute, and recommended its passage.

The committee on the Judiciary, B. Rush Wallace one of the committee to whom was referred the bill for the benefit of constables, reported a substitute, and recommended its passage.

The committee on Internal Improvements, J. H. Moffett, chairman, to whom was referred the bill for the improvement of the navigation of the Angelina and Snow Rivers, reported a substitute, and recommended its passage; which reports and bills were laid on the table, to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of Morgan O'Brien and Michael Fox, reported a bill for their relief, which was read a first time.

The select committee, S. B. Johns, chairman, to whom was referred the bill to form the collectorial district of Soda Lake, reported the same back to the House with amendments, and recommended its passage.

On motion of Mr. Bourland, the bill was taken up, and the amendment of the committee, to wit: a substitute for the first section; adopted.

Mr. Scott moved to strike out the word "laws" in the last section; lost.

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

The committee on the State of the Republic, to whom was referred the joint resolution amending the Constitution, made the following report:

COMMITTEE ROOM. }
 January 14, 1845. }

A majority of the committee on the State of the Republic, to whom was referred the joint resolution amending the Constitution, have had the same under consideration, and have instructed me to report—

That, deeply impressed with the paramount importance (of the subjects submitted to them, the pervading influence,) the amendment, if adopted, must have upon the destinies of the Republic—the caution and deliberation with which any change in the fundamental law of the country should be approached, and the propriety, as far as is practicable, of maintaining their stability as well as their inviolability, they have given to the whole subject their most deliberate consideration.

Reporting, as they do, in favor of adopting the amendments, they beg leave to give, as succinctly as possible, the reasons which have brought them to this conclusion; that they may aid the deliberations of the House if found correct, or contribute to call forth from the wisdom of your honorable body, the correction of any erroneous impressions, and the overthrow of any untenable position, your committee, in common with many others, may entertain.

Of the propriety, if not absolute necessity, of the establishment of a separate and independent Supreme Court as soon as practicable, we believe there can scarcely rest a doubt on the mind of any intelligent person, who will give to the subject the deliberation which a sense of duty has demanded of your committee. Indeed, they are not aware of any dissenting opinions amongst the members of the profession best informed upon the subject, which, therefore, they think are entitled to great consideration and respect, and by which, they are much gratified to find their own sustained and fortified. Your committee deem it unnecessary to present the various and imposing reasons and arguments in favor of the organization of such a Court.

The fact, that for want of time to deliberate, many of the more important suits which have been brought before the existing appellate court, and some which were placed on its docket at its first session, have been to this day held under advisement, and from the changes that have occurred in the members of the Court, by death, resignation, and promotion to other stations, must be re-argued and yet further delayed, are, of themselves, sufficient to show the necessity of a different organization. The

failure of this tribunal to decide upon questions of the greatest moment to the whole country, long since submitted to its adjudication, occasions a vast accumulation of suits on its docket, which early precedents might have prejudged and settled.

Indeed, under our present system, delay almost amounts to the denial of justice, and in many instances, in consequence of the accumulation of costs and other expenses, it would be far better for the litigants that the Court had been closed against them—that *tardy justice*, because accompanied with certain ruin, had been denied them.

Forbearing to dilate further upon the impolicy of continuing longer than can be avoided, an appellate tribunal, calculated from its constitution, in the belief of your committee, to confirm, in effect, the errors of opinion pronounced by them or their associates below; and taking it for granted that your honorable body, and our constituents, are convinced of the necessity of a change, we will proceed to state our reasons for reporting the amendments under consideration, notwithstanding an amendment embodying one of the objects of these, has already been passed upon by the last Congress, and is now under the control and subject to the action of this House.

Your committee are of opinion that the other amendments to the Constitution under review, (especially the third article,) are as important, and admit of as little delay as that to which we have just referred; and a majority of us are of opinion that the adoption of an amendment, or amendments, of the Constitution, by a vote of the people, will preclude all other amendments for the space of three years, otherwise than by a convention.

They are aware that a portion of your committee dissent from them in their construction of the proviso of the 11th section of the general provisions of the Constitution, and that there exists much diversity of opinion amongst gentlemen of high legal attainments in regard to the true construction of that provision.

Your committee cannot, however, regard the *proviso* in any other light than as a conservative principle. A construction alike justified in their belief by the terms in which it is couched, and the obvious propriety, if not necessity, for such a restriction. No other clauses of the Constitution provide for its amendment. This covers the whole ground, and embraces the whole subject of amendment. Without such a provision, obviously none could be made—no change effected; except by a convention.

So, also, in the opinion of your committee the *proviso* embraces the whole subject—all manner of amendments, and controls, not a part only, but the entire grant. Look at its terms. Can there be a more comprehensive negation found in the English language?

Your committee cannot perceive by what ingenuity, or by what rules of construction the terms "no amendments," &c., can admit of any amendment whatever. To confine the *proviso* to amendments already adopted by the people, would be, to make a provision to prevent the people from doing a thing which they are supposed already to have done. But is there any thing inconsistent or inappropriate in the idea of a grant, general in its character and covering one entire subject, being limited by a general restriction, controlling or limiting the whole subject of the grant? Seeking to arrive at the intention of the framers of the Constitution, your committee see nothing in the object of the 11th section or the general spirit of the Constitution, which should induce them to construe a broad and all pervading negative into a limited or partial restriction. They cannot regard it inconsistent with good sense, sound policy or the end and object of a Constitution, that there should be some security for its permanency and stability; at least for a few years. That it should be secure from the annual mutations to which our laws are subjected, inasmuch that the most important acts of Congress can scarcely be promulgated to the people before they are materially altered.

Your committee, upon full deliberation, regard this *proviso* as a great conservative principle possibly obnoxious to the objection, that the term of three years for the existence and operation of government is too short. If they are wrong in their conclusions, still, as the construction given by others is not certainly correct, is it consistent with sound policy to hazard, unnecessarily, the defeat of other obviously important amendments of immediate and pressing importance for three years?

Your committee do not believe that any such necessity actually exists. On the contrary, by a prompt action on the part of Congress at their next session, should a majority of two-thirds adopt the amendment, the vote of the people can be taken, and the Court organized, so as to take their seats at the time of the next regular session; which is as soon as it could be effected, if the other amendment were adopted. This being the case, the simple question is presented, whether the amendment under

consideration, or the former amendment providing only for a separate Supreme Court ought to be adopted.

Your committee confidently hope that the other amendments will be sustained by the people, and that their presentation with the first, will secure to the whole a large vote, which might be opposed to any one separately presented.

Your committee are of opinion that it is time Congress should be authorized to pass an act of naturalization, specifically providing the mode by which future immigrants to the country may be entitled to the civil and political rights of resident citizens. In pursuing this course, Texas will at least be following the example of all other nations of modern times. It is certainly a reasonable requisition and consonant with sound policy, and absolutely essential to their stability, that a residence should be required of emigrants to the country long enough to enable them to form a correct idea of its peculiar institutions, before they are allowed to participate in their control, alteration, or (perhaps) subversion.

In the expression of these views, and the recommendation of the adoption of the third article of the amendments, your committee disavow the idea of any distinction between emigrants from different countries. All are alike foreigners to us. Much of our system is unique—entirely unlike that of any other people. And whilst no restrictions of the rights and privileges of the existing population are proposed by the amendment or invidious distinctions drawn or attempted, is it not as just, as expedient, that those who have encountered so many privations in its establishment should take the steps and provide the guards which all other nations throw around them, to secure to themselves and their posterity the fruits of their exertions, their sufferings and success.

If there be those who would resist the propriety of such a policy, that fact, in the opinion of your committee, would be an argument, with others, of no little force, in favor of the amendment.

Your committee deem it unnecessary to dilate upon the convenience which would be extended to a large portion of the people by granting to Congress the power, suitably restricted, to render justice more conveniently accessible to them than it now is, by a sub-division of the larger counties into convenient Judicial Districts. The facts, that Congress has twice endeavored to afford this convenience to the citizens of some of the larger counties, and that the people, although much discouraged

by the first decision of the Supreme Court, persisted in another form, to sue for the benefits of such a provision, seem to manifest in advance the popular will, and the convenience, if not necessity, of adopting this or a similar amendment.

In conclusion, your committee would say, that the more they have examined into the amendments and their bearing upon the best interests of the Republic, the more they are convinced of their propriety and necessity, and earnestly recommend their adoption.

WILLIAM L. CAZNEAU,
One of the majority of the Committee.

Mr. Robinson moved to lay the report on the table, and have 200 copies of it printed.

Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Armstrong, Cazneau, Cooke of R., Dunn, Ford, Gage, Johnson of G., Johnson of S., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Perkins, Robinson, Scurry, Sutherland, Fruit, Wallace, Williams and Williamson—22.

Noes—Messrs. Speaker, Bourland, Cunningham, Erath, Hardin, Henderson, Jones of G., Means, Millican, Moffett, Parker, Sadler, Scott, Smith of F. and Smyth of J.—15.

Mr. Williamson, by leave, introduced a bill changing the sessions of the District Court in Washington county; read a first time.

On motion of Mr. Williamson, the rule was suspended, bill read a second time, and referred to a select committee consisting of Messrs. Cazneau, Mabry, Williams, Millican, Erath and Cooke of R.

Mr. Henderson, by leave, introduced a bill to fix the place for the sessions of the Supreme Court; read a first time.

The committee on Engrossed Bills, made the following report, to wit:

COMMITTEE ROOM, }
January 14, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill to alter and change a mail route, and for other purposes.

A bill to continue in force an act for the relief of the purchasers of lots in the city of Austin, and upon the town tract ad-

joining, approved, January 16th, 1843—also, a joint resolution for the relief of the heirs of Wm. Bryan, deceased, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

The select committee, Hugh McLeod, chairman, to whom was referred the petition of M. Bourgeois d'Orvanne, praying for an extension of time for the introduction of emigrants, reported unfavorably; adopted.

Mr. Bourland offered the following resolution:

Resolved, That the committee on Public Lands, to whom was referred a bill to re-organize the General Land Office, with instructions to act in concert with a like committee on the part of the Senate, be instructed to report their separate action thereon, as soon as practicable.

Mr. Scurry, by leave, introduced a bill to remedy certain defects in the existing laws; read a first time.

Mr. Gage offered the following resolution:

Be it Resolved by the House of Representatives, That the committee on Education be instructed to enquire into the propriety of locating the Colleges or Universities contemplated by an act, approved, January, 26th, 1839, by which fifty leagues of land was appropriated and set apart for the establishment and endowment of two Colleges or Universities, and report to this House by bill or otherwise; adopted.

Mr. Mabry, by leave, introduced a bill to make the Navy scrip receivable for dues to the government, that accrued prior to 1st February, 1842; read a first time.

Mr. Moffett, by leave, introduced a bill relating to attachments; read a first time.

Mr. Smith of F., moved its indefinite postponement; lost.

Mr. Robinson, by leave, introduced a bill for the relief of Mary Chase; read a first time.

On motion of Mr. Robinson, the rule was suspended, bill read a second time, and referred to the committee on Claims and Accounts.

Mr. Bourland offered the following resolution:

Resolved, That it shall be a standing order of the day when the House shall proceed to the orders of the day, to first take up and dispose of all bills of a general character, and no private relief bill shall be taken up until all such shall have been dis-

posed of, unless by a vote of two-thirds of the House; laid on the table one day for further consideration.

Mr. Scott, by leave, introduced a bill amendatory of an act to establish and incorporate the Marshall University; read a first time.

Mr. Cooke of R., by leave, introduced a bill for the revision of the laws.

On motion of Mr. Henderson, the bill for the relief of the Mier prisoners was taken from the table and placed among the orders of the day.

On motion of Mr. Cazneau, the bill for the relief of Jarret Menefee, was taken from the table and placed among the orders of the day.

On motion of Mr. Cunningham, the bill relating to the practice in the District Courts was taken from the table and placed among the orders of the day.

On motion of Mr. Parker, the House proceeded to the

ORDERS OF THE DAY.

The bill to restore lands sold for taxes to the original owners was taken up with the amendments of the Senate.

In caption strike out "original," and insert "former:" in 3d line, 1st section, before the word "owners," insert the word "former:" after the figures "44," in 5th line, 1st section, insert "or at any time previously:" in 6th line, 1st section, before the word "owner," insert the word "former:" after the word "owners," in 6th line, insert the words "or their agents or attorney's:" in 1st section, after the word "may," in 8th line, insert the words "or would:" strike out the word "any," in same section, 9th line, and insert the word "said:" insert the following, after the word "lands," in said 9th line, and 1st section, "Provided, the lands had been purchased by any person or persons, or remained in his own possession:" add, after the word "government," in 4th line of 2d section, "specifying particularly the amount of money that he has received from each individual under the provisions of this act;" all of which amendments were concurred in.

The bill for the relief of the Mier prisoners was taken up on its second reading.

Mr. Williamson moved to lay it on the table.

On motion of Mr. McLeod, the bill was referred to the committee on Military Affairs.

On motion of Mr. McLeod, the bill for the relief of L. S. Hargous, of the city of Vera Cruz, and others, was taken up and referred to the committee on Military Affairs.

On motion of Mr. Millican, the House adjourned until three o'clock, P. M.

3 o'clock, P. M.

House met; roll called; quorum present.

The bill to alter and change a mail route, and for other purposes, was taken up, read a third time and passed.

The bill to continue in force an act for the relief of the purchasers of lots in the city of Austin, and upon the town tract adjoining, was read a third time and passed.

The bill to authorize the appointment of Trustees in certain cases.

The bill to provide for carrying the public mails from April 1st, 1845, to April 1st, 1846, establishing routes and rates of postage, &c.

The bill for the relief of John Robinson.

A bill for the relief of Samuel Brooks.

A bill making an appropriation for contingent printing, were severally taken up and read a first time.

A bill granting to settlers on vacant public domain pre-emption privileges, was taken up on its second reading, with the amendments of the committee, which were adopted, to wit:

In 2d section, 4th line, strike out the word "surveyed," and insert "covered with a valid certificate:" adopted. In 2d section, strike out the *proviso*: in section 3, 10th line, after the figures "1841," insert "or 50 cents in par funds per acre:" in section 6th, 5th line, strike out the words "in which," and insert the word "and:" in same section, strike out "six months" whenever they occur, and insert "eight months:" in same section, 8th line, strike out the word "entered," and insert "surveyed:" in same section, after the word "pre-emption, in 9th line, strike out the balance of the section, and insert "and on application being made by such settler to a surveyor to have his said land surveyed to include his improvements, he shall not be compelled to furnish the surveyor with any land certificate, but he shall take an oath, which may be administered to him by said surveyor, that he believes he is settled upon vacant land upon which the survey, not exceeding three hundred and twenty acres may be made, and the field notes shall be returned with

the aforesaid affidavit of the settler, to the county surveyor of the county in which the land lies, who shall have the same recorded in said pre-emption book; for which services the said surveyor or county surveyor may charge the fees now allowed by law for such services, and no more: Provided, that when a proper certificate may be subsequently obtained by the settler, the same may be applied to such survey without running or marking the line anew." In section 7th, after the word "alone," in 5th line, insert "if there be no widow."

Mr. Bourland moved to amend the amendment of the committee on 2d page of the amendments, in second line, after the words "vacant lands," insert "as contemplated in the 1st section of this act; adopted.

On motion of Mr. Scurry, the bill was passed to a third reading.

Mr. Wallace, by leave, introduced a bill to amend the Constitution; read a first time.

Mr. Bourland moved to re-consider a vote given on the adoption of a resolution instructing the joint committee on Public Lands of both Houses, to report upon the bill to re-organize the General Land Office, as soon as practicable.

On motion of Mr. Williamson, the motion to re-consider was laid on the table.

On motion of Mr. Williamson, a committee was appointed to wait upon the Senate, and request them to instruct the committee on Public Lands to act in conjunction with the like committee of the House, upon the bill to re-organize the General Land Office. Messrs Williamson, Bourland and Sadler were appointed the said committee.

The bill for the relief of Jarret Menefee was taken up on its second reading; and, on motion of Mr. Parker, ordered to be engrossed.

The bill for the transportation of goods coastwise was taken up.

Mr. Williamson moved to lay it on the table.

On motion of Mr. McLeod, it was laid on the table, and made the special order of the day for the 16th instant, at 11 o'clock.

Mr. Williamson presented the petition of Wm. Bryan, which was referred to the committee on Naval Affairs.

The bill making an appropriation for the payment of outstanding liabilities for Indian purposes, was taken up on its second reading.

Mr. Gage moved to lay the bill on the table; lost.

Mr. Cooke of Robertson, moved its engrossment.

Mr. Wallace offered the following amendment :

And any other person or persons having been robbed or otherwise dispossessed, by the Indians or Mexicans, of a cow, Bull, calf, colt, mare, stallion or filly, Jack, Jenny or mule, shall be hereby authorized to demand and receive from the Treasurer of the Republic, as much money as said cow, bull, calf, colt, mare, stallion or filly, Jack, Jenny or mule shall be said to be worth by any Justice of the peace, and to be paid out of any money unappropriated, fund or money in the Treasury.

On motion of Mr. Millican, the amendment was laid on the table.

The question on the engrossment was then put and carried.

The committee appointed to wait upon the Senate, reported duty performed.

On motion of Mr. Armstrong, the bill providing for the location of the seat of Government by the people of Texas, was taken up.

Mr. Williamson moved to lay it on the table, and make it the special order of the day for Monday, at 11 o'clock, and that 150 copies be printed ; lost.

Mr. Williamson moved to lay it on the table ; lost.

Mr. Scurry moved to lay it on the table, and make it the special order of the day for to-morrow, at 11 o'clock ; lost.

Mr. Wallace moved to lay it on the table, and make it the special order of the day for Saturday, at 10 o'clock, and that 150 copies be printed.

Mr. Scurry moved to adjourn until 10 o'clock to-morrow morning ; lost.

A division on Mr. Wallace's motion on the question of printing, was put and lost.

The question on laying on the table, was put and lost.

Mr. Williamson moved to lay it on the table for the present ; lost.

Mr. Williamson moved to adjourn until 10 o'clock to-morrow morning ; lost.

Mr. Fruit offered to amend by striking out " 1847 " and inserting " 1846. "

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Speaker, Cooke of R., Hardin, Johnson of S., Means, Millican, Moffett, Sadler, Scott, Scurry, Smyth of Jasper, Fruit and Wallace—13.

Noes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B.,

Cunningham, Dunn, Erath, Gage, Johnson of G., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Williams and Williamson—22.

So the amendment was rejected.

Mr. Williamson moved to lay it on the table, and make it the special order of the day for Monday, at 10 o'clock; lost.

Mr. Armstrong moved to amend by striking out the preamble.

Mr. Williamson moved to lay it on the table, and make it the special order of the day for Saturday, at 11 o'clock, and that 150 copies be printed; lost.

Mr. Scott moved to adjourn until 9 o'clock to-morrow morning lost.

Mr. Williamson moved a call of the House; lost.

Mr. Wallace moved to lay it on the table until Thursday, at 11 o'clock; lost.

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

Mr. Williamson moved to adjourn until to-morrow morning, at 10 o'clock; lost.

On motion of Mr. Ford, the call was suspended.

Mr. Williamson moved to adjourn until to-morrow, at 10 o'clock; lost.

Mr. Parker moved to adjourn until 9 o'clock to-morrow morning.

The Ayes and Noes being called on Mr. Armstrong's motion to strike out the preamble, stood as follows:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Gage, Johnson of G., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F., Williams and Williamson—23.

Noes—Messrs. Speaker, Ford, Hardin, Henderson, Johnson of S., Means, Millican, Moffett, Parker, Sadler, Scott, Smyth of J., Truit and Wallace—14.

Mr. Armstrong moved to strike out of 1st section the words "in order to give force and efficiency to the reserved rights of the people in regard to locating the seat of Government."

Mr. Williamson moved to lay the bill on the table until to-morrow, at 10 o'clock; lost.

The Ayes and Noes were called for on Mr. Armstrong's amendment, and stood as follows:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B.,

Cunningham, Dunn, Erath, Gage, Johnson of G., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F., Smyth of J., Williams and Williamson—24.

Noes—Messrs. Speaker, Cooke of R., Ford, Hardin, Henderson, Johnson of S., Means, Millican, Moffett, Parker, Scott, Truit and Wallace—13.

So the amendment was adopted.

Mr. Williamson moved to lay the bill on the table until to-morrow, at 10 o'clock; lost.

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

Mr. Williamson moved to adjourn until to-morrow morning, at 10 o'clock; lost.

Mr. Wallace moved to adjourn until to-morrow morning, 10 o'clock; lost.

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

WEDNESDAY, Jan. 15, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Erath, Gage, Hardin, Henderson, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Parker, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace, Williams and Williamson.

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

Mr. Wallace presented the account of Wm. Lakey, which was referred to the committee on Public Lands.

Mr. Henderson presented the petition of L. C. Stanley, which was referred to the committee on Claims and Accounts.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the memorial of Charles Powers, reported the same back to the House, with a request that it be

referred to the committee on Naval Affairs; which report was adopted.

The select committee, A. Williams chairman, to whom was referred the petition of Thomas Robinson, reported a bill for his relief, which was read a first time.

The select committee, Geo. B. Erath one of the committee to to whom was referred the bill changing the sessions of the District Court in Washington county, reported the same back to the House and recommended its passage.

On motion of Mr. Williamson, the bill was taken up, and ordered to be engrossed.

A message was received from the Senate, informing the House that the bill amendatory to the several acts relative to fraudulent land certificates, had passed, with amendments—and, the bill concerning the records and papers of county surveyors, had been rejected.

The select committee, R. M. Williamson chairman, to whom was referred the petition of John Sutherland, reported a bill for his relief; which was read a first time.

On motion of Mr. Williamson, the rule was suspended, and the bill read a second time, and referred to the committee on Public Lands.

The committee on Naval Affairs, H. McLeod chairman, to whom was referred the petition of James Denny, reported a bill for his relief; which was read a first time.

The same committee, to whom was referred the petition of William Bryan, reported unfavorably on a portion of the account.

On motion of Mr. Williamson, the report was laid on the table, and the petition taken up and referred to the committee on Claims and Accounts.

On motion of Mr. Smyth of Jasper, Mr. Scurry was added to the select committee, to whom was referred the memorial of sundry citizens of Galveston and Harris counties.

On motion of Mr. Robinson, Mr. Bourland was added to the same committee.

Mr. McLeod moved to have 150 copies of the memorial printed; lost.

On motion of Mr. Williamson, the bill directing the President and Heads of Departments to return to the city of Austin, together with the veto message of the President thereon were taken up.

Mr Williamson moved to have 150 copies of the bill and message printed.

Mr. Robinson moved to amend, by inserting "160" copies in lieu of 150 copies; amendment accepted by Mr. Williamson, and motion carried.

Mr. Johnson of Shelby, by leave, introduced a bill making an appropriation for the pay and contingent expenses of Captain Mabbit's company of volunteers; read a first time.

Mr. Johnson of Shelby, moved a suspension of the rule; lost.

Mr. Lewis of Austin, presented a number of resolutions adopted by the citizens of Austin county, in mass meeting assembled, in favor of annexation.

Mr. Williamson moved to lay them on the table; lost.

On motion of Mr. Lewis, they were referred to the committee on the State of the Republic.

Mr. Gage presented a number of resolutions adopted by a portion of the citizens of the county of Rusk, in opposition to annexation.

Mr. Gage moved their reference to the committee on the State of the Republic.

Mr. Williamson moved to reject them.

The Ayes and Noes being called thereon, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of Bexar, Cooke of Robertson, Erath, Hardin, Jones of Gonzales, Lewis, Mabry, Means, Millican, Ogden, Parker, Perkins, Robinson, Sutherland, Smyth of Jasper, Williams and Williamson—19.

Noes—Messrs. Bourland, Cazneau, Cunningham, Dunn, Gage, Henderson, Johnson of Goliad, Johnson of Shelby, Jones of San Patricio, McFarlane, McLeod, Menefee, Moffett, Sadler, Scott, Scurry, Truit and Wallace—18.

So the resolutions were rejected.

Leave was granted to Mr. Gage to withdraw the resolutions.

On motion of Mr. Millican, the House proceeded to the

ORDERS OF THE DAY.

The bill for the location of the seat of government by the people of Texas was taken up.

A call of the House pending.

On motion of Mr. Robinson, the call was suspended.

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

The question before the House was: shall the bill pass to a 3d reading?

Mr. Means moved the previous question.

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

On motion of Mr. Scott, the call was suspended.

The question, shall the main question be now put? was put and lost.

Mr. Armstrong offered an amendment.

Mr. Williamson moved to lay the bill and amendments on the table; lost.

Mr. Williamson moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Henderson moved the indefinite postponement of the amendments.

Mr. Smith of Fannin, moved the indefinite postponement of the bill and amendments.

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

3 o'clock, P. M.

House met; roll called; quorum present.

Mr. Smith of Fannin, by leave, presented the petition of Dan'l R. Jackson, which was referred to the committee on Public Lands.

Mr. Cazneau, by leave, presented the petition of John C. Hays, which was referred to the committee on Military Affairs.

Mr. Perkins, by leave, presented the petition of R. S. Neighbors, which was referred to the committee on Claims and Accounts.

Mr. Wallace, by leave, presented the petition of John Gilbert, which was referred to a special committee, consisting of Messrs. Wallace, Johnson of Shelby and Scott.

Mr. Hardin, by leave, introduced a bill for the relief of Emanuel Clemens; read a first time.

Mr. Williamson, by leave, presented the petition of John Karner: which was referred to a select committee consisting of Messrs. Cooke of R., Erath and Sutherland.

The House then proceeded to the

ORDERS OF THE DAY.

The question before the House was the following amendment offered by Mr. Armstrong:

"Be it further enacted, That the sum of five thousand dollars be, and is hereby appropriated, and placed under the con-

trol of the President for the purpose of removing the Archives to the city of Austin, for defraying the contingent expenses of the several Departments, and in making preparations for the meeting of the 10th Congress at that place."

Mr. Scurry offered the following amendment to the amendment, which was accepted by Mr. Armstrong:

"Provided there shall not intervene such emergencies as are contemplated by the Constitution for the exercise of his discretion."

Mr. Williamson offered the following amendment to the amendment:

"And that the President have leave to dispose of the appropriation specified, to transport the Archives from the city of Austin to the town of Washington, in the county of Washington."

A message was received from the Senate informing the House of the passage of a bill to confer the rights of citizenship on Early Cordray, with an amendment—a bill to incorporate the town of Boston—and, a bill for the relief of H. L. Kinney.

The Ayes and Noes being called on Mr. Williamson's motion to amend the amendment, stood as follows:

Ayes—Messrs. Speaker, Cooke of R., Ford, Hardin, Johnson of S., Means, Millican, Moffett, Parker, Sadler, Truit, Wallace and Williamson—13.

Noes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Henderson, Johnson of G., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Smith of F., Smyth of J. and Williams—26.

So the amendment was rejected.

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

Mr. Bourland moved the previous question.

Shall the main question be now put?—was put and carried.

The main question being the amendment proposed by Mr. Armstrong,

The Ayes and Noes were called for, and stood as follows:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Smith of F., Smyth of J., Truit and Williams—27.

Noes—Messrs. Speaker, Cooke of R., Ford, Hardin, Henderson, Means, Millican, Moffett, Parker Sadler, Wallace and Williamson—12.

So the amendment was adopted.

Mr. Scurry moved to pass the bill to a third reading.

Mr. Williamson moved to have 150 copies of the bill printed; lost.

Mr. Menefee moved the previous question.

Shall the main question be now put? was put and carried.

The main question being the passage of the bill to its third reading.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Dunn, Erath, Ford, Gage, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Smith of F., Smyth of J., Truit, Wallace and Williams—30.

Noes—Messrs. Speaker, Cooke of R., Cunningham, Hardin, Henderson, Millican, Parker, Sadler, and Williamson—9.

So the bill was passed to its third reading.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 15, 1845. }

To the Hon. John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a joint resolution for the relief of Jarret Menefee—a bill making an appropriation for the payment of the outstanding liabilities of the government, incurred for Indian purposes—and, a bill to form the collectorial District of Soda Lake, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

Mr. Cazneau, by leave, introduced a bill to provide for the national defence, by organizing the militia; read a first time.

Mr. Cazneau moved the suspension of the rule.

The Ayes and Noes being called for thereon, stood as follows, to wit:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cunningham, Dunn, Erath, Gage, Henderson, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis,

McFarlane, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Williams and Williamson—32.

Noes—Messrs. Ford, Hardin, Millican, Parker, Sadler and Wallace—6.

So the rule was suspended, and the bill read a second time.

Mr. Wallace moved a further suspension of the rule, so that the bill might be read by its caption a 3d time and passed.

On motion of Mr. Bourland, the bill was referred to the committee on Military Affairs.

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

THURSDAY, Jan. 16, 10 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Cooke of B., Cooke of R., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Lewis, McFarlane, Mabry, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Smith of F., Wallace, Williams and Williamson.

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

Mr. Henderson, by leave, introduced a bill (accompanied by a petition,) transferring the succession of Ben Fort Smith from the county of Montgomery to Harris county; read a first time.

On motion of Mr. Henderson, the rule was suspended, bill read a second time, and, on motion of Mr. Robinson, referred to the committee on the Judiciary.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
 January 16, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined and find correctly enrolled :

A joint resolution requiring the government to relinquish its title to two lots in the town of Quintana.

An act to change the name of Mary Nettle, and for other purposes.

An act to change the name of Henry Smith, and for other purposes.

A bill for the relief of John Morris.

They were signed by the Speaker of the House of Representatives and President of the Senate, and were, on the 15th instant, presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The committee on Military Affairs, W. G. Cooke, chairman, to whom was referred the petition of Captain John C Hays, reported a bill for his relief; read a first time.

The same committee to whom was referred the bill for the relief of L. S. Hargous, reported the same back to the House and recommended its passage.

The same committee to whom was referred the bill for the relief of the Mier prisoners, reported the same back to the House with amendments, and recommended its passage; which reports and bills were laid on the table to come up among the orders of the day.

The committee on Internal Improvements, J. H. Moffett, chairman, to whom was referred the petition of Sundry citizens of Brazoria and Matagorda, reported the same back to the House with a bill authorizing the erection of gates on public roads passing through plantations; read a first time.

The committee on Naval Affairs, H. McLeod, chairman, to whom was referred the memorials of Surgeon T. P. Anderson, and Lieutenants A. Irvin Lewis and G. C. Bunner, reported a bill for their relief; read a first time.

The same committee to whom was referred the petition of Norman Hurd, reported a bill for his relief; read a first time.

The committee on Military Affairs, W. G. Cooke, chairman,

to whom was referred the petition of C. B. Acklen and C. R. Perry, reported a bill for their relief; read a first time.

The committee on Naval Affairs, H. McLeod, chairman, to whom was referred the petition of Charles Power, reported a bill for his relief; read a first time.

The committee on the Judiciary, B. Rush Wallace, one of the committee, to whom was referred the bill to amend and alter the laws relating to courts and settlement of successions, reported the same back to the House with amendments, and recommended its passage; which was laid on the table to come up among the orders of the day.

The select committee, W. K. Cooke, chairman, to whom was referred the petition of John Karner, reported a bill for his relief; read a first time.

The select committee, B. Rush Wallace, chairman, to whom was referred the petition of Clementine G. Holman, reported unfavorably, on account of the absence of the necessary information upon the subject; which report was adopted.

Mr. Perkins, by leave introduced a bill for the relief of Milton Hicks; read a first time.

Mr. Moffett, by leave, introduced a bill for the relief of R. G. Hall; read a first time.

Mr. Jones of G., by leave, introduced a bill requiring the President to appoint one additional Notary Public for the county of Gonzales; read a first time.

The committee on Naval Affairs, H. McLeod, chairman, to whom was referred the petition of Leander Wescott, reported a bill for his relief; read a first time.

Mr. Jones of G., by leave, introduced a bill for the relief of Francis Berry and Esther Clark; read a first time.

Mr. Moffett, by leave, introduced a bill relating to land dues; read a first time.

A message was received from the Senate, informing the House that the committee on Public Lands had been instructed to act in conjunction with a like committee on the part of the House, upon the bill to re-organize the General Land Office; and of the passage of a bill to repeal certain portions of an act concerning conveyances, approved 5th February, 1840—a bill to regulate the *venue* in certain cases, of a criminal character—and a bill to amend the 4th and 5th sections of an act, approved January 27th, 1842, which act was supplementary to an act to raise a revenue by impost duties, approved February 5th, 1840.

Mr. Williams presented the petition of Eliza Y. Hopson, which was referred to the committee on the Judiciary.

Mr. Speaker, (Lewis of Montgomery,) presented a map of the United States, Texas, Mexico and California, from Col. Thos. Wm. Ward, Commissioner of the General Land Office, for the use of the House of Representatives.

On motion of Mr. Moffett, the map was ordered to be hung up in the Hall of Representatives.

Mr. Robinson offered the following resolution :

Resolved, That the chief clerk transmit to Thos. Wm. Ward the thanks of the House, for the map of Texas and the contiguous territories thereto, which he has furnished this body ; adopted.

The joint committee on Public Lands, Isaac Parker and Geo. Sutherland, chairmen, to whom was referred the bill to re-organize the General Land Office, reported the same back to the House with amendments, and recommended its passage ; which report and bill were laid on the table to come up among the orders of the day.

The select committee, B. Rush Wallace, chairman, to whom was referred the petition of D. W. Gilbert, and others, reported a bill for their relief ; read a first time.

ORDERS OF THE DAY.

The bill amendatory of the several acts relative to fraudulent land certificates, with the amendments of the Senate was taken up, and the amendments concurred in.

The bill to confer rights of citizenship on Farley Cordray was taken up, and the amendments of the Senate concurred in.

Mr. Parker moved to take up the bill for the relief of Wm. Bryan ; lost.

Mr. Speaker, (Lewis of Montgomery,) moved to take up the general appropriation bill ; lost.

Mr. Erath moved to take up the resolution to adjourn *sine die*.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Speaker, Armstrong, Dunn, Erath, Hardin, Henderson, Johns, Johnson of Shelby, Jones of San Patricio, Means, Millican, Moffett, Parker, Sadler, Scott, Scurry, Smyth of Jasper and Truit—18.

Noes—Messrs. Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Ford, Gage, Johnson of Goliad, Jones of Gonzales, Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Per-

kins, Robinson, Sutherland, Smith of Fannin, Wallace and Williams—20

So the motion was lost.

Mr. Johns moved to take up the bill for the establishment of patrols ; lost.

The bill to provide for the collectoral district of Soda Lake was taken up, read a third time and passed.

The joint resolution for the relief of Jarret Menefee, was read a third time and passed.

The committee on Public Lands, R. M. Williamson, one of the committee, to whom was referred the bill for the relief of John Sutherland, reported the same back to the House and recommended its passage.

On motion of Mr. Williamson, the bill was taken up and ordered to be engrossed.

Mr. Williamson moved a suspension of the rule ; lost.

The bill making an appropriation for the outstanding liabilities for Indian purposes, was taken up and read a third time.

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

On motion of Mr. Erath, the word "two" was stricken out of the 3d section.

The Ayes and Noes were called on the passage of the bill, and stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of B., Cooke of R., Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of S. P., Mabry, Millican, Moffett, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J. Truit, Wallace and Williamson—26.

Noes—Messrs. Cunningham, Jones of G., Lewis, McFarlane, McLeod, Means, Menefee, Smith of F. and Wallace—9.

The bill for the location of the seat of Government by the people of Texas, was taken up and read a third time.

Mr. Williams moved the previous question—shall the main question be now put?—was put and carried.

The main question being the passage of the bill, the Ayes and Noes were called, and stood thus:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Erath, Ford, Gage, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Smyth of Jasper, Truit, Wallace and Williams—28.

Noes—Messrs. Speaker, Cooke of Robertson, Cunningham,

Dunn, Hardin, Henderson, Johns, Millican, Parker, Sadler and Williamson—11.

So the bill passed.

The committee on Engrossed Bills, made the following report, to wit:

COMMITTEE ROOM.)

January 16, 1845.)

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined and found correctly engrossed a joint resolution changing the sessions of the District Court in Washington county.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

On motion of Mr. Williamson, the bill changing the sessions of the District Court in Washington county, was taken up, read a third time and passed.

On motion of Mr. Robinson the bill to alter the times of holding the District Courts in the first Judicial District, was taken up on its second reading, and on motion of Mr. Robinson, referred to a select committee, consisting of Messrs. McLeod, Parker, McFarlane, Lewis and Perkins.

The bill granting to settlers on vacant public domain pre-emption privileges, was read a third time, and on motion of Mr. Williamson, referred to the committee on Public Lands.

On motion of Mr. Williamson, the bill for the relief of heirs of John Williams was taken up, and passed to its third reading.

The bill for the relief of the heirs of Wm. Bryan was read a third time and passed.

Mr. Cazneau moved to adjourn until 10 o'clock to-morrow morning; lost.

Mr. McLeod moved to adjourn until 10 o'clock to-morrow morning.

The Ayes and Noes being called, stood as follows:

Ayes—Messrs. Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Ford, Johns, McFarlane, McLeod, Menefec, Moffett, Ogden, Perkins, Robinson, Sutherland, Wallace and Williamson—16.

Noes—Messrs. Armstrong, Bourland, Erath, Gage, Hardin,

Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Lewis, Mabry, Means, Millican, Parker, Sadler, Scott, Smith of F., Smyth of Jasper, Truit and Williams—19.

Motion lost.

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

The Ayes and Noes being called stood thus:

Ayes—Messrs. Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Ford, Johns, Jones of San Patricio, McFarlane, McLeod, Mabry, Moffett, Ogden, Parker, Perkins, Robinson, Sutherland, Wallace and Williamson—19.

Noes—Messrs. Armstrong, Bourland, Erath, Gage, Hardin, Johnson of G., Johnson of S., Jones of G., Lewis, Means, Menefee, Millican, Sadler, Scott, Smyth of Jasper, Truit and Williams—17.

So the House adjourned.

FRIDAY, January 17, 9 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Cooke of Bexar, Cunningham, Erath, Gage, Hardin, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Lewis, Mabry, Means, Menefee, Millican, Moffett, Parker, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Wallace, Williams and Williamson.

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

Mr. Wallace presented the petition of B. J. Thompson, which was referred to a select committee, consisting of Messrs. Wallace, Scott and Sadler.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the petition of L. C. Stanley, reported in favor of giving him the articles, (except the portrait of Washington,) upon which he charges storage; which report was adopted.

The same committee, to whom was referred the petition of

Wm. Haddon, reported unfavorably for the want of vouchers; which report was adopted.

The same committee, to whom was referred the petition of R. S. Neighbors, reported unfavorably on account of the Archives being at Austin; which report was adopted.

The same committee, to whom was referred the petition of Levi Jourdan, reported unfavorably, for the want of evidence; which report was adopted.

The same committee, to whom was referred the bill for the relief of Mary Chase, reported the bill back to the House, and recommended its passage.

On motion of Mr. Robinson, the bill was taken up and ordered to be engrossed.

The same committee, to whom was referred the petition of W. A. Farris, reported unfavorably, on account of its being embraced in the general appropriation bill; which report was adopted.

Mr. McLeod presented the petition of R. P. Jones, which was referred to the select committee to whom was referred the memorial of sundry citizens of Galveston and Harris counties.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 17, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a joint resolution for the relief of John Sutherland, and find the same correctly engrossed.

WM. L. CAZNEAU,
One of the Committee.

Report adopted.

The committee on Finance, Geo. W. Smyth, Chairman, to whom was referred the bill appropriating the direct tax to county purposes.

A bill to abolish the duty on certain articles.

A resolution instructing them to take into consideration the expediency of appropriating a certain portion of the direct tax, in each and every county, for the payment of costs which have already accrued, in the District Courts, against the Republic.

A joint resolution to reduce the impost duty to 10 per cent., *ad valorem*.

The bill for the raising of a county revenue, and for other purposes—and a bill concerning the collection and payment of the direct taxes, reported the same back to the House, and begged to be discharged from the further consideration of the same; which report and bills were laid on the table to come up among the orders of the day.

Mr. Hardin, by leave, introduced a bill granting land to emigrants; read a first time.

On motion of Mr. Scott, the House proceeded to the

ORDERS OF THE DAY.

The joint resolution to adjourn *sine die* was taken up, and, on motion of Mr. Scurry, laid on the table.

On motion of Mr. Erath, the Senate's resolution to adjourn *sine die* was taken up.

Mr. Henderson moved to fill the blank with 3d of February.

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

On motion of Mr. Scurry, Mr. Bourland was excused, on account of sickness.

On motion of Mr. Erath, a committee was appointed to receive the votes of absentees.

Messrs. Erath, Cazneau and Johnson of S., were appointed said committee.

On motion, Mr. Williams was added to the committee.

On motion of Mr. Scurry, the call was suspended.

On motion of Mr. Ford, the resolution was laid on the table until Monday next.

On motion of Mr. Scott, the vote referring the bill granting to settlers on vacant public domain pre-emption privileges was re-considered, and bill withdrawn from the committee and passed.

The resolution concerning the orders of the day was taken up, and, on motion of Mr. Robinson, laid on the table.

The bill for the relief of John Sutherland, was read a third time and passed.

The bill for the relief of the heirs of John Williams, was read a third time and passed.

The bill to provide for carrying the public mails from April 1st, 1845, to April 1st, 1846, and establishing mail routes and rates of postage, &c., was read a second time, and, on motion of Mr. Gage, referred to the committee on Post offices and Post Roads.

The joint resolution to rescind the joint resolution fixing the salary of the Clerk of the Supreme Court, was taken up on its second reading.

Mr. Gage moved to lay it on the table, until the 10th of February.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Cazneau, Cooke of B., Erath, Gage, Jones of G., Lewis, McFarlane, McLeod, Mabry, Ogden, Perkins, Robinson, Sadler, Scott, Smith of F., Smyth of J. and Trait—17.

Noes—Messrs. Speaker, Armstrong, Cunningham, Ford, Hardin, Henderson, Johnson of G., Johnson of S., Jones of S. P., Menefee, Millican, Moffett, Sutherland, Wallace, Williams and Williamson—16.

So the bill was laid on the table.

The bill to authorize defendants to plead a partial failure of consideration, was taken up on its second reading, and ordered to be engrossed.

Mr. Cazneau offered a resolution to adjourn *sine die*, on the 27th instant; read and laid on the table one day for further consideration.

The bill to provide for carrying the public mail from Franklin, in Robertson county, to Crockett, in Houston county, was taken up on its second reading, and the substitute of the committee adopted; and, on motion of Mr. Erath, ordered to be engrossed.

The bill to prohibit the sales of donations of land to Colleges, under eight years, was taken up with the unfavorable report of the committee on Education; and, on motion of Mr. Gage, the report was adopted.

The bill to incorporate the Trinity University was read a second time; and, on motion of Mr. Scott, referred to the committee on Education.

The bill for the relief of G. W. Miller, was read a second time, and, on motion of Mr. Henderson, ordered to be engrossed.

The bill for the relief of Samuel Ricker, Jr., was taken up on its second reading, and, on motion of Mr. Williamson, ordered to be engrossed.

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

The bill for the relief of S. B. Giles, was taken up on its second reading, and on motion of Mr. Williamson, ordered to be engrossed.

The bill supplementary to an act to regulate proceedings in

civil suits, was taken up on its second reading, with the substitute of the committee.

Mr. Williamson moved the indefinite postponement of the bill and substitute.

The Ayes and Noes were called thereon, and stood as follows:

Ayes—Messrs. Speaker, Cunningham, Erath, Hardin, Jones of G., Jones of S. P., Lewis, Parker, Perkins, Robinson, Smith of F. and Williamson—12.

Noes—Messrs. Armstrong, Cazneau, Cooke of B., Ford, Gage, Henderson, Johnson of G., Johnson of S., McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Sadler, Scott, Sutherland, Smyth of J., Truit, Wallace and Williams—23.

So the motion was lost.

The substitute was adopted.

Mr. Armstrong moved its engrossment.

Mr. Scurry moved to lay it on the table until the 1st March.

Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Cooke of Bexar, Erath, Ford, Hardin, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Ogden, Parker, Perkins, Robinson, Scurry and Williamson—18.

Noes—Messrs. Armstrong, Cazneau, Cunningham, Gage, Henderson, McLeod, Means, Menefee, Millican, Moffett, Sadler, Scott, Sutherland, Smyth of Jasper, Truit, Wallace and Williams—17.

Mr. Ogden moved a re-consideration of the vote just taken.

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

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

3 o'clock P. M.

House met; roll called; a quorum present.

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

On motion of Mr. Robinson, Mr. Ogden's motion to re-consider was laid on the table.

Mr. Scott moved to re-consider the vote laying the joint resolution to rescind the joint resolution fixing a salary for the Clerk of the Supreme Court, on the table.

On motion of Mr. Gage, the motion to re-consider was laid on the table.

The bill to regulate, in part, the location of land claims, was taken up on its second reading, with the unfavorable report of the committee on Public Lands, and the report adopted.

The bill to provide for altering the attachment laws, &c., was taken up, read a second time, and, on motion of Mr. Menefee, referred to the committee on the Judiciary.

The bill for the benefit of De Kalb College was taken up on its second reading, and, on motion of Mr. Scurry, ordered to be engrossed.

The bill for the relief of James Morgan, was read a second time, and, on motion of Mr. McLeod, referred to a select committee, consisting of Messrs. McLeod, McFarlane and Smyth of Jasper.

The bill for the benefit of Rusk county, came up on its second reading.

Mr. Smith of Fannin, offered the following amendment:

"Provided the said land shall not be located in Fannin county;" lost.

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

The bill to establish and incorporate the Houston College, came up on its second reading, and, on motion of Mr. Williamson, ordered to be engrossed.

The bill to establish and incorporate the Victoria College came up on its second reading, and, on motion of Mr. Cunningham, ordered to be engrossed.

On motion of Mr. Cazneau, the bill for the relief of Captain John C. Hays was taken up, and ordered to be engrossed.

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

The bill for the protection of the Northern Frontier, was taken up on its second reading, and, on motion of Mr. Erath, laid on the table.

The bill prescribing the routine of military duty, and for other purposes, was taken up on its second reading, with the amendments of the committee on Military Affairs; which amendments were adopted, and the bill ordered to be engrossed.

The bill for the relief of George Simpton was taken up on its second reading, and, on motion of Mr. Williamson, ordered to be engrossed.

The bill to amend the several acts relating to the Post Office Department, was read a second time, and, on motion of Mr.

McLeod, referred to the committee on the State of the Republic.

The bill to legalize certain surveys, was taken up on its second reading, and, on motion of Mr. Scurry, laid on the table.

The bill making an appropriation for the payment of the claims of Messrs. Rawdon, Wright, Hatch & Edson, was taken up on its second reading, and, on motion, ordered to be engrossed.

The bill to provide for the issuance of patents to assignees, was taken up on its second reading.

Mr. Williamson moved the engrossment.

Mr. Armstrong moved to lay it on the table ; lost.

Mr. Erath, offered an amendment.

Mr. Ford moved to refer the bill and amendment to the committee on the Judiciary ; lost.

Mr. Erath moved to re-consider the vote just taken.

On motion of Mr. Williamson, the vote to re-consider and the bill were laid on the table.

The bill to change in part the time of holding the District Court in the 5th Judicial District, was read a second time, and, on motion of Mr. Gage, referred to the committee on the Judiciary.

The bill for the relief of W. D. Thomason was read a second time, and on motion of Mr. Scott, referred to the committee on Public Lands.

The bill for the relief of Horatio McHanks, was taken up on its second reading, and, on motion of Mr. Williamson, ordered to be engrossed.

The bill to repeal the 14th section of an act to raise a revenue by direct taxation, approved 16th January, 1840, was read a second time, and, on motion of Mr. Ford, referred to the committee on Finance.

On motion of Mr. Smyth of Jasper, the bill to repeal the Exchequer system, &c., was taken up, and made the special order of the day for to-morrow, at 11 o'clock, A. M.

The bill to make the Secretary of the Senate an annual officer, was taken up on its second reading, with the two reports of the committee on Retrenchment.

Mr. Williamson moved to lay the reports on the table ; lost.

On motion of Mr. Means, the bill and reports were laid on the table until 1st of March.

The bill for the relief of Adolphus Sterne, was taken up on its

second reading, and, on motion of Mr. Williamson, ordered to be engrossed.

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

The bill supplementary to the several acts on impost duties, was taken up on its second reading.

On motion of Mr. Jones of S. P., the word "paid" was stricken out.

Mr. Scurry offered an amendment, which was rejected.

The bill was then ordered to be engrossed.

A message was received from the Senate, informing the House that they had concurred in the amendments to the bill providing for the location of the seat of government by the people.

And of the passage of a bill for the relief of A. B. Shelby, with amendments.

A bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress, with amendments.

And a bill for the relief of Mary Lawson Williams.

The bill for the relief of John R. Taylor, administrator of the estate of William Nelson, was taken up on its second reading, and on motion of Mr. Scott, laid on the table.

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

SATURDAY, JAN. 18, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Cozneau, Cooke of B., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson of G., Johnson, S., Jones of G., Lewis, McFarlane, McLeod, Mabry, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sedler, Scott, Scurry, Sutherland, Smith of F., Smyth of J., Fruit, Wallace, Williams and Williamson.

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

A message was received from the Senate, informing the House that the Senate had passed a bill to provide for taking the Census of the Republic.

The select committee, H. McLeod, chairman, to whom was referred the bill for the relief of James Morgan, reported the same back to the House (verbally,) with amendments, and recommended its passage; which report and bill were laid on the table to come up among the orders of the day.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 18, 1845. }

To the Honorable John M. Lewis,
Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill for the relief of Mary Chase, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

On motion of Mr. Millican, the House proceeded to the

ORDERS OF THE DAY.

The resolution to adjourn *sine die*, on the 27th instant, was taken up.

Mr. Henderson moved to strike out "27th instant," and insert "3d February."

A division of the question being called.

The Ayes and Noes being called on the question to strike out, stood as follows:

Ayes—Messrs. Erath, Ford, Hardin, Henderson, Johns, Johnson of S., Moffett, Robinson, Sadler, Scott, Truit and Williamson—12.

Noes—Messrs. Speaker, Armstrong, Cazneau, Cooke of B., Cunningham, Gage, Johnson of G., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Ogden, Perkins, Scarry, Sutherland, Smith of F., Smyth of J. and Wallace—23.

So the question on striking out was lost.

Mr. Scott moved to lay the resolution on the table; lost.

The resolution was then adopted.

The bill for the relief of A. B. Shelby, was taken up, and the amendments of the Senate adopted.

The bill making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress, was taken up, and the amendments of the Senate adopted.

The bill for the relief of Mary Chase was read a third time, and passed.

The bill supplementary to an act to open and establish a National Road, approved 5th Feb. 1844, was taken up on its second reading, with the amendment of the committee, which amendment was adopted.

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

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

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 18, 1845. }

To the Hon. John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined:

A bill to establish and incorporate the Victoria College.

A bill for the relief of Sam'l B. Giles;

A joint resolution for the relief of George W. Miller;

A joint resolution for the relief of Sam'l Ricker, Jr.;

A bill for the benefit of De Kalb College;

A bill supplementary to an act in relation to common schools and academies, and to provide for securing the lands formerly appropriated for the purposes of education, approved Feb. 5th, 1840, supplementary to an act appropriating certain lands for the establishment of a general system of education, approved Jan. 26th, 1839;

A joint resolution for the relief of Capt. John C. Hays;

A bill for the relief of George Simpton;

A bill prescribing the routine of military duty and other purposes;

A bill making an appropriation for the payment of the claim of Rawdon, Wright, Hatch & Edson for engraving;

A bill supplementary to the several acts relating to impost duties; and,

A joint resolution for the relief of Horatio McHanks; and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the majority of the Committee.

Adopted.

The committee on Enrolled Bills made the following report :

COMMITTEE ROOM, }
January 18, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined and found correctly enrolled the following bills :

An act to incorporate the town of Boston ;

An act to authorize the re-organization of Refugio and San Patricio counties ;

An act to restore land sold for taxes to the original owners ;

And, an act to confer the rights of citizenship on Early Cor-dray.

They were signed by the Speaker of the House of Representatives and President of the Senate, and were, this day, presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

Mr. Williamson presented the petition of Frank S. Early, which was referred to a select committee consisting of Messrs. Cazneau, Cooke of B. and Sutherland;

Mr. Wallace presented the petition of Simpson Holloway, which was referred to a select committee consisting of Messrs. Wallace, Johnson of S. and Moffett.

Mr. Cooke of R., presented the petition of Jarret Ridgeway, which was referred to the committee on Claims and Accounts.

Mr. Williams moved a re-consideration of the vote laying the bill on the table, making the Secretary of the Senate an annual officer.

On motion of Mr. Henderson, the motion to re-consider was laid on the table.

The bill to repeal the Exchequer system, &c., was taken up, it being the special order of the day, for to day at 11 o'clock.

On motion of Mr. Williamson, the amendments of Messrs. Robinson and Smith of F., were laid on the table.

Mr. Williamson moved to amend, by striking out the 5th section.

On motion of Mr. McLeod, the bill was laid on the table until Tuesday next, 11 o'clock, A. M.

The bill for the benefit of jurors, was taken up on its second reading, and the amendment of the committee, to strike out the words "have or" adopted; and the bill ordered to be engrossed.

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

On motion of Mr. Smyth of J., the general appropriation bill was taken up.

Mr. Gage moved to lay it on the table, and make it the special order of the day for Monday next, 11 o'clock, A. M.

Mr. Sutherland moved to have 150 copies printed.

On motion of Mr. Robinson, it was made the special order of the day for Tuesday, at 11 o'clock, A. M.

The question on printing was put and lost.

The bill to authorize the transportation of goods coastwise, was taken up.

Mr. McLeod moved to strike out the word "that," after "February;" and after the words "bond on;" strike out "another;" and insert "a;" adopted.

Mr. McLeod moved the engrossment.

Mr. Henderson offered an amendment,

On motion of Mr. Robinson, the bill and amendment were referred to the committee on Finance.

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

3 o'clock, P. M.

House met; roll called; quorum present.

On motion of Mr. Sutherland, the bill providing for and regulating arbitrations and references was taken up, read a second time, and referred to the committee on the Judiciary.

Mr. Cooke of Robertson, by leave, introduced a bill to regulate the practice and charge of Physicians; read a first time.

The select committee, John H. Moffett, chairman, to whom was referred the petition of Thomas Cox, reported a bill for his relief: read a first time.

The bill to provide for the issuance of patents to assignees, was taken up on its second reading.

Mr. Erath offered an amendment, to wit: an additional section, which was adopted; and the bill ordered to be engrossed.

The bill for the relief of Basil Dearbon, was taken up on its second reading.

Mr. Smith of F., moved its indefinite postponement; lost.—and the bill was ordered to be engrossed.

Mr. Johns, by leave, introduced a bill to repeal in part an act requiring the collection of 5 per cent. duties on goods imported on foreign bottoms; read a first time.

Mr. Jones of S. P., moved a suspension of the rule; lost.

Mr. Henderson, by leave, introduced a bill to exempt the steam ship "John S. McKim" from tonnage duty; read a first time.

The select committee, B. Rush Wallace, chairman, to whom was referred the petition of B. J. Thompson, reported a bill for his relief; read a first time.

The bill for the relief of George W. Charles, and A. H. Sevier, was taken up on its second reading, and, on motion of Mr. Robinson, ordered to be engrossed.

The bill for the relief of certain persons therein named, was read a second time.

Mr. Fruit moved its engrossment.

Mr. Cunningham moved its reference to the committee on Claims and Accounts; carried.

The bill for the relief of the heirs of Thomas R. Townsend, deceased, was read a second time, and, on motion of Mr. Smyth of Jasper, referred to the committee on Public Lands.

Mr. Wallace presented the accounts of T. G. Brooks, which was referred to the committee on Claims and Accounts.

The bill to incorporate the town of Huntsville; was read a second time, and, on motion of Mr. Speaker, (Lewis of Montgomery.) passed to its third reading.

On motion of Mr. Menefee, the motion to re-consider the vote rejecting the bill to regulate the proceedings in civil suits was taken up, and the House refused to reconsider the vote.

The bill for the relief of Alexander Stephenson, was read a second time, and, on motion of Mr. Jones of San Patricio, referred to the committee on Claims and Accounts.

The bill amendatory of an act regulating fees of office, &c., was read a second time, and, on motion of Mr. Menefee, referred to the committee on the Judiciary.

On motion of Mr. Wallace, the bill to prevent executors, administrators, &c, from trading for any debt, claim or demand against the estates of their testators or intestates, was taken up from the table and placed among the orders of the day.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 18, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a joint resolution for the relief of Adolphus Sterne, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Report adopted.

The bill to authorize Levy A. McLaughlin to establish a Ferry, was taken up on its second reading, and, on motion of Mr. Scott, ordered to be engrossed.

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

The bill to prevent executors, administrators, &c., from purchasing or trading for any debt, claim or demand against the estates of their testators or intestates, and for other purposes, was taken up on its second reading, and, on motion of Mr. Wallace, ordered to be engrossed.

The bill for the relief of Isabella T. Scott, was taken up on its second reading, and ordered to be engrossed.

The bill for the relief of Memucan Hunt was taken up, and, on motion of Mr. McLeod, laid on the table.

The bill to repeal in part and amend an act repealing in part and amending an act for the incorporation of the city of Galveston, approved February 5th, 1844, was taken up on its second reading, and, on motion of Mr. McLeod, ordered to be engrossed.

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

The bill to charter the Nacogdoches University, was taken up on its second reading, and, on motion of Mr. Ford, ordered to be engrossed.

The bill for the relief of Abel Morgan, was taken up on its

second reading, and on motion of Mr. Sutherland, ordered to be engrossed.

The bill for the relief of William Legare, was taken up on its second reading, with the unfavorable report of the committee on Public Lands, which report was adopted.

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

MONDAY, January 20, 10 o'clock A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Cooke of B., Cunningham, Duhn, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menelee, Moffett, Perkins, Robinson, Sadler, Scurry, Sutherland, Smyth of J., Truit Wallace and Williams.

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

Mr. McLeod presented the memorial of Charles B. Snow, which was referred to the committee on Military Affairs.

Mr. McLeod presented the petition of Edmund Mullen, which was referred to the committee on Naval Affairs.

Mr. Jones of San Patricio, presented the petition of E. McLean, which was referred to the committee on Military Affairs.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of Jarret Ridgeway, reported unfavorably; report adopted.

The same committee to whom was referred the bill for the relief of certain persons therein named, reported the same back recommending its indefinite postponement.

The same committee to whom was referred the bill for the relief of Alexander Stephenson, reported the same back to the House and recommended its passage; which reports and bills were laid on the table to come up among the orders of the day.

The same committee to whom was referred the petition of Wm. Bryan, reported a bill for his relief; read a first time.

The same committee to whom was referred the petition of James C. Eccles, reported unfavorably; adopted.

The committee on Naval Affairs, H. McLeod, chairman, to whom was referred the bill establishing a Light-House at Paso Cavallo, reported the same back to the House and recommended its passage.

The committee on Military Affairs, Wm. G. Cooke, chairman, to whom was referred the message of the President, in relation to the proceedings of the Naval Court Martial, with the accompanying documents from the War and Marine Department, reported the following resolution:

Be it Resolved by the House of Representatives, That the President be requested to dismiss M. C. Hamilton, Chief Clerk in the Department of War and Marine, and acting Secretary of War, for indecorous language towards this House; laid on the table one day for further consideration.

The same committee to whom was referred the bill to provide for the national defence by organizing the militia, reported the same back to the House and recommended its passage.

The committee on Education, W. R. Scurry, chairman, to whom was referred the bill to incorporate the Trinity University, reported the same back to the House and recommended its passage; which reports and bills were laid on the table to come up among the orders of the day.

The same committee to whom was referred the resolution instructing said committee to enquire into the propriety of locating the two Universities or Colleges contemplated by an act, approved January 26th, 1839, reported, that the situation of the western country is such that it would be imprudent to make a permanent location of the western University at present. For the location of the eastern University, they reported a bill for that purpose; read a first time.

The committee on Public Lands, Geo. Sutherland, chairman, to whom was referred the petition of Daniel R. Jackson, reported a bill for his relief; read a first time.

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

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

The committee on Public Lands, to whom was referred the petition of Jeremiah Latham, reported a bill for his relief; read a first time.

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

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

The same committee to whom was referred the petition of William Lakey, reported a bill for his relief; read a first time.

The committee on Post Offices and Post Roads, William Menefee, one of the committee to whom was referred the bill to provide for carrying the public mails from April 1st 1845, to April 1st 1846, and establishing routes and rates of postage, &c. reported the same back to the House and recommended its passage, with amendments; which report and bill were laid on the table to come up among the orders of the day.

The select committee, B. Rush Wallace, chairman, to whom was referred the petition of Simpson Holloway, reported a bill for his relief; read a first time.

Mr. Smith of Fannin, moved a suspension of the rule; lost.

Mr. Henderson, by leave, introduced a bill for the relief of James Reily; read a first time.

On motion of Mr. Henderson, the rule was suspended, bill read a second time, and referred to the committee on Finance.

Mr. Robinson, by leave, introduced a bill to amend an act to incorporate the Brazos Canal Company read a first time.

On motion of Mr. Robinson, the rule was suspended, and bill read a second time; and, on motion of Mr. Robinson, referred to a select committee consisting of Messrs. McLeod, Perkins and Lewis of Austin.

Mr. McFarlane, by leave, introduced a bill to incorporate the Matagorda University; read a first time.

On motion of Mr. McFarlane, the rule was suspended, bill read a second time, and referred to the committee on Education.

Mr. Johnson of Shelby, by leave, introduced a bill supplementary to an act to establish the eastern boundary line of Rusk county, and for other purposes; read a first time.

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

Mr. Scott moved its reference to the committee on County Boundaries; lost.

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

A message was received from the Senate, informing the House of the passage of:

¶ A bill to continue in force an act for the relief of the purchasers of lots in the city of Austin, and upon the town tract adjoining;

A bill for the relief of the heirs of Joseph English;

A bill for the relief of John Sutherland;

A bill for the relief of depopulated counties;

A bill making an appropriation for the payment of the drafts of Josiah G. Beatty, and others;

A bill for the relief of J. C. Neill, with amendments;

A joint resolution for the relief of H. P. Bee, with amendments;

A bill to incorporate the Galveston Lyceum, with amendments;

A joint resolution for the relief of James W. Wauhob, with amendments;

A bill supplementary to an act entitled an act defining the duties of the officers of the Treasury Department, approved 5th February, 1840, with amendments;

A bill for the relief of the heirs of Elisha Roberts;

A bill for the relief of William Moffitt, and others;

A bill for the relief of John Gregg;

A bill for the relief of Wm. M. Harrison;

A bill for the relief of Bertholet Heald & Co;

And, a bill for the relief of John G. Tod.

On motion of Mr. Jones of San Patricio, the bill for the relief of J. C. Neill was taken up, and the amendments of the Senate adopted.

On motion of Mr. McFarlane, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Perkins, the bill for the relief of Milton Hicks was taken up, read a second time, and referred to the committee on Public Lands.

On motion of Mr. Henderson, the vote making the general appropriation bill the special order of the day for Thursday, at 14 o'clock, was re considered.

On motion of Mr. Henderson, the general appropriation bill was taken up.

On motion of Mr. Robinson, the House resolved itself into a committee of the whole upon the said bill.

Mr. Robinson in the chair.

The committee rose, reported progress, and asked leave to sit again.

Mr. McLeod moved to adjourn until 3 o'clock, P. M.; lost.
On motion of Mr. Robinson, the House adjourned until half past 2 o'clock, P. M.

Half past 2 o'clock, P. M.

House met; roll called; quorum present.

On motion of Mr. Robinson, the House again resolved itself into a committee of the whole upon the general appropriation bill—Mr. Robinson in the chair.

A message was announced from the Senate.

The Speaker took the chair, and received the message; which was, that the Senate had passed a joint resolution for the relief of T. Jefferson Chambers.

The Speaker retired, and the committee resumed their labors.

On motion of Mr. Cunningham, the committee arose, reported progress, and begged leave to sit again; report adopted.

Mr. Scurry moved to adjourn until to-morrow morning at 10 o'clock; lost.

On motion of Mr. Henderson, the House adjourned until seven o'clock, P. M.

7 o'clock, P. M.

House met; roll called; quorum present.

The committee on Engrossed Bills, made the following reports, to wit:

COMMITTEE ROOM, }
January 19, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined, a bill to allow a defendant to plead a partial failure of consideration—also, a bill for the relief of Isabella T. Scott—also, a bill for the relief of Abel Morgan—also, a bill to authorize Levy A. McLaughlin to establish a ferry—also, a bill to establish and incorporate the Houston College—and find the same correctly engrossed.

WM. L. CAZNEAU,
One of the Committee.

COMMITTEE ROOM,
January 20, 1845.

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined, a bill supplementary to an act to open and establish a National Road, approved 5th February, 1844—also, a bill for the benefit of Jurors—also, a bill to prevent administrators, executors, &c., from purchasing or trading for any debt against the estate of their testators or intestates, and for other purposes—also, a bill to provide for the issuance of patents to assignees—also, a bill to repeal in part and amend an act, repealing in part and amending an act entitled an act for the corporation of the city of Galveston, approved Feb. 5th, 1844—also, a bill to establish a certain mail route—also, a joint resolution for the relief George W. Charles and A. H. Sevier—also, a joint resolution for the relief of Basil Dearborn—and find the same correctly engrossed.

WILLIAM L. CAZNEAU,

One of the Committee.

Reports adopted.

Mr. Smith of Fannin offered the following resolution:

Resolved by the House of Representatives, That the Chief Clerk of the House of Representatives be, and he is hereby, authorized to pay to B. M. Hatfield, one hundred and fifty dollars out of the contingent funds, appropriated by the present Congress for fitting up and furnishing a comfortable room for the use of the House of Representatives of the eighth Congress, and that this resolution take effect from and after its passage.

Adopted.

On motion of Mr. McLeod, a bill for the relief of H. L. Kinney, was taken up, and read a first time.

On motion of Mr. Cunningham, the House again resolved itself into a committee of the whole on the general appropriation bill.

Mr. Robinson in the chair.

After sometime spent therein, the committee rose, and reported the bill back to the House with sundry amendments, and recommended their adoption, and the passage of the bill, and asked that they be discharged from a further consideration of the bill; discharge granted.

Mr. Gage moved to adjourn until 9 o'clock to-morrow morning.

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

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TUESDAY, January 21, half past 9 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Cooke of Texas, Cooke of R., Dunn, Ford, Gage, Henderson, Johns, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Mollitt, Perkins, Sadler, Scott, Scurry, Sutherland, Smyth of Jasper, Wallace, Williams and Williamson.

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

The committee on Finance, George W. Smyth chairman, to whom was referred the bill to repeal the 14th section of an act to raise a public revenue by direct taxation, approved 16th January, 1840, reported the same back to the House by substitute, and recommended its passage.

The same committee, to whom was referred the bill for the relief of James Reiley, reported the same back to the House, and recommended its passage.

The committee on Education, Wm. R. Scurry chairman, to whom was referred the bill to incorporate the Matagorda University, reported the same back to House, and recommended its passage.

Which reports and bills were laid on the table to come up among the orders of the day.

The committee on Public Lands, George Sutherland chairman, to whom was referred the bill for the benefit of Milton Hicks, reported the same back to the House, and recommended its passage.

On motion of Mr. Robinson, the bill was taken up, and ordered to be engrossed.

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

Mr. Henderson, by leave, introduced a bill to incorporate the Texas Cotton and Woollen Manufacturing Company; read a first time.

On motion of Mr. Mabry, the rule was suspended, and the bill read a second time, and referred to the committee on Internal Improvements.

The select committee, H. McLeod chairman, to whom was referred the bill to amend an act to incorporate the Brazos Canal Company, reported the same back to the House, with a substitute, and recommended its passage.

On motion of Mr. Robinson, the substitute was taken up and adopted, and on his motion, ordered to be engrossed.

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

The select committee, Wm. L. Cazneau chairman, to whom was referred the petition of Frank S. Early, reported a bill for his relief; which was read a first time.

On motion of Mr. Perkins, the rule was suspended, bill read a second time, and ordered to be engrossed.

The committee on Public Lands, George Sutherland chairman, to whom was referred the bill for the relief of the heirs of Thomas R. Townsend, reported the same back to the House, and recommended its passage.

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

Mr. Mabry offered the following resolution:

Resolved, That the sum of sixty dollars be appropriated, payable out of the contingent fund of the House of Representatives for the pay of mileage due S. L. Jones, by resolution of the members of the eighth Congress.

Adopted.

Mr. Gage presented the petition of sundry citizens of the north of Nacogdoches county, which was referred to a select committee, consisting of Messrs. Gage, Moffett and Smyth of Jasper.

Mr. Mabry, by leave, introduced a bill for the relief of Robert Pace; which was read a first time.

On motion of Mr. Henderson, the rule was suspended, and the bill read a second time, and referred to the committee on Finance.

Mr. McLeod, by leave, introduced a bill to abolish the office of Superintendent of Indian Affairs; read a first time.

On motion of Mr. McLeod, the rule was suspended, and the bill read a second time, and referred to the committee on the State of the Republic.

On motion of Mr. Johns, the House proceeded to the

ORDERS OF THE DAY.

The bill making an appropriation for the support of government, was taken up with the amendments of the committee of the whole House.

1st Amendment; "porter hire"—"one half for Treasury Department and Bureaus, to be under the control of the Secretary of the Treasury, and the balance for the other Departments under the control of the Secretary of State;" adopted

2d Amendment; strike out "travelling agent for Treasury Department;" rejected.

3d Amendment; contingent fund of Treasurer, strike out "one," and insert "two;" adopted.

4th Amendment; for county maps, strike out "2,000," and and insert "1,500;" adopted.

5th Amendment: for contingencies of General Land Office, strike out "\$1, 00" and insert "500;" rejected.

6th Amendment; Clerks of the State Department, strike out "three," and insert "two."

The Ayes and Noes were called on the adoption of the amendment, and stood as follows:

Ayes—Messrs. Cunningham, Erath, Ford, Johnson of G., Jones of G., Lewis, McLeod, Mabry, Menefee, Moffett, Perkins, Sutherland, Smith of F., Wallace and Williamson—15.

Noes—Messrs. Speaker, Armstrong, Cazneau, Cooke of B., Cooke of R., Dunn, Gage, Hardin, Henderson, Johns, Johnson of S., Jones of S. P., McFarlane, Millican, Ogden, Robiison, Sadler, Scott, Scurry, Smyth of J., Truit and Williams—22.

So the amendement was rejected.

7th Amendment; Clerks of the War Department, strike out "two," and insert "one."

The Ayes and Noes being called on the adoption of the amendment, and stood as follows:

Ayes—Messrs. Armstrong, Cazneau, Cunningham, Dunn, Erath, Gage, Johns, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee,

Millican, Perkins, Sadler, Sutherland, Smith of F., Smyth of J., Truit, Wallace and Williams—25.

Noes—Messrs. Speaker, Cooke of B., Cooke of R., Ford, Hardin, Henderson, Moffett, Ogden, Robinson, Scott, Scurry and Williamson—12.

So the amendment was adopted.

8th Amendment; Clerk for Comptroller's Office, strike out "one"

The Ayes and Noes being called on the adoption of the amendment, and stood as follows:

Ayes—Messrs. Speaker, Cunningham, Dunn, Erath, Gage, Hardin, Johns, Johnson of G., Johnson of S., Jones of G., Lewis, McFarlane, Menefee, Perkins, Sutherland, Smith of F., Wallace, Williams and Williamson—19.

Noes—Messrs. Armstrong, Cazneau, Cooke of B., Ford, Henderson, Jones of S. P., McLeod, Mabry, Means, Millican, Moffett, Ogden, Robinson, Sadler, Scott, Scurry, Smyth of J. and Truit—18.

Amendment adopted.

9th Amendment; strike out "\$9,000 for Charge d'Affaires;" adopted.

10th Amendment; strike out "\$1,000 for contingent expenses of Foreign Legations;" adopted.

Mr. Johnson of S., moved a re-consideration of the vote adopting the 8th amendment.

Mr. Menefee moved to lay the motion to re-consider on the table, until the 15th of February.

The Ayes and Noes were called thereon, and stood as follows:

Ayes—Messrs. Speaker, Cunningham, Erath, Gage, Hardin, Johns, Johnson of Goltad, Jones of Gonzales, Lewis, McFarlane, Menefee, Perkins, Sutherland, Smith of Fannin, and Williamson—15.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Ford, Henderson, Johnson of Shelby, Jones of San Patricio, McLeod, Mabry, Means, Millican, Moffett, Ogden, Robinson, Sadler, Scott, Scurry, Smyth of Jasper, Truit, Wallace and Williams—23.

Motion lost.

Mr. Williamson moved a call of the House.

Mr. Menefee moved to lay the motion to re-consider on the table, until the 1st of February.

The Ayes and Noes being called for thereon, stood as follows:

Ayes—Messrs. Speaker, Cooke of Robertson, Cunningham, Erath, Gage, Johns, Johnson of Goliad, Jones of Gonzales, Lewis, McFarlane, Menefee, Perkins, Sutherland, Smith of Fannin, Wallace, Williams and Williamson—17.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Dunn, Ford, Hardin, Henderson, Johnson of Shelby, Jones of San Patricio, McLeod, Mabry, Means, Millican, Moffett, Ogden, Robinson, Sadler, Scott, Scurry, Smyth of Jasper and Truit—21.

So the motion was lost.

The Ayes and Noes being called for on the re-consideration, stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Dunn, Ford, Henderson, Johnson of Shelby, Jones of San Patricio, McLeod, Mabry, Means, Millican, Moffett, Ogden, Robinson, Sadler, Scott, Scurry, Smyth of Jasper, Truit and Williams—21.

Noes—Messrs. Speaker, Cooke of Robertson, Cunningham, Erath, Gage, Johns, Johnson of Goliad, Jones of Gonzales, Lewis, McFarlane, Menefee, Perkins, Sutherland, Smith of Fannin, Wallace and Williamson—16.

So the vote was re-considered.

The Ayes and Noes being called on the adoption of the amendment, stood as follows :

Ayes—Messrs. Cunningham, Erath, Gage, Johns, Johnson of Goliad, Jones of Gonzales, Lewis, McFarlane, Menefee, Perkins, Sutherland, Smith of Fannin, Williams and Williamson—14.

Noes—Messrs. Speaker, Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Dunn, Ford, Hardin, Henderson, Johnson of Shelby, Jones of San Patricio, McLeod, Mabry, Millican, Moffett, Ogden, Robinson, Sadler, Scott, Scurry, Smyth of J. and Truit—22.

So the amendment was rejected.

11th Amendment; for frontier protection, fill the blank with "\$57,000."

Mr. Gage moved to lay the bill and amendment on the table; lost.

The Ayes and Noes being called on the adoption of the amendment, stood as follows :

Ayes—Messrs. Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Erath, Henderson, Johns, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McLeod, Mabry, Ogden, Sutherland and Williams—17.

Noes—Messrs. Speaker, Armstrong, Ford, Gage, Hardin,

Johnson of Shelby, Means, Menefee, Millican, Moffett, Perkins, Robinson, Sadler, Scott, Smith of Fannin, Smyth of Jasper, Truit, Wallace and Williamson—19.

So the amendment was rejected.

On motion of Mr. Gage, the blank was filled with "45,000."

12th Amendment; for keeping the Navy in ordinary, fill the blank with "\$8,000," including \$475 50 cents due James Denny for repairing the vessels, and \$551 for pilotage due to Geo. Simpton; adopted.

Mr. Scott offered the following amendment: "that the sum of \$2,500 be placed at the disposal of the President of the Republic, to be used as rewards for the apprehension of fugitives from justice;" rejected.

A message was received from the Senate, informing the House of the passage of the following bills:

A bill supplementary to the several acts regulating impost duties;

A bill to provide the times and place of holding the sessions of the Supreme Court of the Republic; and,

A bill making valid all surveys in colonies previous to closing the contracts for the same.

On motion of Mr. Johns, the House adjourned until half past 2 o'clock P. M.

Half past 2 o'clock P. M.

House met; roll called; a quorum present.

The general appropriation bill being under consideration, Mr. Gage moved to lay it on the table; lost.

Mr. Jones of S. P., offered the following amendment: "To pay David Felt & Co., for stationery, two hundred and thirty-two dollars;" rejected.

Mr. Jones of S. P., offered the following amendment:

"Sec. —. Be it further enacted, that this act shall take effect from and after its passage;" adopted.

Mr. Smyth of Jasper, moved to strike out "nineteen clerks" and insert "eighteen;" adopted.

Mr. Jones of S. P., moved to strike out "nine hundred dollars," (for compensation of clerks,) and insert "two hundred;" adopted.

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

Mr. Means moved a suspension of the rule; lost.

On motion of Mr. Gage, the bill to provide for carrying the public mails from April 1st, 1845, to April 1st, 1846, and establishing routes and rates of postage, &c., was taken up on its second reading, and all the amendments of the committee adopted.

On the route from Huntsville to Jasper, Mr. Hardin moved to insert "Ratcliff's" after "Hooker's;" adopted.

On the route from "Point Bolivar" to Pattillo's, Mr. Armstrong moved to insert "David Garner's" before "Beaumont;" adopted.

On the route from Boston to Fulton, Mr. Johns moved to insert "via Mooresville;" adopted.

On the route from Montgomery to Houston, Mr. Henderson moved to insert "via Jacob Croft's on Spring Creek;" adopted.

Mr. McFarlane moved to insert "from Galveston to Paso Cavallo via San Luis, Velasco, Matagorda, and thence to Paso Cavallo by water;" rejected.

Mr. Armstrong offered the following amendment:

"Section —, Be it further enacted that a mail route is hereby established from Beaumont, in the county of Jefferson, to Jasper, in the county of Jasper, via Grant's Bluffs, and a mail shall be carried on this route once in two weeks;" adopted.

Mr. Williamson moved to lay the bill on the table until tomorrow, 10 o'clock; lost.

On motion of Mr. Gage, the bill was passed to a third reading.

On motion of Mr. Williamson, the bill to repeal the Exchequer system was taken up.

The amendments offered by Mr. Robinson and Mr. Smith of F., were rejected.

Mr. Jones of S. P., offered the following amendment:

"Section 6. Be it further enacted, that the act entitled an act to regulate the collection of impost duties, approved July 23d, 1842, be and the same is hereby repealed;" adopted.

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

Mr. Cazneau, by leave, introduced a bill to alter and define the boundaries of the county of Travis read a first time.

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

Mr. Cazneau moved its engrossment.

On motion of Mr. Ogden, it was referred to a select committee consisting of Messrs Ogden, Cazneau and Scurry.

On motion of Mr. Williamson, Messrs. Mabry and Menefee, and, on motion of Mr. Scott, Messrs. Cooke of Bexar and Jones of Gonzales were added to the same committee.

A message was received from the Senate, informing the House of the passage of a bill to provide for issuing patents on valid claims to assignees, where the assignments are legally authenticated.

On motion of Mr. Smyth of Jasper, the bill supplementary to the several acts relative to direct taxation, was taken up on its second reading, and the amendment of the committee adopted.

Mr. Cooke of Robertson, moved to amend, in 4th section, 2d line, after the word "cattle," insert "over 25 head;" rejected.

Mr. Speaker, (Lewis of Montgomery,) offered the following amendment:

"Be it further enacted, That it shall be the duty of the County Treasurers to present all retailers who refuse to obtain licenses; adopted.

The amendment to the 3d section, providing "that it shall not destroy *qui tam* actions" was rejected.

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

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

On motion of Mr. Moffett, the bill for the relief of H. P. Bea was taken up, and the amendments of the Senate adopted.

On motion of Mr. Armstrong, the bill for the relief of Sam'l Brooks was taken up, and referred to the committee on Claims and Accounts.

On motion of Mr. Scurry, the bill for the relief of William Moffitt, and others, was taken up and referred to the committee on Claims and Accounts.

On motion of Mr. Williamson, the bill for the relief of T. Jefferson Chambers—the bill for the relief of John G. Tod—the bill to incorporate the Baylor University, and the bill to authorize the appointment of Trustees in certain cases, were taken up and referred to a select committee consisting of Messrs. Menefee, Sutherland, Jones of San Patricio and McLeod, without reading.

Mr. Cooke of Robertson, by leave, introduced a bill to regulate the trial of land claims; read a first time.

On motion of Mr. Henderson, the rule was suspended, and bill read a second time; and, on motion of Mr. Cooke of Robertson, referred to the committee on the Judiciary.

On motion of Mr. Wallace, the bill for the relief of the heirs of Elisha Roberts, was taken up; read a first time.

On motion of Mr. Ford, the rule was suspended, bill read a second time, and referred to the committee on Public Lands.

On motion of Mr. Erath, the bill for the relief of John Gregg, was taken up and read a first time.

On motion of Mr. Scurry, the bill for the relief of H. L. Kinney was taken up, read a second time, and referred to the committee on Foreign Relations.

Mr. Cunningham moved to adjourn until to-morrow morning 10 o'clock; lost.

Mr. Scurry moved to adjourn until 9 o'clock to-morrow morning; lost.

On motion of Mr. McLeod, the bill for the relief of L. S. Hargous, and others, together with the substitute of the committee on Foreign Relations were taken up.

Mr. Scurry moved to strike out the latter clause of the first section, and insert "and the above amount is hereby appropriated."

Mr. Erath moved to lay the amendment on the table; lost.

Mr. Williamson moved to lay the bill and amendment on the table, until to-morrow morning 10 o'clock; lost.

Mr. Scurry's amendment to the substitute was adopted; and, On motion of Mr. Robinson, the bill was ordered to be engrossed.

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

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

WEDNESDAY, Jan. 22, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Caznean, Cooke of R., Cunningham, Erath, Hardin, Henderson, Johns, Johnson of G., Johnson, of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Per-

kins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Wallace, Williams and Williamson.

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

Mr. Williamson, by leave introduced a bill authorizing G. H. Harrison and A. C. Harrison, to manumit a certain slave; read a first time.

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

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

Mr. McLeod presented the petition of David G. Burnett, which was referred to the committee on Claims and Accounts.

Mr. Jones of Gonzales, by leave, introduced a bill supplementary to an act to incorporate the Texas Trading, Mining and Emigration Company; read a first time.

On motion of Mr. Ogden, the rule was suspended, bill read a second time, and referred to the committee on the State of the Republic.

The committee on Military Affairs, W. G. Cooke, chairman, to whom was referred the petition of Lieut. Charles B. Snow, reported a bill for his relief; read a first time.

The same committee to whom was referred the petition of E. McLean, reported the same back to the House, with a request that it be referred to the committee on Claims and Accounts; adopted.

The committee on the Judiciary, A. S. Cunningham, one of the committee to whom was referred the petition in relation to a digest of the statute laws of the Republic of Texas, reported a bill for that purpose; read a first time.

The same committee, Tod Robinson, chairman, to whom was referred the memorial of Edward Teal, reported unfavorably, as the object sought can be obtained under the provisions of an act passed at the present session; adopted.

The committee on the Judiciary, Tod Robinson, chairman, to whom was referred the bill to regulate land claims, reported the same back to the House and recommended its indefinite postponement; which report and bill were laid on the table to come up among the orders of the day.

The same committee to whom was referred the bill to provide for altering the attachment laws, &c., &c., reported the same back to the House and recommended its indefinite postponement; which report was adopted.

The same committee to whom was referred the bill transferring the succession of Ben Fort Smith from Montgomery to Harris county, reported the same back to the House and recommended its indefinite postponement.

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

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the bill for the relief of Wm. Moffitt, and others, reported the same back to the House, and recommended its passage.

The same committee, to whom was referred the bill for the relief of Sam'l Brooks, reported in favor of its passage.

Which report and bills were laid on the table, to come up among the orders of the day.

The committee on the Judiciary, B. Rush Wallace one of the committee, to whom was referred the bill to change in part the times of holding the District Courts in the 5th Judicial District, reported the same back to the House with a substitute, and recommended its passage.

On motion of Mr. Gage, the bill was taken up, and a substitute adopted, and ordered to be engrossed.

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

The same committee, to whom was referred a bill amendatory of an act entitled an act regulating fees of office, approved 18th January, 1842, reported the same back to the House, and recommended its passage.

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

The committee on Internal Improvements, J. H. Moffett chairman, to whom was referred the bill to incorporate the Texas Cotton and Woollen Manufacturing Company, reported the same back to the House, with amendments, and recommended its passage.

The committee on the State of the Republic, James W. Henderson chairman, to whom was referred the bill to abolish the office of Superintendent of Indian Affairs, reported the same back to the House, and recommended its passage.

Which reports and bills were laid on the table, to come up among the orders of the day.

The committee on Foreign Relations, R. M. Williamson chairman, to whom was referred the bill for the relief of H. L. Kinney, reported the same back to the House, and recommended its passage.

On motion of Mr. Williamson, the bill was taken up and passed to a third reading.

The select committee, R. M. Williamson chairman, to whom was referred the petition of Alexander Somervell, reported a bill for his relief; which was read a first time.

On motion of Mr. Williamson, the rule was suspended, the bill read a second time, and, on motion of Mr. Menefee, the rule was further suspended, and the bill read a third time and passed.

The committee on Engrossed Bills made the following report :

COMMITTEE ROOM, {
January 22, 1845. }

To the Hon John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined :

A bill for the relief of F. S. Earley ;

A bill for the relief of Jeremiah Latham ;

A bill to amend an act to incorporate the Brazos Canal Company ;

A bill supplementary to an act to establish the eastern boundary line of Rusk county, and for other purposes ;

A bill to repeal an act to authorize the President to issue Exchequer bills, and to declare what shall be receivable in payment of taxes and duties on imposts, approved January 19th. 1842 ;

And a bill to charter the Nacogdoches University, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

The committee on the Judiciary, B. Rush Wallace, one of the committee, to whom was referred the petition of B. J. Thompson, administrator of Patsey Lewis, deceased, reported a bill; read a first time.

The committee on Enrolled Bills made the following report :

COMMITTEE ROOM, }
January 21, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined and found correctly enrolled :

A joint resolution for the relief of A. B. Shelby, Tho's. Johnson and others ;

A joint resolution for the relief of Mary Lawson Williams ;

An act amendatory of the several acts relative to fraudulent land certificates ;

And an act making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress ;

They were signed by the Speaker of the House of Representatives and President of the Senate, and were, this day, presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The committee on Finance, Geo. W. Smyth, chairman, to whom was referred the bill for the transportation of goods coastwise, reported the same back to the House, and begged to be discharged from the further consideration of the same ; which report and bill were laid on the table to come up among the orders of the day.

The same committee to whom was referred the bill for the relief of Robert Pace, reported the same back to the House and recommended its passage.

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

The select committee, William Menefee, chairman, to whom was referred the bill to incorporate the Baylor University, and a bill authorizing the appointment of Trustees in certain cases, reported the same back to the House and recommended their passage.

On motion of Mr. Williamson, the bill authorizing the appointment of Trustees in certain cases, was taken up and passed to a third reading ; and, on motion of Mr. Menefee, the bill to incorporate the Baylor University, was taken up and passed to a third reading.

The same committee to whom was referred the bill for the

relief T. Jefferson Chambers, reported the same back to the House with an amendment, and recommended its passage.

On motion of Mr. Williamson, the bill was taken up, and the amendment of the committee adopted.

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

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

The same committee to whom was referred the bill for the relief of John G. 'Tod, reported the same back to the House and recommended its passage; which report and bill were laid on table to come up among the orders of the day.

The select committee, D. Gage, chairman, to whom was referred the petition of sundry citizens of Rusk and Nacogdoches counties, reported a bill to attach certain territory therein named, to Rusk county, for judicial and other purposes; read a first time.

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

Mr. Williamson, by leave, introduced a bill amendatory of the various land laws, and to establish land districts, and for other purposes; read a first time.

Mr. Williamson moved a suspension of the rule; lost.

On motion of Mr. Scott, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Sutherland, the bill for the relief of Charles Power, was taken up on its second reading; and, on motion of Mr. McLeod, ordered to be engrossed.

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

The bill supplementary to an act defining the duties of the officers of the Treasury Department, approved 5th February, 1840, was taken up, and the amendment of the Senate adopted.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 22, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined, a joint resolution for the relief of L. S. Hargous, and others; and a bill for the relief of Milton Hicks, and find the same correctly engrossed.

WM. L. CAZNEAU,
One of the Committee.

Report adopted.

The bill for the relief of James W. Wauhup was taken up, and the amendments of the Senate adopted.

The bill to incorporate the Galveston Lyceum was taken up, and the amendments of the Senate adopted.

The bill prescribing the routine of military duty, and for other purposes was taken up, read a third time and passed.

The bill to establish and incorporate the Victoria College, was read a third time and passed.

The bill to establish and incorporate the Houston College, was read a third time and passed.

The Bill for the benefit of De Kalb College, was read a third time and passed.

The bill to charter the Nacogdoches University, was read a third time and passed.

The bill to incorporate the town of Huntsville, was read a third time and passed,

The bill for the relief of Basil Dearborn, was read a third time and passed.

On motion of Mr. Erath, the House adjourned until half past 2 o'clock, P. M.

Half past 2 o'clock, P. M.

House met; roll called; quorum present.

On motion of Mr. Bourland, the bill for the re-organization of the General Land Office, was taken up on its second reading, and the amendments of the committee adopted.

Mr. Cunningham moved the engrossment of the bill.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B.,

Cunningham, Erath, Ford, Gage, Johns, Johnson of G., Jones of G., Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Perkins, Robinson, Sadler, Scurry, Sutherland, Smyth of J., Wallace and Williams—25.

Noes—Messrs. Speaker, Cooke of R., Hardin Henderson, Johnson of S., Jones of S. P., Means, Millican, Scott, Smith of F., Truit and Williamson—12.

So the bill was ordered to be engrossed.

On motion of Mr. Johns, the bill for the appointment of patrols, was taken up on its second reading, with the amendment of the committee, to wit: "and further provided, this act shall not be enforced in organized incorporated cities."

Mr. McFarlane offered the following amendment to the amendment: "where there is a regularly organized police"—both of which amendments were adopted.

Mr. Cunningham moved to refer it to a select committee; lost.

Mr. Johnson of S., offered the following amendment:

"That the counties of Shelby, Victoria, Fannin, Milam, Bexar, Goliad, Brazoria and Jasper, be exempted from the operations of this act; adopted.

Mr. Perkins moved to lay the bill on the table, until the first of July next; lost.

Mr. Gage offered an amendment.

On motion of Mr. Williamson, the bill was laid on the table until to-morrow, 10 o'clock, A. M.

A message was received from the Senate, informing the House of the passage of,

A bill regulating the issuance of headright certificates, and duplicate certificates, land warrants and discharges;

An act for the protection of the frontier;

A bill making legitimate a certain person therein named, with amendments; and,

A bill for the relief of Jerome R. Robertson.

The committee on Finance, S. B. Johns, one of the committee, to whom was referred the bill explanatory of an act supplementary to an act to raise a revenue by impost duties, approved 5th February, 1840, reported the same back to the House with a substitute, and recommended its passage.

On motion of Mr. McLeod, the substitute was adopted.

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

On motion of Mr. Robinson, the two bills providing for amendments to the Constitution were taken up; and, on mo-

tion of Mr. Williamson, they were laid on the table, and made the special order of the day for Saturday next, at 11 o'clock.

The bill to provide for carrying the public mails from April 1st, 1845, to April 1st, 1846, and establishing routes and rates of postage, &c. was taken up.

On motion of Mr. Robinson, the rule prohibiting bills from being amended on their third reading was suspended.

Mr. Robinson moved to amend by inserting "Columbia" before Brazoria;" adopted.

The bill was then passed.

On motion of Mr. Henderson, the bill for the relief of James Morgan was taken up on its second reading, and the amendment of the committee adopted.

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

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

On motion of Mr. Cunningham, the bill for the relief of the Mier prisoners was taken up on its second reading.

On motion of Mr. Menefee, it was re-committed to the committee on Military Affairs.

On motion of Mr. Gage, the act supplementary to an act creating the County of Rusk, &c., &c., was taken up on its second reading, and ordered to be engrossed.

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

The bill to repeal the Exchequer system, &c., was read a third time and passed.

The bill to allow defendants to plead a partial failure of consideration, was read a third time and passed.

On motion of Mr. Smith of F., the bill for the relief of Chas. B. Snow was taken up, and on motion of Mr. Smith of F., the rule was suspended, and bill read a second time.

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

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

Mr. McLeod, by leave, introduced a bill for the better security of customs; read a first time.

On motion of Mr. McLeod, the rule was suspended, bill read a second time, and referred to the committee on Finance.

On motion of Mr. Williamson, the bill to make Navy scrip receivable for dues to the government, that accrued prior to the

1st February, 1842 was taken up, read a second time, and referred to the committee on Finance.

On motion of Mr. Wallace, the bill for the relief of B. J. Thompson, was taken up on its second reading, and ordered to be engrossed.

On motion of Mr. McFarlane, the bill to incorporate the Matagorda University, was taken up on its second reading, and ordered to be engrossed.

And, on motion of Mr. McFarlane, the rule was suspended, bill read a third time and passed.

On motion of Mr. McLeod, the bill for the protection of the frontier, was taken up and read a first time.

On motion of Mr. Cazneau, the rule was suspended, bill read a second time, and referred to the committee on Military Affairs.

On motion of Mr. Williams, the bill for the relief of Simpson Holloway was taken up on its second reading, and, on motion of Mr. Scott, ordered to be engrossed.

On motion of Mr. Johns, the bill for the relief of Thomas Tomlinson was taken up, read a second time, and referred to a select committee consisting of Messrs. Johns, Scott and Scurry.

On motion of Mr. Perkins, the bill for the relief of John Trussell was taken up and passed to its third reading.

On motion of Mr. Cooke of R., the bill for the relief of Jarret Ridgeway was taken up, read a second time, and referred to the committee on Claims and Accounts.

Mr. Cunningham moved to adjourn until half past 9 o'clock, to-morrow morning; lost.

The bill for the relief of Abel Morgan was taken up, read a third time and passed.

The bill for the relief of Isabella T. Scott was taken up, read third time and passed.

The bill for the relief of George W. Charles and A. H. Sevier was taken up, read a third time and passed.

The bill for the benefit of Jurors was taken up, read a third time and passed.

The bill for the relief of Horatio McHanks was taken up, read a third time and passed.

The bill for the relief of G. W. Miller was taken up, read a third time and passed.

The bill to provide for the issuance of patents to assignees was taken up, read a third time and passed.

The bill supplementary to an act to open and establish a National Road, approved February 5th, 1844; and,

A bill to prevent administrators, executors, &c., from purchasing or trading for any debt against the estates of their testator or intestate, and for other purposes, was taken up, read a third time and passed.

The bill for the relief of George Simpton was taken up, read a third time, and, on motion of Mr. Jones of S. P., laid on the table.

The bill to establish a certain mail route was taken up, read a third time, and, on motion of Mr. Menefee, laid on the table.

The committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
January 22, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,

A bill supplementary to several acts relative to direct taxation; and,

A bill authorizing G. H. Harrison and Ann C. Harrison to manumit a certain slave, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,

One of the Committee.

Report adopted.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 22, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined, and find correctly enrolled:

A bill for the relief of the heirs of Joseph English;

A joint resolution for the relief of John Sutherland;

A bill for the relief of depopulated counties;

A bill to continue in force an act for the relief of the purchasers of lots in the city of Austin, and upon the town tract adjoining, approved January 16th, 1843; and,

A joint resolution for the payment of the drafts of Josiah G. Beatty, and others.

They were signed by the Speaker of the House of Representatives and President of the Senate, and were, this day presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

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

THURSDAY, Jan. 23, 10 o'clock A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Cooke of B., Cooke of R., Dunn, Erath, Ford, Gage, Hardin, Johns, Johnson of G, Johnson of S., Jones of G., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of F., Smyth of J, Truit, Wallace, Williams and Williamson.

A quorum present.

Mr. Robinson offered the following resolutions:

Resolved, That a committee of five be appointed by this House, to act with a like committee on the part of the Senate, to make suitable arrangements for the burial of the late Hon. G. A. Parker, Representative from Fort Bend county.

Be it further resolved, That the members of this House will wear crape on their left arms, in token of respect for the memory of the late Hon. G. A. Parker, and sorrow for his loss.

Be it further resolved, That that this House now stand adjourned, to meet at the time appointed by the committee of arrangements to attend the funeral of the late Hon. G. A. Parker, in a body; which resolutions were adopted.

Whereupon, Messrs. Robinson, Scurry, Ford, Caznean and Smyth of Jasper, were appointed the committee as contemplated by the first resolution.

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

FRIDAY, January 24, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Rev. Mr. Williams; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Johns, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Wallace and Williams.

A quorum present; Journals of the two preceding days read and adopted.

Mr. McLeod presented the memorial of the merchants of Galveston city, which was referred to the committee on Finance.

Mr. Cooke of R., presented the petition of sundry citizens of Robertson county, which was referred to the committee on county boundaries.

Mr. Robinson presented the petition of Thomas D. Johnson, which was referred to the committee on Finance.

Mr. Robinson presented the memorial of S. B. Brigham, administrator of Asa Brigham, deceased, which was referred to a select committee consisting of Messrs. Robinson, Scurry, Johns, Ford and Bourland, with authority to call for persons and papers.

Mr. Ford presented the petition of J. M. Caldwell, and others, which was referred to a select committee consisting of Messrs. Sadler, Cooke of R. and McLeod.

Mr. McLeod presented the petition of sundry citizens of Galveston county, which was referred to the committee on the Judiciary.

Mr. Williamson presented the petition of Sundry citizens of Austin county, which was referred to the committee on County Boundaries.

Mr. Williamson presented the claims of James F. Edrington, which were referred to the committee on Claims and Accounts.

The committee on Military Affairs, W. G. Cooke, chairman, to whom was referred a joint resolution for the relief of the Mier prisoners, and others, reported the same back to the House with amendments, and recommended its passage.

The same committee to whom was referred the bill for the protection of the frontier, reported the same back to the House

with amendments, and recommended its passage; which reports and bills were laid on the table to come up among the orders of the day.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 23, 1845. }

To the Honorable John M. Lewis,
Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and find correctly enrolled:

A joint resolution for the relief of H. P. Bee, Nathaniel Amory and Memucan Hunt.

It was signed by the Speaker of the House of Representatives and President of the Senate, and was, this day, presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

Wilds K. Cooke, one of the committee on Internal Improvements, to whom was referred the bill to incorporate the Texas Cotton and Woollen Manufacturing Company made the following counter report:

COMMITTEE ROOM, }
January 23, 1845. }

To the Honorable John M. Lewis,
Speaker of the House of Representatives:

The undersigned, one of the committee on Internal Improvements, to which was referred an act to incorporate the Texas Cotton and Woollen Manufacturing Company, dissenting from the majority of said committee, asks leave to make the following report:

The bill under consideration, contemplates the establishment of a great chartered monopoly, conferring extraordinary privileges upon a favored few, which are denied to the great mass of the people, the source of all power in a republican government, and for whose benefit we are here to legislate.

In the opinion of the undersigned, the 7th and 8th sections of the act confers upon the company privileges calculated to build up a great manufacturing monopoly, which, whilst it will

"win" for the beneficiaries an overgrown and mammoth fortune will overshadow the minor capitalist of the country with its gigantic arms, and exercise a baneful and deleterious influence upon every thing like *individual enterprize*.

Believing it to be the duty of the Honorable Congress to "guard with sleepless vigilance" against any encroachment upon the Constitution, the undersigned, in the discharge of what he conceives to be a solemn duty, would respectfully urge upon the House the propriety of rejecting a bill so monopolizing in its tendency, and dangerous in its consequences, and so *repugnant to the Constitution*.

WILDS K. COOKE,
One of the Committee.

Which was laid on the table to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of David G. Burnett, reported a joint resolution for his relief; read a first time.

The same committee to whom was referred the petition of E. McLean, reported a bill for his relief; read a first time.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 23, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined:
A joint resolution for the relief of Charles B. Snow;
A Joint resolution for the relief of Charles Power; and,
A bill making an appropriation for the support of government for the year 1845, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

The committee on Public Lands, Geo. Sutherland, chairman, to whom was referred the bill for the relief of W. D. Thomason, reported in favor of its passage.

The same committee to whom was referred the bill for the relief of the heirs of Elisha Roberts, reported unfavorably; which reports and bills were laid on the table to come up among the orders of the day.

The committee on Finance, George W. Smyth chairman, to whom was referred the bill to make Navy scrip receivable for dues to the government, that accrued prior to 1st of February, 1842, reported in favor of its passage.

The same committee to whom was referred the bill for the relief of Thomas W. Key, reported unfavorably, on account of the Archives being at Austin; which reports and bills were laid on the table to come up among the orders of the day.

The same committee to whom was referred the bill for the better security of the customs, reported in favor of its passage.

On motion of Mr. McLeod, the bill was taken up, and ordered to be engrossed.

The select committee, W. R. Scurry, one of the committee to whom was referred the bill for the relief of Thomas Tomlinson, reported it back to the House and recommended its passage; which report and bill were laid on the table to come up among the orders of the day.

The select committee, H. McLeod, chairman, to whom was referred the memorial of sundry citizens of Galveston and Harris counties, made the following report :

COMMITTEE ROOM, }
January 22, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The special committee to whom was referred the memorial of the citizens of Galveston and Houston, praying a modification of the tariff, have had the same under consideration; and, after a mature consideration of the whole subject, have instructed me to report :

The memorialists set forth, very justly, that the present duties fall unequally upon that portion of the people of Texas, who import their supplies through the port of Galveston. This fact, the investigations of your committee fully sustain: a reference to the best data within the reach of your committee, proves that twenty-three counties (having 7,796 voters,) paid, of the impost duties of the last year, \$182,902, or \$23 46 per voter; and that twelve other counties (having 4,968 voters,) paid but \$15,187, or \$3 06 to the voter.

The returns from the custom-houses show that the imports of last year were—into Galveston, \$501,734

“ San Augustine and Red River, 70,610

The population who receive their supplies from the United States, by way of Red River is equal, if not greater than the population who receive their supplies through the port of Galveston; and the difference exhibited in the custom-house returns, between the imports into Galveston, and into San Augustine and Red River, show that a very small portion of the actual imports, by way of Red River, are entered at the custom-houses.

A system of taxation operating so unequally on different sections of the republic, necessarily creates adverse interests, and fosters local and sectional interests, which furnish the most dangerous weapons to corrupt political demagogues. Experience has demonstrated that, without public virtue, it is impossible to preserve public liberty. The fact that our revenue system cannot be enforced, proves it to be radically vicious and subversive of the public morals. We are instructed by Him who taught as never man taught, to pray—"Lead us not into temptation." It is the duty of Congress to reconcile with each other, as far as it can be done, the interest of every section of the country. Our system coerces the people of Red River to defraud the revenue; because, by doing so, they can import their supplies from the United States cheaper, without paying duties, than they could import them through Galveston, paying the duties. If a merchant in San Augustine could make a profit by purchasing his merchandize in our own ports—paying the duties instead of purchasing them in New Orleans—paying no duties, he would not defraud the revenue.

The wholesale merchant in New Orleans pays a duty to the United States, which is added to the price paid for it by the merchant in San Augustine. This duty goes into the Treasury of the United States; for, although the merchandize is consumed in Texas, there is no drawback allowed; the consequence is, that the merchant at San Augustine defrauds the Texas custom-house; for, otherwise, he would be driven from the market, by merchandize imported through Galveston, paying but one duty. If he paid the Texas duty, his goods would be charged with the duty at New Orleans, and the duty at San Augustine, also. This course never could yield a profit, and, consequently, is never followed.

Your committee can see no remedy for such a state of things, but to put down the duty on all merchandize, so low as to enable all to import their supplies through our own ports, cheaper than they can be obtained by defrauding the revenue. The ef-

fect of this would be, to unite the whole people; to deprive those who would array the East against the West, and the West against the East, and thus create sectional passions and prejudices, of the power to do mischief. We should then hear no more of the conflicting interests of Eastern and Western, and Northern or Southern Texas. The money which now goes, in the shape of duties on our imports, into the Treasury of the United States, or into the pockets of merchants in New Orleans as profits, commissions and charges, would then go into our own Treasury—or accumulate as capital among our own people—furnishing ample means to improve our rivers and bays, and to construct roads and canals, connecting all parts of the Republic with our seaports: thus making us truly a united people, in interest and feelings. All those who seek popular favor, would then be compelled to address the public intelligence, instead of laboring, and, unfortunately succeeding (as too many now do) to create conflicting sectional interests, that they may arouse the worst passions, and swim on currents of local prejudice thus excited.

By the report of the chairman of the Finance committee of the Senate, it appears that the ordinary expenditures of the government should not exceed the sum of \$84,000. From the best information your committee can obtain, they are warranted in estimating the cotton crop of the next year, at one hundred thousand bales; this, at \$25 per bale, would give two millions and a half of dollars; ten per cent. on this would give two hundred and fifty thousand dollars—a sum far exceeding the current expenses of the government. Your committee believe that an average duty of ten per cent. on imports, would put a stop to frauds on the revenue; and that a large amount of merchandize imported into Texas, would be consumed in the United States, and in Mexico; so that instead of paying duties into the Treasury of the United States, upon goods smuggled into Texas, and thus defrauding our own revenue, our merchants would pay into our Treasury all the duties upon goods consumed in Texas; and they would also pay a large amount of revenue on merchandize consumed elsewhere.

The imports of 1843, were	\$471,205
“ “ “ 1844, “	686,503

The current year will give more than a proportionate increase, because the new lands put in cultivation must increase our exports in a much greater ratio.

In accordance with the foregoing views, your committee re-

port a bill reducing the duties to ten per cent. *ad valorem*, and respectfully recommend its adoption.

H. McLEOD, Chairman.

Which bill regulating duties on imports, was read a first time.
A message was received from the Senate, informing the House of the passage of

A bill for the relief of Henry Castro and J. Janssaud ;

A joint resolution changing the sessions of the District Court in Washington county ;

A bill to form the collectoral district of Soda Lake, with amendments ;

A bill for the relief of the heirs of James Garrard, deceased, with amendments ;

A bill for the relief of John Hamilton ; and,

A bill to defray the expenses of the contingent printing of the 9th Congress ; and, that the

Bill for the relief of Howard & Ogden, and T. A. Sully, had been rejected.

Mr. Bourland, by leave, introduced a bill to incorporate the town of Paris, the county seat of Lamar county ; read a first time.

On motion of Mr. Bourland, the rule was suspended, bill read a second time, and ordered to be engrossed.

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

Mr. Gage, by leave, introduced a bill for the relief of the Minute Men raised under an act approved 4th February, 1841 ; read a first time.

On motion of Mr. Gage, the rule was suspended, bill read a second time, and referred to a select committee consisting of Messrs. Gage, Jones of S. P. and Erath.

Mr. Menefee offered the following resolution :

Resolved, by the House of Representatives, That the Secretary of State be required to receive the usual number of 500 copies of the Journals of the 8th Congress, from Messrs. Cruger & Moore, the Public Printers for Congress, and settle with them for the same, in accordance with the terms of their proposals, made at the time of their election ; adopted.

On motion of Mr. Cazneau, the rule prohibiting votes being re-considered after the lapse of 24 hours, was suspended.

On motion of Mr. Cazneau, the vote concurring in the amend-

ment of the Senate to the bill for the relief of J. C. Neill, was re-considered.

On motion of Mr. Williamson, the House disagreed to the amendment of the Senate.

Mr. McFarlane, by leave, introduced a bill establishing a mail route therein named; read a first time.

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

Mr. Sutherland, moved to refer it to the committee on Post Offices and Post Roads; lost.

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

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

Mr. Smith of F., by leave, introduced a bill to provide for the apprehension and punishment of fugitives from justice; read a first time.

Mr. Smith of F., moved a suspension of the rule; lost.

The committee on the Judiciary, B. Rush Wallace, one of the committee, to whom was referred the bill providing for and regulating arbitrations and references, reported the same back to the House and recommended its passage, with amendments; which report and bill were laid on the table, to come up among the orders of the day.

Mr. Bourland, by leave, introduced a bill for the appointment of a commissioner, to examine into the validity of the contract of C. Fenton Mercer, &c.; read a first time.

Mr. Wallace, by leave, introduced a bill to authorize the President to receive volunteers into the service of the Republic; read a first time.

On motion of Mr. Williamson, the report of the military committee upon the communication of M. C. Hamilton, Acting Secretary of War and Marine, was taken up and re-committed to the same committee.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
 January 24, 1845. }

To the Hon. John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined
 A bill to change in part the time of holding the District Courts
 in the 5th Judicial District ;
 A bill to repeal the ninth section of an act therein named ;
 A joint resolution for the relief of Alexander Somervell ;
 A joint resolution for the relief of Robert Pace ;
 A joint resolution for the relief of B. J. Thompson ;
 A joint resolution for the relief of James Morgan ; and,
 A joint resolution for the relief of Simpson Holloway, and find
 the same correctly engrossed.

WILLIAM L. CAZNEAU,
 One of the Committee.

Adopted.

Mr. Armstrong, by leave, introduced a bill establishing a certain mail route, and attaching the same to a certain other route ; read a first time.

On motion of Mr. Armstrong, the rule was suspended, bill read a second time, and ordered to be engrossed.

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

Mr. Cooke of R., by leave, introduced a bill for the relief of Clerks of District Courts ; read a first time.

On motion of Mr. Lewis of Montgomery, the bill to incorporate the Orphans' Friend Lodge No. 17, was taken up on its second reading.

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

On motion of Mr. Wallace, the petition of Mary Potter was taken up, and referred to a select committee consisting of Messrs. Wallace, Johnson of S. and Truit.

On motion of Mr. Erath the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Erath, the bill for the relief of John Gregg was taken up, read a second time, and referred to a select committee consisting of Messrs. Erath, Williamson and Moffett.

On motion of Mr. Ford, the bill for the appointment of patrols was taken up.

Mr. Ford offered a substitute for the bill, which was adopted. On motion of Mr. Williamson, the bill was ordered to be engrossed.

Mr. McFarlane moved its indefinite postponement; lost.

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

On motion of Mr. Mabry, the bill to incorporate the Texas Cotton and Woollen Manufacturing Company, was taken up on its second reading, and the amendment of the committee being a substitute for the seventh section; adopted.

Mr. Williamson moved to lay the bill on the table, until Monday morning 10 o'clock; lost.

Mr. Williamson moved to refer it to the committee on Retrenchment; lost.

Mr. McLeod moved its engrossment.

The Ayes and Noes being called for thereon, stand as follows:

Ayes—Messrs. Cazneau, Cooke of B., Dunn, Erath, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Sutherland, Smith of F. and Williamson—19.

Noes—Messrs. Speaker, Armstrong, Cooke of R., Cunningham, Ford, Gage, Hardin, Johns, Johnson of G., Johnson of S., Means, Millican, Scott, Fruit and Wallace—15.

So the bill was ordered to be engrossed.

On motion of Mr. Williamson, the bill for the relief of John G. Tod was taken up on its second reading, and passed to a third reading.

On motion of Mr. Jones of S. P., the bill making an appropriation for the support of government for the year 1845, was taken up, read a third time and passed.

On motion of Mr. Ford, the bill for the relief of Samuel Brooks was taken up, and passed to a third reading.

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

On motion of Mr. McLeod, the bill for the protection of the frontier was taken up, and the amendment of the committee adopted.

On motion of Mr. McLeod, the bill was passed to a third reading.

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

A message was received from the Senate, informing the House of the passage of

A bill for the relief of A. W. Lockett; and,

A bill amendatory of an act supplementary to an act to raise a revenue by impost duties, approved 5th February, 1840, and approved Jan. 27th, 1842.

On motion of Mr. McLeod, the bill to authorize the erection of a Light House on Galveston Island, was taken up.

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

3 o'clock, P. M.

House met; roll called; a quorum present.

A message was received from the Senate, informing the House that the Senate had concurred in a portion and rejected a portion of the amendments to the bill to provide for carrying the public mails from April 1st, 1845 to April 1st, 1846, and establishing routes and rates of postage, &c.

The bill to authorize the erection of a Light House on Galveston Island, being before the House, the substitute of the committee was adopted.

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

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

On motion of Mr. McFarlane, the bill establishing a Light House at Passo Cavallo was taken up on its second reading, and ordered to be engrossed.

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

The select committee, Geo. B. Erath chairman, to whom was referred the bill for the relief of John Gregg, reported the same back to the House and recommended its passage.

On motion of Mr. Erath, the bill was taken up and passed to its third reading.

On motion of Mr. Ford, the bill for the relief of William Moffitt, and others, was taken up and passed to its third reading.

On motion of Mr. Scott, the bill amendatory of an act to establish the Marshall University was taken up on its second reading.

Mr. Scott moved to amend by striking out certain names and inserting others; adopted.

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

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

On motion of Mr. Williamson, the bill to provide for the revision of the laws, and for the formation of a criminal code was taken up, read a second time, and referred to the committee on the Judiciary.

On motion of Mr. Erath, the bill legalizing the instructions of John P. Borden, late Commissioner of the General Land Office, in regard to Government dues upon land, was taken up, read a second time, and referred to the committee on Public Lands.

On motion of Mr. Williamson, the bill for the relief of certain persons therein named, was taken up and referred to a select committee, consisting of Messrs. Williamson, Moffett, Johnson of S., Wallace and Gage.

On motion of Mr. Johnson of S., the bill making an appropriation for the pay and contingent expenses of Capt. Mabbitt's company of volunteers, was taken up and referred to the select committee to whom was referred the bill for the relief of certain persons therein named.

On motion of Mr. Johnson of G., the bill to provide for the organization of Goliad county was taken up on its second reading and ordered to be engrossed.

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

On motion of Mr. McLeod, the bill to incorporate the Orphans' Friend Lodge, No. 17, was taken up, and the substitute of the committee adopted.

Mr. McLeod offered the following amendment, at the end of first section add the following:

"Provided, That when real estate shall accrue to said Grand Lodge, and subordinate Lodges, by donation or will, they shall have the period of two years to dispose of the same;" adopted.

On motion of Mr. McLeod, the bill was passed to its third reading.

On motion of Mr. Gage, the bill to incorporate the Rusk county Academy was taken up on its second reading, and ordered to be engrossed.

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

On motion of Mr. Cunningham, the bill for the relief of the Mier prisoners, and others, was taken up, and the amendments

of the committee on Military Affairs adopted; bill ordered to be engrossed; read a third time and passed.

On motion of Mr. Jones of S. P., the bill supplementary to the several acts regulating impost duties, was taken up and read a first time.

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

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

The committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
January 24, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,
A bill for the re-organization of the General Land Office, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

On motion of Mr. McLeod, the bill to appropriate the license tax to county purposes was taken from the table and placed among the orders of the day.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 24, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined, and find correctly enrolled:

A joint resolution for the relief of James W. Wanhop;

An act supplementary to an act entitled an act defining the duties of the officers of the Treasury Department, approved Feb. 5th, 1840; and,

An act to incorporate the Galveston Lyceum.

They were signed by the Speaker of the House of Represen-

atives and President of the Senate, and were, this day, presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

A joint resolution making legitimate a certain person therein named, was taken up, and the amendment of the Senate adopted.

Mr. Williams moved that a committee be appointed to wait upon the Senate, and invite them to meet the House to-morrow at 11 o'clock, A. M., for the purpose of electing a Judge for the 6th Judicial District, to fill the vacancy occasioned by the death of the Hon. P. C. Jack.

On motion of Mr. Robinson, "to-morrow" was stricken out and "Tuesday" inserted, and the motion carried.

Whereupon, Messrs. Williams, Robinson and Wallace were appointed the committee.

The bill supplementary to the several acts relating to impost duties was taken up, and, on motion of Mr. Armstrong, laid on the table.

The bill for the relief of Frank S. Earley was taken up, read a third time and passed.

On motion of Mr. Cazneau, the bill to re-organize the General Land Office, was taken up and read a third time.

The Ayes and Noes being called for on the final passage of the bill, stood as follows:

Ayes—Messrs. Armstrong, Cazneau, Cooke of B., Cunningham, Gage, Johns, Johnson of G., Jones of G., Lewis, McLead, Mabry, Menefee, Moffett, Perkins, Robinson, Sadler, Sutherland, Smyth of J., Wallace and Williams—20.

Noes—Messrs. Speaker, Cooke of R., Dunn, Ford, Hardin, Johnson of S., Means, Millican, Ogden, Scott, Smith of F., Truit and Williamson—13.

So the bill passed.

On motion of Mr. Lewis of Montgomery, the bill to re-organize the Board of County Commissioners for the several counties of the Republic was taken up, and, on motion of Mr. Williamson, ordered to be engrossed.

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

The Ayes and Noes being called on the passage, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of Bexar, Cooke

of Robertson, Erath, Hardin, Johnson of Shelby, Jones of San Patricio, Lewis, McLeod, Ogden, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Wallace, Williams and Williamson—20.

Noes—Messrs Cazneau, Cunningham, Dunn, Gage, Johnson of Goliad, Jones of Gonzales, Mabry, Means, Menefee, Millican, Moffett, Perkins, Robinson and Sadler—14.

So the bill passed.

On motion of Mr. Scurry, the bill to authorize and require the Commissioner of the General Land Office to issue patents in certain cases, was taken up and passed to a third reading.

Mr. Gage offered the following resolution:

Resolved by the House of Representatives, That the Chief Clerk be authorized to employ an assistant Clerk for the remainder of the present session, and that he receive the same pay as other Clerks of the House, to be paid out of the contingent fund of the Congress; adopted.

The bill for the relief of S. B. Giles was taken up, read a third time and passed.

The bill making an appropriation for the payment of the claim of Rawdon, Wright, Hatch & Edson, was read a third time and passed.

On motion of Mr. Truit, the bill for the relief of William Lakey, was taken up and ordered to be engrossed.

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

On motion of Mr. Cazneau, the bill for the relief of C. B. Acklen and C. R. Perry, was taken up and ordered to be engrossed.

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

On motion of Mr. Scott, the bill for the relief of Michael Fox, and others, was taken up and ordered to be engrossed.

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

On motion of Mr. Ford, the bill for the relief of H. L. Kinney was taken up, read a third time and passed.

On motion of Mr. Cunningham, the bill for the encouragement of learning, by securing copy-rights to authors, was taken up on its second reading, and the amendments of the committee adopted.

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

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

The bill supplementary to an act in relation to common Schools and Academies, and to provide for securing the lands formerly appropriated for the purposes of education, approved, 5th February, 1840, supplementary to an act appropriating certain lands for the establishment of a general system of education, approved, 26th January, 1839, was taken up, read a third time and passed.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 24, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,

A bill to incorporate the Matagorda University;

A bill for the better security of Customs; and,

A bill to incorporate the town of Paris, the county seat of Lamar county, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

Mr. Williamson presented the petition of Robert Wilson, which was referred to the committee on the State of the Republic.

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

SATURDAY, Jan. 25, 9 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names:

Messrs. Speaker, Cooke of Bexar, Cooke of Robertson, Cunningham, Erath, Ford, Hardin, Johns, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Robinson, Sadler,

Scott, Sutherland, Smith of Fannin, Smyth of Jasper, Truit, Wallace, Williams and Williamson.

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

Mr. Williamson presented the account of Samuel Bogart, which was referred to the committee on Claims and Accounts.

The committee on Military Affairs, Wm. G. Cooke chairman, to whom was referred the message of the President in relation to the proceedings in the case of Post Captain E. W. Moore, and others, and the accompanying documents, from the War and Marine Department, reported a joint resolution for the relief of Post Captain E. W. Moore; read a first time.

Mr. Robinson offered the following resolution:

Resolved, That the chief clerk be directed to pay the funeral expenses of the late Hon. G. A. Parker, out of the fund appropriated for the contingent expenses of the ninth Congress; adopted.

Mr. Robinson offered the following resolution:

Resolved, That the Reporter of the House of Representatives shall receive the same pay as one of the clerks, from the 10th day of December; adopted.

William R. Scurry and George W. Smyth, from the select committee, to whom was referred the memorial of the citizens of Galveston and Harris counties, made the following report;

COMMITTEE ROOM, }
January 25, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The undersigned, a portion of the committee, to whom was referred the memorial of merchants, planters and citizens of the Republic, residing and doing business in the cities of Galveston, Houston and vicinity, respectfully dissenting from the report of the talented chairman of the committee, have given the memorial serious consideration, and ask leave to make the following report:

Upon a careful perusal of the memorial, the first subject worthy of serious consideration that is presented, is the *extraordinary* request, that all duties upon "articles of necessity," be reduced from twenty to thirty per cent. below the "tariff of duty now levied!" The undersigned are at a loss to discover to what "articles of necessity" the memorialists allude, which,

under the present rate of impost levied, will admit of a reduction of from twenty to thirty per cent. It cannot possibly be sugar, coffee, iron, steel, powder or lead; if such are the "articles of necessity" referred to, the simplest calculation will prove the folly of entertaining their request. Two cents per pound on coffee is not more than twenty five per cent. upon the original cost, sugar at one cent per pound does not amount to more than twenty per cent.; the imposts upon iron, steel, powder and lead is only fifteen per cent *ad valorem*; and the average of duties upon the importations of last year, was but 26 6-7 per cent. Lest the mathematical accuracy of the calculations made by the officers of the Treasury Department should be doubted, we will state the question in such shape that any gentleman can solve them for himself.

As 686,503 dollars, the amount of our importations, is to 182,643 dollars, total of import duties, so will 100 be 26 and 60-100, the rate of per centage, which the gross amount of impost duties bears to the total of merchandize imported. If, instead of 182,643 dollars we use in the calculation, 201,413 the total of imports, fees of office, blanks and storages, it would be thus; as 686,503 dollars is to 201,413 dollars, so is 100 to 29 and 33-100 per cent. This exhibit is made for the purpose of showing that the memorialists, however intelligent and respectable, have not taken the trouble to enter into a close analysis of the subject.

What renders the memorial still more extraordinary is, that after having asked a reduction of the imports to *nothing*, they request an appropriation of five thousand dollars or more, to be taken from the tonage duties, for the erection of a Light-House. This allusion to the Light-House is not designed to defeat that project, for the undersigned believe a Light-House is required at that point, it is only mentioned as (when taken in connection with the first request,) an evidence of the *extreme modesty* of the memorialists.

The memorialists complain of the peculiar hardship of their condition as regards the payment of the tariff, for this the undersigned can perceive no good reason. The citizens of Galveston are effected by the tariff to the extent of their consumption and no farther, and every consumer is affected in the same manner and to the same extent, in proportion to the goods consumed upon which duties have been collected. That the duties are only advanced by the merchant, and ultimately refunded with remuneration for all advances by the consumer, is a propo-

sition which at this time is perfectly understood by every school-boy.

In examining the report of the chairman, we are left in extreme doubt as to the data upon which his calculations are founded, and by what principles they are governed. Does he mean to take the number of voters in those portions of the country which he denominates tariff paying and non tariff paying counties respectively, as the basis of his estimates? Taking this as the basis, and the amount of importations into those counties, considered in his report as non-tariff paying, will not exceed \$395,000. If those portions of the Republic which receive their supplies through the port of Galveston are equal in population to the non-paying counties (as is asserted in the report of the chairman,) which is stated to be in all 4,968; there is a portion of the people other than those residing in what are denominated the non-paying districts, who, numbering 2,828, only pay \$30,664, or \$10 87 cents to each voter, from which it would appear that delinquencies in the payment of the tariff are not confined exclusively to the San Augustine and Red River collectoral districts.

In the absence of positive information on the subject, the nearest approximation to true results will be to base the calculation upon the relative amounts of specific taxation: this will exhibit approximately the number of negroes; the number of negroes will show the quantity of cotton raised; the cotton, the value of our exports, and the value of our exports will necessarily regulate the amount of our imports. In No. 5, of the report of the Secretary of the Treasury, it will be seen that the assessment of specific taxes for the year 1844, in twenty-eight counties, is \$19,756 and 88 cents, of this sum, nine eastern counties pay \$5,177, and nineteen other counties pay the residue, that is \$14,679, not knowing what other three counties the chairman includes, to make out the twelve, but desirous of giving him every advantage in the calculation, we will add the counties of Jefferson, Red River, Harrison and Sabine, making thirteen counties instead of twelve, and the best estimate we can make by a comparison of the direct taxes of these counties in past years with the specific tax of counties of like wealth and the entire specific tax of those thirteen counties, cannot amount to more than \$8,051. Without estimating the four extra counties, requisite to make the twenty-three referred to in the report of the chairman, as tariff paying counties, (still giving him the advantage of the assumed data,) and the amount of the importa-

tions into thirteen counties cannot exceed \$338,000, from which deduct \$70,000 impost duties acknowledged to have been paid, and there remains, \$258,000. It is a well known fact, that several boats, laden with cotton, passed down the Neches, most of which found its way to Galveston, was there sold, and the return cargoes were goods, on which the duties had been paid at that port; it is equally certain that a considerable portion of the produce of Houston county must have been shipped down the Trinity to the same port, and disposed of in like manner. If, therefore, due allowance is made for the foregoing facts, it will be evident that the amount of goods and merchandize, imported across the eastern boundary line into the collectoral districts of San Augustine and Red River, have heretofore been much overrated; and, in the opinion of the undersigned, the difference in the amount of imposts paid, at that port and the eastern Custom Houses, instead of being a subject of complaint, should be cause of felicitation as an evidence of the commercial importance of their city.

The chairman of the committee, in his estimate of the cotton crop for the ensuing year, has stated it at 100,000 bales. We are constrained to ask, how is this conclusion arrived at? The crop of 1843 was 12,944 bales, that of 1844, according to the report of the Secretary of the Treasury, was 18,367 bales, adding 7,100 to the former, and 10,000 to the latter, for those sections of the Republic not supposed to be alluded to in the report, and it wells the former to 20,044 and the latter 28,367 bales. By what process the chairman arrived at the conclusion, that the crop of the ensuing year will amount to 100,000 bales, the undersigned cannot form the most remote conjecture.

The imports of 1843 are stated at \$471,205, but to this should be added \$12,948 dollars contained in the returns of 1844, which properly belongs to 1843, and it gives \$484,153; subtract this amount from 686,503, as returned for 1844, and it leaves 673,554 dollars. The value of the cotton crop of last year (see Secretary's report) was \$581,156; which, estimating the average weight of the bales at 450, was seven cents per pound. The price at present is only about four cents; our present crop must, therefore, exceed the last nearly sixty per cent, to make it yield the same value; and all experience teaches us that our imports are and must be governed by our exports.

The undersigned would cite the foregoing facts, and also respectfully refer the House to the report of the committee on Finance, for a more detailed statement of the reasons which

have influenced them in withholding their assent to the report of their chairman. They cannot concur with him in his conclusions, as to the effect which the reduction which he proposes, will have, in a moral and political point of view, they cannot conceive that it will become an universal *panacea*, healing all party dissensions, calming the troubled waters of political strife, stilling the voice of the noisy demagogue and soothing the bitterness of feeling ever engendered by conflicting sectional interests, thus producing in our political horizon a state of millennial blessedness, which has never existed in any country, and is still less likely to have its birth in ours, possessing, as it does, so many inflammatory materials and so much of the elements of discord and strife.

The undersigned would here express their sincere conviction, that in the present delicate position of our finances, the reduction proposed would inevitably result in financial ruin, and certain bankruptcy. They indulge the hope, that the day is not far distant when this sunny land will be welcomed into the embrace of the country of her birth, and find in that parent bosom a respite from the troubles, which, for more than eight years of toil and tribulation, have assailed us. Should this cherished hope of all the people of Texas be realized, within any short period of time, there is no necessity for change in our financial policy; should disappointment blight our wishes, the undersigned ardently desire to see some system of gradual reduction commenced, at a time proper and safe, which will prepare the way to a final abolition of the tariff and the establishment of a free and unrestricted trade with the world, which, beyond all controversy, is the ultimate true policy of this country, for by it will all the shackles which now trammel our commercial relations, be removed, and trade, naturally seeking the most easy and accessible avenues, will pour its treasures upon our shores, enriching our coffers, and giving new impetus and encouragement to individual and national enterprise. But warned by the former monetary embarrassment and present situation of the Treasury, they behold, with alarm, an effort to make so sudden and extensive a reduction of the tariff, as is contemplated by the bill reported by the chairman of the committee, believing that its passage will, like the fabled box of Pandora, scatter innumerable and irremediable evils upon the country, without leaving even "the light of hope behind."

WM. R. SCURRY.

GEO. W. SMYTH.

Simon L. Jones, one of the same committee, made the following report.

COMMITTEE ROOM,
January 25, 1845. }

To the Honorable John M. Lewis,
Speaker of the House of Representatives:

The undersigned, one of the select committee to whom was referred the memorial of the citizens of Galveston and Houston, while he cannot agree with the chairman, in relation to an immediate reduction of the tariff, as contemplated by them, is reluctantly compelled to acknowledge that he agrees with him in his report, so far as it relates to the unequal collection of the revenue. At the same time, he does not attribute it to the want of honesty or patriotism on the part of the inhabitants, but to the geographical situation of the country adjacent to the United States, and the peculiar manner in which the business of that section is conducted. He is, also, fully impressed with the force of the arguments advanced by the chairman, so far as they relate to the benefits which the country will derive from a reduction of the present tariff, to the lowest possible rate, consistent with a safe and proper administration of the Government, firmly believing that the true policy of this country will lead to such a reduction, as will enable the citizens on our eastern border to introduce their goods more advantageously through our own ports, than through those of the United States. By reference to the existing tariff of that country, it will be seen that the impost duties, on many of the leading articles, amount almost to a prohibition—particularly on the coarse description of cotton fabrics, of which we are large consumers.

It would be unnecessary to enter into details relative to the state of trade between the United States and Europe: the fact is too apparent, that even in the face of the high protective tariff of the former, a large portion of the goods entered for consumption in the United States, consist of the manufactures of the latter, notwithstanding which, we are tributary to the United States for more than two-thirds of our importations—the saving on which, if turned into the proper channel, would be, at least, \$150,000 per annum; after making a liberal allowance for the articles which we are necessarily compelled to import from that market, as being the cheapest.

Should we adopt the true policy of making our purchases at the cheapest market, a reduction of the tariff would induce shipments from Europe, and investments of capital from those countries where the rate of interest is so low, that it would be an object for the capitalists to invest their profits derived from the sale of the manufactures thus introduced, in the improvements of our country, which offers so many inducements for such enterprize.

I am as much impressed with the importance of a reduction of the duties as the chairman; and only disagree with him as to the time and manner in which such reduction should be made. We must take into consideration the unusually low price of our great staple, upon which we are mainly dependant, and upon which our calculations must be based. There is no doubt in my mind, but that the imports and exports are much greater than calculated upon in my estimates: but we have no reason to anticipate that all persons will come cheerfully forward, and contribute to the full extent of their importations, even under a reduced tariff, which would probably amount to 12 or \$13 per head if all was paid, when we find that, under existing circumstances, the average amount collected is not over \$3 06 for each voter, in that portion of the country opposed to paying the tariff as levied under the existing laws. And it must be a matter well understood, that it is impossible to turn the current of trade suddenly, without material injury to all engaged in mercantile pursuits—even if it were practicable, which I am induced to believe is not the case.

The cotton crop of 1843-'4, as returned, was 18,000 bales—valued at \$580,156; which, calculated at the rate of 450 lbs. to the bale, would give 7 1-4c. per lb. To this we will add one-third as the increase for this year, which would give us 24,489 bales; at 450 lbs. to the bale, and valued at the present price of cotton, say 4 cents per lb., would give \$440,802. To the exports of the eastern counties, over last year, which was \$70,610, add one-third as the probable increase for the present year, will give \$94,146: to both these amounts add \$30,000—being the probable amount of the value of other exportations, independent of the cotton crop, the whole will make an aggregate amount of \$564,900; which, deducted from the exports of last year, which were \$615,119, will leave a deficit of \$50,219.

We will admit that our imports and exports will be equal during the present year. At the average tariff of 27 9-16 per cent., this will yield \$155,700. To this, add \$20,000 as ton-

nage duties—\$10,000 as license taxes, and we have the whole revenue; as it would not be proper to calculate upon any thing from direct taxes, a large portion of them having been already appropriated for the payment of pressing demands against the government. Taking this into account, together with the uncertainty of collection, and it will leave us no room to anticipate any available revenue from this source.

According to the above estimate, we have \$185,700; from this deduct \$18,830, being the purposed reduction of five per cent. on our imports from the United States—supposing them to be two thirds of the whole amount, and we have a net revenue of \$166,870.

The appropriations made for the support of the government, by the present Congress, independent of the amount of Exchequers in circulation, will fully cover the above amount; and I am of the opinion, that any reduction of the tariff, at this time, further than the five per cent. contemplated, would be highly inexpedient and detrimental to the best interests of the country.

S. L. JONES.

On motion of Mr. Willianson, 500 copies of the several reports were ordered to be printed.

Mr. Robison moved to amend, by making it the special order of the day for Tuesday next, at 11 o'clock, A. M.; carried.

The select committee, B. Rush Wallace chairman, to whom was referred the petition of Mary Potter and others, reported a bill for their relief; read a first time.

The committee on Public lands, Geo. Sutherland chairman, to whom was referred the bill legalizing the instructions of John P. Borden, late Commissioner of the General Land Office, in regard to the government dues upon land, reported the same back to the House with a substitute, and recommended its passage.

On motion of Mr. Sutherland, the bill was taken up, substitute adopted, and bill ordered to be engrossed.

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

The select committee, David Gage chairman, to whom was referred the bill for the relief of the minute men, raised under an act, approved, 4th February, 1841, reported the same back to the House with amendments, and recommended its passage.

On motion of Mr. Gage, the bill was taken up, amendments adopted, and ordered to be engrossed.

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

On motion of Mr. McLeod, the bill for the relief of Captain John G. Tod was taken up, read a third time and passed.

Mr. Johnson of Shelby, by leave, introduced a bill for the relief of E. L. Martin; read a first time.

On motion of Mr. Johnson of Shelby, the rule was suspended, bill read a second time, and referred to a select committee, consisting of Messrs. Johnson of Shelby, Scurry and Moffett.

Mr. McLeod, by leave, introduced a bill to admit ice free of duty; read a first time.

On motion of Mr. McLeod, the rule was suspended bill read a second time and referred to the committee on Finance.

On motion of Mr. Menefee, the vote adopting the resolution requiring the Secretary of State to settle with Messrs. Cruger & Moore, late public printers, was re-considered.

Mr. Menefee moved to amend, by inserting "House of Representatives; carried, and resolution adopted.

On motion of Mr. Robinson, the bills providing for an amendment to the constitution were taken up, they being the special order of the day.

On motion of Mr. Caznean, the bill originating in the House, was taken up and read.

Mr. Johnson of Shelby, moved to strike out the words "for judicial purposes only" in article 2d.

Mr. Ford moved to strike out the entire article; carried.

On motion of Mr. Robinson, all after the word "residence," in the 3d article, was stricken out.

Mr. Scott moved to strike out the third article; lost.

Mr. Wallace offered an amendment, to provide that the members of the House shall be elected biennially, after 1847, and Senators to be elected to serve for six years.

The Ayes and Noes being called for on the adoption of the amendment, stood as follows:

Ayes—Messrs. Ford, Hardin, Johnson of Shelby, McFarlane, Means, Menefee, Moffett, Sadler, Scott, Sutherland, Truit, Wallace, Williams and Williamson—14.

Noes—Messrs. Speaker, Armstrong, Caznean, Cunningham, Dunn, Erath, Johns, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McLeod, Mabry, Perkins, Robinson, Scurry, Smith of Fannin and Smyth of Jasper—18.

So the amendment was rejected.

Mr. Smith of Fannin, moved to strike out "three years," and insert "two years;" lost.

Mr. Scurry moved to strike out "three years," and insert "six months."

Mr. Johnson of Shelby, moved to strike out "three years," and insert "five years."

A division of the question was called.

The question on striking out was put and lost.

The Ayes and Noes being called on the engrossment, stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Cunningham, Dunn, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Perkins, Robinson, Sutherland, Smith of Fannin, Smyth of Jasper and Williams—20.

Noes—Messrs. Speaker, Erath, Ford, Gage, Hardin, Johns, Means, Ogden, Sadler, Scott, Scurry, Truit, Wallace and Williamson—14.

So the bill was ordered to engrossed.

On motion of Mr. Williamson, the rule was suspended, bill read a third time.

The Ayes and Noes being called on its final passage, stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Cunningham, Dunn, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Perkins, Robinson, Sutherland, Smyth of Jasper and Williams—18.

Noes—Messrs. Speaker, Erath, Ford, Gage, Hardin, Johns, Johnson of Shelby, Means, Millican, Ogden, Sadler, Scott, Scurry, Smith of Fannin, Truit, Wallace and Williamson—17.

So the bill passed.

Mr. Menefee moved a re-consideration of the vote just taken.

The Ayes and Noes being called, stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Cunningham, Dunn, Ford, Gage, Johnson of G., Johnson of S., Jones of G., Jones of San Patricio, Lewis, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Robinson, Scurry, Sutherland, Smith of Fannin, Truit, Wallace and Williams—19.

Noes—Messrs. Speaker, Erath, Hardin, Johns, McFarlane, Millican, Sadler, Scott, Smyth of Jasper and Williamson—10.

On motion of Mr. Menefee, the vote for the engrossment of the bill was re considered.

On motion of Mr. Johnson of Shelby, the proviso to the third article was stricken out.

The bill was then ordered to be engrossed.

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

The Ayes and Noes were called on the passage of the bill, and stood as follows:

Ayes—Messrs. Armstrong, Caznean, Cooke of Bexar, Cunningham, Duun, Gage, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Sutherland, Smyth of Jasper and Williams—22.

Noes—Messrs. Speaker, Erath, Hardin, Johns, Millican, Sadler, Scott, Truit, Wallace and Williamson—10.

So the bill passed.

On motion of Mr. Williamson, the bill from the Senate, of the same nature, was laid on the table.

A message was received from the Senate, informing the House of the passage of

A bill for the relief of William Bugg;

A bill to amend an act to incorporate the Brazos Canal Company;

A bill to repeal in part and amend an act repealing in part and amending an act for the incorporation of the city of Galveston, approved, 5th February, 1844;

A bill for the relief of Henry F. Fisher & B. Miller, with amendments;

A bill for the relief of Lucy Davis, with amendments;

A bill to repeal an act authorizing the holding of a District Court, in two places in Red River county, and for other purposes;

A bill to change in part the times of holding the Courts in the 7th Judicial District;

A bill for the relief of Helena Nelson;

A bill for the relief of Francis Hughes and others;

A bill to establish the limits of the Mercer Colony;

A bill relating to the pilotage of vessels entering the Port of Brazos;

A bill amendatory of an act to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians, approved, 14th January, 1843;

A bill for the relief of Charles B. Stewart, assignee of John Tom ;

A bill to change the system of assessing and collecting direct taxes ; and,

A resolution to adjourn *sine die* on 'Thursday, the 30th instant ;

And that the Senate had re-considered the vote rejecting the bill for the relief of Howard & Ogden, and T. A. Sully ;

And that the Senate had refused to recede from their amendments to the bill for the relief of J. C. Neill ;

And, also, that they had refused to concur in the amendments of the House, to the bill for the protection of the frontier.

On motion of Mr. Jones of San Patricio, the bill for the relief of Howard & Ogden, and T. A. Sully, was returned to the Senate.

The select committee, S. B. Johns chairman, to whom was referred the memorial of the merchants of Galveston, praying the establishment of a Chamber of Commerce, reported a bill for that purpose ; read a first time.

On motion of Mr. McLeod, the rule was suspended, bill read a second time, and ordered to be engrossed.

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

On motion of Mr. Armstrong, the bill to provide for carrying the public mails from April 1st, 1845, to April 1st, 1846, and establishing routes and rates of postage, &c., was taken up.

The House adhered to their amendments ; and,

On motion of Mr. Armstrong, a committee of conference was appointed, consisting of Messrs. Armstrong, Johnson of Shelby, Johns, Jones of San Patricio and Gage.

On motion of Mr. Gage, the bill to incorporate the town of Henderson, was taken up, and ordered to be engrossed.

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

On motion of Mr. Robinson, the bill for the relief of John Trussell was taken up, read a third time and passed.

On motion of Mr. Scurry, the bill to require the Commissioner of the General Land Office to issue patents in certain cases, was taken up, read a third time and passed.

On motion of Mr. Ford, the bill to endow the Wesleyan College of San Augustine was taken up.

On motion of Mr. Jones of San Patricio, the bill was ordered to be engrossed.

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

On motion of Mr. McLeod, the bill to repeal the 14th section of an act to raise a revenue by direct taxation, approved, 16th January, 1840, was taken up on its second reading, and the substitute of the committee adopted.

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

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

On motion of Mr. Cazneau, the bill for the protection of the frontier was taken up.

The House adhered to their amendments.

On motion of Mr. Robinson, a committee of conference was appointed, consisting of Messrs. Cazneau, Erath, Cunningham, Scurry and McLeod.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM. }
January 25, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined, a joint resolution for the relief of the Mier prisoners, and others ;

A bill amendatory of an act to establish the Marshall University ;

A joint resolution for the relief of William Lakey ;

A bill establishing a certain mail route, and attaching the same to a certain other route ;

A bill establishing a mail route therein named ;

A joint resolution for the relief of C. B. Acklen and C. R. Perry ;

A bill for the appointment of Patrols ;

A joint resolution for the relief of Michael Fox and others ;

A bill to authorize the erection of a Light House on Galveston Island ;

A bill to establish a Light House at Paso Cavallo;

A bill to re-organize the Board of County Commissioners for the several counties of the Republic; and,

A joint resolution to provide for the organization of Goliad county—and find the same correctly Engrossed.

WM. L. CAZNEAU,
One of the Committee.

Adopted.

On motion of Mr. Gage, the bill to provide for taking the Census of the Republic, was taken up and read a first time.

On motion of Mr. Robinson, the House proceeded to the

ORDERS OF THE DAY.

The bill to form the Collectoral District of Soda Lake was taken up, and the amendment of the Senate concurred in.

The bill to repeal the act authorizing the holding of the District Court in two places in Red River county, was taken up, and the amendments of the Senate concurred in.

A bill for the relief of the heirs of James Garrard, deceased, was taken up, and the amendments of the Senate concurred in.

The joint resolution for the relief of J. C. Neill was taken up, and a committee of conference appointed, consisting of Messrs. Williamson, Scott, Cazneau, Cooke of B. and Johns.

The joint resolution for the relief of Henry F. Fisher and B. Miller, was taken up.

On motion of Mr. Cazneau, the House adjourned until half past 2 o'clock, P. M.

Half past 2 o'clock, P. M.

House met; roll called; quorum present.

The bill for the relief of Henry F. Fisher and B. Miller being before the House, the amendments of the Senate were concurred in.

The bill for the relief of William Moffitt and others, was taken up, read a third time and passed.

The select committee, W. T. Sadler chairman, to whom was referred the petition of John M. Caldwell, praying the exclusive franchise of the ferry at the town of Alabama, on the Trinity river, reported unfavorably; which report was adopted.

The bill for the relief of John Gregg was read a third time, and passed.

The bill for the relief of Simpson Holloway, was read a third time and passed.

On motion of Mr. Robinson, the vote making the Tariff bill the special order of the day for Tuesday, at 11 o'clock, was reconsidered, and 12 o'clock inserted in lieu of 11 o'clock.

The bill for the relief of B. J. Thompson, was read a third time and passed.

The bill for the better security of Customs, was read a third time and passed.

The bill to incorporate the Baylor University, was read a third time and passed.

The bill for the appointment of Trustees, in certain cases, was read a third time and passed.

The bill for the relief of Robert Pace, was read a third time and passed.

The bill to repeal the 9th section of an act therein named, was read a third time, and, on motion of Mr. Williamson, laid on the table until Monday, 12 o'clock.

The bill to amend the 4th and 5th sections of an act approved January 27th, 1842, which act was supplementary to an act to raise a revenue by impost duties, approved, 5th Feb., 1840, was taken up and read a first time.

Mr. Robinson offered the following resolution:

Resolved, That the committee on Finance be instructed to enquire into the propriety of reducing the rate of Direct Taxes, and that they report on Monday morning by bill or otherwise.

Adopted.

A message was received from the Senate, informing the House of the passage of,

A bill for the relief of Augustus Williams;

A bill relating to security for costs in the District Courts, and,

A bill for the relief of the heirs of William Bryan.

The bill to repeal certain portions of an act concerning conveyances, approved 5th Feb. 1840, was taken up and read a first time.

The bill to regulate venue in certain cases, of a criminal character, was taken up; read a first time.

The bill to provide the times and place of holding the sessions of the Supreme Court of the Republic, was read a first time.

On motion of Mr. Robinson, the rule was suspended, bill

read a second time, and referred to the committee on the Judiciary.

The bill for the relief of William M. Harrison, was read a first time.

The bill for the relief of Bertholett, Heald & Co., was read a first time.

The bill making valid all surveys in colonies previous to closing the contracts for the same, was read a first time.

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

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

Mr. Scott offered the following resolution :

Resolved, That the committee on Finance be requested to take into consideration the propriety of establishing a system of direct tax, at an *ad valorem* rate ; and, further, to consider the propriety of making an increase of the same on all taxables, except on white poll-tax ; adopted.

The bill to provide for the issuance of patents on valid claims to assignees, where the assignments are legally authenticated, was read a first time.

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

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

Mr. Cooke of Robertson, by leave, introduced a bill to encourage the destruction of wolves, and for the protection of personal property ; read a first time.

Mr. Cooke of Robertson, moved a suspension of the rule ; carried.

Bill read a second time, and referred to the committee on Finance.

The bill for the relief of J. B. Robertson, was read a first time.

Mr. Henderson, by leave, introduced a bill for the relief of J. F. Brown : read a first time.

On motion of Mr. Henderson, the rule was suspended, bill read a second time, and referred to the committee on Claims and Accounts.

The bill regulating the issuing of headright certificates and

duplicate certificates, land warrants and discharges, was read a first time.

The bill to change in part the times of holding the District Courts in the 7th Judicial District was taken up, and the amendments of the Senate concurred in.

The bill for the relief of Lucy Davis was taken up, and the amendments of the Senate concurred in.

The bill for the relief of John Hamilton was taken up; read a first time.

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

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

The bill to defray the contingent expenses of the contingent printing of the ninth Congress, was read a first time.

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

On motion, the rule was further suspended, bill read third time and passed.

The bill amendatory of an act, supplementary to an act entitled, an act to raise a revenue by impost duties, approved, 5th February, 1840, approved, 27th January, 1842, was read a first time.

The bill for the relief of A. W. Lockett; read a first time.

The bill for the relief of Augustus Williams; read a first time.

The bill relating to security for costs in the District Courts; read a first time.

The bill for the relief of Francis Hughes and others; read a first time.

The bill for the relief of Helena Nelson; read a first time.

The bill to establish the limits of the Mercer colony; read a first time.

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

On motion of Mr. Henderson, referred to a select committee, consisting of Messrs. Gage, Bourland, Johns, Cooke of Robertson, Smith of Fannin and Scurry.

The bill relating to pilotage of vessels entering the Port of Brazos, was read a first time.

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

On motion of Mr. Henderson, it was referred to the committee on Finance.

The bill for the relief of Charles B. Stewart, assignee of John Tom, was read a first time.

The bill amendatory of an act to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians, approved, 14th January, 1843, was read a first time.

On motion of Mr. Erath, the rule was suspended, bill read a second time, and referred to the committee on Indian Affairs.

The bill to change the system of assessing and collecting taxes, was read a first time.

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

On motion of Mr. Robinson, the bill was laid on the table, and one hundred and fifty copies ordered to be printed.

The bill granting land to emigrants, was taken up, read a second time, and,

On motion of Mr. Menefee, referred to the committee on the State of the Republic.

On motion of Mr. Scott, Messrs. Cooke of Robertson and Millican were added to the committee on County Boundaries.

The bill to incorporate the Galveston Guards, was taken up on its second reading and ordered to be engrossed.

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

Mr. Sadler moved to take up the resolution to adjourn *sine die*; lost.

The bill for the relief of Leander Wescott, administrator of Lewis Williams, was taken up on its second reading, and ordered to be engrossed.

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

On motion of Mr. Hardin, the bill for the relief of Emanuel Clemens, was taken up on its second reading, and ordered to be engrossed.

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

On motion of Mr. Scott, the bill for the relief of Thomas R. Townsend was taken up, and passed to its third reading.

On motion of Mr. Henderson, the bill to make navy scrip receivable for dues to the government, that accrued prior to 1st February, 1842, was taken up on its second reading.

Mr. Henderson offered the following amendment:

"*Be it further resolved*, That the audited scrip of members of the sixth Congress be placed on the same footing with navy scrip;" adopted—and bill ordered to be engrossed.

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

Mr. Robinson moved to adjourn until 10 o'clock, Monday morning; lost.

Mr. Robinson moved to adjourn until 9 o'clock, Monday morning; lost.

Mr. Scott moved to adjourn until 7 o'clock, P. M.; lost.

A message was received from the Senate, informing the House of the passage of

A bill to repeal a certain act therein named; and,

A bill requiring the owners of lands in the counties of Refuge, Goliad and San Patricio, to cause their lines to be designated and marked.

Mr. Cooke of Robertson, presented the petition of Robert Steel, which was referred to a select committee, consisting of Messrs. Cooke of Robertson, Fruit and Dunn.

Mr. Menefee moved to adjourn until 7 o'clock, P. M.; lost.

Mr. Sutherland moved to adjourn until 10 o'clock, Monday morning; lost.

On motion of Mr. Williamson, the House adjourned until 9 o'clock, Monday morning.

MONDAY, January 27, 9 o'clock A. M.

House met pursuant to adjournment; the Speaker being sick, Mr. Menefee was called to the chair; prayer by the

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

Messrs. Armstrong, Cazneau, Cooke of Bexar, Cunningham, Ford, Gage, Hardin, Henderson, Johns, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of Jasper, Wallace and Williams.

A quorum present; Journals of Saturday read and adopted.

The committee on the State of the Republic, William F. Scott, one of the committee, to whom was referred the bill granting lands to emigrants, reported the same back to the House with amendments, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the joint resolution for the relief of J. F. Brown, reported the same back to the House, and recommended its passage.

On motion of Mr. Henderson, the bill was taken up.

Mr. Henderson moved a suspension of the rule; lost.

The committee on Finance, S. B. Johns, one of the committee, to whom was referred the resolution instructing them to "enquire into the expediency of reducing the direct taxes," and the resolution "requesting them to take into consideration the propriety of establishing a system of direct tax at an *ad valorem* rate, and further to consider the propriety of making an increase of the same, on all taxables except on white poll-tax," reported:

That it is inexpedient to reduce the direct tax, because the country looks forward with solicitude to the period when the impost duties can be reduced, consistently with a due administration of its affairs, and a reduction of the direct tax would tend materially towards defeating that object.

That it is inexpedient to increase the direct tax, because, so long as the impost duties remain as they are, an increase of direct tax would weigh too onerously on the tax payers; and for reasons heretofore given by this committee, the time

has not yet arrived when the duty on imports can be materially diminished consistently with the general welfare.

Report adopted.

The committee on Finance, John S. Ford, one of the committee, to whom was referred the bill to encourage the destruction of wolves, and for the protection of personal property, reported the same back to the House and recommended its indefinite postponement.

On motion of Mr. Gage, the report and bill were referred to a select committee, consisting of Messrs. Gage, Ford, Molfett, Cooke of Robertson, McLeod and Erath.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of Samuel Bogart, reported a bill for his relief; read a first time.

On motion of Mr. Williamson, the rule was suspended, bill read a second time, and laid on the table.

The same committee, to whom was referred the accounts of James F. Edrington, reported a bill for his relief; read a first time.

Mr. Williamson moved a suspension of the rule; lost.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the bill for the revision of the laws, and a joint resolution to encourage a compilation or digest of the laws, reported the same back to the House, and recommended their passage; which report and bills were laid on the table, to come up among the orders of the day.

The select committee, M. T. Johnson chairman, to whom was referred the bill for the relief of E. L. Martin, reported the same back to the House, and recommended its passage.

The committee on the Judiciary, B. Rush Wallace one of the committee, to whom was referred the bill to provide for issuing patents to assignees, where the assignments are legally made, reported the same back to the House and recommended its passage.

The select committee, B. Rush Wallace one of the committee, to whom was referred the bill making an appropriation for the payment and contingent expenses of Captain Mabbitt's company of volunteers, reported the same back to the House, and recommended its passage.

The same committee, to whom was referred the bill for the

relief of certain persons therein named, reported the same back to the House, and recommended its passage.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the bill to provide the times and place of holding the sessions of the Supreme Court, reported the same back to the House with amendments, and recommended its passage; which reports and bills were laid on the table, to come up among the orders of the day.

The select committee, D. Gage chairman, to whom was referred the bill to establish the limits of the Mercer colony, reported the same back to the House, and recommended its passage, with an amendment.

On motion of Mr. Gage, the bill was taken up, and the amendment of the committee adopted.

On motion of Mr. Bourland, the bill was passed to its third reading.

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

The committee of conference, D. S. Kaufman, chairman on the part of the Senate, and William L. Cazneau, chairman on the part of the House, upon the joint resolution for the relief of J. C. Neill, reported, that they have agreed to recommend that the Senate recede from their amendments to strike out "two," and insert "one," in 4th line, 1st section; and to strike out, in 1st section, the words "first day of January," and insert "tenth day of February, 1845;" which report was adopted.

On motion of Mr. Erath, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Scott, the bill for the relief of Thomas Cox was taken up and ordered to be engrossed.

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

The committee on the State of the Republic, R. M. Williamson one of the committee, to whom was referred the bill providing for the permanent defence of the western frontier, reported the same back to the House, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
January 27, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,

A bill to repeal in part, and amend the 14th section of an act to raise a public revenue by direct taxation, approved, January 16th, 1840.

A joint resolution amending the Constitution.

A substitute to a joint resolution legalizing the instructions of John P. Borden, late Commissioner of the General Land Office, in regard to government dues upon lands.

A joint resolution for the relief of Leander Wescott, administrator of Lewis Williams.

A bill to create a body corporate and politic, by the name of the Galveston Chamber of Commerce.

A joint resolution for the relief of the minute men raised under an act, approved, February 4th, 1841.

A bill to incorporate the Texas Cotton and Woollen Manufacturing Company.

A bill to endow the Wesleyan College of San Augustine.

A bill for the relief of Emanuel Clemens.

A bill making navy scrip receivable for dues to the government, that accrued prior to the first of February, 1842.

A bill to incorporate the Galveston Guards, City of Galveston.

A bill to incorporate the town of Henderson, in the county of Rusk, and,

A substitute to a bill to incorporate the Orphans' Friend Lodge No. 17, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,

One of the Committee.

Adopted.

The resolution to adjourn *sine die* was taken up.

Mr. Williamson moved to lay it on the table.

The Ayes and Noes being called, stood as follows :

Ayes—Messrs. Cooke of Robertson, Cunningham, Ford, Hardin, Jones of Gonzales, Menefee, Perkins, Robinson, Scurry, Sutherland, Smith of Fannin, Wallace, Williams and Williamson—14.

Noes—Messrs. Armstrong, Bourland, Cazneau, Cooke of Bexar, Dunn, Erath, Gage, Henderson, Johns, Johnson of Shelby, Lewis, McFarlane, McLeod, Mabry, Means, Millican, Moffett, Sadler, Scott and Smyth of Jasper—20.

So the motion was lost.

Mr. Williamson moved to amend, by striking out "30th instant," and inserting "3d February."

The Speaker decided the motion in order.

Mr. Armstrong appealed from the decision of the chair.

The question was put to the House, and the decision sustained.

The Ayes and Noes being called on the motion to amend, stood as follows :

Ayes—Messrs. Cooke of Bexar, Cooke of Robertson, Cunningham, Dunn, Erath, Ford, Gage, Hardin, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, McFarlane, McLeod, Menefee, Moffett, Perkins, Robinson, Sadler, Scurry, Sutherland, Smith of Fannin, Wallace, Williams and Williamson—24

Noes—Messrs. Armstrong, Bourland, Cazneau, Henderson, Johns, Lewis, Mabry, Means, Millican, Ogden, Scott and Smyth of Jasper—12.

So the amendment was adopted.

A message was received from the Senate, informing the House of the passage of,

A bill for the relief of Adolphus Sterne ;

A bill for the relief of Jarret Menefee ;

A bill supplementary to an act to change in part the times of holding the District Courts in the 5th and 7th Judicial Districts, approved, January 27th, 1844. ;

A bill for the relief of Sam. Ricker, Jr., with amendments ;

A bill to amend an act organizing the inferior courts, and defining the powers and jurisdiction of the same, passed 20th December, 1836, and to repeal in part an act organizing justices courts, &c., &c., passed 20th December, 1836 ;

A bill to repeal the 5th section of an act to establish the me-

Method of trying the rights of property levied on by execution, approved, February 5th, 1840;

A bill relative to tonnage duties;

And, that the Senate had appointed committees of conference on the bill to provide for carrying the public mails, and establishing routes and rates of postage;

And, on the bill for the protection of the frontier.

The committee on Finance, S. L. Jones one of the committee, to whom was referred the bill to admit ice free of duty, reported in favor of the passage of the bill.

On motion of Mr. McLeod, the bill was taken up, and ordered to be engrossed.

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

The committee of conference, on the bill for the protection of the frontier, made the following report:

COMMITTEE ROOM, }
January 27, 1845. }

To the Honorable K. L. Anderson,
President of the Senate:

To the Hon. John M. Lewis,
Speaker of the House of Representatives:

The committee of conference, to which was referred the bill, entitled an act for the protection of the frontier, beg leave to make the following report:—

That they have agreed to recommend that the House recede from their first and third amendments, and that the Senate adopt the second amendment, with the following proviso: "Provided, the same shall not exceed ten dollars per month for each person"—and to adopt the fourth amendment, all of which is respectfully submitted; and the concurrence of the two houses recommended in the same.

G. W. WRIGHT,

Chairman of the Committee on the part of the Senate.

WILLIAM L. CAZNEAU,

Chairman of the Committee on the part of the House.

The select committee, W. K. Cooke chairman, to whom was referred the petition of Robert Steel, reported a bill for his relief; read a first time.

On motion of Mr. Erath, the rule was suspended, bill read a second time, and ordered to be engrossed.

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

The bill for the relief of the heirs Thomas R. Townsend, was read a third time and passed.

On motion of Mr. Robinson, the bill to change the system of assessing and collecting taxes, was taken from the table, and placed among the orders of the day.

The bill to repeal a certain act therein named, was read a first time.

The bill requiring the owners of lands in the counties of Refugio, Goliad and San Patricio, to cause their lines to be designated and marked, was read a first time.

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

Mr. Cunningham moved to strike out Goliad.

On motion of Mr. Henderson, the bill was referred to the committee on the Judiciary, with instructions to report to-morrow morning.

The bill to incorporate the Texas Cotton and Woolen Manufacturing Company was taken up and passed.

The bill to admit books and pamphlets free of duty, was taken up on its second reading; and,

• On motion of Mr. Jones of San Patricio, laid on the table, until to-morrow, 11 o'clock.

On motion of Mr. Williamson, the rule to take in no new business after the 25th inst. was suspended.

Mr. Williamson, by leave, introduced a bill for the relief of Susan Parker.

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

Mr. Williamson offered the following amendment :

"*Be it further resolved*, That William G. Cooke be authorized to receive the remainder of the pay due the late Honorable John W. Smith;" adopted—and bill ordered to be engrossed.

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

On motion of Mr. Jones of San Patricio, the vote to lay on the table the bill to admit books and pamphlets free of duty, was reconsidered.

The Ayes and Noes being called on laying the bill on the table, stood as follows :

Ayes—Messrs. Armstrong, Cooke of R., Cunningham, Dunn, Erath, Ford, Henderson, Johnson of S., Means, Millican, Sadler, Scott, Smyth of Jasper, Wallace and Williamson—15.

Noes—Messrs. Cazneau, Gage, Hardin, Jones of Gonzales, Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Robinson, Sadler, Sutherland, Smith of Fannin and Williams—15.

So the motion was lost.

Mr. Scott offered the following amendment :

Insert "bar iron, sugar, salt, powder, lead, dry-goods and liquors;" adopted.

On motion of Mr. Robinson, the bill was referred to the committee on Finance.

On motion of Mr. Cazneau, the bill to provide for the national defence, by organizing the militia, was taken up on its second reading, and ordered to be engrossed.

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

The bill for the relief of Sam. Ricker, Jr., was taken up, and the amendment of the Senate concurred in.

The bill relating to the practice in the District Courts, was taken up on its second reading.

On motion of Mr. Means, the House adjourned until half past 2 o'clock, P. M.

Half past 2 o'clock P. M.

House met; roll called; quorum present.

The bill relating to the practice in the District Courts being under consideration, Mr. Sadler moved to strike out "Republic," and insert "county;" adopted.

Mr. Cunningham moved the engrossment of the bill.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Cunningham, Gage, Hardin, Henderson, Johns, Johnson of Shelby, Lewis, Means, Millican, Robinson, Sadler and Sutherland—12.

Noes—Messrs. Armstrong, Cooke of Bexar, Cooke of Robertson, Erath, Ford, Jones of San Patricio, McFarlane, Mabry, Menefee, Scott, Scurry, Smyth of Jasper, Wallace, Williams and Williamson—15.

So the bill was rejected, by refusing to engross.

A message was received from his Excellency, the President, by his Private Secretary, Mr. S. Z. Hoyle.

On motion of Mr. Scurry, the message was taken up, and read as follows :

EXECUTIVE DEPARTMENT, }
Washington, January 27, 1845. }

To the Honorable the House of Representatives :

The President has had under consideration the bill originating in the House of Representatives, entitled "an act, amendatory of the several acts relative to fraudulent land certificates," and returns the same without his signature, with his reasons for so doing.

This bill has for its object the revival of the *right* extended to individuals to sue the government, in cases defined by the 1st section of the statute, passed the 4th February, 1841, supplementary to "an act to detect fraudulent land certificates," &c., &c., which *right* being limited by the act of 14th January, 1843, was barred by its prescription on the 1st day of January, 1844. There is but one class of cases embraced by this prescription. It refers exclusively to those individuals "holding or owning head-right certificates, issued by any Board of Land Commissioners," and not subsequently recommended "as genuine and legal by the general and local commissioners," whose duty it was "to detect fraudulent land certificates." Persons entitled to head-right certificates of the first class, which they have not obtained, from any of the boards heretofore in existence; and, also, such as may have received certificates from any of those boards for too much land, are still authorized to avail themselves of the remedy given by the statute. Those claims only are precluded, to which the imputation of *fraud* attaches, in consequence of the official action of the general and local commissioners. Claimants of this description have already been allowed three years for the institution of their suits against the government, with the advantage of the notice contained in the statute, which the bill proposes to repeal, that their right of action would be barred at the expiration of the year 1843. It is a well established doctrine, that the government can only be sued in the mode and time prescribed by its own consent; and it is conceived that the class of persons referred to, have received all the indulgence which they can reasonably request at the hands of the government, without the renewal of a privilege which they have *voluntarily* or *negligently* permitted to elapse.

What force is to be attached to the proceedings or decisions of the investigating board of commissioners, is for the judicial

tribunals of the country to determine. It is known that many respectable members of the legal profession, entertain the opinion that those decisions have not the effect, nor are in the nature of judgments rendered in our courts of law; they, with great plausibility, insisting that the rights of no person can be injuriously affected by a proceeding to which he is not a party. It is undoubtedly proper, however, that the government should so far act upon the information contained in the report of those commissioners, as to withhold the sanction of its patent, to perfect the titles of individuals, whose claims the investigating board has pronounced *fraudulent*: and, also, to prohibit the location of those claims, in cases where surveys had not been consummated. This is but the exercise of a *negative* power, on the part of the Republic, whose right so far, to act in its own defence, and in protection of legal and genuine claims upon its domain, it is believed, cannot be questioned.

The neglect to the parties interested in the class of claims now precluded by the prescription, to avail themselves of the remedy instituted for their benefit, within the delay specified by the statute sought to be repealed by the bill under consideration has, it is understood, induced many of our citizens holding genuine certificates, within the past year, to locate portions of the land previously surveyed by virtue of claims belonging to the class called *fraudulent*. The Executive is of opinion that the power should not be given, by any legislative act, to persons of the latter description who, by a delay of the three years, have forfeited their legitimate remedy still to establish their claims in the judicial tribunals of our country; especially as such establishment of these lapsed claims, would have *relation* to their previous locations, and might vest in the successful claimants, rights to take effect from the time of the original surveys: would it not be more equitable to leave the respective parties under the operation of the law, as it existed at the time when these conflicting rights accrued, without extending to either the advantages of special legislative favor?

Whatever right or *color* was created by actual surveys made for the benefit of individuals, by virtue of any of this class of certificates, before their rejection by the investigating board, cannot be divested or destroyed by any law subsequently enacted. Those rights, if any such actually exist, remain unaffected by the decision of those commissioners; and the parties interested will be protected in the enjoyment of them by the judicial tribunals. Subsequent locators have surveyed the lands

thus previously covered, at their own risk; trusting, no doubt, that any conflict between themselves and those claiming under older surveys would be settled by the law, as it was when the last locations were made. Under such circumstances, the Executive conceives that it would be manifestly partial and unjust for Congress now to enact a law whereby the validity of the former locations could be established, to the exclusion of the latter, and the bill returned is clearly liable to this objection.

Again, it is a well known fact, that some *ten thousand* spurious certificates, purporting to be issued by former boards of land commissioners, but all without authority, and notoriously *fraudulent*, have been put in circulation in the community, with the design of defrauding the government out of its domain; and that the *territory actually surveyed* upon those spurious claims, amounts to thousands of leagues, and presents an area sufficient for several constitutional counties.

The testimony in possession of the government, to establish the fraudulent character of those claims, when separately and at wide intervals, presented in our courts throughout the several districts and counties, is neither so accessible, strong or abundant as it was three years ago; while the facilities to establish these claims, by means of perjury and corruption, have been greatly increased by this very decay of proofs on the part of the government. Should the door of our tribunals, as contemplated by this bill, be again thrown open for the establishment of these rejected claims, the Executive is of opinion that very dangerous and unwarranted advantages would thereby be afforded for a vast and successful perpetration of *frauds*, which the government would be every day growing less and less able to counteract or obviate; and which the bill itself would have an effect to cherish, by holding out to the selfish and unprincipled the strong incentive of unhallowed gain.

In the class of certificates rejected by the investigating board, there are no doubt some just and legal claims, the holders of which have neglected to avail themselves, in season, of their remedy by suit against the Republic; still the proportion of such claims is believed to be very limited, when compared with the vast number to which the imputation of *fraud* justly attaches. The certain evil, therefore, would far exceed any *prospective good* likely to result from the passage of this bill to a law; and for these reasons the Executive feels compelled to withhold from it his approval.

ANSON JONES.

On motion of Mr. Williamson, the message and bill were laid on the table, and one hundred and fifty copies ordered to be printed.

A message was received from the Senate, informing the House of the passage of

A bill for the relief of Isabella T. Scott;

A bill granting to Augustus Barr, the franchise of a ferry at the West end of Galveston Island; and,

A joint resolution for the relief of Captain Eli Chandler and others, with amendments.

On motion of Mr. Robinson, the petition of Edward Teal was re-committed to the committee on the Judiciary; and,

On motion of Mr. Wallace, they were instructed to report as early as practicable.

The bill for the relief of J. W. E. Wallace was taken up, read a second time, and,

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

The joint resolution for the relief of Captain Eli Chandler and others, was taken up, and the amendments of the Senate concurred in.

The bill granting to Augustus Barr the franchise of the ferry at the west end of Galveston island was taken up, and the amendment of the Senate concurred in.

The bill to admit the testimony of executors, guardians, &c., &c., on the trial of civil actions, was read a second time, and,

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

The bill to enable the holders of legal land claims to obtain certificates, was read a second time, and,

On motion of Mr. Erath, referred to the committee on Public Lands.

The bill to regulate mills and millers, was taken up on its second reading.

M. Hardin moved to insert "in Liberty county."

Mr. Wallace moved to insert "San Augustine."

Mr. Erath offered a substitute for the bill and amendments; adopted.

Mr. Ford offered the following amendment: "that wind mills be exempt from the provisions of this act;" rejected.

Mr. Williamson moved the engrossment of the bill.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Armstrong, Cooke of Bexar, Cooke of Robertson, Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Millican, Moffett, Perkins, Scott, Scurry, Smyth of Jasper, Wallace, Williams and Williamson—26.

Noes—Messrs. John, Robinson, Sadler and Sutherland—4.
So the bill was ordered to be engrossed.

On motion of Mr. Scott, Messrs. Williamson and Lewis of Austin, were added to the committee on County Boundaries.

The bill to allow Thomas Robinson to adopt a certain child therein named, was read a second time, and ordered to be engrossed.

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

On motion of Mr. McLeod, the bill for the relief of Jerome B. Robertson was taken up, read a second time, and,

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

On motion of Mr. Lewis of Austin, the bill for the relief of Francis Hughes and others, was taken up, read a second time, and passed to a third reading.

The bill to define more perfectly the jurisdiction of the District Courts, was taken up on its second reading, and the substitute of the committee adopted; and,

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

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

On motion of Mr. Williamson, the joint resolution for the relief of Post Captain E. W. Moore, was taken up on its second reading, and ordered to be engrossed.

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

On motion of Mr. McLeod, the bill for the relief of Surgeon Thomas P. Anderson was taken up, read a second time, and ordered to be engrossed.

The rule was suspended, bill read a third time and passed.

On motion of Mr. Robinson, the bill to incorporate the Trinity University was taken up on its second reading, and ordered to be engrossed.

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

On motion of Mr. Williamson, the bill for the relief of Wil-

liam Bryan was taken up, read a second time, and ordered to be engrossed.

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

On motion of Mr. Erath, the bill for the relief of Augustus Williams was taken up, read a second time, and passed to a third reading.

On motion of Mr. Cazneau, the bill granting land to emigrants was taken up, and the amendment of the committee adopted.

Mr. Wallace moved to amend, by inserting "upon paying 10 cents per acre."

The Ayes and Noes being called on the amendment, stood as follows :

Ayes—Messrs. Menefee, Robinson, Sadler, Sutherland, Smith of Fannin, Smyth of Jasper and Wallace—7.

Noes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Cunningham, Erath, Gage, Hardin, Henderson, Johns, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Millican, Moffett, Perkins, Scott, Scurry, Williams and Williamson—24.

So the amendment was rejected.

Mr. Scott offered the following amendment: "Provided, the emigrant shall have remained in the government three years, before an unconditional certificate shall issue to him;" adopted.

Mr. Wallace moved to amend, by inserting "5 cents per acre;" rejected.

Mr. Erath offered the following amendment: "or those now here who may have arrived, or may arrive by the 25th December, 1846, to the age of seventeen years."

Mr. Cunningham moved to adjourn until 9 o'clock, to-morrow morning; lost.

Mr. Robinson moved the previous question; lost.

The question on Mr. Erath's motion was put and carried.

Mr. Erath moved the engrossment of the bill.

The Ayes and Noes being called, stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Cooke of Bexar, Cooke of Robertson, Erath, Gage, Hardin, Henderson, Johnson of Goliad, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Millican, Scott, Scurry, Smith of Fannin and Williamson—21.

Noes—Messrs. Cunningham, Johns, Menefee, Perkins, Ro-

binson, Sadler, Sutherland, Smyth of Jasper, Wallace and Williams—10.

So the bill was ordered to be engrossed.

Mr. Jones of San Patricio moved a suspension of the rule.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Cazneau, Cooke of Bexar, Cooke of Robertson, Gage, Hardin, Henderson, Johnson of Goliad, Johnson of Shelby, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Perkins, Robinson, Scott, Scurry, Smith of Fannin, Williams and Williamson—20.

Noes—Messrs. Armstrong, Cunningham, Erath, Johns, Jones of Gonzales, Menefee, Millican, Sadler, Sutherland, Smyth of Jasper and Wallace—11.

So the motion was lost.

On motion of Mr. Jones of San Patricio, the bill for the relief of Alexander Stephenson was taken up, read a second time, and passed to a third reading.

The bill to authorize the President to appoint an additional Notary Public for the county of Gonzales, was taken up on its second reading.

Mr. Cooke of Robertson offered the following amendment: insert "an additional Notary Public at Fort Boggy, in Robertson county;" adopted.

Mr. Robinson moved its reference to the committee on the Judiciary; lost.

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

The rule was suspended, bill read a third time and passed.

On motion of Mr. McLeod, the bill for the transportation of goods coastwise, was made the special order of the day for to-morrow, after the other special orders of the day were disposed of.

Mr. Robinson gave notice that he would, at a convenient season, move to take up the census bill.

On motion of Mr. Gage, the bill to incorporate the College of Eastern Texas was taken up, and bill read a second time.

Mr. Millican moved to adjourn until 9 o'clock, to-morrow morning; lost.

Mr. Scott moved to strike out "Henderson in Rusk county," and insert "Marshall in Harrison county."

Mr. Williamson moved to lay the bill and amendments on the table, until to-morrow, 10 o'clock; lost.

The question on Mr. Scott's amendment was put and lost.

The bill was then ordered to be engrossed.

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

On motion of Mr. Williamson, the bill making the Secretary of the Senate an annual officer was taken up, read a second time, and passed to a third reading.

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

TUESDAY, Jan. 28, 9 o'clock, A. M.

House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Bourland, Cooke of B., Cunningham, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Wallace, Williams and Williamson.

A quorum present; Journals of preceding day read and adopted.

A committee appeared from the Senate, informing the House that the Senate would go into the election of a Judge for the 6th Judicial District, at 11 o'clock.

The committee on Indian Affairs, George B. Erath, one of the committee to whom was referred the bill amendatory of an act to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians, approved 14th January, 1843, reported the same back to the House, with amendments, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

Mr. Williamson moved to suspend the rule, to take in no new business after the 25th instant; lost.

The committee on Finance, S. L. Jones, one of the committee, to whom was referred the petition of Thomas D. Johnson, reported unfavorably.

On motion of Mr. Robinson, the petition was referred to a select committee, consisting of Messrs. Robinson, Menefee and Sadler.

On motion of Mr. Scott, the House proceeded to the

ORDERS OF THE DAY.

The bill for the relief of Alexander Stephenson was taken up, read a third time and passed.

The bill for the relief of Augustus Williams, was read a third time and passed.

The bill for the relief of Jerome B. Robertson was taken up, read a third time and passed.

The bill for the relief of Francis Hughes and others was taken up, read a third time and passed.

The bill to make the Secretary of the Senate an annual officer was taken up, read a third time and passed.

The bill to amend an act organizing the inferior courts, and defining the powers and jurisdiction of the same, passed 20th December, 1836, and to repeal in part an act organizing justices courts, &c., &c., passed 20th December, 1836; read a first time.

The bill to repeal the 5th section of the act to establish the method of trying the rights of property levied on by execution, approved 5th February, 1840; read a first time.

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

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

On motion of Mr. Smith of Fannin, the bill for the relief of Wm. B. Goodman was taken up, and,

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

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

The bill relative to tonnage duties was read a first time.

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

The rule was further suspended, bill read a third time and passed.

The bill providing for and regulating arbitrations and references was taken up, and the amendments of the committee on the Judiciary adopted; and,

On motion of Mr. Scott, it was passed to its third reading. The bill for the relief of the Hon. David G. Burnet, was taken up on its second reading.

Mr. Menefee moved to strike out "previous to 1845;" adopted.

Mr. Cazneau offered the following amendment:

"Be it further resolved, That the sum of fifteen hundred dollars be, and the same is hereby appropriated, to pay back salary of M. B. Lamar, receivable for direct taxes due previous to 1st January, 1845, in drafts not less than fifty dollars each; adopted—and bill ordered to be engrossed.

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

On motion of Mr. Perkins, Messrs. Johnson of Shelby and Sadler were added to the committee on Enrolled Bills.

The bill for the relief of James Denny was taken up; and,

On motion of Mr. Jones of San Patricio, laid on the table.

The bill to remedy certain defects in the existing laws, read a second time; and,

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

The bill for the relief of resident citizens of Bexar county was taken up.

Mr. Williamson moved the engrossment; lost—and bill rejected.

The bill for the relief of G. Elley was taken up, read a second time; and,

On motion of Mr. Jones of San Patricio, referred to the committee on Military Affairs.

The bill to repeal in part an act for the collection of 5 per cent. duty on goods imported in foreign bottoms was taken up, read a second time, and laid on the table.

The bill to regulate the practice and charge of physicians, was read a second time, and referred to a select committee, consisting of Messrs. Ford, Cooke of Robertson, Johns and Mabry.

The bill to repeal certain acts relative to the creation of a Board of Medical Censors, and so much of the 21st section of an act regulating the duties of Probate Courts, &c., approved 5th February, 1840, as gives a preference to Physicians' and Surgeons' claims, was read a second time, and referred to the

select committee, to whom was referred the bill to regulate the practice and charge of Physicians.

The bill to provide that all laws shall take effect from and after their passage, unless a different time be specified, was taken up with the unfavorable report of the committee.

Mr. Gage moved to lay the bill and report on the table; lost—and,

On motion, the bill was indefinitely postponed.

The bill for the relief of Thomas and Benoni Middleton was taken up; and,

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

Mr. Cooke of Robertson moved a suspension of the rule; lost,

The bill amendatory of the several acts regulating the sales of the estates of deceased persons and minor heirs was taken up, read a third time and passed.

The bill for the relief of A. W. Lockett, was read a second time, and passed to a third reading.

The committee of conference, Senator Pattillo, chairman of the committee from the Senate, and Mr. Armstrong, chairman of the committee from the House of Representatives, to whom was referred the bill to provide for carrying the public mails from April 1st, 1845, to April 1st, 1846, and establishing routes and rates of postage, &c., reported—

That in amendment No. 2, the Senate recedes; that in amendment No. 4, the House recedes; that in amendment No. 5; the House recedes in part, and adopts the following: strike out "Matagorda" and "Brazoria," and insert "Columbia" in place of "Matagorda." That in amendment No. 14, the House recedes; that in amendment No. 16, the House recedes—report adopted.

A message was received from the Senate, informing the House of the passage of,

A bill to provide for the organization of Goliad county;

A bill to repeal the 5th section of an act establishing the method of trying the right of property levied on by execution, approved, 5th February, 1840;

A bill for the better security of customs;

A bill supplementary to an act to raise a revenue by direct taxation, approved, February 5th, 1842;

A bill to regulate the license tax, and to provide for the prompt collection of the same ; and,

That the Senate have adopted the substitute of the House, to the bill to incorporate the Orphans' Friend Lodge No. 17 ; and to the joint resolution legalizing the instructions of John P. Borden, late Commissioner of the General Land Office, relative to government dues on land ;

Also, that the Senate refused to concur in the amendment of the House to a joint resolution to establish the limits of the Mercer colony ;

Also, that the Senate had adopted the report of the committee of conference, on the joint resolution for the relief of J. C. Neill.

On motion of Mr. Williamson, the House took a recess of fifteen minutes, to prepare for receiving the Senate, for the purpose of electing a Judge for the 6th Judicial District.

The recess having expired, the House was called to order.

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

Mr. M. P. Norton was put in nomination.

Mr. Scurry nominated Mr. C. W. Buckley.

Mr. Cooke of Bexar, nominated Mr. William Lawrence.

Mr. Johnson of Shelby, nominated Mr. R. T. Smyth.

The Senate having voted, the House proceeded to vote *vice voce*.

The following members voted for Mr. M. P. Norton :

Messrs. Speaker, Armstrong, Hardin, Henderson, Johns, Means, Millican, Sadler, Scott, Smyth of J. and Truit—11.

The following members voted for Mr. C. W. Buckley :

Messrs. Erath, Ford, Johnson of Goliad, Moffett, Ogden, Perkins, Robinson, Scurry, Wallace and Williams—10.

The following members voted for Mr. William Lawrence :

Messrs. Bourland, Cazneau, Cooke of Bexar, Dunn, Gage, Jones of Gonzales, Lewis, McFarlane, Mabry, Menefee, Sutherland and Williamson—12.

The following members voted for Mr. R. T. Smyth :

Messrs. Cooke of Robertson, Cunningham, Johnson of S., Jones of San Patricio, McLeod and Smith of Fannin—6.

Mr. Norton received 7 votes in the Senate, and Mr. Lawrence received 4 votes.

Neither candidate having received a majority of all the votes, the two Houses again proceeded to vote.

The Senate having voted, the House proceeded to vote *viva voce*.

The following members voted for Mr. M. P. Norton :

Messrs. Speaker, Armstrong, Hardin, Henderson, Johns, Means, Millican, Sadler, Scott, Smyth of J. and Truit—11.

The following members voted for Mr. C. W. Buckley :

Messrs. Erath, Ford, Johnson of Goliad, Moffett, Ogden, Perkins, Robinson, Scurry, Wallace and Williams—10.

The following members voted for Mr. William Lawrence :

Messrs. Bourland, Cazneau, Cooke of Bexar, Dunn, Gage, Jones of Gonzales, Lewis, McFarlane, McLeod, Mabry, Menefee, Sutherland and Smith of Fannin—13.

The following members voted for Mr. R. T. Smyth :

Messrs. Cooke of Robertson, Cunningham, Johnson of Shelby, Jones of San Patricio and Williamson—5.

Mr. Norton received 7 votes in the Senate, and Mr. Lawrence received 4 votes.

Neither candidate having received a majority of all the votes, the Senate retired, and the House proceeded to the despatch of the business before it.

The bill to repeal certain portions of an act therein named, was read a second time ; and,

On motion of Mr. Jones of San Patricio, referred to the committee on the Judiciary.

The bill supplementary to an act for the relief of John S. Black, and sundry other citizens of Harris county, was taken up on its second reading.

Mr. Scott moved to lay it on the table ; lost.

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

The bill to establish a mail route from Beaumont to Jasper, was laid on the table.

The bill regulating the duties on imposts was taken up.

Mr. Jones of San Patricio moved its indefinite postponement.

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

The bill to exempt the steam ship "John S. McKim" from tonnage duty was taken up ; and,

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

The bill to authorize the President to receive volunteers into the service of the Republic was taken up ; and,

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

The bill for the relief of Norman Hurd, was taken up on its second reading.

Mr. Jones of San Patricio moved its engrossment; lost—and bill rejected.

The bill for the relief of the heirs of Elisha Roberts was taken up; and,

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

The bill to fix the times and place for holding the sessions of the Supreme Court was taken up; and,

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

The bill supplementary to an act, defining the powers and Jurisdiction of the District Courts, approved, December 22d, 1836, was taken up on its second reading; and,

On motion of Mr. Smyth of J., ordered to be engrossed.

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

On motion of Mr. Bourland, referred to a select committee, consisting of Messrs. Bourland, Smyth of J. and Cunningham.

The bill for the appointment of a commissioner for certain purposes therein named, was read a second time.

Mr. Bourland moved its engrossment.

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

The bill for the relief of E. McLean, was taken up, and, on motion of Mr. Jones of San Patricio, ordered to be engrossed.

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

The bill for the relief of Thomas Tomlinson, was taken up, and, on motion of Mr. Johns, passed to a third reading.

The bill for the relief of Thomas W. Key was taken up, and, on motion of Mr. Williamson, laid on the table.

The bill for the relief of W. D. Thomason was taken up on its second reading.

Mr. Armstrong moved the engrossment; lost—and bill rejected.

The bill concerning the collection and payment of direct taxes, was taken up, and laid on the table.

The bill to reduce the impost duties to 10 per cent. ad valorem, was taken up, and laid on the table.

The bill appropriating the direct taxes to county purposes, was taken up, and laid on the table.

The bill for the raising of a county revenue, and for other purposes, was taken up, and laid on the table.

The bill for the relief of Abram Skidmore was taken up, with the unfavorable report of the committee on Public Lands.

Mr. Erath moved to lay the bill on the table ; lost.

On motion of Mr. Williamson, the report was adopted, and bill rejected.

The committee on Finance, S. L. Jones, one of the committee, to whom was referred the bill relating to pilotage of vessels entering the port of Brazos, reported the same back to the House with a substitute, and recommended its passage ; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Enrolled Bills made the following report :

COMMITTEE ROOM. }
January 27, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined and found correctly enrolled, a joint resolution for the relief of Henry Castro and J. Jausaud ; and a joint resolution changing the sessions of the District Court in Washington county.

They were signed by the Speaker of the House of Representatives and President of the Senate, and were, this day presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The House proceeded to the special orders of the day, which was,

A bill amendatory of an act supplementary to an act, entitled an act to raise a revenue by impost duties, approved 5th Feb., 1840 ; approved 27th January, 1842.

Mr. Bourland moved to strike out "pig."

Mr. Ford moved to strike out "iron."

Mr. Scott moved to strike out the entire section.

On motion of Mr. Williamson, the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

House met; roll called; a quorum present.

The question on Mr. Scott's motion to strike out the last section, was put and carried.

Mr. Scott moved to strike out sugar and salt; lost.

Mr. Robinson offered a substitute for all the bills upon the subject of the tariff.

Mr. Jones of S. P., offered an amendment to the substitute.

On motion of Mr. Williamson, the bills and substitute were laid on the table until 10 o'clock to-morrow.

On motion of Mr. McLeod, the bill for the transportation of goods coastwise, was taken up, and ordered to be engrossed.

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

The committee on the Judiciary, James Armstrong, one of the committee, to whom was referred the bill requiring the owners of lands in the counties of Refugio, Goliad and San Patricio, to cause their lines to be designated and marked, reported the same back to the House, with an amendment, and recommended its passage.

The bill was taken up, and the amendment of the committee to strike out "Goliad," adopted.

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

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
 January 28, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,

A joint resolution for the relief of Thomas Cox ;

A bill to allow Thomas Robinson to adopt a certain child therein named;

A joint resolution for the relief of Susan Parker ;

A joint resolution authorizing the President to appoint two Notaries Public;

A joint resolution for the relief of Post Captain E. W. Moore ;

A joint resolution for the relief of Surgeon T. P. Anderson, and others ;

A bill granting land to emigrants ;

A joint resolution for the relief of William Bryan, and,

A bill to provide for the national defence, by organizing the militia ;

And find the same correctly engrossed.

WM. L. CAZNEAU,

One of the Committee.

Adopted.

The committee on county boundaries, E. M. Millican and James Truit, two of the committee, to whom was referred the petition of sundry citizens of Robertson county, praying to be attached to the county of Brazos, reported a bill for that purpose, which was read a first time.

Wilds K. Cooke, from the same committee, made a counter report.

On motion of Mr. Scott, the bill to change the system of assessing and collecting taxes was taken up.

Mr. Robinson moved to go into committee of the whole House ; lost.

Mr. Williamson moved the indefinite postponement of the bill.

The Ayes and Noes being called for, stood as follows :

Aye—Messrs. Armstrong, Cazneau, Cunningham, Dunn, Erath, Jones, Johnson of G. Jones of G., Lewis, Millican and Williamson—11.

Noes—Messrs. Bourland, Cook of B., Cooke of R., Ford, Gage, Johnson of S., Jones of S. P., McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Wallace and Williams—22.
lost.

Mr. Cunningham moved to go into committee of the whole House; lost.

Mr. Cazneau moved its reference to the committee on the Judiciary; lost.

Mr. Williamson moved to refer it to the committee on the State of the Republic; lost.

Mr. Scott moved to amend in 8th section, by striking out January and inserting April.

On motion of Mr. Scurry, the bill was referred to the committee on Finance.

Mr. Scurry moved to suspend the rule to take in no new business after the 25th January; lost.

The committee on the Judiciary, B. Rush Wallace, one of the committee, to whom was referred the petition of Edward Teal, reported a bill for his relief; read a first time.

On motion of Mr. Ford, the rule was suspended, bill read a second time, and ordered to be engrossed.

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

Mr. Scott moved to suspend the rule to take in no new business after the 25th instant; lost.

The bill to amend an act to regulate proceedings in civil suits, approved, February 5th, 1840, was taken up on its second reading, and indefinitely postponed.

Mr. Williamson moved the appointment of a committee, to wait upon the Senate, and invite them to meet the House this evening at 5 o'clock, for the purpose of electing a Judge for the 6th Judicial District.

On motion of Mr. Armstrong, "Saturday, 3 o'clock," was inserted in lieu of "this evening 5 o'clock;" motion as amended carried.

Messrs. Ford, Smyth of Jasper and Armstrong were appointed said committee.

On motion of Mr. Gage, the bill for the benefit of the citizens of the Republic of Texas, with the substitute of the committee on Finance was taken up.

Mr. Gage offered a substitute for the original bill and substitute; rejected; and the substitute of the committee adopted.

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

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

The joint resolution for the relief of Patsey Lewis, was taken up and read a second time.

Mr. Scurry moved to lay the bill on the table; lost.

Mr. Williamson moved the engrossment.

On motion of Mr. Millican, the bill was referred to the committee on Public Lands.

The bill for the relief of Philip Potter was taken up, read a second time; and,

On motion of Mr. Boirland, referred to the committee on Public Lands.

The bill making an appropriation for contingent printing was taken up; and,

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

The bill for the relief of John Robinson was read a second time; and,

On motion of Mr. Williamson, passed to a third reading.

The bill for the improvement of the Angelina and Snow Rivers, with the substitute of the committee was taken up.

Mr. Scurry offered an amendment to the third section; rejected.

Mr. Scurry moved to strike out the enacting clause; lost.

Mr. Millican moved to refer it to the committee on Internal Improvements; lost.

The substitute was adopted.

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

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

The bill relating to land dues, was read a second time; and,

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

The bill for the relief of R. G. Hall, was read a second time; and,

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

The bill for the relief of John Karner was read a second time.

Mr. Scurry moved to refer it to the committee on Public Lands; lost—and bill ordered to be engrossed.

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

The bill for the relief of the heirs of John Gilbert, was read and referred to the committee on Public Lands.

The bill for the relief of Francis Berry and Esther Clark, was read a second time, and referred to the committee on Claims and Accounts.

The bill for the relief of Arthur Swift and S. Cummings was read a second time, and ordered to be engrossed.

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

The bill authorizing the erection of Gates in certain cases, was taken up and read a second time.

Mr. Jones of San Patricio moved to lay it on the table; lost.

Mr. Scurry moved to refer it to the committee on Internal Improvements; lost.

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

Mr. Robinson moved a suspension of the rule; lost.

The bill to provide for the apprehension and punishment of fugitives, was read a second time; and,

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

The bill allowing mileage to Sheriffs, Coroners and Constables, was taken up with the amendment of the committee on the Judiciary.

Mr. Johnson of Shelby, moved the previous question.

Shall the main question be now put?—was put and carried.

The main question being the passage of the bill to a third reading, was put and lost; and bill rejected.

The bill to extend the powers of Constables, was taken up on its second reading, and the substitute of the committee on the Judiciary adopted; and ordered to be engrossed.

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

The bill to encourage the digesting of the laws of the Republic of Texas was read a second time; and,

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

On motion of Mr. Robinson, the rule was suspended, bill read a third time.

Mr. Armstrong moved to lay the bill on the table; lost.

Mr. Armstrong moved to refer it to the committee on the State of the Republic; lost—and the bill passed.

The bill relating to attachments was read a second time; and,

On motion of Mr. Sadler, indefinitely postponed.

The bill to amend the fourth and fifth sections of an act, approved, January 27th, 1842, which act was supplementary to an act, to raise a revenue by impost duties, approved, February 5th, 1840, was read a second time; and,

On motion of Mr. Robinson, laid on the table until to-morrow morning, 10 o'clock.

A message was received from the Senate, informing the House of the passage of,

A bill establishing a certain mail route therein named;

A bill making an appropriation for the payment of the outstanding liabilities of the government, incurred for Indian purposes;

A bill establishing a certain mail route, and attaching the same to certain other route.

The bill for the relief of the Clerks of the District Courts, was taken up on its second reading.

Mr. Gage moved to lay it on the table until the 4th February.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Dunn, Ford, Gage, Hardin, Johns, Johnson of Goliad, Jones of San Patricio, Lewis, McLeod, Means, Menefee, Millican, Moffett, Perkins, Sadler, Scurry, Sutherland, Smyth of Jasper, Wallace and Williamson—20.

Noes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Erath, Johnson of S., Jones of G., Ogden, Robinson, Scott and Williams—13.

So the bill was laid on the table.

The bill to amend and alter the laws in relation to Probate Courts, and the settlement of successions, was taken up with the amendments of the committee; and,

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

The bill amendatory of the several land laws, and to establish land districts, and for other purposes, was read a second time; and,

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

The bill to charter the Ceres University was read a second time: and,

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

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

WEDNESDAY, Jan. 29, 9 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Cazneau, Cooke of B., Cunningham, Erath, Gage, Hardin, Henderson, Johns, Johnson of S., Lewis, McLeod, Mabry, Means, Menefee, Moffett, Millican, Perkins, Robinson, Sadler, Scott, Sutherland, Wallace, Williams and Williamson.

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

On motion of Mr. McLeod, the rule to take in no new business after the 25th instant, was suspended.

Mr. Williamson presented the petition of Willis Stewart, W. C. Peters and John J. Smith, which was referred to the committee on Public Lands.

The committee on Claims and Accounts, E. Mabry chairman, to whom was referred the bill for the relief of J. W. E. Wallace, reported the same back to the House and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the memorial of the citizens of Galveston, relative to an amendment of the gambling laws, reported a bill for that purpose; read a first time.

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

Mr. McLeod moved the engrossment of the bill.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Cazneau, Cooke of B., Ford, Henderson, Jones of San Patricio, Lewis, McLeod, Millican, Moffett, Ogden, Robinson, Scott, Scurry, Sutherland, Smyth of J., Williams and Williamson—18.

Noes—Messrs. Armstrong, Cunningham, Dunn, Erath, Gage, Hardin, Johns, Johnson of G., Johnson of S., Jones of G., Mabry, Means, Menefee, Perkins, Sadler and Wallace—16.

So the bill was ordered to engrossed.

Mr. McLeod moved a further suspension of the rule; lost.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the bill to admit the testimony of executors, guardians, &c., on the trial of civil cases, reported the same

back to the House and recommended its indefinite postponement.

The committee on Public Lands. Geo. Sutherland chairman, to whom was referred the bill for the relief of the heirs of Philip Potter, reported the same back to the House and recommended its passage.

The same committee, to whom was referred the bill for the relief of Patsey Lewis, reported the same back to the House and recommended its passage.

All of which reports and bills were laid on the table, to come up among the orders of the day.

The select committee, to whom was referred the memorial of S. B. Brigham, administrator of the estate of A. Brigham, deceased, made the following reports :

COMMITTEE ROOM, }
January 28, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

A portion of the select committee, to whom was referred the memorial of the administrator of the estate of Asa Brigham, deceased, late Treasurer of the Republic, praying an extension of time, to enable the estate to settle the accounts of the late Treasurer, with the Treasury Department, have ascertained, upon due investigation, that the accounts of the late Treasurer have been duly settled with the proper agents of the Government; and that there is no charge against the Treasurer as a defaulting officer. Wherefore, they pray to be discharged from the further consideration of the matter.

TOD ROBINSON.

COMMITTEE ROOM, }
January 28, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The undersigned members of the committee to which was referred the memorial of S. P. Brigham, administrator of the estate of Asa Brigham, deceased, late Treasurer of the Republic, beg leave to state, that although they coincide in the report of the chairman of the committee, they conceive that

justice demands of them a farther expression of their views of the case.

It appears from the investigations of the undersigned, that ex-President, as was usual, and with the approbation of the Treasury Department, for the purpose of greater convenience, drew requisitions upon the several appropriations placed under his immediate control, by act of Congress, and placed the warrants so drawn upon the Treasurer in the hands of that officer, the late Asa Brigham, taking his receipts therefor, specifying that the money upon said warrants was to be disbursed according to the orders of the President, as designed by law; warrants for different amounts were from time to time thus placed in the hands of the Treasurer, to the credit of the ex-president upon the several appropriations for the President's salary, Executive, contingent and Indian purposes.

It appears, moreover, from the statement of the memorialists that, although the accounts of the late Treasurer stand balanced with the Treasury Department, there is a deficiency of funds, which he held in a private capacity, and for which he had receipted to ex-president Houston, although they still properly belonged to the government; upon the President's salary fund, there appears to be a deficit of \$615 37 cents. Upon the Executive contingent, \$1,936 63 cents; and upon the fund for Indian purposes, \$839 60 cents: making in all, a deficit of \$3,391 60 cents, which was set aside, we learn, to be used in the before mentioned appropriations, and drawn from the public Treasury by President Houston, so far as the signing and deposit of warrants is concerned: but which, instead of being really received by him, had been merely *transferred* from the official to the individual custody of Mr. Brigham, that it might be actually drawn, at such times and in such sums as would be most convenient in meeting the demands of the appropriations.

Although ex-president Houston is in law the only person responsible to the government for this deficiency, it must be obvious, that as the funds were never disbursed by him, nor even removed from the personal custody of the Treasurer, the estate of the deceased is the true debtor in equity; and that as the demands have to be paid to the government, through the ex-president, an extension of time for the settlement of

accounts between the late Executive and the government, is an act of justice, imperiously demanded by the peculiar circumstances of the case.

By such an extension, the late President, with the aid of the administrator might realize, out of the estate, such an amount as would enable the former to meet a demand for which he has, without any dereliction on his part, become responsible.

It is true, that no petition for such favor was made by the late Executive, previous to his departure: nor (so far as we have learned,) was authorized to be made for him during his absence, which is probably owing to his too great reliance on the ability of the estate, to make a prompt settlement; but as the memorial of the administrator shows the nature of the deficiency, to be in all leading points as above stated: we conceive the most equitable manner of acting upon the subject, would be by granting time to the party that would be most aggrieved by a speedy and rigid exaction of responsibility.

We therefore report the following joint resolution to the House, and recommend its passage.

W. R. SCURRY.
S. B. JOHNS,
JOHN S. FORD.

Which bill was read a first time.

The select committee, Tod Robinson chairman, to whom was referred the petition of Thomas D. Johnson, reported a bill for his relief; read a first time—and,

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

A message was received from the Senate, informing the House of the passage of,

A bill for the relief of Charles Power, with amendments;

A bill making an appropriation for the support of government, for the year 1845, with amendments;

A bill to allow Thomas Robinson to adopt a certain child therein named;

And, that the Senate had concurred in the amendment of the House to adjourn *sine die*;

And, that the Senate had adopted the report of the committee of conference, on the bill to provide for carrying the public mails, &c.

The committee on Military Affairs, Wm. G. Cooke chairman, to whom was referred the bill for the relief of G. Elley, reported in favor of its passage.

The committee on Finance, George W. Smyth chairman, to whom was referred the bill to change the system of assessing and collecting taxes, reported the same back to the House with amendments, and recommended its passage.

Which reports and bills were laid on the table, to come up among the orders of the day.

The select committee, John S. Ford chairman, to whom was referred the bill to repeal certain acts relative to the creation of a Board of Medical Censors, &c., reported it back to the House, with amendments, and recommended its passage.

On motion of Mr. Robinson, the bill and reports were laid on the table.

The same committee, to whom was referred the bill to regulate the practice and charges of physicians, reported it back to the House, and recommended its rejection; which report was adopted.

Mr. Gage offered the following resolution:

Resolved, That the committee on Public Printing be instructed to contract for the printing of 800 copies of the captions of the laws passed at the 9th Congress, for the use of the members of the same, to be in readiness by the morning of the 4th February, 1845.

Adopted.

On motion of Mr. Robinson, the bill for the relief of Thomas D. Johnson was taken from the table and placed among the orders of the day.

On motion of Mr. McLeod, the bill for the relief of Charles Power was taken up, and the amendments of the Senate concurred in.

On motion of Mr. Bourland, the bill for the relief of Berthollet, Heald & Co. was taken up on its second reading.

Mr. Smith of F., moved to strike out "receivable for direct taxes," and insert "payable out of the first money in the treasury not otherwise appropriated;" rejected.

On motion of Mr. Bourland the bill passed to a third reading.

On motion of Mr. Scott, the rule to take in no new business after the 25th inst. was suspended.

Mr. Scott, by leave, introduced a bill to authorize the Auditor to settle the accounts of Hugh S. Hope, sheriff of Harrison county; read a first time.

On motion of Mr. Scott the rule was suspended and bill read a second time, and referred to the committee on Finance.

Mr. McLeod moved to suspend the rule to take in no new business after the 25th inst. ; lost.

The committee on the State of the Republic, to whom was referred resolutions from several counties in favor of annexation to the United States, made the following report :

COMMITTEE ROOM, }
January 28, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on the State of the Republic, to whom was referred the resolutions of the citizens of Austin county, in relation to annexation, have given the subject such attention and deliberation as its importance, and the high source from which they emanate, seem to demand, and, although your committee concur with their fellow-citizens of Austin county, in the belief that the annexation of Texas to the United States, upon honorable terms to both parties, is desirable to a large portion of the people of Texas, yet they do not entertain the belief expressed in the aforesaid resolutions, that the people of this country are indifferent to the terms and conditions of a measure which requires at their hands a surrender of all their rights as a separate, free, sovereign and independent government, and sacred rights secured by treaty stipulations.

Your committee are impressed with the belief that, upon this portion of the subject, the whole people do feel a deep and lively interest, and much will depend upon the terms and conditions of any future propositions, to bring about and consummate the annexation of Texas to the United States.

Your committee, with some care, have examined the fundamental law of the land, and cannot find any authority to justify the representatives of the people, or any other department of the government, to adopt any measure in regard to annexation, which could be held binding upon the people, without their concurrence first had and obtained by a conventional assembly, or by a direct proposition submitted to them ; yet, they still believe that the expression of the opinions of the people upon this question, in their primary assemblies, is neither uncalled for or unbecoming, when the causes which elicit it are

properly considered. Their views should be had, as the United States must now first act.

The history of Texas, for the last forty-two years, is full of interest upon this question; and places the United States under many obligations to the past and present inhabitants of this country, which she cannot slightly overlook in the face of the world, if she had the desire, as we are now satisfied she has not.

In 1803, the Republic of France ceded to the United States the province of Louisiana, and the American statesmen, from that time to the present, have, without exception, concurred with Mr. Jefferson, that the territory of that province extended to the Rio del Norte; this claim of the United States to the territory comprising Texas, was always maintained by the authorities of the United States, in the discussions which took place upon the subject against the feeble shadow of title faintly interposed by Spain, until Texas was formally, and in effect, ceded to Spain, in the treaty by which the United States acquired the Floridas as a partial consideration for the cession.

The treaty by which Texas was ceded to the United States, in 1803, contains a provision in article 3, too broad in its terms, and too plain and distinct in its object, to require explanation or discussion for its proper understanding. It is in the following language:

“The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.”

These rights, secured by treaty stipulations, are the high authority that a portion of the people of Texas urge as a *right* to demand the annexation of Texas to the United States, not merely as a matter of favor, but of right; this, taken in connection with the position the people of Texas have assumed and maintained for the last eight years, in defiance of their national enemy, places the question of annexation to the United States, without her consent, a legitimate subject for the action of that government, and the people of this having no just cause of complaint any where; for it will not be denied by any one that France had not the right, and that it was not her duty, to secure to the inhabitants of the ceded territory the rights contained in the above provision of the treaty, any more than that the above

guaranty must have a scope, in point of time, at least commensurate with the American Constitution.

In the minds of your committee, the United States never did, and never can, exhibit even the shadow of authority, either expressed or implied by any single clause of the constitution of that government, to convey this country, by cession to any other power, without the consent of its inhabitants, as well as that of the government of France.

The government of the United States undertook a trust which could only be discharged in one way, namely, by a faithful and rigid fulfillment. That government has as much right now to cede Louisiana and Arkansas, a part of the same purchase, with all their inhabitants, without their consent, as she has had, to cede Texas. The right which she acquired to this territory by the treaty of Paris, was rendered inalienable by the stipulations contained in the third article; the subsequent cession to Spain therefore was a *nullity*, and totally void; neither France, the original contracting party, nor the inhabitants of this country, whose rights were affected by it, were made parties to the cession, that either ever were consulted—never has been urged or pretended.

The course which the inhabitants of Texas have pursued, is already a matter of history—they have spurned with indignation, from their necks, the yoke attempted to be placed upon them. They have, with the force of arms, vindicated their title to privileges secured to them by the treaty of Paris; at the expense of the best blood of the land, they have redeemed to the American Union the fairest and most valuable portion of its possessions, and embraced the earliest occasion to tender the American Congress and people its wishes to return to the Union; again, and again, have they made the offer—again, and again, have they been spurned—and it is the opinion of your committee that it now becomes this country to assume a different attitude, and demand, as a right, what she may have heretofore considered as desiring as a boon. Let Texas demand, then, of the U. States, that the stipulations of the treaty of Paris be carried out, and that Texas be restored to the Union without further unnecessary delay: and the recent demonstrations of public opinion on that subject in the United States affords strong reasons to believe that the demand will not be disregarded, and that we will, in a short period of time, find ourselves restored to that union which contains in its civil institutions so much that is dear to our affections.

Your committee are not insensible that the same unworthy councils which undertook the exchange of this fertile country for the barren sands and fetid everglades of Florida, with a view, doubtless, to the adjustment of certain balances of political power in the Union, and to limit and depress the influence of that home-bred institution which is peculiar to the South, may still resist; successfully, our restoration to that Union from which we were so unjustly expelled—and believing that it does not well become us to maintain, longer, the humiliating attitude of suppliants for justice to a government which has overlooked the rights of our people, secured by treaty stipulations, as well as the voice of kindred blood, and kindred institutions—they, therefore, recommend the adoption of the following resolutions, as the opinion of this House.

JAMES W. HENDERSON,
 WM. G. COOKE,
 W. R. SCURRY,
 S. B. JOHNS,
 JAMES ARMSTRONG,
 WM. T. SCOTT,
 WILLIAM L. CAZNEAU,
 H. McLEOD,
 M. T. JOHNSON,
 GEORGE SUTHERLAND.

Whereas, The annexation of Texas to the United States of America, however desirable it may be to the people of either country, is calculated in its influence over the interests of this country, to impair the confidence of the people in their ability to sustain their own institutions, and to delay indefinitely, if not to defeat the establishment of such relations with other powers, as the best interests of the country imperatively demand, therefore,

Be it resolved; That if the present Congress of the United States shall finally adjourn without the adoption of such measures as shall leave our restoration to the Union beyond the reach of all reasonable doubt, that it will be the duty of the Executive to enter into such negotiations for treaties with other powers as will relieve our staple products from duties in foreign ports, and secure to such countries, when ratified by the Senate, a corresponding relief from the duties now imposed on their products and manufactured goods in our ports.

Resolved, That the President be desired to ascertain if a convention can be entered into between the United States and Texas for the cession to Texas of some convenient point of land near the mouth of the Mississippi for a port of entry, and as a depot for the deposit of goods, &c., to be exported from, or imported to, that part of Texas lying on the Arkansas and Red Rivers, through the Mississippi, and for the regulation of Texas vessels in said Mississippi, Arkansas and Red Rivers, to and from Texas, in such way as will relieve them from exposure to tounage and other duties in the American ports, at which they may touch on said rivers.

Resolved, That the President be requested to re-open negotiations for a *permanent* peace with Mexico, on the basis of our proper limits on the Rio Bravo del Norte.

Which were, on motion of Mr. Williamson, referred to the committee on Foreign Relations.

A message was received from the Senate, informing the House of the passage of,

A bill to change the times of holding the District Courts in the 6th Judicial District ;

A bill prescribing the mode of proceeding against delinquent collectors and holders of public moneys ; and,

A bill for the re-organization of the General Land Office.

The committee on Engrossed Bills made the following report :

COMMITTEE ROOM, }
January 29, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined,

A bill creating the College of Eastern Texas ;

A joint resolution for the relief of William B. Goodman ;

A joint resolution admitting ice free of duty ;

A bill to define more perfectly the jurisdiction of the District Courts ;

A bill to regulate mills and millers ;

A joint resolution for the relief of Robert Steel ; and,

A joint resolution for the relief of Arthur Swift and S. Cummings, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
One of the Committee.

Adopted.

The committee on the State of the Republic, James W. Henderson, chairman, to whom was referred the bill supplementary to an act, to incorporate the Texas Trading, Mining and Emigration Company, reported the same back to the House, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 29, 1845. }

*To the Honorable John M. Lewis,
Speaker of the House of Representatives:*

The committee on Enrolled Bills have examined, and find correctly enrolled,

A bill to be entitled, an act granting to Augustus Burr, the franchise of the ferry at the west end of Galveston Island;

A bill to be entitled, an act entitled an act, to change in part the times of holding the District Courts in the 5th and 7th Judicial Districts, approved, January 27th, 1844;

A bill to be entitled, an act to amend an act to incorporate the Brazos Canal Company;

A joint resolution for the relief of the heirs of William Bryan;

A joint resolution for the relief of Jarret Menefee;

A bill to be entitled, an act to change in part the times of holding the District Courts, in the 7th Judicial District;

A bill to be entitled, an act for the relief of Lucy Davis;

A joint resolution for the relief of William Bugg;

A bill to be entitled, an act to repeal an act authorizing the holding of a District Court, in two places in Red River county, and for other purposes;

A bill to be entitled, an act for the relief of the heirs of James Garrard, deceased;

A bill to be entitled, an act to repeal in part and amend an act repealing in part, and amending an act entitled an act for the incorporation of the city of Galveston, approved, February 5th, 1844;

A joint resolution making legitimate a certain person therein named;

A joint resolution for the relief of Henry F. Fisher & B. Miller ;

A bill to be entitled, an act for the relief of Isabella T. Scott ;

A bill to be entitled, an act to form the collectoral district of Lake Soda ; and,

A joint resolution for the relief of Adolphus Sterne.

They were signed by the Speaker of the House of Representatives and President of the Senate, and were presented to the President of the Republic, this day, for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

The committee on Claims and Accounts, E. Mabry, chairman, to whom was referred the petition of R. S. Neighbors, reported a bill for his relief ; read a first time.

On motion of Mr. Cazneau, the bill to provide the times and place of holding the sessions of the Supreme Court of the Republic was taken up, and the amendments of the committee adopted ; and passed to a third reading.

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

On motion of Mr. Lewis of Montgomery, the bill to change the time of holding the Courts in the 6th Judicial District was taken up and read a first time.

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

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

Mr. Bourland moved a re-consideration of the vote that passed the bill to provide the times and place of holding the sessions of the Supreme Court of the Republic.

On motion of Mr. Williamson, the motion to re-consider was laid on the table.

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

3 o'clock P. M.

House met ; roll called ; quorum present.

A message was received from the Senate, informing the House of the passage of

A bill for the relief of L. S. Hargous and others, with amendments; and,

A bill for the relief of J. C. Hays.

Mr. Robinson moved to suspend the rule to take in no new business after the 25th instant; lost.

On motion of Mr. Scott, the bill for the enumeration of the inhabitants of the Republic, was taken up on its second reading.

Mr. Williamson moved the indefinite postponement of the bill.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Cazneau, Cooke of Bexar, Cunningham, Dunn, Erath, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of Fannin, Williams and Williamson—20.

Noes—Messrs. Speaker, Armstrong, Bourland, Cooke of Robertson, Ford, Gage, Hardin, Henderson, Johns, Johnson of Shelby, Means, Millican, Moffett, Sadler, Scott, Scurry, Smyth of Jasper, Fruit and Wallace—19.

So the bill was indefinitely postponed.

The committee on Engrossed Bills, made the following reports:

COMMITTEE ROOM, }
January 28, 1845. }

To the Hon. John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,

A bill to be entitled, an act for the benefit of the citizens of the Republic of Texas; also,

A joint resolution for the relief of John Karner; and,

A bill to be entitled, an act to extend the power of Constables, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,

One of the Committee.

COMMITTEE ROOM, }
 January 29, 1845. }

*To the Honorable John M. Lewis,
 Speaker of the House of Representatives :*

The committee on Engrossed Bills have examined,
 A bill supplementary to an act, defining the jurisdiction and powers of the District Courts, approved, December 22d, 1836 ;

A bill to authorize the transportation of goods coastwise ;

A bill for the relief of Edward Teal ;

A joint resolution for the relief of Hon. D. G. Burnet ;

A joint resolution for the relief of Thomas and Benoni Middleton ;

A joint resolution for the relief of E. McLean ;

A bill authorizing the erection of gates in certain cases ;

A bill to encourage the digesting of the laws of the Republic of Texas, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,
 One of the Committee.

Reports adopted.

The select committee, W. K. Cooke one of the committee, to whom was referred the bill for the destruction of wolves, and the better security of personal property, reported the same back to the House, with an amendment, and recommended its passage.

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

On motion of Mr. Millican, the bill making an appropriation for the support of government, for the year 1845, was taken up with the amendments of the Senate.

First amendment—insert “for pay of Secretary of the Senate, during the recess of Congress, \$700 ;” adopted.

Second amendment—after “Chargé d’Affaires,” insert “nine thousand dollars, for full pay of salary, outfit and contingent expenses ; and any law or parts of laws heretofore in force, allowing an outfit to Foreign Ministers are hereby repealed.”

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Speaker, Bourland, Cazneau, Dunn, Erath,

Ford, Gage, Hardin, Henderson, Johns, Johnson of Shelby, Jones of San Patricio, McFarlane, Means, Millican, Moffett, Sadler, Scott, Scurry, Smyth of Jasper, Truit and Williams—22.

Noes—Messrs. Armstrong, Cooke of Robertson, Cunningham, Jones of Gonzales, McLeod, Mabry, Menefee, Perkins, Sutherland and Wallace—10.

So the amendment was adopted.

Third amendment—in paragraph for navy, strike out “eight,” and insert “five”; adopted.

On motion of Mr. Scurry, the last vote was re-considered; and, on motion, a call of the House was made.

The call being suspended,

The Ayes and Noes were called on the adoption of the amendment, and stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of Robertson, Dann, Ford, Hardin, Johnson of Shelby, Means, Millican, Moffett, Ogden, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit and Wallace—19.

Noes—Messrs. Bourland, Cazneau, Cooke of Bexar, Cunningham, Erath, Gage, Henderson, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Perkins, Smith of Fannin, Williams and Williamson—19.

There being a tie, the amendment was rejected.

Fourth amendment—after the paragraph for contingent expenses of War Department, insert “for compensation of Captain of Ordnance, six hundred dollars.”

The Ayes and Noes being called for on its adoption, stood as follows:

Ayes—Messrs. Speaker, Bourland, Cooke of Bexar, Cooke of Robertson, Hardin, Henderson, Johns, Johnson of Shelby, Means, Millican, Moffett, Ogden, Scott, Scurry, Smith of Fannin, Smyth of Jasper, Truit, Williams and Williamson—19.

Noes—Messrs. Armstrong, Cazneau, Cunningham, Erath, Dunn, Ford, Gage, Johnson of Goliad, Jones of Gonzales, Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Perkins, Sadler, Sutherland and Wallace—17.

Adopted.

Fifth amendment—strike out “for frontier protection forty-five thousand dollars;” adopted.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM. }
 January 29, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined and find correctly enrolled, the following bills and joint resolutions:

An act establishing a certain mail route, and attaching the same to a certain other route ;

An act establishing a mail route therein named ;

An act making an appropriation for the payment of the outstanding liabilities of the government, incurred for Indian purposes ; and,

A joint resolution for the relief of Charles Power.

They having been signed by the Speaker of the House of Representatives and President of the Senate were, this day, presented to his Excellency, the President, for his approval.

S. W. PERKINS,

One of the Committee.

Adopted.

Mr. Cunningham moved a re-consideration of the vote rejecting a bill supplementary to an act for the relief of John S. Black, and sundry other citizens of Harris county.

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

THURSDAY, Jan. 30, 10 o'clock A. M.

House met pursuant to adjournment ; prayer by the Chaplain ; the roll being called, the following members answered to their names :

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johnson of G., Jones of G., Jones of S. P., Lewis, McLeod, Mabry, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler Scott, Scurry, Sutherland, Smith of Fannin, Smyth of J., Truit and Wallace.

A quorum present; Journals of preceding day read and adopted.

The committee appointed to request the Senate to meet the House, for the purpose of electing a Judge for the 6th Judicial District, reported duty performed.

A message was received from the Senate, informing the House of the passage of,

A bill amendatory of an act to establish the Marshall University;

A bill to provide for the revision of the civil laws, and for the formation of a criminal code, and a bill to repeal a part of an act, approved, 5th February, 1842, to raise a revenue by direct taxation, approved, January 16th, 1840;

And, that the bill to endow the Wesleyan College of San Augustine, had been rejected.

On motion of Mr. McLeod, the rule to take in no new business after the 25th instant, was suspended; and,

Mr. McLeod, by leave, introduced a bill to authorize the erection of a Hospital at Galveston; read a first time.

On motion of Mr. Williamson, the rule was suspended, bill read a second time and referred to the committee on Finance.

The committee on the Judiciary, J. Armstrong one of the committee, to whom was referred the bill for the appointment of a Commissioner for certain purposes, reported the same back to the House, and recommended its passage; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 29, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,

A bill for the improvement of the navigation of the Angelina and Snow Rivers;

A bill to incorporate the Trinity University; also,

A bill to be entitled, an act granting certain privileges to licensed houses; and find the same correctly engrossed.

A. H. JONES,

One of the Committee.

Adopted.

The committee on the Judiciary, Tod Robinson chairman, to whom was referred the bill to repeal certain portions of an act therein named, reported the same back to the House and recommended its indefinite postponement; which report and bill were laid on the table, to come up among the orders of the day.

The committee on Finance, George W. Smyth chairman, to whom was referred the bill to authorize the Auditor to settle the accounts of Hugh S. Hope, Sheriff of Harrison county, reported the same back to the House for its action.

On motion of Mr. Scott, the bill was taken up.

Mr. Erath offered the following amendment: "the Auditor is also required to audit the accounts of Jerry Hood, Sheriff of Milam county, on the same conditions; adopted.

Mr. Cunningham moved to amend, by extending the privilege to the late Treasurer of Victoria county; rejected.

Mr. Henderson moved to amend, by extending the privilege to the Sheriff of Harris county; rejected.

Mr. Scott moved the engrossment of the bill.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Bourland, Erath, Ford, Gage, Hardin, Johns, Jones of S. P., Lewis, McLeod, Millican, Moffett, Ogden, Robinson, Scott, Scurry, Sutherland, Williams and Williamson—20.

Noes—Messrs. Cooke of B., Cunningham, Dunn, Henderson, Johnson of G., Jones of G., Mabry, Menefee, Perkins, Sadler, Smyth of J. and Fruit—12.

So the bill was ordered to be engrossed.

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

On motion of Mr. Henderson, the name of the Sheriff of Milam county was inserted in the caption.

On motion of Mr. Cazneau, the bill for the re-organization of the General Land Office was taken up.

Mr. Henderson moved to lay it on the table; lost.

The amendments of the Senate, were then concurred in.

On motion of Mr. Henderson, the motion to re-consider the vote rejecting the bill supplementary to an act for the relief of John S. Black, and sundry citizens of Harris county was taken up, and the vote re-considered.

Mr. Henderson offered a substitute to the original bill; adopted.

Mr. Williamson offered the following amendment: "and that

all rejected claims in the county of Bastrop be, and they are hereby declared valid; adopted.

Mr. Dunn offered an amendment, to make valid all rejected certificates in the counties of Shelby, San Augustine, Jasper and Sabine.

Mr. Gage moved the indefinite postponement of the bill and amendments.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Armstrong, Bourland, Cooke of B., Cunningham, Dunn, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Lewis, McLeod, Mabry, Menefee, Millican, Moffett, Ogden, Perkins, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit, Wallace, Williams and Williamson—30.

Noes—Messrs. Cazneau, Erath and Robinson—3.

So the bill was indefinitely postponed.

On motion of Mr. Bourland, the motion to re-consider the vote that passed the bill to change the times and place of holding the sessions of the Supreme Court of the Republic was taken up.

Mr. Scurry moved to lay the motion on the table; lost.

The Ayes and Noes being called on the re-consideration of the vote, stood as follows:

Ayes—Messrs. Speaker, Bourland, Cazneau, Cooke of B., Cooke of R., Erath, Hardin, Johns, Johnson of G., Jones of G., Jones of S. P., Lewis, McLeod, Mabry, Millican, Moffett, Ogden, Perkins, Robinson, Scott, Wallace, Williams and Williamson—23,

Noes—Messrs. Armstrong, Cunningham, Dunn, Ford, Gage Henderson, Johnson of S., Means, Menefee, Sadler, Scurry, Sutherland, Smyth of J. and Truit—14.

So the vote was re-considered.

Mr. Cazneau moved the passage of the bill.

Mr. Henderson moved the previous question.

Shall the main question be now put?

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of R., Erath, Ford, Gage Hardin, Henderson, Johnson of S., Means, Menefee, Moffett, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit and Wallace—19.

Noes—Messrs. Bourland, Cazneau, Cooke of B., Cunning-

ham, Dunn, Johns, Johnson of G., Jones of G., Jones of S. P., Lewis, McLeod, Mabry, Millican, Ogden, Perkins, Robinson, Williams and Williamson—18.

So the motion carried.

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

Mr. Williamson moved a re-consideration of the vote that indefinitely postponed the bill for the enumeration of the inhabitants of the Republic.

Mr. Johnson of S., moved to lay the bill on the table, and make it the special order of the day for to-morrow, 10 o'clock.

Laid on the table.

Mr. Armstrong moved a re-consideration of the vote on the previous question; carried.

On motion of Mr. McLeod, the bill for the relief of L. S. Hargous, and others, was taken up, and the amendments of the Senate adopted.

On motion of Mr. Wallace, the rule to take in no new business after the 25th instant, was suspended.

Mr. Wallace presented the petition of Francis Wilson, which was referred to the committee on Education.

On motion of Mr. Perkins, the bill for the relief of A. W. Lockett was taken up, read a third time and passed.

A message was received from his Excellency, the President, through his Private Secretary, Mr. S. Z. Hoyle, which was a veto on an act supplementary to an act, entitled an act defining the duties of the officers of the Treasury Department, approved 5th February, 1840.

On motion of Mr. Erath, the bill for the relief of Helena Nelson was taken up, read a second time, and passed to a third reading.

On motion of Mr. Scurry, the bill to charter the Ceres Academy, was taken up on its second reading, and ordered to be engrossed.

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

On motion of Mr. Lewis of Montgomery, the bill to amend an act organizing the Inferior Courts, and defining the powers and jurisdiction of the same, passed 20th December, 1836, and to repeal in part an act organizing Justices Courts, &c.; &c., passed 20th December, 1836, was taken up on its second and passed to a third reading.

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

A message was received from the Senate informing the House of the passage of,

A bill explanatory of an appropriation made by an act making appropriations for the support of government, for the year 1842, approved, 3d February, 1842;

A bill to amend an act incorporating the town of Bastrop; and, That the Senate had receded from their amendment to the general appropriation bill.

On motion of Mr. Mabry, the bill to amend an act incorporating the town of Bastrop, was taken up and read a first time.

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

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

Mr. Robinson offered the following resolution:

Resolved, That the chief clerk be authorized to employ a clerk, to assist in the enrollment and engrossment of bills—said clerk to be paid out of the contingent fund of Congress; adopted.

On motion of Mr. Bourland, the bill for the appointment of a Commissioner for certain purposes, was taken up on its second reading, and ordered to be engrossed.

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

The Ayes and Noes being called for on the final passage of the bill, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of R., Gage, Hardin, Johnson of G., Lewis, McLeod, Mabry, Means, Moffett, Ogden, Sadler, Scott, Wallace, Williams and Williamson—19.

Noes—Messrs. Cunningham, Dunn, Erath, Ford, Johns, Johnson of S., Jones of G., Menefee, Millican, Scurry, Sutherland, Smyth of J. and Truit—13.

So the bill passed.

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

3 o'clock, P. M.

House met; roll called; a quorum present.

On motion of Mr. Cooke of R., the bill for the relief of Thos. and Benoni Middleton was taken up, read a third time and passed.

The committee on Education, W. R. Scurry chairman, to whom was referred the petition of Francis Wilson, reported a bill for the relief of the Wesleyan College; read a first time.

On motion of Mr. Scurry, the rule was suspended, bill read a second time, and ordered to be engrossed.

The committee on Finance, to whom was referred the bill to admit books and pamphlets free of duty, made the following report :

COMMITTEE ROOM, }
January 30, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Finance, to whom was referred the joint resolution providing for the importation of printed books, duty free, have again given the subject that patient investigation which its importance demands, and beg leave to report, that the duties have already been reduced on articles of prime necessity, as far as the present condition of the country will admit, consistently with an efficient administration of the government.—

In some portions of the Republic, which have recently received by immigration, large accessions of population, the people are actually suffering for subsistence; and if it were consistent with the safety of the government, a reduction of duties on provisions would first claim the attention of Congress; but it is a matter of deep regret to your committee, that the poverty and embarrassment of the government is such that we do not feel justified in recommending any farther reduction of imposts, though called for by the crying necessities of an oppressed population. Much less, therefore, are we disposed to recommend a reduction of duties on books, which, for the most part, at the present day, are the light luxuries of men of wealth and literary leisure, and in a great measure calculated to pamper a vicious and depraved literary taste.

If other reasons are necessary, your committee, with all due deference to the opinions of many educated and intelligent gentlemen, who advocate the indiscriminate and unrestricted importation of foreign literature, would humbly hazard the opinion that the repeal asked for, would not encourage sound education, or elevate the literary taste, the intelligence or morals of the community. They are aware that the *popular* cry is for more books; and they are equally aware of the painful truth that the

good books already amongst us are but little studied, with that patience and mature reflection necessary to a correct appreciation of their merits. More light is greedily called for, while it is matter of doubt whether the importation of books *indiscriminately* would afford more light, or shadow the literary realm with more obscurity and vicious confusion—fiction and novelty is the order of the day.

“————— that the mind
Of desultory man, studious of change,
And pleased with novelty, may be indulged.”

Though that indulgence is unfortunate, too often, at the expense of many of the higher and nobler virtues of the human heart. It is a matter of common observation, that the literary taste of the public is, at the present day, less chaste, and the works of modern authors evince less genius, strength and merit, than those of former days. In polite literature, the works of Addison, Johnson, Le Sage, and others, are still unrivalled models for the study and admiration of succeeding ages. In the realm of fancy and romance, the ancients have pre-occupied the ground, and their beautiful and thrilling creations remain the unimitated and inimitable patterns for the whole tribe of busy scribblers, who continue from time to time, to flood the voracious and insatiate public, like the locust of Egypt, with their pestiferous visitations. In moral and natural philosophy—in sacred and profane history—in theology as well as in the arts and sciences, the standard text books used in the schools and colleges of the present day, are the unrivalled productions of former ages.

In investigating the causes which have produced this apparent literary inferiority of the present age, we cannot admit that the present race of mankind are inferior to those who have preceded them in natural mental strength. Why, then, with all the advantages of the experiments and intellectual labors of those who have gone before, do the modern writers fall so far short in all the essential manifestations of intellectual greatness? We humbly entertain the opinion, that the true secret lies in the fact, that the ancients *drew from nature*, and with their paucity of books, they studied nature more attentively than the moderns, confused and overwhelmed as they are, with such a profusion of books which, from necessity, they must but imperfectly study. The original is always superior in merit to the mere copy, because, more genius and talent is requisite to execute an original.

design, than to perform the more menial office of a copyist. But, originality, is not the only reason of the literary excellence of ancient authors. They had but few books to read, and they studied and understood them well, while we are confused and overwhelmed with such a mass of *carelessly* written books, and our attention distracted and divided between such an obscure multiplicity of literary matter, that it is almost impossible to give any, in our eagerness for novelty, that mature and deliberate study which is necessary for a correct understanding. If three-fourths of the light literature, which now cumpers our library shelves and book-stores, were to share the fate of the Alexandrian Library, the cause of public learning and public morals would suffer no material damage.

Your committee would, therefore, respectfully recommend the indefinite postponement of the bill.

S. B. JOHNS.
W. R. SCURRY.
JOHN S. FORD.
WM. T. SADLER.
S. L. JONES.

Mr. Menefee moved to lay the report on the table; lost.

Mr. Johnson of S., moved the indefinite postponement of the bill and report.

A division of the question.

The Ayes and Noes being called on the indefinite postponement of the bill, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of R., Cunningham, Dunn, Erath, Ford, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Jones of S. P., McLeod, Mabry, Means, Millican, Sadler, Scott, Scurry, Sutherland, Smyth of J., Traut and Wallace—25.

Noes—Messrs. Bourland, Cazneau, Cooke of B., Gage, Lewis, Menefee, Moffett, Ogden, Perkins, Robinson, Smith of F. and Williams—12.

So the bill was indefinitely postponed.

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

A message was received from the Senate, informing the House of the passage of,

A bill to amend and alter the laws relating to Probate Courts, and the settlement of successions;

A joint resolution authorizing the President to appoint two Notaries Public ;

The bill supplementary to the several acts relative to direct taxation, with amendments ; and,

A bill for the relief of Charles B. Snow, with amendments ;

And that the Senate had rejected a bill to re-organize the Board of County Commissioners, for the several counties of the Republic ;

A bill for the relief of the minute men, raised under an act, approved, February 5th, 1841 ; and,

A bill for the relief of Milton Hicks ; and,

That the Senate has refused to concur in the amendments of the House, to the bill for the relief of T. Jefferson Chambers.

On motion of Mr. Henderson, the bill explanatory of an appropriation, made by an act making appropriations for the support of government, for the year 1842, was taken up and read a first time.

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

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

On motion of Mr. Scurry, the bill for the permanent defence of the south-western frontier was taken up ; and,

On motion of Mr. Gage, laid on the table, until 7 o'clock, this evening.

On motion of Mr. Robinson, the bills on the subject of the tariff, were taken up, and the substitute offered by Mr. Robinson, on a previous day, for all the bills, was adopted.

Messrs. Jones of S. P., and McLeod, offered sundry amendments, which were adopted ; and,

On motion of Mr. McLeod, the bill was referred to a select committee, consisting of Messrs. McLeod, Robinson, Scurry, Bourland and Smyth of J.

The bill to amend the 4th and 5th sections of an act, approved, January 27th, 1842, which act was supplementary to an act, to raise a revenue by impost duties, approved, 5th February, 1840, was taken up on its second reading.

Mr. Scott moved to amend, by inserting "the District of Soda Lake ; adopted—and bill passed to a third reading.

A message was received from the Senate, infortheming House of the passage of,

A bill supplementary to an act, to establish the eastern boundary line of Rusk county, and for other purposes, with amendments.

And a bill for the incorporation of the town of Henderson, in Rusk county, with amendments.

Mr. Jones of S. P., moved to take up a bill supplementary to an act, to incorporate the Texas Mining and Emigrating Company; carried—and,

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

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

On motion of Mr. Smyth of J., the bill supplementary to the several acts relative to direct taxation, was taken up, and the amendments of the Senate concurred in.

On motion of Mr. Cazneau, the bill for the relief of R. S. Neighbors, was taken up on its second reading, and ordered to be engrossed.

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

On motion of Mr. Cooke of R., the bill for the revision of the laws, and for the formation of a criminal code, was taken up on its second reading; and,

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

The bill to regulate license tax, and to provide for the prompt collection of the same, was,

On motion of Mr. McLeod, taken up and read a first time.

On motion of Mr. Williamson, the rule was suspended, bill read a second time, and referred to the committee on Finance.

Mr. Sutherland moved to adjourn until 9 o'clock, to-morrow morning; lost.

On motion of Mr. Johnson of S., the House adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

House met; roll called; quorum present.

On motion of Mr. Wallace, the bill for the relief of the heirs of Patsey Lewis, was taken up, read a third time and passed.

On motion of Mr. Smith of Fannin, the bill for the relief of Charles B. Snow, was taken up, and the amendments of the Senate concurred in.

On motion of Mr. Smith of F., the bill providing for and regulating arbitrations and references, was taken up, read a third time and passed.

On motion of Mr. Gage, the bill for the incorporation of the town of Henderson, was taken up, and the amendment of the Senate concurred in.

On motion of Mr. Erath, the bill for the relief of Philip Potter, was taken up on its second reading; and,

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

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

The House proceeded to the special order of the day—being the bill for the permanent defence of the south-western frontier.

On motion of Mr. Scurry, the House resolved itself into a committee of the whole—Mr. Scurry in the chair.

The committee rose, reported progress, and asked to be discharged from the further consideration of the subject; report adopted.

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

The select committee, H. McLeod chairman, to whom was referred the bill proposing a reduction of the tariff, and fixing the rates of imposts, reported the same back to the House, with amendments, and recommended its passage.

The bill was taken up, and the amendments of the committee adopted; and bill passed to a third reading.

On motion of Mr. Smith of F., the bill for the relief of G. Elley was taken up.

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

FRIDAY, January 31, 1845.

The House met pursuant to adjournment; prayer by the Chaplain—the roll being called, the following members answered to their names, to wit:

Messrs. Speaker, Bourland, Cooke of B., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Lewis, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Wallace, Williams and Williamson.

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

The committee on Public Lands, Geo. Sutherland chairman, to whom was referred the petition of Willis Stewart, W. C. Peters and John J. Smith, trustees of the 'Texas Emigrating and Land Company, believing that it had been presented at too late a period of the session, reported the same back to the House, and begged to be discharged from the further consideration of the same; adopted.

The committee on the State of the Republic, James W. Henderson chairman, to whom was referred the bill to authorize the President to receive volunteers into the service of the Republic, reported the same back to the House, and recommended its indefinite postponement; report adopted.

The committee on Finance, John S. Ford, one of the committee, to whom was referred a bill to regulate license taxes, &c. reported the same back to the House, and recommended its passage.

On motion of Mr. Erath, the bill was taken up.

Mr. Scott moved to fill the first blank with, "1st day of April, 1845."

Mr. Menefee moved to amend by inserting "1850;" lost, and Mr. Scott's amendment adopted.

Mr. Wallace moved to amend by inserting the following:

"*Provided*, That more than five boarders shall be accommodated therein at the same time."

Rejected.

Mr. Smith of Fannin, moved the indefinite postponement of the bill; lost.

Mr. Sutherland moved to strike out the last section.

The Ayes and Noes being called, stood as follows:

Ayes—Messrs. Erath, Ford, Hardin, Johnson of G., Jones of G., McFarlane, Menefee, Millican, Sutherland, Wallace and Williamson—11.

Noes—Messrs. Speaker, Armstrong, Cazneau, Cooke of B., Cooke of R., Dunn, Ford, Gage, Henderson, Johns, Johnson of S., Jones of San Patricio, Lewis, McLeod, Mabry, Means, Moffett, Ogden, Perkins Robinson, Sadler, Scott, Scurry, Smith of Fannin, Smyth of J., Fruit and Williams—27.

So the motion was rejected.

On motion of Mr. Cunningham, the bill was passed to a third reading.

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

The committee on Finance, S. L. Jones one of the committee to whom was referred the bill to exempt the steam ship John S. McKim from the payment of tonnage duties, reported unfavorably; which report was adopted.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, }
January 30, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and found correctly enrolled, the following act and joint resolutions, to wit:

Joint resolution for the relief of Sam. Ricker, Jr.;

Joint resolution for the relief of Capt. Eli Chandler, and others;

Joint resolution to provide for the organization of Goliad county;

Joint resolution for the relief of J. C. Neill; and,

An act for the better of customs;

The first of which were signed by the Speaker of the House and President of the Senate, the balance were signed by the Speaker of the House and President *pro tem* of the Senate, and were this day presented to his Excellency the President for his approval.

S. W. PERKINS,
One of the Committee.

Adopted.

The committee on Engrossed Bills made the following report :

COMMITTEE ROOM, }
January 31, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined,

A bill supplementary to an act to incorporate the Texas Trading and Mining Company ;

A joint resolution for the relief of the Wesleyan College ;

A joint resolution for the relief of R. S. Neighbors ; also,

A bill to authorize the Auditor to settle the accounts of Hugh S. Hope, sheriff of Harrison county, and Jerry Hood, sheriff of Milam county, and find the same correctly engrossed.

A. H. JONES,

One of the Committee.

Adopted

The House then proceeded to the

ORDERS OF THE DAY.

The motion to re-consider the vote indefinitely postponing the Census bill, being the special order of the day, it was taken up.

On motion of Mr. Jones of San Patricio, a call of the House was made.

Mr. Scurry moved to suspend the call ; lost.

A full House—the call was suspended.

Mr. Armstrong moved to lay the motion to reconsider on the table until Saturday, 4 o'clock P. M.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Armstrong, Cazneau, Cooke of B, Cunningham, Dunn, Erath, Johnson of Goliad, Jones of G., Jones of San Patricio, Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F., Smyth of Jasper and Williams—21.

Noes—Messrs. Speaker, Bourland, Cooke of R., Ford, Gage, Hardin, Henderson, Johns, Johnson of S., Means, Millican,

Moffett, Sadler, Scott, Scurry, Truit, Wallace and Williamson—18.

So the motion carried.

On motion of Mr. Cazneau, the rule to take in no new business after the 25th inst. was suspended.

Mr. Cazneau, by leave, introduced a bill supplementary to an act for the frontier protection ; read a first time.

On motion of Mr. Williamson the rule was suspended, bill read a second time, and ordered to be engrossed.

Mr. Jones of S. P., moved a further suspension of the rule.

The Ayes and Noes being called thereon, stood as follows :

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Henderson, Johns, Johnson of G., Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Sutherland, Smith of F., Smyth of J., Truit, Williams and Williamson—34.

Noes—Messrs. Hardin, Johnson of S., McLeod, Scurry and Wallace—5.

So the rule was suspended, and bill read a third time and passed.

Mr. Sutherland offered the following resolution :

Resolved, That all committees, standing and select, also all members having in their possession any papers or documents belonging to the House, shall be required to report, or hand in the same to-morrow morning, Saturday, 1st February.

Adopted.

Mr. Gage offered the following resolution :

Resolved, by the House of Representatives, That no motion coming from any member of this House shall be put to the House by the Speaker, unless such member, at the time of making such motion, shall be at his proper place, or at the fire place.

Which was, on motion of Mr. Williamson, laid on the table.

The bill for the relief of G. Elley was taken up on its second reading, and ordered to be engrossed.

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

The bill to establish the limits of the Mercer Colony was taken up, and the House receded from their amendments.

The bill for the relief of T. Jefferson Chambers was taken up, and the House receded from their amendments.

The bill amendatory of the several acts to raise a revenue by impost duties, was taken up on its third reading.

Mr. McFarlane moved the indefinite postponement of the bill; lost.

Mr. Means moved the previous question—shall the main question be now put?—was put and carried.

The main question being the passage of the bill,

The Ayes and Noes were called, and stood thus:

Ayes—Messrs. Speaker, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Erath, Gage, Henderson, Johns, Johnson of S., Jones of G., Jones of S. P., McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit and Williams—28.

Noes—Messrs. Armstrong, Dunn, Johnson of G., Lewis, McFarlane, Millican, Smith of F., Wallace and Williamson—10.

So the bill passed.

The bill for the relief of Thomas R. Townsend was taken up, read a third time and passed.

The bill for the relief of John Robinson was taken up, read a third time and passed.

The bill for the relief of Bertholett, Heald & Co. was taken up, read a third time and passed.

The bill for the relief of Helena Nelson was taken up, read a third time and passed.

The committee on Finance, to whom was referred the bill for raising a hospital at Galveston, reported it back, with a substitute, and recommended its passage.

On motion of Mr. McLeod, the bill was taken up, and substitute adopted.

The main question being the engrossment of the bill, was put, and carried.

Mr. Henderson moved the previous question—shall the main question be now put?—was put and carried.

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

Mr. Menefee moved the previous question—shall the main question be now put?—was put and carried.

The main question being the passage of the bill, the Ayes and Noes were called, and stood thus:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of R., Cunningham, Dunn, Ford, Gage, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Jones of S. P.,

Lewis, McFarlane, McLeod, Mabry, Means, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Smyth of J., Truit and Williams—30.

Noes—Messrs. Cooke of R., Hardin, Millican, Scurry, Sutherland, Wallace and Williamson—7.

So the bill passed.

Mr. Bourland offered the following resolution :

Resolved, That the Clerks, Reporter, Sergeant-at-Arms and Door-Keeper, of the House of Representatives, be allowed one dollar in addition to the pay fixed by law, the same to be paid out of the contingent fund of Congress, upon the Chief Clerk's certificate.

Mr. Millican moved to lay the resolution on the table ; lost.

The Ayes and Noes being called for on the adoption of the resolution, stood as follows :

Ayes—Messrs. Bourland, Cazneau, Cooke of B., Cooke of R., Ford, Gage, Henderson, Johnson of G., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Means, Moffett, Ogden, Perkins, Robinson, Scott, Scurry, Sutherland, Williams and Williamson—23.

Noes—Messrs. Speaker, Armstrong, Cunningham, Dunn, Hardin, Johns, Mabry, Menefee, Millican, Sadler, Smyth of J., Truit and Wallace—13.

So the resolution was adopted.

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

3 o'clock, P. M.

House met pursuant to adjournment ; roll called ; quorum present.

A message was received from his Excellency the President, through his private Secretary, Mr. S. Z. Hoyle.

A message was received from the Senate, informing the House of the passage of,

A bill supplementary to an act for the protection of the frontier ;

A bill to provide for the issuance of patents to assignees.

The bill to repeal the 4th and 5th sections of an act approved January 27th, 1842, which act was supplementary to the several acts to raise a revenue by impost duties, was taken up, read a third time and passed.

The bill granting certain privileges to licensed Houses was taken up, and read a third time.

Mr. Lewis of Montgomery, moved to lay it on the table, until the 1st of March.

The Ayes and Noes being called for, stood as follows;

Ayes—Messrs. Speaker, Cazneau, Cooke of R., Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of S. P., Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Robinson, Sadler, Scott, Smith of F., Smyth of J., Truit Wallace and Williams—29.

Noes—Mr. Sutherland—1.

So the bill was laid on the table.

On motion of Mr. Cazneau, a call of the House was ordered.

On motion of Mr. Menefee, the call was suspended.

On motion of Mr. Jones of S. P., the message of his Excellency, the President, was taken up and read, as follows:

EXECUTIVE DEPARTMENT. }
Washington, January 31st, 1845. }

To the Honorable the House of Representatives:

In pursuance of a resolution of the Honorable House, received on the 17th instant, the Executive transmits a communication from the Hon. Secretary of State, *ad interim*, with accompanying documents, which comprizes all the information in possession of the government in relation thereto.

ANSON JONES.

On motion of Mr. Johnson of S., the message and accompanying documents in relation to the contract of C. Fenton Mercer. &c., were laid on the table.

On motion of Mr. Scott, the bill to change the system of assessing and collecting taxes, was taken up, and the amendments of the committee adopted.

Mr. Jones of S. P., moved to strike out all after the word "act," in 17th line, 1st section; adopted.

Mr. Cunningham moved to strike out all after collector, in 7th line, to the word "and," in 10th line, 1st section; adopted.

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

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Cazneau, Dunn, Erath, Johns, Johnson of G., Jones of G., McFarlane, Mabry, Menefee, Millican, Ogden, Perkins, Robinson, Sadler, Sutherland, Smith of F., Williams and Williamson—18.

Noes—Messrs. Speaker, Armstrong, Bourland, Cooke of B., Cooke of R., Cunningham, Ford, Gage, Hardin, Henderson, Johnson of S., Jones of S. P., Lewis, McLoed, Means, Moffett, Scott, Scurry, Smyth of J., Truit and Wallace—21:

Lost.

Messrs. Johnson of S., Lewis of Montgomery and Cunningham, offered amendments.

On motion of Mr. Perkins, the bill and amendments were referred to a select committee, consisting of Messrs. Perkins, Johnson of S., Cunningham, Smyth of J., Jones of S. P., Menefee and Armstrong.

On motion of Mr. Lewis of Montgomery, the committee were instructed to report to-morrow, by 3 o'clock, P. M.

A message was received from the Senate, informing the House that the Senate had adopted and amended the substitute of the bill amendatory of the several acts on impost duties; and,

A bill making navy scrip receivable for dues to the government, that accrued prior to 1st February, 1842, with amendments; and,

That the Senate had rejected the bill for the relief of the Mier prisoners.

The bill amendatory of the several acts on impost duties was taken up, and the amendments of the Senate concurred in.

Mr. Henderson moved to take up the bill to repeal an act to enforce costs in the Supreme Court.

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

SATURDAY, Feb. 1, 10 o'clock, A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Henderson, Johns, Johnson of S., Jones of G. Lewis, McLeod, Mabry, Menetee, Millican, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Wallace and Williams.

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

A message was received from the Senate, informing the House of the passage of,

A bill for the relief of Calvin Boales, D. Dawson and others;

A bill for the benefit of De Kalb College;

A bill for the relief of Edward Teal;

A bill for the relief of the heirs of Daniel R. Jackson;

A bill for the relief of Alexander Somervell;

A bill for the relief of Jeremiah Latham;

A bill to charter the Nacogdoches University, with amendments;

A bill for the relief of Wm. Lakey, with amendments;

A bill for the relief of James Morgan, with amendments;

A bill to incorporate the Matagorda University, with amendments; and,

A bill supplementary to an act, creating the county of Rusk, approved 16th January, 1843, and amendatory to an act supplementary to the former, approved 3d January, 1844, with amendments.

The bill for the relief of James Morgan was taken up, and the amendments of the Senate concurred in.

The bill for the relief of Wm. Lakey was taken up, and the amendments of the Senate concurred in.

The bill to charter the Nacogdoches University was taken up, and the amendments of the Senate concurred in.

The bill to incorporate the Matagorda University was taken up, and the amendments of the Senate concurred in.

The bill to provide for the issuance of Patents to assignees, was taken up, and the amendments of the Senate concurred in.

The bill making navy scrip receivable for all dues to the government, that accrued prior to 1st February, 1842, was taken up, and the amendments of the Senate concurred in.

The bill supplementary to an act creating the county of Rusk, approved 16th January, 1843, and amendatory to an act, supplementary to the former, approved January 3d, 1844, was taken up, and the amendments of the Senate concurred in.

The bill granting land to emigrants was taken up, and laid on the table.

The bill for the relief of the Wesleyan College, was taken up and read a third time.

Mr. Johnson of G., moved the indefinite postponement of the bill.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Cunningham, Dunn, Johnson of G., Jones of G. and Sutherland—5.

Noes—Messrs. Speaker, Bourland, Cooke of B., Cooke of R., Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of S., Jones of S., P., Lewis, McLeod, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace and Williams—29.

Lost—and bill passed.

The bill to authorize the erection of gates in certain cases, was taken up, and laid on the table.

The bill to provide for the revision of the civil laws, and for the formation of a criminal code, was taken up and read a first time.

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

Mr. Armstrong offered the following amendment: "Provided, that such suggestions shall be based on Common Law;" rejected.

Mr. McLeod moved to amend, by inserting, after "departments," "for the year 1845;" adopted.

Mr. Armstrong offered an amendment.

Mr. Williamson moved the previous question.

Shall the main question be now put?—was put and carried.

The main question being the passage of the bill to a third reading, was put, and carried.

Mr. Armstrong moved to lay the bill on the table; lost.

Mr. Johnson of S., moved a suspension of the rule

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Bourland, Cooke of R., Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of S., Jones of S. P., Lewis, Means, Millican, Moffett, Ogden, Robinson, Sadler, Scott, Scurry, Sutherland, Smyth of J., Truit and Williamson—24.

Noes—Messrs. Armstrong, Cooke of B., Cunningham, Dunn, Jones of G., Mabry, Menefee, Perkins, Wallace and Williams—10.

So the rule was suspended, and bill read a third time and passed.

A committee from the Senate, announcing that the Senate would meet the House this evening, at 3 o'clock, for the purpose of electing a Judge for the 6th Judicial District.

The select committee, S. W. Perkins chairman, to whom was referred the bill to change the system of assessing and collecting taxes, reported the same back to the House, with a substitute, and recommended its passage.

On motion of Mr. Johnson of S., the bill was taken up, and the substitute adopted.

Mr. Williamson moved the indefinite postponement of the bill; lost.

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

On motion of Mr. McLeod, the rule to take in no new business after the 25th January, was suspended.

Mr. McLeod, by leave, introduced a bill for the relief of J. Antonio Navarro; read a first time.

On motion of Mr. Scurry, the rule was suspended, bill read a second time, and ordered to be engrossed.

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

The bill for the relief of Calvin Boales, D. Dawson and others, was taken up, and read a first time.

On motion of Mr. Erath, the rule was suspended, bill read a second time, and passed to a third reading.

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

Mr. Armstrong offered a resolution deferring the time for the election of a Judge for the 6th Judicial District, until Monday, 4 o'clock, P. M.

Mr. Williamson moved to lay the resolution on the table; lost.

The Ayes and Noes being called on the adoption of the resolution, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Cooke of R., Dunn, Johnson of G., Johnson of S., Jones of S. P., McLeod, Mabry, Ogden, Sutherland, Smyth of J., Truit and Williams—14.

Noes—Messrs. Bourland, Cunningham, Erath, Ford, Gage, Hardin, Henderson, Johns, Jones of G., Lewis, Menefee, Millican, Moffett, Perkins, Sadler, Scott, Scurry, Wallace and Williamson—19.

So the resolution was rejected.

A message was received from the Senate, informing the House of the passage of,

A bill to repeal the Exchequer system, with amendments;

A bill to incorporate the Texas Cotton and Woolen Manufacturing Company, with amendments;

The bill amending the Constitution; and,

A bill authorizing the County Courts to cause the field notes in the County Surveyor's office to be transcribed in a well bound book; and,

That the Senate had concurred in the amendments of the House, to the bill to provide for the revision of the civil laws, and for the formation of a criminal code.

Mr. Jones of S. P., offered the following resolution:

Be it resolved, That the thanks of this House be tendered to J. B. Miller, Esq., late Secretary of the Treasury, and the agents employed by him, for the prompt and efficient manner in which the duty devolving upon them, under an act passed during the last session of Congress, for the relief of the Mier prisoners, were discharged; and, that a copy of this resolution be forwarded to each of the parties who were engaged in carrying the act into effect.

Mr. Scurry moved to insert the name of Sam Houston; adopted.

On motion of Mr. Williamson, the House adjourned until half after 2 o'clock P. M.

Half past 2 o'clock, P. M.

House met; roll called; quorum present.

A message was received from the Senate, informing the House of the passage of

A bill to authorize the Auditor to settle the accounts of Hugh S. Hope, Sheriff of Harrison county, and Jerry Hood, Sheriff of Milam county, with amendments;

A bill for the relief of Susan Parker, and Mrs. John W. Smith; and,

A bill to extend the powers of Constables; and,

That the Senate had concurred in the amendments of the House; to the bill to repeal the 4th and 5th sections of an act, approved, 27th January, 1842, which act was supplementary to an act, to raise a revenue by impost duties, approved, 5th February, 1840; and, also, to

A bill providing for and regulating arbitrations and references.

The resolution before the House, at the time of the adjournment, was taken up; and,

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

The committee on Engrossed Bills made the following report:

COMMITTEE ROOM, }
January 31, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined,

A joint resolution for the relief of the heirs of Patsey Lewis, deceased; and,

A joint resolution for the relief of the heirs of Philip Potter, and find the same correctly engrossed.

WILLIAM L. CAZNEAU,

One of the Committee.

Adopted.

The committee on Enrolled Bills made the following reports :

COMMITTEE ROOM, }
February 1, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined and find correctly enrolled, the following bills and joint resolutions :

Joint resolution requiring the President to appoint an additional Notary Public for the county of Gonzales and Fort Boggy, in Robertson county ;

Joint resolution for the relief of L. S. Hargous, and others ;

An act making appropriations for the support of government for the year one thousand eight hundred and forty-five ;

An act to allow Thomas Robinson to adopt a certain child therein named.

They having been signed by the Speaker of the House of Representatives and President *pro tem.* of the Senate, were, this day, presented to his Excellency, the President, for his approval.

S. W. PERKINS,
One of the Committee.

COMMITTEE ROOM. }
February 1, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined, and found correctly enrolled, the following bills and resolutions :

A bill to be entitled an act for the relief of John Robinson ;

A joint resolution explanatory of an appropriation made by an act making appropriations for the support of the Government for the year eighteen hundred and forty-two, approved 3d February, 1842 ;

A bill to be entitled an act to amend an act incorporating the town of Bastrop ;

A bill to be entitled an act for the relief of Thomas Tomlinson ;

A joint resolution for the relief of Helena Nelson.

They were signed by the Speaker of the House of Represen-

tatives and President of the Senate, and were presented to the President of the Republic, this day, for his approval.

B. RUSH WALLACE, Chairman.

COMMITTEE ROOM, }
February 1, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined, and found correctly enrolled,

A bill to be entitled an act for the incorporation of the town of Henderson, in the county of Rusk;

A bill to be entitled an act for the re-organization of the General Land Office;

A bill to be entitled an act supplementary to an act to be entitled an act for the protection of the frontier;

A bill to be entitled an act supplementary to the several acts relative to direct taxation;

A joint resolution for the relief of Charles B. Snow;

A bill to be entitled an act supplementary to an act to establish the eastern boundary line of Rusk county, and for other purposes; and,

A bill to be entitled an act amendatory of an act to establish the Marshall University.

They were signed by the Speaker of the House of Representatives, and President of the Senate, and were presented this day to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Reports adopted.

Mr. Robinson offered the following resolution:

Resolved, That the Chief Clerk of the House be authorized to hire a room, during the recess of Congress, for the use and occupancy of the Secretary of the Senate, and said Chief Clerk, for the transaction of their business, and the security of the papers and property of the Congress—the rent to be paid out of the contingent fund of Congress; adopted.

The committee on Foreign Relations, to whom was referred the petition of sundry citizens of Austin county, and resolutions and report of the committee on the State of the Republic, report-

ed the same back to the House, and begged to be discharged from the further consideration of the same.

Adopted.

Mr. Armstrong offered the following resolution ;

Be it resolved, That the Senate be requested to postpone the election of Judge for the 6th Judicial District, until Monday next, at 11 o'clock ; and, that this House agree to go into said election at that time, and, that the Chief Clerk immediately inform the Senate of this resolution.

The Ayes and Noes being called for on the adoption of the resolution, stood as follows :

Ayes—Messrs. Speaker, Armstrong, Cazneau, Cooke of R., Cunningham, Dunn, Hardin, Henderson, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McLeod, Mabry, Means, Menefee, Millican, Ogden, Scott, Smith of F., Smyth of J., Truit and Williams—23.

Noes—Messrs. Bourland, Cooke of B., Erath, Ford, Gage, Johns, Moffett, Perkins, Robinson, Sadler, Scurry, Sutherland, Wallace and Williamson—14.

So the resolution was adopted.

The bill to authorize the Auditor to settle the accounts of Hugh S. Hope, Sheriff of Harrison county, and Jerry Hood, Sheriff of Milam county, was, on motion of Mr. Scott, taken up, and the amendments of the Senate concurred in.

Mr. Erath offered the following resolution :

Resolved, That the door-keeper of the House of Representatives, be allowed one dollar per day, for cutting wood and furnishing water, and other services, to be paid out of the contingent fund of Congress ; adopted.

On motion of Mr. Johnson of S., the vote deferring the election of Judge, was re-considered ; and,

On motion of Mr. Johnson of S., laid on the table.

Mr. Williamson moved the appointment of a committee, to wait upon the Senate, and inform them that the House is now ready to go into the election of a Judge, for the 6th Judicial District.

On motion of Mr. Means, Monday, 12 o'clock, was inserted, and the motion adopted.

Messrs Bourland and Ford were appointed the committee.

On motion of Mr. McLeod, the bill to repeal the Exchequer system, was taken up, and the amendments of the Senate concurred in.

Mr. Lewis of Montgomery, offered the following resolution:

Resolved, That the seal of secrecy be removed from the proceedings of the last session of Congress, on the subject of annexation, so far as the House of Representatives is concerned.

Mr. Williamson moved to lay the resolution on the table; lost.

The resolution was then adopted.

Mr. Scurry moved to take up the motion, to re-consider the vote indefinitely postponing the census bill.

On motion of Mr. Cazneau, a call of the House was ordered.

Mr. Williamson moved to suspend the call; lost.

On motion of Mr. Scurry, the call was suspended.

On motion of Mr. Scurry, a committee was appointed to receive the votes of absent members.

Messrs. Scurry and Cazneau, were appointed the committee.

A message was received from the Senate, informing the House of the passage of,

A bill for the relief of J. Antonio Navarro;

A bill to incorporate the town of Paris, the county seat of Lamar county;

A bill for the relief of G. Elley;

A bill for the relief of C. B. Aeklen, and C. R. Perry;

A bill for the relief of Abel Morgan;

A bill to incorporate the Rusk county Academy, with amendments;

A bill to repeal in part, and to amend the 14th section of an act, to raise a public revenue by direct taxation, approved, 16th January, 1840, with amendments;

A bill for the relief of George W., Charles & A. H. Sevier, with amendments; and,

A bill to change in part the times of holding the District Courts, in the 5th Judicial District, with amendments; and,

That the Senate had rejected the bill for the appointment of a Commissioner, for certain purposes.

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

Mr. Lewis of Austin, moved to adjourn until Monday morning, 10 o'clock; lost.

Mr. Williamson moved to adjourn until half after 9 o'clock, Monday morning.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Cooke of B., Cunningham, Dunn, Erath, Jones

of G., Jones of S. P., Lewis, McLeod, Mabry, Menefee, Ogden, Perkins, Sutherland, Smith of F. and Williamson—15.

Noes—Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of R., Ford, Gage, Hardin, Henderson, Johns, Johnson of S., Means, Millican, Moffett, Sadler, Scott, Scurry, Smyth of J., Truit, Wallace and Williams—21.

So the motion was lost.

On motion of Mr. Cazneau, the call was suspended.

The Ayes and Noes being called on the motion to take up the motion to reconsider the vote, indefinitely postponing the census bill, stood as follows :

Ayes—Messrs. Speaker, Armstrong, Bourland, Cooke of R., Ford, Gage, Hardin, Henderson, Johns, Means, Millican, Moffett, Sadler, Scott, Scurry, Smyth of J., Truit and Wallace—18.

Noes—Messrs. Cazneau, Cooke of B., Cunningham, Dunn, Erath, Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Ogden, Perkins, Robinson, Sutherland, Smith of F., Williams and Williamson—19.

So the motion was lost.

Mr. Williamson moved to adjourn until Monday morning, 10 o'clock.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Armstrong, Cooke of R., Dunn, Erath, Menefee, Millican, Ogden, Williams and Williamson—9.

Noes—Messrs. Bourland, Cooke of Bexar, Ford, Gage, Hardin, Henderson, Johnson of Shelby, Jones of Gonzales, Jones of San Patricio, McLeod, Mabry, Means, Moffett, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of Fannin, Smyth of J., Truit and Wallace—24.

So the motion was lost.

On motion of Mr. Scott, the bill to provide the times and place of holding the sessions of the Supreme Court was taken up, and read a third time.

Mr. Williamson moved the indefinite postponement of the bill, and proceeded to debate the question.

Mr. Henderson moved the previous question.

The Speaker decided Mr. Williamson to be in order, and entitled to the floor.

Mr. Johnson of Shelby, appealed from the decision of the chair; and,

The appeal was sustained.

The question—shall the main question be now put?—was put and carried.

The main question being the passage of the bill, was put and carried.

On motion of Mr. Scurry, the rule to take in no new business after the 25th January, was suspended.

Mr. Scurry offered the following resolution, to wit :

Resolved. That it is the opinion of the House of Representatives, that the emergency having ceased, in order to restore tranquillity and harmonize the public mind, as well as to unite the public Archives—the President should immediately, upon the adjournment of the present Congress, return to the City of Austin, together with the Heads of Departments, and all the Archives at this place—and that this removal will give general satisfaction to the whole people of Texas.

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

The Ayes and Noes being called thereon, stood as follows :

Ayes—Messrs. Armstrong, Hardin, Johns, Mabry, Menefee, Millican, Moffett, Sutherland and Smyth of J.—9.

Noes—Messrs. Bourland, Cazneau, Cooke of B, Cunningham, Dunn, Ford, Gage, Henderson, Johnson of S., Jones of G., Jones of S. P., McLeod, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Smith of F., Truit, Wallace, Williams and Williamson—23.

So the motion was lost.

The Ayes and Noes were called for on the adoption of the resolution, and stood as follows :

Ayes—Messrs. Armstrong, Bourland, Cazneau, Cooke of B, Cunningham, Dunn, Erath, Ford, Gage, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Menefee, Moffett, Ogden, Perkins, Robinson, Sadler, Scott, Scurry, Sutherland, Smith of F., Smyth of J., Truit, Wallace, Williams and Williamson—32.

Noes—Messrs. Cooke of R., Hardin, Henderson, Johns, and Millican—5.

So the resolution was adopted.

On motion of Mr. Gage, the bill to incorporate the Rusk county Academy, was taken up.

Mr. Millican moved to adjourn until Monday, 10 o'clock, A. M.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Armstrong, Bourland, Hardin, Henderson, Millican, Truit and Williams—7.

Noes—Messrs. Cazneau, Cooke of R., Cunningham, Ford, Gage, Johnson of S., Jones of G., Jones of S. P., McLeod, Ma-

bry, Menefee, Moffett, Ogden, Perkins, Scott, Sutherland, Smith of F., Smyth of J., Wallace and Williamson—20.

So the motion was lost.

The amendments of the Senate, to the bill under consideration, were then taken up, and concurred in.

On motion of Mr. McLeod, the bill to repeal in part, and to amend the 14th section of an act, to raise a public revenue by direct taxation, approved, 16th January, 1840, was taken up.

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

MONDAY, February 3, 10 o'clock A. M.

The House met pursuant to adjournment; prayer by the Chaplain; the roll being called, the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Cazneau, Cooke of B., Cooke of R., Cunningham, Dunn, Erath, Ford, Gage, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of G., Jones of S. P., Lewis, McFarlane, Mabry, Means, Menefee, Millican, Moffett, Ogden, Perkins, Sadler, Scott, Scurry, Sutherland, Smith of F., Truit, Wallace and Williams.

A quorum present; Journals of Saturday read and adopted.

Mr. Bourland moved a suspension of the rule, to take in no new business after the 25th January.

The Ayes and Noes being called, stood as follows:

Ayes—Messrs. Bourland, Cazneau, Cooke of B., Cooke of R., Erath, Ford, Gage, Henderson, Johnson of S., Jones of G., Jones of S. P., Lewis, McLeod, Mabry, Moffett, Ogden, Perkins, Sadler, Scurry, Smith of F., Truit and Williams—22.

Noes—Messrs. Speaker, Cunningham, Dunn, Hardin, Johns, Menefee, Millican, Sutherland and Wallace—9.

So the rule was suspended.

Mr. Bourland, by leave, introduced a bill to revive a certain act therein named; read a first time.

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

Mr. McLeod offered a substitute for the original bill, which was adopted, and ordered to be engrossed.

Mr. Jones of S. P., moved a further suspension of the rule.

The Ayes and Noes being called for, stood as follows :

Ayes—Messrs. Bourland, Cazneau, Cooke of B., Cooke of R., Ford, Henderson, Johnson of S. Jones of G., Jones of S. P., Lewis, McFarlane, McLeod, Mabry, Moffett, Ogden, Perkins, Sadler, Scurry, Smith of F., Truit and Williams—21.

Noes—Messrs. Speaker, Armstrong, Cunningham, Dunn, Erath, Gage, Hardin, Johns, Means, Menefee, Millican, Scott, Sutherland and Wallace—14.

So the motion was lost.

A message was received from the Senate informing the House of the passage of the following bills :

A bill supplementary to an act, defining the jurisdiction and powers of the District Courts, approved, 22d December, 1836 ;

A bill supplementary to an act, to open and establish a National Road, approved 5th February, 1844 ;

A bill supplementary to an act, to incorporate the Texas Trading and Mining Company ; and,

That the bill for the relief of Robert Pace, had been rejected.

Mr. Gage presented a number of resolutions, from the citizens of the county of Rusk, in favor of annexation, which were referred to the committee on Foreign Relations.

The bill to extend the powers of Constables, was taken up, and the amendments of the Senate concurred in.

The bill to repeal in part, and amend the 14th section of an act, to raise a public revenue by direct taxation, was taken up, and the amendments of the Senate concurred in.

The bill to incorporate the Texas Cotton and Woollen Manufacturing Company, was taken up, and the amendments of the Senate concurred in.

On motion of Mr. Erath, the bill amendatory of an act, to provide for the establishment and maintenance of peace, and

to regulate friendly intercourse with the Indians, was taken up, and the amendments of the committee adopted.

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

The committee appointed to wait upon the Senate, and invite them to meet the House at 12 o'clock, for the purpose of electing a Judge for the 6th Judicial District, reported duty performed.

The bill for the relief of Gorge W., Charles & A. H. Sevier, was taken up, and the amendment of the Senate concurred in.

The bill to incorporate the Texas Trading and Mining Company was taken up, and the amendments of the Senate concurred in.

Mr. Bourland offered the following resolution :

Resolved, That one hundred and fifty copies of the contract entered into with Charles Fenton Mercer, for the colonization of a large tract of country, on the waters of Red River, Trinity and Sabine Rivers, and of the several acts referred to therein, as the authority on which it was made, be printed, for the use of the members of the House of Representatives ; adopted.

Mr. Jones of S. P., offered the following resolution :

Resolved, That the seal of secrecy be removed from the proceedings of the last Congress, so far as it relates to the appropriation for the relief of the Mier prisoners ; and that the same be made public, except so far as the names of the agents, who reside in foreign countries, are concerned ; adopted.

A message was received from the Senate, informing the House of the passage of,

A bill to extend the franking privilege to certain persons therein named ; and,

A bill to establish a Hospital at Galveston.

Mr. Truit offered the following resolution :

Resolved, That the chief clerk of the House of Representatives, be authorized to pay to B. M. Hatfield, out of the contingent fund of the House of Representatives, the sum of one hundred dollars, for and in consideration of the use and occupancy of the building furnished by him, for the House of Rep-

representatives, for the ninth Congress: this act to take effect from and after its passage; adopted.

The committee on Enrolled Bills made the following reports:

COMMITTEE ROOM, }
February 3, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined and found correctly enrolled,

A bill to be entitled, an act to incorporate the Matagorda University;

A joint resolution for the relief of Antonio Navarro;

A bill to be entitled, an act for the incorporation of the town of Paris, the county seat of Lamar county;

A joint resolution for the relief of C. B. Acklin, and C. R. Perry;

An act, supplementary to an act, creating the county of Rusk, approved, 16th January, 1843; and amendatory to an act, supplementary to the former, approved, January 3d, 1844;

A joint resolution for the relief of G. Elley;

A joint resolution for the relief of Susan Parker, and Mrs. J. W. Smith;

A joint resolution for the relief of William Lakey; and,

A bill to be entitled, an act supplementary to an act, to incorporate De Kalb College.

They were signed by the Speaker of the House of Representatives, and President of the Senate, and were presented to the President of the Republic, this day, for his approval.

B. RUSH WALLACE, Chairman.

COMMITTEE ROOM, }
February 8, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives:

The committee on Enrolled Bills, have examined, the

following bills and joint resolutions, and found them correctly enrolled, viz :

A joint resolution for the relief of Capt. John C. Hays :

An act to authorize the Auditor to settle the accounts of Hugh S. Hope, Sheriff of Harrison county and Jeremiah Hood, Sheriff of Milam county, and M. H. Hardy, of Victoria county ;

A joint resolution proposing amendments to the Constitution ;

An act making navy scrip receivable for dues to the government, that accrued prior to the 1st February, 1842 ;

An act to charter the Nacogdoches University ;

An act to provide for the issuance of patents, to assignees ;

An act for the incorporation of the Rusk county Academy ;

A joint resolution for the relief of James Morgan ;

An act for the relief of Abel Morgan ;

An act to repeal an act, entitled an act, to authorize the President to issue Exchequer bills, and to declare what shall be received in payment ;

A joint resolution for the relief of Alexander Somervell :

A joint resolution for the benefit of the heirs of Daniel R. Jackson ;

All of which were signed by the Speaker of the House of Representatives, and President *pro tem.* of the Senate, the two first of which were, on yesterday, presented to his Excellency, the President, and the balance to-day, for his approval.

S. W. PERKINS,
One of the Committee.

Adopted.

The bill to extend the franking privilege to certain persons therein named, was read a first time.

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

Mr. Scurry moved to amend, by inserting "Vice Presidents ;" adopted.

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

On motion of Mr. Cazneau, the resolutions upon the subject of annexation, reported by the committee on the State of the Republic, were taken up.

Mr. Cazneau moved the adoption of the resolutions.

On motion of Mr. Menefee, a call of the House was made.
On motion of Mr. Scurry, Messrs. Williamson and Robinson were excused.

A committee appeared from the Senate, and announced that the Senate would be ready to go into the election of Judge, for the 6th Judicial District, at 3 o'clock, this evening.

Mr. Henderson moved a suspension of the call; lost.

On motion of Mr. Menefee, the call was suspended.

A message was received from the Senate, informing the House of the passage of,

A bill to authorize the erection of a Light House, on Galveston island; and,

A bill to authorize the transportation of goods coastwise;

And, that the Senate had concurred in the amendments of the House, to the bill to provide the times and place of holding the sessions of the Supreme Court of the Republic; and, to the bill to extend the franking privilege to certain persons therein named.

The question before the House, being the adoption of the resolutions, upon the subject of annexation.

Mr. Scurry moved the previous question.

Shall the main question be now put?

The Ayes and Noes being called, stood as follows:

Ayes—Messrs. Speaker, Cazneau, Dunn, Erath, Hardin, Henderson, Johns, Jones of S. P., Lewis, McFarlane, McLeod, Means, Sadler, Scott and Scurry—15.

Noes—Messrs. Armstrong, Bourland, Cooke of B., Cooke of R., Cunningham, Ford, Gage, Johnson of G., Johnson of S., Jones of G., Mabry, Menefee, Millican, Moffett, Ogden, Perkins, Sutherland, Smith of F., Smyth of J., Truit Wallace and Williams—22.

So the motion was lost.

Mr. Cooke of R., moved to lay the resolutions on the table, until the 15th instant.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Speaker, Armstrong, Bourland, Cooke of B., Cooke of R., Cunningham, Erath, Ford, Gage, Hardin, Johns, Johnson of G., Jones of G., Lewis, Mabry, Menefee, Millican, Moffett, Ogden, Perkins, Sadler, Sutherland, Smith of F., Smyth of J., Truit, Wallace and Williams—27.

Noes—Messrs. Cazneau, Dunn, Henderson, Johnson of S., Jones of S. P., McFarlane, McLeod, Scott and Scurry—9.

So the resolutions were laid on the table.

A message was received from the Senate, informing the House of the passage of,

A bill for the relief of Messrs. Rawdon, Wright, Hatch & Edson; and.

A bill to admit ice free of duty.

On motion of Mr. Jones of S. P., a committee was appointed, to wait upon the Senate, and inform them that the House was ready to go into the election of Judge, for the 6th Judicial District, at 3 o'clock, P. M.

Messrs. Jones of S. P. and Henderson were appointed the committee.

On motion of Mr. Wallace, the bill for the relief of the heirs of Elisha Roberts, was taken up; and,

On motion of Mr. Cunningham, indefinitely postponed.

Mr. Scurry presented the following statement, which was ordered to be put upon the journals:

The undersigned, members of the House of Representatives, entertaining the opinion, that Austin is not constitutionally the seat of government of this Republic, have cast their votes in favor of a resolution, declaring, that in the opinion of the House of Representatives, it is expedient for the Executive, together with the Heads of Departments, and the Archives now at this place, to return immediately, upon the adjournment of the present session of Congress, to the city of Austin; and would respectfully ask leave to lay before the House their reasons therefor.

They have been long impressed with the importance of having the Heads of Departments and the Archives of their respective offices at the same place; and, now, at the close of the session, fully satisfied of the impossibility of passing any measure calculated to consummate this much desired object, at any point, other than the city of Austin, they have united with other members of the House, in recommending to the Executive, as a course likely to subserve the public interest, and meet the approbation of a large majority of the people of the Republic, an immediate return to that place. Had this resolution, like the one vetoed by the President, been mandatory in its character, they should have felt themselves constrained to have opposed

it, as an undue usurpation of what they believe, under the circumstances, the exclusive prerogative of the Executive; its being merely an expression of opinion, dissolves it of any appearance of such an assumption upon our part, and still leaves him free to exercise the discretion vested in him by the Constitution.

The act which provides for the permanent location of the seat of government by the people, does not take effect or become operative, until 1847. By a return of the government officers to the city of Austin, the now scattered and divided Archives of the nation may be collected together, and those now in the hands of irresponsible persons, may be placed in the possession of those responsible for their preservation, so that when the people have pronounced their *fiat*, being under the control of the Executive, they can be removed to the point which may then be chosen, without difficulty or delay. Independently of this consideration, in the present situation of the Archives, *many* evidences of individual rights are locked up and entirely unattainable; and, in other instances, the government is liable to serious imposition from designing persons, for the want of the necessary evidences of the former transactions of the different Departments. It is true, that they do not conceive the city of Austin to be a proper location for the seat of government, from its want of centrality of position, both as regards our territorial limits and population; yet the important benefits to be derived by the public, from a re-union of the officers of the government and the Archives, in their estimation, far outweighs all minor considerations of this character.

Although their opinions have undergone no change in regard to the constitutionality of the location of the seat of government at the city of Austin, so ardently do they desire to see the public mind tranquilized, and harmony once more restored to our national councils: that believing that a removal by the Executive, to the city of Austin, will go far towards destroying the present boundaries of *party*, and tend to re-unite the people into one consolidated and undivided *Texas party*, having for its object the general welfare and common good of the *whole* country, they feel assured, that they have but discharged a sacred duty, in lending their aid in settling, in something like a satisfactory manner, this exciting question which has hitherto exercised a baneful and deleterious influence over the public mind. In doing this, they have, in a spirit of compromise,

yielded all personal preferences and sacrificed all personal predilections, upon the altar of what they esteem to be their common country's good.

W. R. SCURRY.
JOHN S. FORD.
M. T. JOHNSON.
JAS. TRUITT.
WM. T. SADLER.
B. RUSH WALLACE.
WM. T. SCOTT.

Mr. McLeod made the following statement:

HOUSE OF REPRESENTATIVES, Feb. 3, 1845.

The undersigned, member of the House of Representatives, deems it a duty to himself and to those he represents, to enter the following protest, in explanation of his vote in favor of the act requiring the President and Heads of Departments to return to the city of Austin:

The President, in his veto message of the 8th January, says:—If Congress *coincides* with the Executive, in his views, he would respectfully suggest that an appropriation of at least \$5,000, be made at the present session of Congress, for the purpose of enabling him to remove to Austin, and place the public buildings there in a suitable state of repair.

The undersigned voted for the appropriation, not because he coincides with the views of the Executive, as given in his veto message, but because it is his duty to give every proper facility for the removal of the public Archives to Austin, which the President admits to be the legal seat of government; a fact, which his predecessor, (in order to palliate an outrage on the laws, perpetrated under the authority of assumed prerogative,) was compelled to deny—and which outrage, it is the purpose of the veto message to excuse by affirming that the Constitution devolves on the Executive, the right to judge of the emergency, which requires the removal of the President and Heads of Departments, from the seat of government, and by assuming that to him, exclusively belongs the right to say whether they should return.

The words of the Constitution are—"The President and

Hheads of Departments shall keep their offices at the seat of government, unless removed by *permission* of Congress—or, unless in cases of emergency, in time of war, the public interest may require their removal.”

Except in cases of emergency, in time of war, the President cannot remove from the seat of government, without the *permission* of Congress. The Constitution intends that the President shall be subordinate in this respect to Congress; and it follows as a necessary inference, that the discretion vested in the Executive, to remove, in cases of emergency, in time of war, is subject to the same restriction. It was intended to provide for an emergency during the recess of Congress; and it follows that when Congress assembles, the opinion of Congress is paramount. To use the veto, which is a conservative power, intended to protect the public liberty, as a means for controlling and overruling the will of Congress on such a question, is an abuse of the Executive prerogative, deserving the severest censure.

It never was intended that the President should avail himself of that power, first to create a local, sectional party, and then to use it as so much political capital—the undersigned believes that the late Executive did use the removal of the public Archives from Austin, as a means of arraying the East against the West, and of enlisting as his personal partizans, all those who have or can be induced to believe they have rival interests to those of Austin, which is *now* admitted to be the legal seat of government. A careful examination of the veto message, in the opinion of the undersigned, justifies the apprehension that the present Executive is tampering to foment a jealousy between the East and the West—justifying the usurpation of his predecessor, by assuming that Congress interferes with his prerogative, in directing that he shall remove to the seat of government, and using suggestions which seem to argue that he believes that the emergency contemplated by the Constitution, had arisen, and that the removal was justifiable and proper; which, at the same time, he would persuade the West, that his return to Austin depends upon his opinion of the *future* emergency, and that *that* opinion will be favorable to *them*, if the West will be favorable to *him*.

To the undersigned, it seems that the veto message was

intended to extort from the West, a concession in the shape of an appropriation for the removal, which the Executive designs to use as an admission, that Congress has approved of the reasons he has given in justification of the removal from Austin, and of his refusal to return there. That the message is susceptible of such a construction, all must see—that the veto making the appropriation will be so used, the undersigned fully believes. That such a use of it would be a fraud upon Congress, and especially upon the West, all must know, though experience proves that this furnishes no assurance that it will not be so used.

The undersigned, therefore, has voted for the appropriation, not because he coincides with the President's views, but because it is his duty to deprive him of every pretext, for refusing to remove to Austin. He enters his most solemn protest against the views set forth in the message, and especially does he protest against the prostitution of the veto power to the lowest purposes of faction—that power intended for the preservation of the Constitution—of public liberty—has been made the instrument, in the hands of an artful demagogue, of arraying our once united Republic, into bitter sectional parties, and of perpetrating upon the whole people, and upon the West especially, the most crying injustice—the grossest frauds, and the most cruel and heartless oppression.

H. McLEOD,

Representative of Galveston.

On motion of Mr. Jones of S. P., the bill for the relief of Rawdon, Wright, Hatch & Edson, was taken up, and read a first time.

On motion of Mr. Jones of S. P., the rule was suspended, and bill read a second time, and passed to a third reading; and,

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

A message was received from the Senate, informing the House of the passage of the bill to establish a Light House at Passo Caballo; and, that the Senate had concurred in the amendments of the House, to a bill amendatory of an act to provide for the establishment of friendly intercourse with the Indians.

On motion of Mr. Menefee, the rule that prohibits bills being presented to the President for his approval, on the last day of the session, was suspended.

On motion of Mr. Menefee, the House adjourned until half past 2 o'clock, P. M.

Half past 2 o'clock, P. M.

House met; roll called; a quorum present.

On motion of Mr. Sadler, the bill authorizing the County Courts to cause the field notes in the county Surveyor's office to be transcribed in a well bound book, was taken up, and read a first time.

On motion of Mr. Jones of S. P., the rule was suspended, and bill read a second time, and passed to a third reading.

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

On motion of Mr. Menefee the bill prescribing the mode of proceeding against delinquent collectors and holders of public money, was taken up.

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

Mr. M. P. Norton was put in nomination, for Judge of the 6th Judicial District.

Mr. Perkins nominated Mr. C. W. Buckley.

Mr. Cazneau nominated Mr. William Lawrence.

The Senate having voted, the House proceeded to vote *viva voce*.

The following members voted for Mr. M. P. Norton:

Messrs. Speaker, Armstrong, Cooke of R., Cunningham, Dunn, Hardin, Henderson, Johns, Johnson of S., Millican, Sadler, Scott, Smyth of J. and Truit—14.

The following members voted for Mr. C. W. Buckley:

Messrs. Erath, Ford, Johnson of G., Lewis, Moffett, Ogden, Perkins, Scurry, Wallace and Williams—10.

The following members voted for Mr. Wm. Lawrence:

Messrs. Bourland, Cazneau, Cooke of B., Gage, Jones of G., Jones of S. P., McFarlane, McLeod, Mabry, Menefee, Sutherland and Smith of F.—12.

Mr. Norton received 7 votes in the Senate, Mr. Lawrence received 3 votes, and Mr. Buckley received 1 vote.

Neither candidate having received a majority of all the votes. Mr. Williams nominated Mr. Richardson Scurry.

The two Houses proceeded to a second vote.

The following members voted for Mr. Norton :

Messrs. Speaker, Armstrong, Cooke of R., Cunningham, Dunn, Hardin, Henderson, Johns, Johnson of G., Johnson of S., Jones of S. P., Millican, Ogden, Sadler, Scott, Smith of F., Smyth of J. and Truit—18.

The following members voted for Mr. Lawrence :

Messrs. Cazneau, Cooke of B., Gage, Jones of G., Lewis, McFarlane, McLeod, Mabry, Menefee and Sutherland—10.

The following members voted for Mr. Buckley :

Messrs. Perkins and Scurry—2.

The following members voted for Mr. R. Scurry :

Messrs Bourland, Ford, Moffett, Wallace and Williams—5.

Mr. Norton received 7 votes in the Senate. Mr. Lawrence 3 votes, and Mr. Scurry 1 vote.

Mr. Norton having received a majority of all the votes, was declared duly and constitutionally elected Judge for the 6th Judicial District.

The Senate having retired,

Mr. McFarlane moved to adjourn *sine die*; lost.

On motion of Mr. Cunningham, the bill under consideration, was laid on the table.

Mr. Johnson of S., offered the following resolution :

Resolved, That the thanks of the House of Representatives be tendered to the Hon. John M. Lewis, Speaker of the House, for the able, dignified and impartial manner in which he has presided over the deliberations of this body.

Mr. Cazneau moved a call of the House.

Mr. Johnson of S., moved to adjourn until 7 o'clock, P. M.; lost.

On motion of Mr. Perkins, the House adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

House met; roll called; quorum present.

A message was received from the Senate, informing the House of the passage of the following bills and joint resolutions :

A joint resolution for the relief of E. McLean;

A bill to create a body corporate and politic, by the name of the Galveston Chamber of Commerce;

A bill to incorporate the Galveston Guards;

A joint resolution for the relief of Wm. Bryan ; and,
 A joint resolution for the relief of the Mier prisoners, with amendments.

On motion of Mr. McLeod, the bill for the relief of the Mier prisoners was taken up, and the amendments of the Senate concurred in.

On motion of Mr. Millican, the vote refusing to suspend the rule, to pass to a third reading a bill for the relief of certain officers of the government, was re-considered, rule suspended, bill read a third time and passed.

On motion of Mr. Cazneau, the bill for the relief of J. F. Brown was taken up, and ordered to be engrossed.

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

On motion of Mr. McLeod, the bill to abolish the office of Superintendent of Indian Affairs, was taken up on its second reading, and ordered to be engrossed.

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

A committee appeared from the Senate, and announced that the Senate would adjourn at 9 o'clock, and that they had appointed a committee to inform the President of the same, and requested the appointment of a like committee on the part of the House, to act in conjunction ; in pursuance of which request, Messrs. Menefee, Moffett and Cunningham were appointed the committee.

The committee on Enrolled Bills made the following reports :

COMMITTEE ROOM, }
 February 3, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined, and found correctly enrolled,

A bill to be entitled an act to authorize the transportation of goods coastwise ;

A bill to be entitled an act to create a body corporate and politic, by the name of the Galveston Chamber of Commerce ;

A joint resolution for the relief of Ephraim McLean ;

A bill to be entitled an act to incorporate the Galveston Guards, city of Galveston.

They were signed by the Speaker of the House of Representatives, and President *pro tem.* of the Senate, and were presented to the President of the Republic, this day, (night) for his approval.

B. RUSH WALLACE, Chairman.

COMMITTEE ROOM, }
February 3, 1845. }

*To the Honorable John M. Lewis,
Speaker of the House of Representatives :*

The committee on Enrolled Bills have examined, and found correctly enrolled,

A bill to be entitled an act, supplementary to an act to open and establish a National Road, approved 5th February, 1844 ;

A bill to be entitled an act, supplementary to an act, to incorporate the Texas Trading and Mining Company ;

A bill to be entitled an act, to extend the power of Constables ;

A bill to be entitled an act, defining the jurisdiction and powers of the District Courts, approved December 22d, 1836 ;

A bill to be entitled an act, to incorporate the Texas Cotton and Woollen Manufacturing Company ;

A joint resolution for the relief of Edward Teal ; and,

A bill to be entitled an act, to change in part the time of holding the District Courts, in the 5th Judicial District.

They were signed by the Speaker of the House of Representatives and President *pro tem.* of the Senate, and were presented to the President of the Republic, this day, for his approval.

B. RUSH WALLACE, Chairman.

COMMITTEE ROOM, }
February 3, 1845. }

*To the Honorable John M. Lewis,
Speaker of the House of Representatives :*

The committee on Enrolled Bills have examined and find correctly enrolled, the following bills and joint resolutions :

Joint resolution admitting ice free of duty, into all ports of this Republic ;

Joint resolution for the relief of George W., Charles & A. H. Sevier ;

An act to authorize the erection of a Light House on Galveston Island ;

Joint resolution to establish a Hospital at Galveston ,

An act to repeal in part, and to amend the 14th section of an act, to raise a public revenue by direct taxation, approved 16th January, A. D., 1840.

They were signed by the Speaker of the House of Representatives, and President *pro tem.* of the Senate, and were presented this day to the President of the Republic for his approval.

S. W. PERKINS,
One of the Committee.

All of Which were adopted

On motion of Mr. Ford, the House took a recess of an hour's duration.

The recess having expired, the House was called to order.

A message was received from the Senate, informing the House of the passage of,

A bill for the relief of J. F. Brown ;

A bill for the encouragement of learning, &c., & ;

A bill to abolish the office of Superintendent of Indian Affairs ; and,

A bill for the relief of certain officers of the government.

Mr. Caznean offered the following resolution :

Resolved, That the Sergeant at Arms be allowed one dollar per day, in addition to the pay now allowed him, and that the same be paid out of the contingent fund of Congress ; adopted.

The committee on Enrolled Bills made the following report :

COMMITTEE ROOM, }
February 3, 1845. }

To the Honorable John M. Lewis,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined and found correctly enrolled,

A joint resolution for the relief of the Mier prisoners, and others ;

An act to establish a Light House at Paso Caballo ;

A joint resolution for the relief of William Bryan ; and,

A joint resolution for the relief of certain officers of the government.

They were signed by the Speaker of the House of Representatives and President *pro tem.* of the Senate, and were, this night, presented to the President of the Republic for his approval.

B. RUSH WALLACE, Chairman.

Adopted.

On motion of Mr. Means, the resolution of thanks to the Speaker, was taken up.

Mr. Cazneau moved to lay it on the table.

The Ayes and Noes being called for, stood as follows:

Ayes—Messrs. Cazneau, Johnson of G., Jones of S. P., Lewis, McLeod, Mabry and Ogden—7.

Noes—Messrs. Cunningham, Erath, Ford, Henderson, Johns, Johnson of S., Means, Menefee, Millican, Moffett, Scurry, Sutherland, Smith of F., Smyth of J., Truit and Wallace—16.

A quorum not being present,

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

A motion being made for a suspension of the call.

Mr. Cazneau insisted that the call should not be suspended; he desired a full House, when the vote of thanks was taken.

On motion of Mr. Jones of S. P., the call was suspended.

On motion of Mr. Cunningham, the House adjourned *sine die.*

APPENDIX

TO THE

JOURNALS OF THE NINTH CONGRESS

OF THE

REPUBLIC OF TEXAS.

BY AUTHORITY.

WASHINGTON:

MILLER & CUSHNEY, PUBLIC PRINTERS.

1845.

APPENDIX

OF THE

STATUTES OF THE NINETEENTH CENTURY

OF THE

REIGN OF VICTORIA

1837-1841

—

PRINTED BY

W. CLAY AND COMPANY

PRINTERS

ABSTRACT of the Amount of Merchandise imported into the Republic of Texas, and of the Classes and Amounts of Revenue collected on Importations and Tonnage during the year ending July 31st, 1844, as shown by Collectors' Returns.

YEAR.	MONTH.	DAY.	DISTRICTS.	Number of Hired Mate Officers employed in each District by the Quarter.		Number of Vessels that have entered from Foreign Ports or with Cargo subject to duty, and their Tonnage.		Amount of Merchandise imported.	CLASSES AND AMOUNTS OF REVENUE.								TOTAL OF GROSS AMOUNTS OF REVENUE.	EXPENSES OF COLLECTION.	NET AMOUNT OF REVENUE.	
				On stated salary.	On contingent salary.	VESSELS.			SPECIFIC.	AD VALOREM.	TOTAL OF IMPORTS.	FEE OF OFFICE.	BLANKS.	STORAGE.	TONNAGE DUTIES.	Fines, Forfeitures, & Penalties.				
				Foreign.	Domestic.	Foreign.	Domestic.													
1843	Oct.	31st	Galveston.	17	1	10	3	1,275 88-95	513	\$ 86,234 01	\$ 7,712 15	\$ 15,059 05	\$ 22,771 20	\$ 147 65	\$ 106 75	\$ 38 25	\$ 393 51	23,957 36	3,182 27	20,775 09
1844	Jan.	31st	do.	16	1	30	5	9,007 42-95	393 31-95	164,487 85	12,019 16	35,417 80	47,466 96	370 95	309 13	167 00	3,990 99	52,314 09	2,472 66	49,841 43
	April	30th	do.	15	1	29	2	8,306 61-93	229 81-95	122,471 05	9,430 16	23,926 73	33,356 89	259 40	199 15	68 07	3,508 30	37,660 97	5,087 85	32,573 12
	July	31st	do.	14	1	18	2	4,910 84-95	166	128,522 82	12,110 20	24,204 25	36,314 45	266 30	196 45	95 20	4,836 00	41,708 70	3,607 98	38,101 32
1843	Oct.	31st	Brazos.	2	1	3	1	225 26-95		7,196 53	344 46	1,448 52	1,792 98	40 25			37 83	1,871 06	553 59	1,317 48
1844	Jan.	31st	do.	1	1	1	1	95 19-95	56 52-95	2,781 10	63 89	241 62	873 51	19 50				893 01	281 85	611 00
	April	30th	do.	1	1	1	1	98 19-95		1,326 63	177 88	215 19	393 07	18 00				411 07	246 51	164 56
	July	31st	do.	1	1	1	1											13 57	178 12	164 55
1843	Oct.	31st	Calhoun.	3	1	6	1	597		16,048 01	815 87	3,037 61	3,853 48	46 30			104 75	4,034 53	741 75	3,292 78
1844	Jan.	31st	do.	3	1	6	1	513 56-95		28,228 83	2,368 21	4,746 39	7,114 60	67 05	5 50	161 99	66 84	7,416 98	851 78	6,565 20
	April	30th	do.	3	1	4	1	460 92-95		12,833 13	1,326 89	2,380 96	3,707 85	45 50	6 75	44 07	339 21	4,143 38	819 60	3,323 78
	July	31st	do.	3	1	7	1	840 25-95		25,532 18	1,772 28	4,558 22	6,330 50	63 70	3 00	80 85	747 03	7,195 08	735 94	6,459 14
1843	Oct.	31st	Aransas.	2	1	2	2	21 25-95		3,074 31	63 14	581 04	644 23	23 50			15 51	683 27	183 16	499 81
1844	Jan.	31st	do.	2	1	2	2	71 41-95		2,925 84	416 50	457 25	873 75	25 00			40 53	939 88	444 00	495 88
	April	30th	do.	1	1	1	1	21 71-95		1,529 93	60 37	51 12	114 49	21 00			9 60	357 28	163 25	194 03
	July	31st	do.	1	1	1	1			643 51		35 74	35 74	1 50				145 09	150 19	189 03
1843	Oct.	31st	Sabine.	1	1	1	1	14 71-95		219 71		75 87	75 87	15 00			19 35	110 22	101 28	9 94
1844	Jan.	31st	do.	1	1	6	1	451 67-95		648 42	4 55	43 45	48 00	52 00			527 72	627 72	304 68	323 04
	April	30th	do.	1	1	3	1	204 3-95		269 07	53 50	141 57	195 37	39 50			241 43	476 30	139 44	336 86
	July	31st	do.	1	1	3	1			1,346 19	666 54	1,864 97	2,631 51					2,631 51	352 10	2,179 41
1843	Oct.	31st	San Augustino.	4	1	12,043 11	1			9,342 14	522 51	1,159 01	1,682 46					1,682 46	385 25	1,297 21
	Jan.	31st	do.	4	1	3,409 06	1			3,409 06	195 68	486 91	682 69					682 69	377 10	305 49
	April	30th	do.	4	1	11,403 82	1			11,403 82	675 66	1,526 23	2,201 84				45 50	2,247 34	440 21	1,807 10
	July	31st	do.	4	1	8,844 85	1			8,844 85	419 41	1,436 23	1,853 64					1,855 64	367 73	1,487 91
1843	Oct.	31st	do.	4	1	10,026 57	1			10,026 57	786 98	1,545 59	2,332 50					2,332 50	508 90	1,823 60
1844	Jan.	31st	do.	4	1	7,476 88	1			7,476 88	897 70	967 48	1,865 18					1,865 18	279 77	1,585 41
	April	30th	do.	4	1	15,607 88	1			15,607 88	912 33	2,265 94	3,179 27					3,178 27	476 72	2,701 55
				130	13	27,314 80-95	1,395 72-95	\$ 504,503 03	\$ 54,414 27	\$ 123,229 42	\$ 182,643 67	\$ 1,563 57	\$ 826 73	\$ 624 79	\$ 16,446 13	\$ 309 41	\$ 201,413 30	\$ 21,551 45	\$ 179,861 85	

RECAPITULATION.

The sum of the Merchandise imported, was introduced in the amounts below given, from the following countries:

From the United States of America,	\$593,225 14
Great Britain and Ireland,	51,059 59
British West Indies,	3,624 10
Spanish West Indies,	148 87
France,	5,684 68
Belgium,	3,516 48
Hanse Towns,	27,494 54
the Austrian Adriatic Domi- nions,	1,185 86
Yucatan,	663 87
TOTAL,	\$686,503 03

N. B. The rate of expense of Collection on the gross amount of Revenue, is a minute fraction less than ELEVEN AND SEVEN TENTHS PER CENT.

N. B. The rate of per centum which the gross amount of Import Duties bears to the total of Merchandise imported, is a minute fraction over TWENTY-SIX AND NINE SIXTEENTHS PER CENT. As, however, nearly SIX-SEVENTHS of the Merchandise was imported on Foreign Vessels of the class whose cargoes are subject to the five per cent. augmentation, five per cent. SIX-SEVENTHS of the Merchandise may be deducted from the total of duties, to show what the average impost rate would have been had all the effects been imported on Texian, British, French, Dutch or Belgian vessels; in which case said average would have been about TWENTY-TWO PER CENT.

TREASURY DEPARTMENT,
Washington, 30th Nov., 1844.
J. B. MILLER,
Secretary.

RECAPITULATION OF REVENUE, SHOWING THE MANNER OF COLLECTION.

DISTRICTS.	Amount paid during the year in per cent.	Amount paid during each quarter in per cent.	During Quarter when ending.	Date.	Bills.	Amount of duties remaining at the end of the year.	Amount in Treasury.	Amount paid during the year in per cent.	Amount paid during each quarter in per cent.	During Quarter when ending.	Date.	Bills.	Amount of duties remaining at the end of the year.	Amount in Treasury.
GALVESTON.	\$65,733 17	\$16,039 52	1843. Oct. 31.	60c.	65,733 17	9,623 71	513 34	613 34	613 34	613 34	1843. Oct. 31.	60c.	613 34	513 34
	49,263 20	1,574 28	1844. Jan. 31.	100	49,263 20	1,359 44					1844. Jan. 31.	100	49,263 20	671 35
	2,430 91	2,430 91	Apr. 30.	100	2,430 91	243 91					Apr. 30.	100	2,430 91	671 35
	2,437 70	2,437 70	July 31.	100	2,437 70	3,149 42					July 31.	100	2,437 70	1,154 72
	4,200 54	4,200 54	July 31.	60	4,200 54	1,741 35					July 31.	60	4,200 54	671 35
	666 17	666 17	July 31.	70	666 17	2,556 31					July 31.	70	666 17	671 35
	150 43	150 43	July 31.	80	150 43	833 08					July 31.	80	150 43	671 35
7,763 47	7,763 47	July 31.	80	7,763 47	90 26					July 31.	80	7,763 47	671 35	
													1,130 60	1,130 60
													\$1,130 60	\$1,130 60
BRAZOS.	659 37	1,100 00	1844. Jan. 31.	82c.	659 37	907 50					1844. Jan. 31.	82c.	659 37	907 50
	296 30	296 30	Apr. 30.	80	296 30	361 63					Apr. 30.	80	296 30	907 50
	1,496 30	1,496 30	July 31.	100	1,496 30	1,923 65					July 31.	100	1,496 30	907 50
														659 37
CALHOUN.	5,519 07	376 29	1843. Oct. 31.	60	5,519 07	165 17					1843. Oct. 31.	60	5,519 07	609 09
	1,891 57	1,891 57	1844. Jan. 31.	100	1,891 57	6,158 18					1844. Jan. 31.	100	1,891 57	1,682 46
	22 25	22 25	Apr. 30.	80	22 25	1,927 01					Apr. 30.	80	22 25	90 00
	2,353 80	2,353 80	July 31.	100	2,353 80	17 80					July 31.	100	2,353 80	519 82
	40 90	40 90	July 31.	60	40 90	24 00					July 31.	60	40 90	22 87
	200 00	200 00	July 31.	75	200 00	150 00					July 31.	75	200 00	2,996 04
690 00	690 00	July 31.	80	690 00	472 00					July 31.	80	690 00	663 99	
7 12	7 12	July 31.	70	7 12	5 00					July 31.	70	7 12	663 99	
													4,417 87	4,417 87
													\$4,417 87	\$4,417 87
ARANSAS.	613 34	613 34	1843. Oct. 31.	60c.	613 34	671 35					1843. Oct. 31.	60c.	613 34	671 35
	613 34	613 34	1844. Jan. 31.	100	613 34	671 35					1844. Jan. 31.	100	613 34	671 35
														613 34
SABINE.	551 33	551 33	1843. Oct. 31.	60c.	551 33	631 33					1843. Oct. 31.	60c.	551 33	631 33
	551 33	551 33	1844. July 31.	80	551 33	35 25					1844. July 31.	80	551 33	35 25
														551 33
SAN AUGUSTINE.	292 86	292 86	1843. July 31.	100	292 86	292 85					1843. July 31.	100	292 86	292 85
	609 09	609 09	Oct. 31.	75	609 09	609 09					Oct. 31.	75	609 09	609 09
	120 67	120 67	1844. Jan. 31.	75	120 67	1,682 46					1844. Jan. 31.	75	120 67	1,682 46
	619 82	619 82	Apr. 30.	75	619 82	90 00					Apr. 30.	75	619 82	90 00
30 49	30 49	July 30.	100	30 49	519 82					July 30.	100	30 49	519 82	
2,996 04	2,996 04	July 30.	100	2,996 04	2,996 04					July 30.	100	2,996 04	2,996 04	
													663 99	663 99
													\$663 99	\$663 99
RED RIVER.	4,113 55	4,113 55	Each Quarter.	100	4,113 55	4,118 55					Each Quarter.	100	4,113 55	4,118 55
	1,992 37	1,992 37	Each Quarter.	100	1,992 37	1,992 37					Each Quarter.	100	1,992 37	1,992 37
														1,992 37

REPORT
OF THE
SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, }
Washington December 1st, 1844. }

To his Excellency SAM HOUSTON,

President of the Republic of Texas :

Sir,—I herewith transmit to your Excellency the several documents comprising the report of this department, for the year now ending.

The Abstract numbered 1, shows the amount of merchandize imported, and those of impost and tonnage duties, fees, and other classes of revenue, connected with customs, which have been secured or paid in each district, during the four quarters ending July 31st, as also the expenses of collection, and the gross and nett amounts of revenue. The portions of the statement referring to San Augustine and Red River vary, however, from the rest as to the number of quarters: the former comprising five, up to the same date, and not heretofore reported, while the latter includes only three, up to the end of April, when the last collectoral return from the latter district was made. A recapitulation on the same sheet gives an exhibit of the kind of funds in which the aggregate nett amount of revenue from each district has been collected, and the rates at which Exchequer bills have been received during each quarter: and in another is shown from what countries, and in what amounts the merchandize has been imported.

It was the intention of the department to accompany the above abstract by another, showing the amounts of particular kinds of merchandize imported, especially articles whose pro-

duction is most adapted to the soil, climate and present condition of this Republic, but the non-arrival of the needful statistical returns from the port of Galveston has prevented the completion of the document. The statements lacking, however, will probably be received in a few days, when the table referred to shall be immediately filled out and transmitted to your Excellency.

Abstract No. 2, is an account of the exports made from the maritime districts of the Republic during the same period, with a classification of the articles, which, if hereafter observed, will serve to show any increased activity which may take place in the exportation of our principal staples. This document includes a recapitulation, showing to what countries and in what amounts the exports have been made.

Number 3, is a statement of the amounts of Direct Taxes assessed, of those paid over, and of the balance remaining unpaid in each county during the years 1842 and '43, as also the several amounts of property purchased at sheriff's sale for the liquidation of tax dues.

Number 4, is a statement of the amounts paid into the Treasury on account of License Taxes, from each county, during the years 1842, '43 and '44.

No. 5, is a statement of the amounts of Direct Taxes assessed in the several counties (twenty-eight in number) from which returns have been sent in.

No. 6, is the Comptroller's statement of the amount of appropriations made for the support of the Government during the years 1842, '43 and '44, and of the amounts drawn on account of the same.

No. 7, being a file of three documents, comprises a statement of the receipts and disbursements of the Treasurer for the year ending September the 30th.

No. 8, is a general statement of the receipts and expenditures of the Government during the years 1842, '43 and '44, up to the first of October.

Submitting the same to the examination of your Excellency,

I have the honor to be,

Very respectfully yours,

J. B. MILLER,

Secretary of the Treasury.

NUMBER 4.

Statement, showing the amounts paid into the Treasury on account of License Tax by the different Counties, for the years 1842, '3 and '4.

COUNTIES.	EXCHEQUER BILLS.	SPECIE.	TOTAL.
Austin,	\$182 75	\$231 81	\$414 56
Bastrop,	142 50		142 50
Bexar,			
Bowie,	310 00		310
Brazoria,	\$22 12	151 19	973 31
Brazos,			
Colorado,	285 00		285
Fayette and Faannin,			
Fort Bend,	150 00	48 00	198
Galveston,	2,865 75	141 85	3,007 60
Goliad,			
Gonzales,			
Harris,	2,319 00	75 00	2,394
Harrison,	625 18		625 18
Houston,	70 00		70
Jackson,	68 00	27 31	95 31
Jasper,	72 75		72 75
Jefferson,	83 00	22 50	105 50
Lamar,	284 00	52 00	336
Liberty,	100 00	52 81	152 81
Matagorda,			
Milam,	305 78		305 78
Montgomery,	577 73	339 48	917 21
Nacogdoches,	171 95	176 34	348 29
Red River,	2,037 76		2,037 76
Refugio,			
Robertson,	254 00		254
Rusk,	99 35	16 15	115 50
Sabine,	156 75		156 75
San Augustine,	762 20		762 20
Shelby,	192 00		192 00
Travis and Victoria,			
Washington,	2,183 45	48 04	2,231 49
San Patricio,			
	<u>\$15,121 02</u>	<u>1,382 48</u>	<u>16,503 50</u>

TREASURY DEPARTMENT, }
 Washington, Dec. 1, 1844. }

J. B. MILLER,
 Secretary.

NUMBER 5.

Statement of the amounts of Direct Taxes assessed during the year 1844, as shown by Assessors' Returns.

Counties.	Assessors.	Amount of specific Taxes.	Amount of ad valorem Taxes.	Poll Taxes.	Total of Taxes assessed.
Harris,	W. G. Evans,	753 90	1,510 77	456 00	2,720 67
Galveston,	Chas. W. Wilkins,	400 87	2,532 02	234 00	3,166 89
Liberty,	Thos. W. Key,	1,469 77	888 02	402 00	2,759 79
San Augustine,	Chas. Eppes,	1,019 69	1,212 54	339 00	2,571 23
Brazoria,	R. J. W. Reel,	2,021 60	2,562 31	274 00	4,857 91
Matagorda,	Thos. Harvey,	1,112 23	1,216 20	234 00	2,562 43
Fort Bend,	Geo. A. Ferris,	1,352 26	754 81	182 00	2,289 07
Austin,	W. H. Stubblefield,	1,153 57	567 89	304 00	2,025 46
Montgomery,	U. F. Case,	1,985 93	1,466 03	869 00	4,320 96
Colorado,	John Toliver,	577 31	355 89	201 00	1,134 20
Lamar,	J. W. Smith,	436 93	322 89	361 00	1,120 82
Jasper,	W. S. Keaghay,	283 28	520 18	194 00	997 46
Houston,	John Blair,	679 53	547 92	523 00	1,750 45
Bowie,	S. H. Ellis,	761 18	195 58	165 00	1,121 76
Jackson,	Thos. Simons,	293 82	245 75	75 00	614 57
Milam,	Arthur Eldridge,	424 30	459 34	245 00	1,128 64
Robertson,	Jas. S. McMorry,	486 92	384 28	290 00	1,161 20
Brazos,	T. B. Prendergast,	140 25	284 50	103 00	527 75

Rusk,	W. Reagan,	218 38	181 09	256 00	655 41
Fannin,	Thos. Lindly,	261 27	281 80	297 00	840 07
Bastrop,	T. S. Veitch,	468 16	374 31	297 00	1,139 47
*Travis,	Moses Wood,	479 03	211 35	200 00	890 38
Gonzales,	Thos. J. Keese,	86 04	734 85	210 00	1,030 89
Victoria,	P. U. Pridham,	155 50	371 40	139 00	665 90
Bexar,	Ben. F. Hill,	38 52	1,853 63	152 00	2,044 15
Shelby,	A. D. Hardly,	534 10	453 25	392 00	1,379 35
Nacogdoches,	Barzilia Wittey,	986 12	1,114 55	502 00	2,602 67
Washington,	D. D. Crumpler,	1,176 42	1,133 49	401 00	2,710 91
		<u>\$19,756 88</u>	<u>\$22,736 64</u>	<u>\$8,297 00</u>	<u>\$50,790 52</u>

TREASURY DEPARTMENT, }
 Washington, Nov. 30, 1844. }

J. B. MILLER, *Secretary.*

*The amount of assessment for Travis county, includes 1843 and 1844.

NUMBER 6.

Statement of the Appropriation for support of the Government for the year 1844, exhibiting the amount drawn, and the unexpended balances.

Date of Law.	For what object appropriated.	Amount of Appropriation.	Amount drawn.	Unexpended balance.
<i>Legislative.</i>				
Feb. 5.	Compensation and mileage of members of the 8th Congress,	\$10 000	5,484 49	4,515 51
	Compensation of Chief Clerk,	850	591 56	258 44
	Contingent expenses,	2,000	2,000	
Jan. 6.	Printing for House and Senate,	1,000	1,000	∞
Feb. 5.	Printing Laws and Journals,	4,000	2,816 08	1,183 92
	Pay of Chaplains,	360	264	96
<i>Executive Department.</i>				
	Compensation of President,	5,000	2,551 11	2,448 89
	" Vice President,	1,000	525	475
	" Private Secretary,	900	749 99	150 01
	Contingent expenses,	2,703 46	2,703 46	
<i>State Department.</i>				
	Compensation of Secretary of State,	1,500	1,125	375
	Three Clerks,	2,600	2,024 94	575 06
	Contingent expenses,	519 43	519 43	

	<i>Treasury Department.</i>			
Feb. 5.	Compensation of Secretary of the Treasury,	1,500	1,119 35	380 65
	“ Two Clerks,	1,750	1,241 64	508 36
	“ Comptroller,	1,150	958 32	191 68
	“ Clerk in Comptroller’s office,	900	675	225
	“ Treasurer,	1,150	967 46	182 54
	“ Auditor,	1,150	958 30	191 70
	“ Clerk to Auditor,	900	675	225
	Contingent expenses of Treasury Department,	400	335 80	64 20
	“ “ Comptroller’s office,	100	49 37	50 63
	“ “ Treasurer’s office,	100	16 08	83 92
	“ “ Auditor’s office,	100	87 09	12 91
	Compensation of travelling agent,	1,250	973 86	276 14
	<i>War and Marine Department.</i>			
	Compensation of Secretary of War and Marine,	1,500	1,066 66	433 34
	“ Captain of Ordnance,	1,000	801 72	198 28
	“ Two Clerks in Department,	1,750	1,312 47	437 53
	Contingent expenses of Department,	800	628 12	171 88
	“ “ Ordnance,	1,000		1,000
	<i>Attorney General’s Office.</i>			
	Compensation of Attorney General,	1,000	841 93	158 07
	Contingent expenses,	151	151	
	<i>General Land Office.</i>			
	Compensation of Commissioner,	1,500	1,125	375
	“ Draughtsman,	850	354 15	495 85

Feb. 5.	Compensation of Clerks,	\$6,350	\$5,257 98	\$1,092 02
	Contingent expenses of office,	500	500	
	Connecting surveys,	400	174 75	225 25
	Surveying Land Scrip,	800	22 70	777 30
	County Maps,	1,200	380	820

Naval Establishment.

	Keeping the Navy in Ordinary,	15,000	10,400	4,600
	Part pay of officers of the Navy,	16,000	12,774 01	3,225 99
	Pay of Seamen in Navy,	1,800	847 44	952 56
	Pension of disabled Seamen,	385 75	385 75	

Foreign Intercourse.

	Compensation of two Chargé d'Affaires, &c.,	14,000	14,000	
	“ Secretary of Legation to U. S.	2,000	2,000	
	“ and expenses of Commissioners to Mexico,	5,000	4,718 32	281 68

Military Establishment.

Dec. 19.	Relief of J. C. Hays' Company of Spies,	6,450	6,450	
Jan. 23.	Protection of South Western Frontier,	21,423 48	9,442 03	11,981 45

Indian Purposes.

Feb. 5.	Indian appropriation under control of President,	10,030 37	10,025 16	5 21
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Judicial.

	Compensation of Chief Justice and Associates,	14,000	9,565	4,435
	“ of Clerk of the Supreme Court,	500	333 30	166 70

Jan. 22.	Compensation of seven District Attorneys, 1843,	\$1,750	\$1,595 37	\$154 63
Feb. 5.	“ “ “ 1844,	1,750	738 73	1,011 27
	Contingent expenses of Supreme Court,	500	283 06	216 94
	<i>Post Office Bureau.</i>			
	Compensation of two Clerks in Post Office Bureau,	1,750	1,312 47	437 53
	Contingent expenses in Post Office Bureau,	500	500	
Jan. 6.	Transportation of mails in 1843,	3,742 36	3,742 36	
Feb. 5.	“ “ 1844,	12,000	6,925	5,075
	<i>Pensions and Annuities.</i>			
Feb. 2.	Relief of heirs of Erastus Smith,	450	300	150
Feb. 5.	“ Joseph Cecil,	300	225	75
	“ M. J. Garcia,	100	100	
	<i>Miscellaneous.</i>			
Feb. 1.	Relief of Sara N. Hubert	513	513	
Feb. 5.	“ Samuel G. Norvell,	150	150	
Feb. 3.	“ Antonio Manchacca,	271 98	271 98	
Feb. 5.	“ Thos. Wm. Ward,	125	125	
	“ Texian Prisoners in Mexico,	15,000	4,500	10,500
	Pay and expenses of Court Martial, trial of E. W. Moore, et al,	2,398 53	2,398 53	
	Porter hire, subject to control of Sec'y State,	200	200	
		<hr/>	<hr/>	<hr/>
		\$209,774 36	\$147,850 32	\$61,924 04

TREASURY DEPARTMENT, Comptroller's }
Office, November 30th, 1844. }

JAMES B. SHAW, Comptroller.

Statement of the Appropriations for the year 1843, exhibiting the amounts drawn since last Report, October 31st, 1843, and the unexpended balances, to date.

Date of Law.	For what object appropriated.	Amount of Appropriation.	Amount drawn.	Unexpended balance.	
<i>Legislative.</i>					
Jan. 6.	Compensation and mileage of members of 7th Congress,	\$8,460 31	\$8,460 31	\$	
	Compensation of Chief Clerk,	215	150	65 00	
	Arrearages due members of the 6th Congress,	1,149 80	426	723 80	
<i>Executive Department.</i>					
	Compensation of the President,	3,750	3,750		
	" Vice President	250	250		
	" Private Secretary,	162 50	159	12 50	12
<i>State Department.</i>					
	Compensation of Secretary of State,	375	375		
	Contingent expenses,	53 54	53 54		
	Transportation of mails in 1843,	500	500		
<i>Treasury Department.</i>					
	Compensation of Secretary of the Treasury,	380 65	380 65		
	" Comptroller,	587 52	574 99	12 53	
	" Treasurer,	1,150	1,150		
	" Auditor,	204 20	191 66	12 54	
	Contingent expenses of Comptroller's Office,	125 87	86 33	39 54	
	" " Auditor's Office,	99 86	99 86		

	<i>War and Marine Department.</i>		
Jan. 6.	Compensation of Secretary of War and Marine,	\$308 31	\$308 34
	“ Captain of Ordnance, etc.,	1,285 93	540 83
	Contingent expenses of Ordnance Department,	397 40	397 40
	“ “ War and Marine Dep.	120 52	120 52
	<i>Attorney General's Office.</i>		
	Compensation of Attorney General,	375	375
	<i>General Land Office.</i>		
	Compensation of Commissioner,	375	375
	Contingent expenses of Office,	236 79	236 79
	<i>Foreign Intercourse.</i>		
	Compensation of two Chargé d'Affaires,	4,112 68	4,112 68
	Contingent expenses of “ “	417 90	417 90
	<i>Judiciary.</i>		
	Compensation of Chief Justice and Associates,	8,763 86	7,535
	“ Clerk of Supreme Court,	125 04	124 98
	Contingent expenses, “ “	291 00	291
	<i>Clerks in various Departments.</i>		
	Compensation of twenty-one Clerks,	10,295 95	4,547 16
	<i>Indian Purposes.</i>		
Dec. 28.	Conveying Indian Prisoners to Waco Village,	1,476 21	1,476 21
	<i>Miscellaneous.</i>		
Jan. 14.	Protection of Sea Coast at Galveston,	2,800	2,020 60
Jan. 25. '40	Indemnity for capture of English Schooner E. Russell,	3,840 60	3,840 60

July 25, '42.	Repairing Steamship Zavalla,	\$15,000	\$7,442 78	\$7,557 22
Jan. 6.	Pension of Joseph Cecil for year 1843,	75	75	
	Printing for Comptroller's office,	46	46	
	Hire of Porter for offices,	66 67	66 67	
		<hr/>	<hr/>	<hr/>
		\$67,874 14	50,948 80	16,925 34

TREASURY DEPARTMENT, Comptroller's Office, Nov. 30th, 1844. }

JAMES B. SHAW, Comptroller.

Statement of Expenditures from the Appropriations of 1842, and the balances on hand to date.

Date of Law.	For what object Appropriated.	Amount of Appropriation.	Amount drawn.	Unexpended balances.
	<i>State Department.</i>			
Feb. 3.	Compensation of Chief Clk. Post Office Bureau,	\$243 76	\$75	\$168 76
	<i>Judiciary.</i>			
	Compensation of seven District Attorneys,	359 60	145 84	193 76
	Contingent Expenses of Supreme Court,	134 97	134 97	
	<i>General Land Office.</i>			
	Compensation of extra Clerks,	419 47	13 75	405 72
	<i>Indian Purposes.</i>			
	Redemption of captives from Indians,	1,653	306	1,347
	<i>Clerks in various Departments.</i>			
	Compensation of fourteen assistants,	2,281 34	200	2,081 34
		<hr/>	<hr/>	<hr/>
		\$5,072 14	875 56	4,196 58

Recapitulation.

November,	\$4,807 19
December,	29,935 64
January,	16,518 54
February,	36,886 14
March,	24,369 20
April,	15,530 52
May,	13,280 65
June,	14,242 23
July,	7,144 41
August,	16,493 63
September,	13,508 46
October,	6,958 07
	<hr/>
	\$199,674 68

Amount drawn from appropriation of 1842,	875 56
“ “ “ 1843,	50,948 80
“ “ “ 1844,	147,850 32
	<hr/>
	\$199,674 68

Expenditures of the Government for the years 1842, '43, and to the 31st October, 1844.

For the year 1842,	\$129,542 32
“ “ 1843,	163,958 70
“ “ 1844,	199,674 68

Sum Total, \$493,175 70

TREASURY DEPARTMENT, Comptroller's }
Office, November 30th, 1844. }

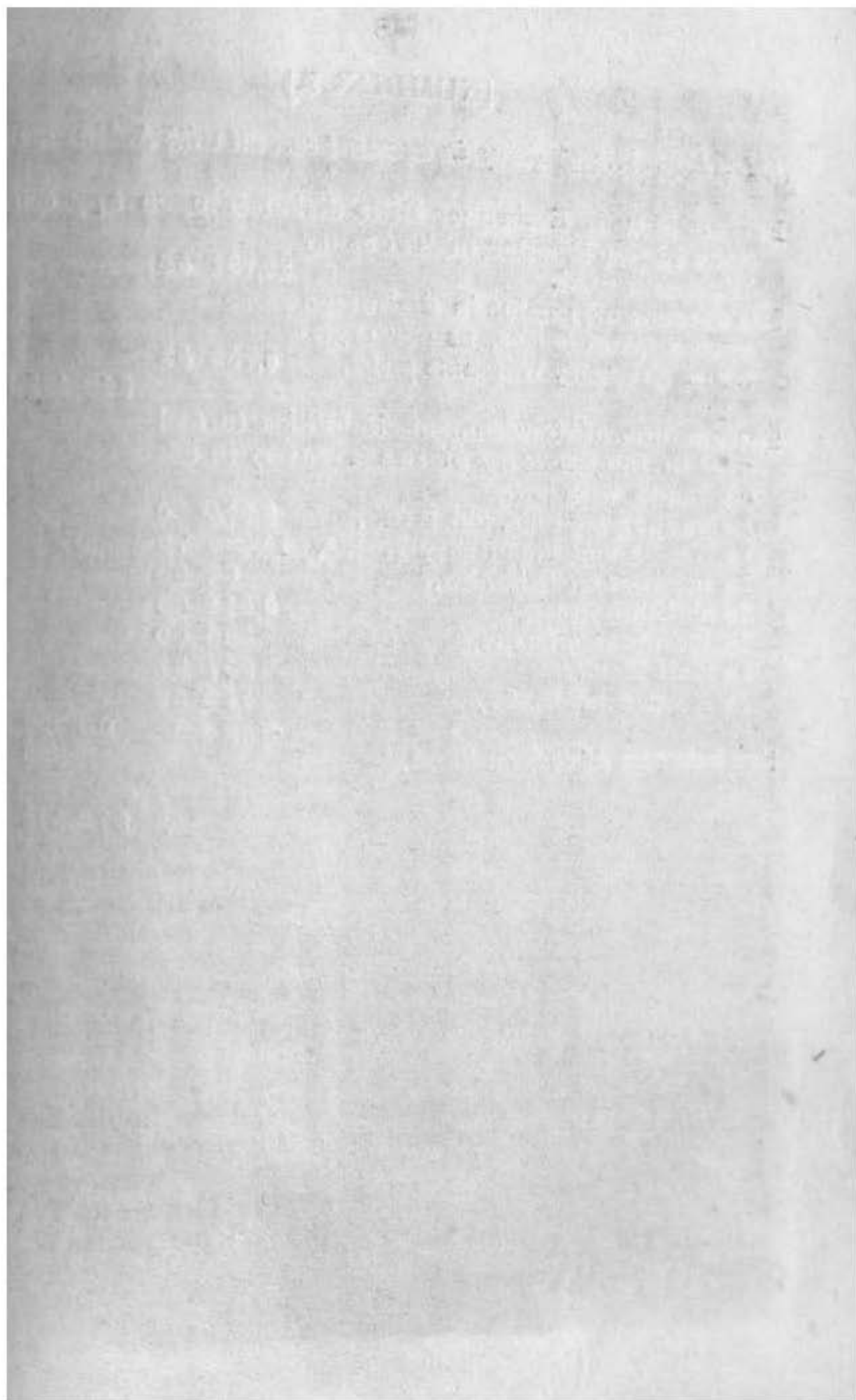
JAMES B. SHAW, Comptroller.

Statement of the expenses of Government, showing the amount expended from each appropriation yearly, and the amount of liabilities issued under special laws.

Amount drawn in 1842, from the appropriation for the same year,	\$129,542 32	16
“ “ 1843, “ “ above “	67,633 12	
“ “ 1844, “ “ “ “	875 56	
Amount drawn in 1843, from the appropriations for the same year,	96,325 58	
“ “ 1844, “ “ above “	50,948 80	
Amount drawn in 1844, from the appropriation for the same year,	147,850 32	
Amount issued to J. Pinckney Henderson, “special law,”	7,461 00	
“ of Mail Drafts, 1843, “	1,615 51	
“ “ 1844, “	2,775 45	
Sum total of expenditures and liabilities,	<u>\$505,027 66</u>	

TREASURY DEPARTMENT, Comptroller's }
Office, November 30th, 1844. }

JAMES B. SHAW, Comptroller.



Treasurer, for quarter ending December 31st, 1843. CR.

By cash on hand, October 1st, 1843.

In Exchequer Bills,	\$2,181 77	
In Promissory Notes,	5,404 61	
In Special Deposits,	1,667 67	
In Specie,	144 50	
	<hr/>	\$9,398 55

By amount of Government liabilities received
from Revenue as per Deposit Warrants.

In Exchequer Bills,	38,225 81	
In par funds,	6,753 58	
In Specie,	112 82	
In Bonds and Promissory Notes,	14,899 72	
In interest on Government liabilities,	68 00	
In audited paper,	2,614 80	
In Henderson, and Mail Drafts,	1,057 27	
In Assessors' Drafts,	182 62	
	<hr/>	63,944 62
		<hr/>
		\$73,343 17

By amount of cash on hand.

In Exchequer Bills,	1,601 00	
In Promissory Notes,	5,404 61	
In Special Deposits,	1,667 67	
In Specie,	257 32	
	<hr/>	8,930 60

TREASURY DEPARTMENT, Treasurer's }
Office, Washington, Jan. 1st, 1844. }

A. BRIGHAM,
Treasurer.

Examined and admitted to settlement for the above balance of eight thousand nine hundred and thirty dollars and sixty cents.

TREASURY DEPARTMENT, }
Washington, Jan. 1st, 1844. }

J. B. MILLER,
Secretary of the Treasury.

DR. Republic of Texas in account current with A. BRIGHAM,

For account of Exchequer Bills disbursed upon appropriations as per Register of Treasury Warrants paid,	64,617 06	
For amount of par funds disbursed upon appropriations as per Register of Treasury Warrants paid,	9,118 12	
For amount of Specie disbursed upon appropriations as per Register of Treasury Warrants paid,	200 00	
	<hr/>	73,935 18
For amount of Government liabilities received from Revenue, and turned over to the Secretary of the Treasury, to be destroyed in accordance with law.		
In Exchequer Bills, (old issue)	2,580 00	
In Bonds and Promissory Notes,	28,358 47	
In Henderson Drafts,	1,100 00	
In Mail Drafts,	10 00	
In Assessors' Drafts,	364 20	
In Audited Paper,	1,396 36	
	<hr/>	33,809 03
For amount of "Treasurer's due bill" taken up in favor of John S. Black, and delivered to the Secretary of the Treasury,		294 00
For amount of Naval Scrip received from the Treasury Department, and turned over to said Department to be destroyed,		43,450 00
For balance of cash on hand,		
In Promissory Notes,	500 00	
In Special Deposites,	1,667 67	
In Specie,	745 31	
	<hr/>	2,912 98
		<hr/>
		\$154,401 19

Treasurer, for quarter ending March 31st, 1844. *CR.*

By amount of cash on hand, January 1st, 1844.		
In Exchequer Bills,	1,601 00	
In Promissory Notes,	5,404 61	
In Special Deposites,	1,667 67	
In Specie,	257 32	
	8,930 60	
By amount of government liabilities received from Revenue as per Deposit Warrants,		
In Exchequer Bills,	65,276 08	
In Bonds and Promissory Notes,	23,453 86	
In Henderson Drafts,	1,100 00	
In Mail Drafts,	10 00	
In Assessors' Drafts,	364 20	
In Audited Paper,	1,396 36	
In Par Funds,	9,118 12	
In Specie,	687 99	
	101,400 61	
For amount of Naval Scrip received from the Treasury Department as per Deposit Warrants,		43,450 00
For amount of Exchequer Bills due Gen. Sam Houston, charged as disbursed—Warrants Registered as paid,		613 98
	\$154,401 19	

TREASURY DEPARTMENT, Treasurer's }
Office, Washington, April 1st, 1844. }

A. BRIGHAM,
Treasurer.

Examined and admitted to settlement for the above balance of two thousand nine hundred and twelve dollars and ninety-eight cents.

TREASURY DEPARTMENT, }
Washington, April 1, 1844. }

JAMES B. SHAW,
Acting Sec'y of Treasury.

DR. Republic of Texas in account current with A. BRIGHAM,

For amount of cash disbursed upon appropriations as per Register of Treasury Warrants paid,			
In Exchequer Bills,	\$18,074	35	
In Specie,	13,004	54	
In Par Funds,	578	75	
			<u>31,657 64</u>
For amount of government liabilities turned over to the Treasury Department, in accordance with law,			
In Exchequer Bills, (old issue,)	1,010	00	
In Bonds and Promissory Notes,	17,799	32	
In Audited Paper,	186	90	
In Assessors' Drafts,	1,068	56	
In Mail Drafts,	2,865	87	
In Henderson Drafts,	661	00	
			<u>23,591 65</u>
For amount of Exchequer Bills paid Gen. Houston—being a balance due him upon Warrants of last quarter—to balance contra entry in report of last quarter for same amount,			613 98
For balance of cash on hand and turned over to Jas. H. Raymond, Acting Treasurer,			
In Promissory Notes,	500	00	
In Special Deposites,	1,667	67	
In Specie,	17,019	75	
In Exchequer Bills,	2,220	63	
			<u>21,408 05</u>
			<u>\$77,271 32</u>

Treasurer, from April 1st to July 3d, 1844.

CR.

By amount of cash on hand, April 1st, 1844.		
In Promissory Notes,	500 00	
In Special Deposites,	1,667 67	
In Specie,	745 31	
	<hr/>	\$2,912 98
By amount of government liabilities, specie and par funds received as per Deposit Warrants,		
In Exchequer Bills,	19,064 96	
In Bonds and Promissory Notes,	17,799 32	
In Henderson Drafts,	661 00	
In Mail Drafts,	2,865 87	
In Assessors' Drafts,	1,068 56	
In Audited Paper,	186 90	
In Par Funds,	578 75	
In Specie,	29,278 98	
	<hr/>	71,504 34
By amount of Exchequer Bills due M. C. Hamilton upon Treasurer's due bill, of date April 30th, 1844,		2,570 00
By amount of Exchequer Bills due the Treasury Department upon Treasurer's due bill,		284 00
	<hr/>	2,854 00
		<hr/>
		\$77,271 32

TREASURY DEPARTMENT, Treasurer's }
Office, Washington, July 4th, 1844. }

JAS. H. RAYMOND,
Acting Treasurer.

Examined and admitted to settlement for the above balance of twenty-one thousand four hundred and eight dollars and five cents.

TREASURY DEPARTMENT, }
Washington, July 4th, 1844. }

J. B. MILLER,
Secretary of the Treasury.

DR. Repub. of Texas in account current with J. H. RAYMOND,

For amount of cash disbursed upon appropriations as per Register of Treasury Warrants paid, viz:

In Specie,	27,763 51	
In Exchequer Bills,	20,922 36	
In Par Funds,	284 00	
	<hr/>	\$48,969 87

For amount of government liabilities delivered over to the Secretary of the Treasury, to be destroyed in accordance with law, viz:

In Exchequer Bills, (new issue,)	5,727 00	
In Exchequer change notes,	2,000 00	
In Exchequer Bills, (old issue,)	2,210 00	
	<hr/>	9,937 00
In Promissory Notes,	9,396 00	
In Audited Paper,	248 33	
In Assessors' Drafts,	919 27	
In Henderson Drafts,	1,700 00	
In Mail Drafts,	400 00	
	<hr/>	22,600 60

For amount of "Treasurer's due bill" taken up in favor of M. C. Hamilton, Acting Secretary of War and Marine, date April 30th, 1844—Exchequer Bills,

2,570 00

For amount of "Treasurer's due bill" taken up in favor of Treasury Department, date Dec. 21st, 1843—Exchequer Bills,

284 00

2,854 00

For balance of cash on hand:

In Exchequer Bills,	2,624 43	
In Specie,	11,322 73	
In Promissory Notes,	500 00	
In Special Deposites,	1,667 67	
	<hr/>	16,114 83

\$90,539 30

Acting Treasurer, from July 4th, to October 1st, 1844. CR.

By balance of cash on hand July 4th, as received from A. Brigham:		
In Promissory Notes,	500 00	
In Special Deposites,	1,667 67	
In Specie,	17,019 75	
Exchequer Bills,	2,220 63	
	<hr/>	21,408 05
By amount of government liabilities, Specie and Par Funds received from revenue as per De- posite Warrants, viz:		
In Specie,	22,066 49	
In Exchequer Bills,	34,117 16	
In Par Funds	284 00	
In Promissory Notes,	9,396 00	
In Audited Paper,	248 33	
Assessors' Drafts,	919 27	
Henderson Drafts,	1,700 00	
In Mail Drafts,	400 00	
	<hr/>	69,131 25
		<hr/>
		\$90,539 30

TREASURY DEPARTMENT, Treasurer's }
Office, Washington, Oct. 1st, 1844. }

JAS. H. RAYMOND,
Acting Treasurer.

Examined and admitted to settlement for the above balance
of sixteen thousand one hundred and fourteen dollars and
eighty-three cents.

Treasury Department, }
Washington, Oct. 10th, 1844. }

J. B. MILLER,
Sec'y of Treasury.

[NUMBER 8.]

DR. CASH RECEIPTS—*in account
for the years 1842 and 1843,*

To amount received on account of Customs.	360,177 46	
To amount paid in since the 1st of Nov. last, on account of Customs,	16,305 80	
To amounts in the hands of Collectors of Customs, paid in to them for duties on goods, entered prior to the 1st of November last,	7,500 00	
To amounts owing to the Collectors of Customs for duties secured by depo- sitate of merchandize in public store, up to the 31st of July last,	10,618 45	
	<hr/>	\$394,601 71
To amount of funds received on ac- count of Direct Taxes,	32,712 89	
To amount of Direct Taxes collected in Drafts issued by especial act to J. P. Henderson.	6,761 00	
To amount of Direct Taxes drawn for by the Treasury Department to pay commissions of assessment,	3,551 57	
To amount of Direct Taxes collected in Drafts issued by divers special acts to Mail Contractors,	4,547 40	
To amount of Direct Taxes drawn for by Treasury Department to pay She- riff's commissions of collection,	2,503 77	
	<hr/>	50,076 63
To amount of funds received on ac- count of License Taxes,		16,503 50
To amount of funds received from mis- cellaneous sources,		502 58
To amounts in the hands of Sheriffs and county Treasurers,		5,000 00
Balance, being the excess of expendi- tures over receipts,		44,398 58
		<hr/>
		\$511,083 00

current with EXPENDITURES,
and to the 31st of October, 1844.

CR.

By amount disbursed on account of the appropriations of the year 1842,	198,051 00	
By amount disbursed on account of the appropriations of the year 1843,	147,274 38	
By amount disbursed on account of the appropriation of 1844,	147,850 32	
	<u> </u>	\$493,175 70
By amount disbursed to J. P. Henderson by special act,	7,461 00	
By amount disbursed to Mail Contractors by special acts,	4,390 96	
	<u> </u>	11,851 96
By amount disbursed for commissions of assessing Direct Tax,	3,551 57	
By amount disbursed for commissions of collecting Direct Tax,	2,503 77	
	<u> </u>	6,055 34
		<u> </u>
		\$511,083 00
By balance brought down, being excess of expenditures over receipts,		\$44,398 58

TREASURY DEPARTMENT, }
Washington, Nov. 30th, 1844. }

J. B. MILLER, *Sec'y Treasury.*

ANNUAL REPORT
 OF THE
 SECRETARY OF WAR AND MARINE.

DEPARTMENT OF WAR AND MARINE, }
 Washington, Nov. 30th, 1844. }

To his Excellency SAM HOUSTON,
President of the Republic of Texas:

Sir,—In the absence of the Hon. Secretary of War, I have the honor to submit the following brief statement of transactions connected with the Department during the current year.

The company of Mounted Gun Men, authorized by act of 23d January last, to act as rangers on the western and southwestern frontier, was raised by the officer designated in said act, and reported as organized about the 15th March. The full compliment of men were mustered into service for the period of time specified, at the expiration of which, our relations with Mexico, having assumed a more threatening aspect, suggested the propriety of a continuance of the company. It has accordingly, under your Excellency's directions, been retained in service up to the present time.

It has been actively employed during the whole season, and notwithstanding the extensive range embraced in its operations, (from the San Saba to the Rio Grande,) it has but seldom met an enemy. About the 10th of June, Capt. Hays encountered a party of sixty or seventy on the waters of the Guadalupe, who had been committing depredations in the neighborhood of San Antonio. The party was composed of Comanches, Wacoes and Mexicans, who fought desperately, but were signally defeated, losing in killed and

wounded more than forty of their warriors. Accompanying is a copy of Capt. Hays' report of the action, marked A. At the date of the last reports received, that frontier was unmolested by either Mexicans or Indians.

The small settlement at Corpus Christi has experienced considerable annoyance by both Indians and marauding Mexicans during the summer and spring. In order to sustain and protect the settlement, as far as practicable, the Hon. Secretary of War, in the month of June, authorized the organization of a company at that point—which was raised, and has been sustained by Col. Kinney, under the promise, that your Excellency's attention would be called to the subject, that the necessary funds might be appropriated by the next Congress, to reimburse him in the outlays incident thereto. The Department has not as yet been furnished with an estimate of the amount. Like authority was also given to the border citizens of the counties of Milam and Robertson, who had been considerably harrassed for a short period, by small parties of Indians, but the companies were not raised; or if raised, were never reported. These, with the detachment of militia ordered out in the month of August last, from the 3d brigade, for the purpose of restoring order in the county of Shelby, constitute the entire military operations of the year. The company stationed at Shelbyville, under Capt. Mabbitt, was ordered to be disbanded on the 15th October.

The battery erected during the last year, at the east end of Galveston Island, was completely destroyed some weeks since, by the action of the waters of the Gulf, which had for some time been making encroachments upon that end of the island, and during a short but severe gale, the foundation gave way and left it a complete wreck. The guns, with most of the shot, were secured, and have been removed, as also the frame-work; but the Department has not had the means necessary to rebuild it, nor indeed it would be advisable, unless a more permanent work could be put up. I forbear making any suggestions, however, and will only mention that the small balance of the appropriation unexpended is being reserved for the purpose of laying down very temporary platforms, which may be done with the materials on hand, when emergencies require, and at very trifling expense. They will answer for the time, but if put down now,

would probably be decayed or torn up before it was found necessary to mount guns upon them.

The accompanying statement, marked B, shows the quantity of guns, small arms and ammunition on hand, and in serviceable order. There has been nothing done in the way of repairing arms during the present year. The appropriation made by the last Congress for that purpose, and for the transportation of the arms, &c., remains unexpended. The amount was too small to justify the employment of artisans at high wages, and to purchase tools and materials, build shops, &c.

Of the militia, the Department can furnish no information that has not already been communicated. There have been no returns received from the Major-General, nor any of the Brigadiers, since the last annual report.

With respect to the navy, I would merely mention, that it has been kept in Galveston Bay, in ordinary, as provided for by the 6th section of the law of the 5th February last. The Hon. Secretary deemed it wholly impracticable to contract for the keeping of the vessels as provided for by the preceding sections of said act, for reasons that will suggest themselves at once. The amount appropriated, (fifteen thousand dollars in the Exchequer Bills of the Government, worth, at that date, only fifty cents on the dollar,) would not have justified any one in taking the contract, even had no bond been required, to cover the value of the vessels in the event of their loss; and besides, two of the vessels were actually in a condition at the adjournment of Congress, which rendered them liable to sink during the summer; and no allowance has been made in the appropriation for the repair of their bottoms—no small item either, considering the great want of conveniences at command. A sufficient number of officers was therefore retained in service, to take charge of the vessels,—no, not a *sufficient* number, but such a number as the appropriation would support, after setting aside the estimated amount for repairs which were known to be absolutely necessary. Two lieutenants and two midshipmen, were placed on board, with twelve men. The remainder of the officers were discharged, except the pursers, who, in consequence of the absence of the auditor's books, not being able to settle their accounts, were furloughed.

As soon as means could be procured from the Treasury, instructions were given the officer in command, to put the two vessels alluded to, under contract, if practicable, for repair. This he found impossible to do, on reasonable terms, and therefore undertook to superintend the work himself. Owing to the scarcity of purchases and rigging, it was found very tedious and expensive, and the epidemic breaking out just at this time, to which the commanding officer fell a victim, and all the others suffering more or less, suspended the work entirely for a time. It was impossible to employ hands, at least at the rates demanded by them. In the meantime, the brig Wharton was run ashore, to prevent her sinking. The ship's bottom has been overhauled at an expense of about four thousand dollars, and the brig is in progress, and will, if no disaster occurs, be completed in ten or fifteen days. By economising the appropriation, for the purpose of saving those two vessels, the sails, &c., &c., of the whole have suffered, not having men to manage and air them. If the brig does not cost, to raise and repair her, a larger sum than has been estimated by the commander, there will be a sufficiency of money to defray all expenses up to the end of December. For the condition of the several vessels, their fitness for service, &c., &c., I beg leave to refer you to the report of the commanding officer, marked C, which is herewith transmitted.

Resting under the expectation that the Hon. Secretary would be here in time to prepare a report, this has been deferred until this late hour. He is still confined at his late residence above by severe indisposition. There are several subjects connected with the administration of the Department, to which your Excellency's attention should be invited. These, however, with such suggestions and recommendations as may be thought necessary, together with a more detailed and circumstantial account of those glanced at in this statement, will form the subject of a separate report by the head of the Department, on his arrival here.

I have the honor to be

Your obedient servant,

M. C. HAMILTON,
Acting Secretary.

[A]

*REPORT of the Battle of Walker's Creek, fought by Capt.
J. C. HAYS, in June, 1844.*

SAN ANTONIO, June 16, 1844.

Hon. Secretary of War and Marine,

Sir,—On the first of this month, I left camp, which was near this place, with fifteen men, for the purpose of scouring the country, and, if possible, to ascertain what tribe of Indians were committing so many depredations.

I proceeded a north course, as far as between the Perdenales and Llano. After scouring that country, and wishing to go no further, on account of the negotiations that were going on, I concluded to return; although I saw sufficient sign of Indians to have induced me to proceed farther up the country. But having an eye single to my instructions, I deemed it prudent to return.

When on Walker's creek, about fifty miles above Seguin, when encamped, a party of Indians made their appearance, numbering about ten, and endeavored to draw me out. I immediately ordered my men to saddle, and prepare to fight; for I could have no doubt but that their intentions were hostile. After being mounted, I proceeded slowly towards them—they, at the same time, using every art and stratagem to throw me off my guard, and induce me to give chase to them. They, however, did not succeed in their design.

I then fell into the timber, and moved up the creek about a quarter of a mile, when I discovered their number to be between sixty and seventy. After ascertaining that they could not decoy or lead me astray, they came out boldly, formed themselves, and dared us to the fight. I then ordered a charge; and, after discharging our rifles, closed in with them, hand to hand, with my five-shooting pistols, which did good execution. Had it not been for them, I doubt what the consequences would have been. I cannot recommend these arms too highly.

The fight, which was a moving one, continued to the distance of about three miles—being desperately contested by both parties. After the third round from the five-shooters, the Indians gave way; but, whenever pressed severely, making the most desperate charges and efforts to defeat me.

I however, charged their ranks; and, with a courage that is

rarely displayed, my men succeeded in routing and putting them to flight—killing twenty dead on the ground, and wounding, at the lowest estimate, twenty or thirty more.

The second day after the fight, (having remained where the fight took place, on account of my wounded,) a party of four made their appearance. I immediately ordered six men to give chase to them; thinking at the same time, that they had embodied, and presumed to give me another fight. My men, at the word, mounted their horses, and pursued them about a mile, when they came upon them and killed three of them—the fourth having evinced a disposition to escape, if possible, from the first.

My loss was, one killed (Peter Fosh) and three badly wounded, but not mortally, and one slightly. Two were wounded with lances and two with arrows.

The party consisted of Camanches, Wacoes and Mexicans.

I will here take occasion to say, that my men evinced no dismay; but, on the contrary, would dare them to come to the charge.

Your obedient serv't,

JOHN C. HAYS,

Commanding S. W. Frontier.

RECAPITULATION.

Loss of *Mexicans* and Indians, killed on the ground, 23.—Wounded, most of them badly, 30. My loss was, killed, 1—Peter Fosh. Wounded badly, 3, S. H. Walker, R. A. Gillespie, and W. B. Lee. Wounded slightly, 1, Andrew Erskine.

J. C. HAYS,

Com. S. W. Fron.

[C]

SHIP AUSTIN, Galveston, }
Nov. 11th, 1844. }

M. C. Hamilton, Esq.,
Acting Sec'y of War and Marine,

Sir,—Agreeably to your instructions of the 27th October, I have made out estimates for repairs, outfits, paying and provisioning officers and men, for one year, for all the vessels when actively engaged at sea, and cruizing; also, estimates for keeping them in ordinary, for one year. The ship Austin to be

fitted out for sea, would require entirely new bulwarks, new lower masts, new top masts, new fore and cross jack yards, new sails in part, all running and part of standing rigging, and ammunition; a part of her sails, from lying so long without drying, have become so mildewed, that they would not be fit for use without first undergoing considerable repairs. There is now on hand 1000 round, canister and patent shot, and 500 charges of powder. The powder would not answer to take to sea.

The brig Wharton has considerable rotten timber in her bulwarks and stern frame, which would require much repairing, as you will find by the estimates *for her*. She has but one lower mast, and *that* I have appropriated to the brig "Archer," as there are but enough spars from both brigs to fit out one. By doing this, it makes the Archer complete in spars, consequently it leaves an estimate for all spars, for the brig Wharton.

The "Archer," I think a stronger and much better vessel than the Wharton, and not half so rotten in her timbers and upper works. The sails of the "Archer" would answer for a cruize with some slight repairs. The Wharton's sails are very much mildewed, and unfit for use, except at great expense first in repairs.

The schooner "San Bernard" is the best vessel now belonging to the Government, having but very few rotten timbers in her, and good sound masts, but deficient in sails for a cruize. Most of the repairs for the Bernard, are hammock rails, and work on deck. In consequence of having no money, I have been unable to take the ship's guns on board; the few men now on board have been engaged for the last ten days in bringing all light articles, such as rigging, blocks and sails, &c., from the schooner to the ship. Were there fifty men on board, I could find enough for them to do, for one month, in clearing up decks, securing property, and putting the vessels in order for preservation. If the brig Wharton is to be fitted out or her bottom repaired, I would suggest the propriety of doing it as soon as possible, inasmuch as the longer she lies in her present condition, the more difficult it will be to get her off, and the expense of doing so will be increased.

I have the honor to be

Your most obedient servant,

WM. C. BRASHEAR,

Com. Navy in ordinary.

REPORT
 OF THE
CHIEF CLERK
 OF THE
GENERAL POST OFFICE.

DEPARTMENT OF STATE, }
 GENERAL POST OFFICE, }
 Washington, Dec. 3d, 1844. }

To the Hon. ANSON JONES,
Secretary of State:

Sir,—In accordance with your instructions, I have the honor herewith to present a statement, with documents accompanying, showing the operations of the General Post Office since the last annual Report.

No. 1—Statement of the Quarterly Returns of each Post Office, from Oct. 1st, 1843, to September 30th, 1844.

No. 2—Appointments of Post Masters.

No. 3—Statement of the cost of Mail transportation, under contract from March 1st, 1844, to April 1st, 1845.

* No. 4—Foreign Mail transportation.

No. 5—Comparative Statement of the Revenue of the various Offices, from Oct. 1st, 1843, to Sept. 30th, 1844.

The amount for the transportation of the mails to March 1st, 1844, was not entirely expended: there remained at that date the sum of \$131 75, which, added to the appropriation for this year, and an additional sum of \$950, which, I trust, will be early appropriated, will enable us to transport the mails to the termination of our present contracts, 1st April, 1845.

The contingent fund for the past year was insufficient to pay the expenses of the Bureau, and for the coming year we shall require a much larger appropriation,—at the commencement of the new contracts we shall not have a serviceable mail-bag, and shall be without Post Office blanks. An estimate of the cost of these articles, &c., will be furnished the proper committee, during the session of Congress. I have the honor to be

Your very obed't serv't,
DAN J. TOLER.

[NO. 1.]—Statement of the Quarterly Returns, from October 1st, 1843, to September 30th, 1844.

COUNTIES.	OFFICES.	POST MASTERS.	1843. 4th qr.	1844. 1st qr.	1844. 2d qr.	1844. 3d qr.
<i>Austin.</i>	Arnold's,	S. Arnold,	\$ 1 26	\$ 1 26	\$ 2 87	\$ 2 88
"	Centre Hill,	D. Ayers,	19 06	17 29	17 18	13 63
"	Industry,	J. G. Sieper,	8 77	7 50	7 64	8 09
"	San Felipe,	J. Hillyard,	7 25	19 85	7 72	12 64
"	Shelby's,	D. Shelby,	11 14	13 47	10 14	9 48
		J. Nicholson,	23 43	36 43	32 36	25 45
<i>Bastrop.</i>	Bastrop,	A. J. Denson,	5 36	5 36		
"	Mt. Pleasant,	J. W. Smith,	39 37	39 61	27 93	53 81
<i>Bexar.</i>	San Antonio,	J. W. Dabbs,	18 69	25 54	18 28	17 14
<i>Bowie.</i>	Boston,	J. J. Williams,	8 56	5 80	9 58	6 94
"	De Kalb,	R. H. Moore,	7 23	5 10		
"	Moore's,	J. W. Weaver,	1 03	1 37	1 10	1 58
"	Weaver's,	W. Boyles,	1 25	4 38	4 72	2 77
<i>Brazos.</i>	Boonville,	S. M. Westervelt,	37 83	50 12	23 81	36 16
<i>Brazoria.</i>	Brazoria,	A. Underwood,	21 63	38 27	20 73	18 04
"	Columbia,	A. Burr,	3 66	1 03	70	47
"	San Luis,	R. F. Clement,	11 16	9 30	7 55	12 69
"	Velasco,	O. Earll,	13 05	32 68	25 09	25 93
"	Columbus,	T. Menefee,	12 54	12 30	12 81	17 11
<i>Colorado.</i>	Egypt,	S. Ervin,	1 79	2 23	2 33	
"	Honey Grove,	R. W. Lee,				
<i>Fannin.</i>	Bois d'Arc,	A. L. Vail,	63 54	71 77	51 07	51 28
"	La Grange,	A. P. Manley,	10 50	9 00	9 66	12 17
<i>Fayette.</i>	Rutersville,					

"	Ingram's Prairie,	J. A. Miller,		1 20	1 36	37
Fort Bend,	Big Creek,	A. C. Dodd,	1 09	1 10	86	1 70
"	Hodge's Bend,	A. Hodge,		1 50	1 50	1 50
"	Richmond,	G. W. McMahan,	32 52	24 28	24 61	25 59
Galveston,	Galveston,	R. D. Johnson,				
Gonzales,	Gonzales,	B. B. Peck,	17 36	21 54	28 00	28 00
"	Seguin,	P. Smith,	4 40	2 92	3 75	4 15
Harris,	Houston,	M. K. Snell,	222 45	161 81	67 45	67 45
"	Penn's,	D. P. Penn,	42	20	32	69
Harrison.	Marshall,	C. Askew,	13 46	8 12	22 98	22 52
"	Mt. Mourn,	J. L. Dilliard.	1 21	2 04	1 20	2 50
"	Parry's,	S. M. Parry,	42	42	1 09	1 00
"	Port Caddo,	W. H. Cobb,				5 52
*Houston.	Fort Houston,	W. McDonald,				
* "	Mustang Prairie,	G. Hallmark,				
* "	Alabama,	J. M. Caldwell,		3 14	3 15	
"	Crockett,	Thos. P. Collins,	29 57	31 22	27 43	29 34
Jackson.	Texana,	B. J. White,	11 99	11 76	23 07	17 58
Jasper.	Jasper,	H. Good,	8 63	5 33	5 34	5 92
"	Zavalla,	T. B. Huling,	1 50	3 37	2 08	3 09
Jefferson.	Beaumont,	W. P. Herring,	3 19	1 38		
Lamar.	Paris,	J. Long,	3 33	3 33	1 80	17 41
"	Miller's,	R. G. Miller,	1 44	1 23	1 23	1 20
Liberty.	Liberty,	T. Fitzgerald,	16 41	12 33	17 85	13 46
"	West Liberty		2 41			
"	Swartwout,	W. Van Dam,	7 07	6 83	12 79	12 95

COUNTIES.	OFFICES.	POST MASTERS.	1843. 4th qr.	1844. 1st qr.	1844. 2d qr.	1844. 3d qr.
<i>Liberty.</i>	Wolf Creek,	W. L. Mann,	10 56	3 09	3 10	2 34
"	Anahuac,	C. Willcox,			2 34	1 33
"	Beache's,	C. Beache,				
"	Ratcliff's,	R. R. Ratcliff,				
"	Kellam's,	A. D. Kellam,				
"	Criswell's,	T. Criswell,				
<i>Matagorda.</i>	Peach Creek,	C. S. Betts,	1 90	8 17	2 16	3 11
"	Preston,	J. Thompson,	4 03	4 15	3 70	4 99
"	Matagorda,	G. W. Ward,	93 90	101 52	70 28	68 89
<i>Milam.</i>	Caldwell,	L. L. Chiles,	8 44	9 37	13 31	10 74
"	Nashville,	W. D. Thompson,	6 81	6 36	2 46	5 82
"	Dillard's,	T. Dillard,				73
<i>Montgomery.</i>	Montgomery,	C. B. Stewart,	13 05	62 25	27 12	34 64
"	Cincinnati,	I. Tousey,	8 17	11 76	6 72	14 55
"	Huntsville,	A. McDonald,	31 62	37 85	29 50	29 13
"	Rusk,	M. Manning,	22 04	26 31	9 61	10 99
"	Fanthorp's,	J. B. Harris,		2 83	9 96	16 83
"	Lone Oak,	B. F. Thomason,		56	5 95	10 68
<i>Nacogdoches.</i>	Douglass,	R. G. Hall,	6 12	6 62	5 20	5 91
"	Melrose,	T. J. Johnson,	3 37	5 94	4 34	
"	Mt. Airy,	C. S. Garrett,		1 94	2 31	2 15
"	Nacogdoches,	A. Sterne,	24 73	44 12	38 81	20 77
"	Dallas,	J. N. Bryan,		1 39	2 42	93
"	Flournoy's,	S. M. Flournoy,				

<i>Red River.</i>	Clarksville,	A. M. Crooks,	17 85	34 12	42 00	51 21
"	Daingerfield,	J. G. Chambers,	9 30	9 52	10 28	
"	Savannah,	A. J. Titus,	2 58	4 67	3 81	3 13
* <i>Robertson.</i>	Fort Boggy,	W. McKay Ball,	9 50	5 85		
"	Franklin,	H. Owen,	15 52		15 35	11 16
* "	Alta Springs,	D. W. C. Vary,				
* "	Europe,	P. H. Hays,				
* "	Melton's,	E. Melton,				
* "	Chambers' Creek,	Thomas I. Smith,				
* "	Parker's Point,	J. D. Smith,				
"	Wheelock's,	S. W. Kellogg,	5 72	5 86	4 76	5 63
<i>Rusk.</i>	Henderson,	J. C. Miller,	7 90	12 96	8 29	13 31
"	Golden Drain,	A. Vannoy,				
<i>Sabine.</i>	Milam,	F. M. Weathered,	3 17	10 27	9 40	
"	Sabine Town,	O. D. Wyche,	7 35	7 44		7 76
<i>San Augustine.</i>	San Augustine,	T. G. Broocks,	41 51	51 08	55 39	64 39
<i>Shelby.</i>	Shelbyville,	W. C. Crawford,	13 93	19 62	14 42	14 34
<i>Travis.</i>	Austin,	H. G. Catlett,	24 17	9 48	23 99	6 47
<i>Victoria.</i>	Victoria,	J. A. Moody,	27 15	23 62	34 62	26 39
<i>Washington.</i>	Cedar Creek,	E. D. Little,			13 75	14 45
"	Independence,	M. Johnson,	39 08	51 28	28 12	34 46
"	Brenham,	J. Ralston,				
<i>Washington.</i>	Mt. Vernon,	W. W. Buster,	16 68	9 79	9 80	9 31
"	Washington,	W. D. Miller,	52 08	63 99	68 61	60 62

\$1,234 70 1,363 49 1,123 01 1,157 44

*The proceeds of these offices are given for the transportation of private mails.

No. 2.—*Appointments.*

In accordance with the requirements of the sixth and seventh sections of an act, 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 be issued, and for other purposes," approved February 3d, 1844,—I have the honor to report that Commissions have been issued to the following Post Masters, since October 1st, 1843, and whose Bonds are on file in this Bureau.

POST MASTERS.	OFFICES.	COUNTIES.	DATE OF COMMISSION.
S. M. Flournoy,	Flournoy's,	Nacogdoches,	Nov. 8th, 1843.
L. L. Chiles,	Caldwell,	Milam,	Dec. 11th, "
M. P. Norton,	Houston,	Harris,	Jan. 1st, 1844.
J. A. Miller,	Ingram's Prairie,	Fayette,	Jan. 25th, "
C. J. Birdsall,	Fanthorp's,	Montgomery,	Feb. 14th, "
O. Earll,	Columbus,	Colorado,	" 3d, "
D. P. Penn,	Penn's,	Harris,	" " "
H. G. Catlett,	Austin,	Travis,	" 5th, "
A. L. Vail,	La Grange,	Fayette,	" 25th, "
C. Willcox,	Anahuac,	Liberty,	April 6th, "
E. D. Little,	Cedar Creek,	Washington,	" 11th, "
J. Ralston,	Brenham,	"	May 18th, "
C. A. Betts,	Peach Creek,	Matagorda,	June 10th, "
B. B. Peck,	Gonzales,	Gonzales,	" 15th, "
A. M. Crooks,	Clarksville,	Red River,	" 23d, "
T. Dillard,	Dillard's,	Milam,	" 30th, "

J. W. Dabbs,	Boston,	Bowie,	July 1st, 1844,
W. W. Buster,	Mt. Vernon,	Washington,	" 6th, "
W. Boyles,	Boonville,	Brazos,	" " "
J. Long,	Paris,	Lamar,	" 8th, "
C. Beache,	Beache's,	Liberty,	" 18th, "
R. K. Ratcliff,	Wolf Creek,	"	Aug. 24th, "
Casey Askew,	Marshall,	Harrison,	Sept. 4th, "
A. J. Denson,	Mount Pleasant,	Bastrop,	" " "
A. D. Kellam,	Kellam's Mills,	Liberty,	" " "
T. Criswell,	Criswell's,	"	" " "
W. H. Cobb,	Fort Caddo,	Harrison,	" " "
B. F. Thomason,	Lone Oak,	Montgomery,	" " "
J. B. Harris,	Fanthorp's,	"	" 21st, "
M. K. Snell,	Houston,	Harris,	Oct. 1st, "
W. Conway,	Damon's Mills,	Fort Bend,	" 15th, "
D. W. C. Vary,	Alta Springs,	Robertson,	" " "
P. H. Hays,	Europe,	"	" 21st, "
A. Vannoy,	Golden Drain,	Rusk,	" 23d, "
E. Melton,	Melton's,	Robertson,	" 29th, "
Thos. I. Smith,	Chambers' Creek,	"	Nov. 5th, "
J. D. Smith,	Parker's Point,	"	" " "
W. D. Miller,	Washington,	Washington,	" 11th, "
P. H. Petty,	Preston,	Matagorda,	" 23d, "

[No. 3.]—*Statement of the cost of Mail Transportation under contract, from March 1st, 1844, to April 1st, 1845,—13 months.*

NO. OF ROUTE.	NAMES OF CONTRACTORS.	AMOUNT OF CONTRACT.	DISTANCE IN MILES.	RATE PER MILE.
1	Thos. G. Masterson,	\$1,440	180	\$ 8 00
2	W. B. Goodman,	1,050	105	10 00
3	Andrew Miller,	679	97	7 00
4	N. H. Darnell,	300	30	10 00
5	Andrew Miller,	609	87	7 00
6	Andrew Miller,	700	100	7 00
7	Jacob McFarland,	900	90	10 00
8	Jacob McFarland,	1,210	121	10 00
9	Jacob McFarland,	380	38	10 00
10	Andrew Miller,	175	25	7 00
11	John Hamilton,	600	60	10 00
12	Hamilton & Laird,	840	100	8 40
13	Hamilton & Laird,	420	50	8 40
14	Charles Smith,	848	100	8 48
15	Thos. G. Masterson,	1,099	133	8 26
16	Thos. G. Masterson,	750	90	8 33
17	Stephen Tichenor,	400	80	5 00
18	J. F. Brown,	1,122 55	65	17 27
19	Thos. G. Masterson,	830	105	7 90
20	Thos. G. Masterson,	842	100	8 42
21	John Craddock,	400	59	6 77
22	R. H. Grimes,	812	100	8 12
23	Harvey Kendrick,	700	90	7 77

\$17,106 55 2,005 Miles.

Average cost per mile, \$8 53.

[No. 4.]—*Foreign Mail Transportation.*

Paid R. D. Johnson, Post Master at Galveston, being the amounts disbursed by him in receiving foreign mails, from October 1st, 1843, to September 30th, 1844:

4th quarter, 1843,	\$76 27
1st quarter, 1844,	140 54
2d quarter, 1844,	131 00
3rd quarter, 1844,	88 00
	<hr/>
	\$435 81

The above amounts have been paid out of the appropriations for mail transportation. Galveston being the principal port of entry, nearly all the foreign mails are received there, and distributed through the country—which will account for the excess over the receipts of that office, and will more fully appear by reference to the following account current, being a copy of the last received from that office.

*Dr. The Post Office at Galveston, County of Galveston, in a
from the 1st day of July, 1844,*

1. To Postage of Letters which remained in office as per last account,	\$15 37
2. To Postage of Letters unpaid from other offices this quarter,	94 18½
3. To Postage of Way Letters received at this office this quarter,	5 50
4. To Postage of Letters undercharged from other offices this quarter,	12½
5. To Postage of 1,104 Ship Letters originally for this delivery, at 6½ cents,	69 00
6. To Postage of Paid Letters sent from this office this quarter,	7 50
	<hr/>
	191 68½
	<hr/> <hr/>

12. To balance, as above, being the amount of post- age collected this quarter,	164 87½
13. To Postage on newspapers and pamphlets this quarter,	\$7 69
14. Deduct Postage of dead newspapers,	1 00—6 69
15. To balance due the Galveston Post Office this quarter,	88 20½
	<hr/>

259 77½

count current with the General Post Office Department, CR.
the 30th day of September, 1844.

7. By postage of letters overcharged and mis-sent this quarter,	56½
8. " postage of letters forw'd to other offices, this qr.	93¾
9. " " " dead letters sent to Gen. P. O. "	6 06½
10. " " " letters remaining in this office "	19 25
11. " balance carried down,	164 87½

191 68¾

16. By commission on \$100, letter postage, at 25 per cent.,	\$25 00
17. By commission on \$64 87½, letter post- age, at 20 per cent.,	12 97¼-37 97¼
18. By commission on \$6 69, newspaper postage, at 50 per cent.,	3 34½
19. By 4,258 ship letters, paid for this quarter as per receipts, \$85 16—Exchequer at 80 cents,	106 45
20. By contingent expenses as per receipts, \$43 50: Exchequer at 80 cents,	54 37½
21. By despatching foreign mails this quarter,	25 00
22. By advertising letters this quarter,	9 96
23. By keeping mail registers two quarters for routes 16 and 17,	12 00
24. By 67 free letters mailed here this quarter,	67
25. By transporting the Houston mail to and from the boats,	10 00

\$259 77¼

No. 5.

*Comparative statement of the revenue of the various offices, from
October 1st, 1842, to September 30th, 1844.*

4th quarter, 1842, \$365 10	4th quarter, 1843, \$1,234 70
1st " 1843, 529 75	1st " 1844, 1,363 49
2d " " 1,427 56	2d " " 1,123 01
3d " " 1,103 66	3d " " 1,157 44
\$3,426 07	\$4,878 64

The 4th section of an act, entitled "An Act to provide for the carrying of the Public Mails for the year 1844, and establishing the rates of postage," approved January 27th, 1844, reduced the rates of letter postage one half, and went into operation on the 1st day of March last, which will account for the falling off in the amounts of the two last quarters. Notwithstanding the reduction of postage, the revenue is nearly equal to the same quarters of 1843.

REPORT
OF THE
COMMISSIONER
OF THE
GENERAL LAND OFFICE.

GENERAL LAND OFFICE, }
AUSTIN, Oct. 2d, 1844. }

*To his Excellency the President, and the Honorable the Senate
and the House of Representatives of the Republic of Texas:*

Gentlemen,—The business of the General Land Office, although partially, is not fully resumed, and cannot be until the government archives at Austin are restored to the various departments to which they belong. But few patents can be issued on military claims, as the law for the detection of fraudulent land certificates requires all military land warrants to be approved by the Secretary of War, before a patent can issue for land covered by them; and he cannot know whether or not those presented to him for approval are genuine, until he obtains possession of the records of his office.

The business of the General Land Office is so connected with and dependent upon the various departments of the government, and they, reciprocally, are so connected with the Land Office, that the business of each can be only partially transacted, and much inconvenience naturally results to the citizens of the Republic, unless they are all in possession of their records, and in operation at the same place. It is hoped that the Honorable Congress may take some action upon this subject, as persons from the most remote parts of the Republic frequently visit Austin for the sole purpose of

obtaining patents for their lands, which cannot be issued to them in consequence of the reasons above stated.

Urged as I am by a strong sense of duty, and a desire to aid in bringing to perfection as far as I can the land system that exists in this country, I regret the necessity of presenting to the notice of the Honorable Congress, yearly, many matters which have hitherto retarded and even prevented, so far as their influence could be felt, the accomplishment of that object. Without arrogating to myself superior sagacity, concerning the subjects thus presented, and without the intention of charging upon the Honorable Congress a wilful or careless negligence of the interests of the country, I will nevertheless allege as my reasons for again submitting many subjects contained in this report, that had been previously urged both in my official report of 1841, and also in that which I rendered at the last session of Congress, a firm conviction that the measures which I recommended require at least the serious considerations I have claimed for them; that they would be of immense permanent benefit to the Republic; and lastly that it is not simply my privilege, but also my duty to specify the requisites necessary to enable me to perform the duties pertaining to my office. If it should be thought that, in pursuing this course, I necessarily meddle with matters which belong, exclusively, to the law-making powers of the country, and that my report should present a mere statistical table of business facts, I would correct such an erroneous impression by calling the attention of those who may possess it, to the necessity which is imposed upon me of exercising daily and hourly almost judicial power, when my acts should be merely ministerial; but the unfortunate land system that has obtained in this country, which arose partly from political events, and partly from unwise legislation, is so diversified in its character and discordant in its various parts, as utterly to forbid the possibility at this late period of harmonizing it in such a manner as will secure justice to all, without the interposition of the judiciary; much, however, may be done by an immediate attention to the defects of that system—those defects are made manifest to me by daily experience, and cannot be passed over slightly or without proper notice. The low price of lands has hitherto, and probably will, for some time to come, prevent much litiga-

tion concerning them; the consequence of this is, that the various land laws remain almost as crude and uncertain, as they were at the date of their creation. A Statute, unless perfect in sense and language, is always a matter of judicial construction; in these two important requisites, all must concur that the statutes of this country are sadly deficient, and in addition to the defects of each particular statute, there will be perceived a great want of harmony in them, when taken together, as forming the body of the land law of this country—many have been created to promote local and private purposes, and many general statutes have been repealed after rights have been fully acquired under them. From my own personal experience, I feel warranted in asserting that the land laws of this country, in a body, form a mass of incongruities that will entail upon posterity the task of ascertaining their rights, by reference to the judicial tribunals of the Republic. But without attempting an exposition of the manifold defects of the land law, I would respectfully invite the attention of the Honorable Congress to, and earnestly entreat their action upon the following subjects:

The objection to the 40th section of the General Land Law, which creates counties, organized for the purposes of representation, the land sections provided for by the 10th section of the general provisions of the constitution, I represented both in my report of 1841, and also in that of last year; but as Congress took no action upon the subject, I deem it my duty again to set forth the necessity of constituting permanently land sections, or of wholly divorcing the various laws affecting the legality of surveys, from their present dependency upon the above mentioned law. The situation of a tract of land conceded by the government, should have a certain unalterable designation, so that it may be at any time ascertained without difficulty; if this is not the case, conflicting claims will constantly arise, as they have already arisen, between the owners of lands situated in adjoining counties. As I have before represented, many tracts of land have been entered, surveyed, and the field-notes have been returned to the General Land Office, sworn to by two different surveyors, as laying in each of their respective counties—this confliction has arisen in consequence of the precise boundary or dividing line between those counties, not having been ascertained and agreed upon by the surveyors; but, even allowing that the boundaries should be ascertained, so fluctuating are the laws organizing the representative counties which yearly subtract from the territory of one county and give it to another;

and divide the territory of one county into two or more, that the innumerable changes in relation to the location, survey, and recording of the field-notes of surveys would, even in this case, cause immense injustice and confusion. At the present time, so uncertain are county boundaries, and so liable are they to be disputed, that no reliance can be placed upon the titles to lands that may be affected by them. The laws relative to county boundaries, are almost without a single exception, vague and indefinite; in addition to which, not one of them has been fully acted upon,—the surveyors of the various counties, unwilling to run county lines, at the low price allowed, have surveyed up to the imaginary boundaries of their several counties, and thus it is that, only in certain cases, (where the field-notes of a survey glaringly show that the same tract has been located as laying in two different counties,) is the confliction of claims, in any degree known or regarded. It is plain to be seen that, although a great necessity may exist for the susceptibility of representative counties to alteration, according as their population may increase or diminish, so as to secure an equal representation of all the citizens of this Republic, yet the designation of a portion of territory for the purposes of representation, cannot, by any possible means, answer the purposes designed to be effected by the creation of land sections, which, so far from being liable to alteration, should be contra-distinguished from representative counties, and characterized by the impossibility of altering or changing their boundaries in any manner whatever. The evident intention of the provision of the constitution above referred to, was to have caused the country to have been sectionized according to the plan adopted by the United States Government, and had that intention been carried out, the objection above complained of never could have existed. It is plainly deducible, from what I have already shown, that the before mentioned provisions of the Constitution, which directs the country to be sectionized, in a manner to be pointed out by law, so that the lands covered by valid titles, and the vacant lands, can be ascertained, is not complied with by the 40th section of the general land law, which adopts the representative counties as the land sections, which are already provided for and established, and are also directly opposite in their character to the land sections intended by the Constitution, which, in directing that the country should be sectionized, in a manner to be pointed out by law, contemplated that some wise and energetic action should be taken for the

beneficial object specified in the latter part of section 10th; but section 40th, of the general land law, the only law that ever has been created upon the subject, so far from showing a compliance with the Constitution, manifests only the desire of the legislators to evade, by what they no doubt considered a formal compliance therewith, a duty imposed upon them by the Constitution of their country, and which experience proves to have been created for a wise and necessary purpose. But the time is now passed at which the benefits, intended to have been secured by this provision of the Constitution, can be realized; the passive and evasive compliance therewith, however provided for by the 40th section of the general land law, can be so improved, by constituting the representative counties, as now established by law, permanent land sections, as still to secure the most beneficial results, and prevent much litigation which must arise under the present law. To effect this, provision should be made by Congress for a surveyor to establish, according to the direction of the Commissioner of the General Land Office, the boundaries of the existing representative counties, which should remain unchanged until the land titles of this country are permanently settled. This provision for the establishment of land sections, would necessarily demand a change in the laws providing for the creation of county surveyors, who are now elected by the votes of the representative counties.— This change necessary to be made, I would respectfully propose, should be as follows, viz: that the Commissioner of the General Land Office should have the power of appointing county surveyors, subject to the approval of Congress or the President. If the power of creating county surveyors should be delegated in this way, it is clear that great facilities would be afforded to the Commissioner of the General Land Office, who would thereby be enabled to choose officers in every way competent to perform their duty. The surveyors, at the present time elected by the people, are governed in the discharge of their duties, more by political than professional considerations. It is true that they are bonded in the sum of ten thousand dollars, faithfully to discharge their duties, and they are also directed by law to obey the instructions they may receive from the Commissioner of the General Land Office; but this obligation and direction of the law are very little regarded by them, when weighed in the scale with their political interests. In a multiplicity of cases, the question with the county surveyor is, whether it is better for him to obey the people, from whom he

receives his office, or the Commissioner of the General Land Office. He cannot serve two masters, and if the interests of the "sovereign people," the power which clothed him with office, and gave him employment, conflicts with the instructions he receives from the Commissioner of the General Land Office, he will naturally disregard the latter and subserve the interests of the former, from whom he expects to receive future benefits. It would be unreasonable and absurd to suppose, that any other than the principle of reciprocity will govern the surveyor in the discharge of his duties; he is grateful to his supporters for electing him to office, and he is also mindful of the policy that dictates to him the propriety of so conforming to their wishes as to ensure their approbation and support. If we, therefore, admit that county surveyors may be governed by the ordinary motives of human action; to urge the propriety of their election by the people, would be to presuppose that the interests of the people could not possibly conflict with the laws regulating the duties of surveyors; a presumption that, I would respectfully suggest, is unwarranted, when we contemplate the many speculations that have been attempted in the public lands of this country. Independent of the above reasons, I would also urge that the Commissioner of the General Land Office is the most competent judge of the qualifications of individuals desiring that office; his constant intercourse with the various surveyors, enables him to ascertain their respective merits and competency to fill the office. It cannot be denied furthermore, that the professional merit of those elected to that office, receives but little consideration, and tends but slightly to their success with the people; consequently, it frequently happens, that persons totally incompetent to discharge the duties of the office, are elected through the personal regard entertained for them; the popularity of their manners, or the political influence subject to their control. But it is with the Commissioner of the General Land Office that county surveyors transact their business as public officers; and they should, therefore, be subject to his control,—the influence that the present law gives him over them is only nominal, and enforced by no direct penalty. The surveyor being merely liable for damages on his official bond, for any malfeasance of office, which, in most instances, cannot be ascertained until the mischief is irreparable, and the surveyor entirely divested of official responsibility. In many instances the illegality and fraud which have, without any kind of doubt, been perpetrated,

will not be discovered for years to come ; but, in most cases, where the Commissioner of the General Land Office has a direct control over the acts of the surveyor, he can take measures to enable him to detect any fraudulent act before the surveyor's term of office expires.

I would also represent, that the price now allowed by law for surveying, is much too low to induce competent men to accept the office. In this country, only two dollars per mile is allowed by law, while, in Louisiana, from four to eight dollars per mile is allowed by the U. States Government, according to the kind of land that is to be surveyed. On the frontier, where the most of the surveying is done, at the present time, and where surveyors are constantly exposed to attacks from the Indians, the price of surveying will not even furnish them with the guard necessary for their protection.

In many counties, it is found to be entirely impossible to induce men, in the least degree competent, to accept the office ; and, where competent men will accept of it, the low price allowed by law will not compensate them for surveying with the accuracy necessary to be observed, and which they would observe if a fair price were allowed for their services ; many surveys thus carelessly made, are rejected at the General Land Office for the errors they contain, and the owners of the lands are put to the additional labor and expense of having a new survey made, which is also liable, for the same reason, to the same fate.

Another consequence of the low price allowed by the government for surveying, is, that great prejudice results to the holders of scrip sold by the various agents of this government. In scarcely a single instance has the holder of such scrip been enabled to get it surveyed for the price allowed by our laws, but has been compelled to pay an additional sum demanded by the surveyor.

I would suggest therefore, that the surveyor should be allowed to make his own contract within the limit above proposed, and thus receive a price proportioned to the value of his services, which will vary greatly, according to the kind of country in which he is to operate. The value of surveying swampy lands, is also much greater than it is in a prairie, or a highland timber country. The most populous counties moreover, are now mostly surveyed up, and the surveyors of those counties have little other business, at the present time, than to run dividing lines for the partitioning of lands, and occasion-

ally make a small survey, for which purpose they are also compelled to run other lines and correct surveys previously made; for which extra services they are not entitled to charge, and which is necessary to enable them to perform their own work correctly—thus, although two dollars per mile might have compensated surveyors for their services at the time of the passage of the law in question, when they could make many surveys in a body, the present limited field of their operations will not justify their accepting such a low price at the present time. As \$8 per mile is allowed for surveying in Louisiana, I would recommend that this sum should be, at least, the limit in this country—for mathematical and surveying instruments and books, cost much higher in this country than they do in that State. The great importance of having surveys accurately made, at the present time, while the country is in the progress of being surveyed, is a subject to which the attention of Congress should be earnestly awakened, so that means may be taken to, at least, lessen the litigation that must certainly arise in future, concerning the lands in this country.

The adoption of what I have above recommended, in relation to the fees of county surveyors, will tend to facilitate the accomplishment of this object, and it will also be aided by a law limiting the excess which shall invalidate a survey.—Without entering into details to show the necessity of such a law, I will merely state, that not one survey out of a thousand, contains the quantity of land called for by the field-notes; some of them contain as much as twenty per cent. more, and some of them less than the quantity authorized by the claim surveyed. The experience of many of the States, should warn us to take effectual measures, while we can, to avoid the troubles to which they have been subjected on account of their inaccurate surveying. A glance at Peter's Reports will show the myriad of litigated questions that have arisen respecting this subject, should our own daily experience fail to convince us of its great importance. But at the same time that we adopt a measure of this kind, I would recommend that all surveys heretofore made, should be legalized; for whenever they are erroneous, the error, though committed by the surveyor, is yet more attributable to what I have before complained of—the low price of two dollars per mile that is allowed for surveying, and for this reason also should the government be at the expense of making the corrections requisite to legalize a survey where the error is entirely too great to justify the allowance of it.

I would further recommend, that the law in existence at the present time, requiring surveyors to return to the General Land Office maps of their respective counties, be repealed, and that in lieu thereof, the Commissioner of the General Land Office be authorized to employ two draftsmen. one for the territory East, and one for that West of the Brazos river, to compile under his instructions, at each of the county surveyors' offices, a map of every county of the Republic for the use of the General Land Office. This measure will save to the Republic great expense, as these maps can be obtained at a much cheaper rate than by the present mode; it will also save much future litigation, and furnish him with correct maps, of which he stands greatly in need, at the present time, as almost every map now in the General Land Office is grossly incorrect, and instead of enabling him to ascertain the true situation of lands, they only lead him into error; but yet, they are the only means furnished him by law for his guidance. So glaringly incorrect are the maps of Milam, Robertson and many other counties, that I have set them aside entirely, and concluded not to patent lands in those counties until I can procure more correct maps. I am well aware of the great inconvenience that has resulted from this act, to the owners of lands situated in those counties, but I am equally well aware of the crime I would commit, were I knowingly to issue incorrect patents. I have uniformly disregarded, both the solicitations and the complaints of those desiring patents for lands situated in those counties. On the maps of many counties, the old titled lands are not represented, and until they are, patents may issue for lands located upon them. I might go on and show, in detail, the necessity of the measure I have proposed, did I not consider that sufficient has already been said on the subject for all useful purposes. I made in my annual report for the last year, a requisition for county maps, but no heed was given to my request. One of the results of this deficiency in county maps, at the present time, is, that instead of being enabled to patent all claims for which application is made, the time of both myself and the clerks of the office, is consumed in the investigation of the errors that prevent the issuance of patents, and this investigation must be had, sooner or later, of every claim in the whole Republic; but it cannot be fully made, until all the land surveyed is plotted upon the various county maps; and without the adoption of the measure I have above proposed, this cannot be done until after the first of January, 1846, as the law in

existence at the present time, would appear to permit field-notes to be withheld from the Gen. Land Office until that time, (see 7th Congress, p. 5.) Common sense and justice would dictate, that if the Commissioner of the General Land Office is expected to perform his duties according to law, he should, at least, be furnished with the means requisite to enable him so to do; particularly when the performance of those duties deeply concerns every citizen of the Republic; and if economy, a regard for the public welfare, and I may even say, the continued operation of the General Land Office, are objects of any consideration with our Government, it may be fully obtained by the adoption of the above proposed measure, and the contrary results will follow the entire disregard of them.

The 10th section of "an Act to provide for the detection of fraudulent Land Certificates, and for issuing Patents to legal claimants, approved Feb. 4th, 1841," permits the issuance of a patent in the name of the assignee, whose name appears in the original certificate, upon the exhibition, by such assignee, of a regular chain of transfer from the original grantee. This law should be so amended as to allow the issuance of patents to assignees of all transferable claims, upon their presenting to the Commissioner of the General Land Office a complete and properly authenticated chain of transfer from the original grantee. One among many other important reasons for this, is, that almost in every instance of the survey of a claim that has been assigned, the field-notes have been returned to the General Land Office in the name of the assignee. The effect of this, is to cause the field-notes to be rejected, because, as the land cannot be patented to the assignee, the survey cannot be received when made in his name. But the inconvenience does not stop here; for as the only means by which surveys can be plotted on the map, is by their relative situation and connection with one or more adjoining surveys, the field-notes of all such adjoining surveys that improperly call for connection with land surveyed in the name of the assignee, must likewise be rejected at the General Land Office, and sent back to the surveyor who made the survey, for the purpose of being corrected, so as to call for a connection in the name of the original grantee, else the patents issued upon such claims, will appear to be erroneous by calling for connection with an adjoining survey in one name, (that of the assignee,) when it is patented in the name of the grantee. This error will affect nine-tenths of the surveys returned to this office; it has prevented the issuance of patents

on a great number of claims, which in every other respect, were in a proper condition to patent; and the investigation of the immense confusion it has occasioned, has occupied at least half of the time allotted to the business of the General Land Office. But when errors of the above nature are detected, it avails but little, as the surveyor who run the survey, and made out the field notes, in a majority of cases, is either dead or out of reach from some other cause, and he only could make the necessary correction in the field notes. But the records of those field notes must also be corrected, and so tenacious are county surveyors generally, of altering the acts of their predecessors, that in some instances they have refused to correct the most glaring clerical errors existing in both the field notes of surveys made in their county, and also in the record of such field notes, according to instructions sent to them from this office, alleging as a reason for their refusal, that such an interference with the acts of their predecessors would render them liable to indictment before the Grand Jury of their county.— We see, therefore, that the consequences of patents being allowed to issue to grantees, causes not only a great inconvenience and expense to the assignees of claims, but the same consequences result directly to those in no wise interested in those claims, and whose misfortune arises solely from the peculiarity of the law, and the ignorance or carelessness of the surveyor. And also, that a tax results to the Government by the consumption of the time expended in the investigation of errors by those employed in the General Land Office.

Section 10th of the General Provisions of the Constitution provides, that "all orders of survey obtained by any citizen of the Republic from any legally authorized Commissioner, prior to the act of the late Consultation, closing the Land Offices, shall be valid." And section 20th of the general Land Law, provides for the issuance of a patent to the lands held by virtue of such orders of survey. It also requires those desiring patents for such lands, to obtain a head-right certificate from the Board of Land Commissioners. The owners of many lands held by these orders of survey, have also obtained a head-right certificate from the Board of Land Commissioners, which they can locate upon any of the vacant public domain; and, until this certificate, together with the survey made upon it, is returned to the General Land Office, their intention respecting the land held by the order of survey, obtained previous to the closing of the Land Offices by the Act of the late Consultation, cannot be

known. No notice of their intention to relinquish, is conveyed to the Commissioner of the General Land Office until the field notes of the survey of the certificates elsewhere, are returned to the Land Office. We are not always apprized of the fact, that it is the same person to whom the order of survey was granted, there being many individuals of the same name in the Republic. Therefore, until the owner of an order of survey makes his selection, in this manner, the land held by such order cannot be patented to another, although the person originally entitled to it may have received his full quantum elsewhere.—As many valuable lands are actually withheld from location, and encumbered in this manner, I would suggest the propriety of compelling those, who hold these orders of survey, to signify their intention of holding the land they have first selected, or that upon which their head-right certificate is located, by the passage of a law causing them to return to the General Land Office, the field notes of the land granted them, previous to the closing of the Land Offices in 1835, (if they are desirous of holding such land,) within a reasonable length of time, as they have already had eight years for that purpose.

It is also important that the recording of old titles, in the county where the land, held by them, is situated, should be enforced by some penal law—the law in existence at the present time, is merely directory, and does not enforce the recording of these titles by any penalty, either direct or indirect; consequently, it is left optional with the owners of them, to record them or not, as they please. This is urged for the reason, that many owners of old titles, have neither recorded them, in the county where the land lies, nor yet returned them to the General Land Office; as their land cannot therefore be plotted upon the county map, it is liable to be regarded as vacant public domain, and subject to location of the claims issued by this government. The recording of these titles, after being duly proved, is also requisite for the prevention of forgeries, that have been attempted, as I have ascertained from information conveyed to me during the past summer.

Many unsuccessful efforts have been made for the creation of a law that might enable the colonists introduced by Power and Hewetson to obtain titles for their lands, which are not sufficiently designated by the titles granted them, by the empresarios, to enable them even to find the general location of those lands. In those titles, even the metes and bounds of the lands are not mentioned, nor is there any evidence, that

the land was ever surveyed, and the knowledge of the particular land conceded by the title, is only a vague designation of it, which might possibly enable the grantee to have his land surveyed, and ascertain the extent of his rights; but which, without such a survey, conveys no specific right whatever; it is therefore deemed necessary, that the owners of lands situated in that colony, should be allowed to prove their rights under the colonization laws of Coahuila and Texas, which, when established, should cause an order of survey to be made by the district court, and the field notes of such survey returned to the General Land Office, when a confirmation of their title could be made by this government, through the Commissioner of the General Land Office. I am well aware that the opinion is entertained by many that their lands are fully secured by the title made by the empresario; this is certainly true in regard to their rights as colonists, but as the particular bounds of the land conceded to them are not specified in the title, they cannot be regarded as possessed of any land whatever, by virtue of such title—it is not even known that the land thus vaguely designated, without having been surveyed, is in existence. It is very certain that these lands cannot be respected unless they are plotted on the county map, which cannot possibly be done until a survey is made of them; for these reasons I would urge the adoption of the above measure, or of some other, that would secure to the colonists the land to which they are justly entitled, and which might also effectually guard them against the rapacity of land speculators.

“An act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants,” approved February 4th, 1841, directs the clerks of the several district courts, within twenty days after the adjournment of each and every term of the court, to transmit to the Commissioner of the General Land Office a list of individuals who have been successful in suits instituted under that act in his county, but it should also require notice to be conveyed to the Commissioner of the General Land Office of all suits that have been instituted under that act, which are pending at the present time, so that he may be enabled by the reception of such notice to respect land located by virtue of such certificate not recommended, until the termination of

the suit, for the lands covered by rejected certificates must, under the present laws, be considered vacant and subject to re-location; therefore, unless the Commissioner of the General Land Office is notified of the pendency of such suit for the establishment of rejected certificates, the land upon which they have been surveyed may be covered by certificates that have been recommended, and patents may issue upon such surveys, and, at the same time, the rejected certificates may be sustained as valid claims by the district court, subsequent to the issuance of the patent; consequently the owners of the latter claims would be deprived of their rights by the deficiency of the law. The clerks of the district courts should also forward to the General Land Office notice of the rejection by the court of a claim upon which suit has been instituted under the above law.

Some plan should be adopted for the preservation of the records belonging to the surveyors offices of the depopulated counties, Goliad, San Patricio and Refugio. As those counties are without officers of any kind, the records belonging to them are left in an exposed state, and are liable to be destroyed by those who might be disposed to take that method to obtain land; the inducement to such a villanous act is sufficiently great to insure the belief that such villany might be attempted, and it is warranted also by the experience we have already had of such acts. The records of the surveyor's office of Refugio county are at Galveston, in possession of the former surveyor, from whom I demanded them, but he refused to deliver them to me. It is certain that I have a better right to the possession of them than he has, who, as his office has expired, has no superior right to their custody to that of any other private citizen of this Republic; more particularly, when he has taken them beyond the reach of the citizens of his county, and also the Commissioner of the General Land Office, and although the law gives me no direct authority to their control, even under these circumstances, I am yet vested with a general curatorship of all records pertaining to the lands of the Republic. Upon this ground I demanded these records, and sent a messenger with a letter of authority to procure the records belonging to the surveyor's office of San Patricio. He found a small portion of them deposited in an old trunk, in the house of a widow lady, who

keeps a boarding house in the town of Victoria. He was also informed, that the remainder of the records, by far the most important part, had been seen within the last six or eight months, packed in an open box in the same house, which was all he could learn concerning them; the former surveyor, Mr. Grammont, having left previous to his arrival. The records which he obtained, consisting of seven manuscripts or unbound books, and one bundle of letters, are deposited in this office. For the protection of the records of the depopulated counties, I would therefore propose that the Commissioner of the General Land Office be either directly authorized to take possession of the records of the depopulated counties, or that he be empowered to appoint a surveyor for each county that is at the present time, and that may become depopulated.

Owing to the erroneous instructions having been sent to the various boards of land commissioners by Mr. John P. Borden, the former Commissioner of the General Land Office, in a majority of cases, it is found that emigrants who came to this country subsequent to April 28th, 1832, and received land under the colonization laws of Coahuila and Texas, have paid only half the amount they should have paid by a law of the above date, and section 36th of the General Land Law. The investigation and detection of the errors, under the instructions above alluded to, have occupied the whole time of one of the clerks of this office during the past summer.

Section 1st of "An act authorizing an additional compensation to be paid to the officers of the civil list," approved Jan. 6th, 1843, directs that the heads of bureaus and the clerks of the various departments and bureaus, and officers of government (the clerks of customhouses excepted), shall, for the year 1843, be allowed the sum of twelve dollars and fifty cents per month, in addition to the salary "then allowed by law," and the last Congress revived this law for the year 1844. The laws in existence at the date of the passage of this law, established the salary of the Draftsman of the General Land Office at \$50 00 per annum, which was \$150 00 more than the salary allowed the assistant clerks; and the intention of the law evidently was, that the Draftsman should receive this amount more than the assistant clerks, on account of the superior value of his services, and

therefore that the above law, which raised the salaries of assistant clerks to \$850 00, should also raise his salary to \$1,000 00 per annum. But the Treasury Department has refused to pay him this extra allowance, on the ground that he is not specially named or designated in the act as "Draftsman," and that he cannot receive the allowance as a Clerk, because his professional style, title or designation is "Draftsman;" he has, therefore, since the passage of the law, received only the salary allowed to an Assistant Clerk, when he was in justice entitled to \$150 00 per annum more. If the position taken by the Treasury Department in this matter is tenable, the Draftsman has suffered this injustice from the inadvertence of Congress to include him, by his title, in the law; being the only Draftsman in the employment of Government, the designation of him by his official name, must have been inadvertently omitted. If the Honorable Congress should view the matter in this light, I would urge the propriety of so amending this act, as to enable the Draftsman to receive, in future, the extra allowance of \$12 50 per month, and also the amount due him, that has accrued since the passage of the law.

The building occupied for the General Land Office, at the present time, is greatly in want of repair, and has been in that condition ever since the opening of the Land Office the last time, at Austin. It requires an entire new roof, to prevent the records from becoming damp and wet; and sundry other repairs are absolutely necessary. It is hoped, therefore, that the Honorable Congress will take measures to put it in a proper condition; for, in addition to the injury resulting to the records from its present condition, all business is necessarily suspended during every heavy rain, as the clerks are then employed in removing from place to place, the maps, books and other records to prevent their getting wet; or, should the Honorable Congress think proper to remove the General Land Office to some other place in the Republic, an appropriation will also be necessary for that purpose.

The laws in existence, at the present time, allow to this Office one Chief Clerk, eight Assistant Clerks, two Draftsmen, and one Spanish Clerk, for which, I would respectfully ask an appropriation. Although this number of clerks was allowed for the last year, the appropriation would only ad-

mit of my employing a part of them, owing to which, the business of the office was greatly retarded. The following is an estimate of the contingent expenses requisite for the next year, which should be made in par funds: For books and stationery, five hundred dollars; for patents, 1,500 dollars; for surveying land scrip, eight hundred dollars; for county maps, two thousand dollars; for connecting surveys and county lines, one thousand dollars; for contingent expenses, (embracing cost of fire wood, portorage, nails, glue, canvass for maps, &c., &c.;) one thousand dollars. Heretofore, these appropriations have been made in Exchequer money, owing to which, they have, in some instances, proved insufficient, as I have been compelled frequently to use the money, when it was worth only fifty cents on the dollar, which reduced the appropriation, in effect, to half the nominal amount. Should the Honorable Congress adopt the plan herein recommended, of allowing travelling Draftsmen, for the purpose of compiling county maps, for the use of this office; the two items above specified, for county maps, and connecting surveys, should be allowed, for the purposes of connecting surveys and county lines, so as to ensure the progress of the draftsmen in their work, and prevent delay.— Many of the appropriations made by the last Congress, are unexpended, in consequence of the county surveyors not having done their duty, in promptly returning county maps, and other data required of them by this office.

I would further respectfully represent, that several accounts for indispensable necessaries, consisting of fire wood, canvass for covering record books, &c., &c., which were purchased by me for the use of this office, stand unpaid at the present time; they will amount in all, to about three hundred dollars par money; and I would also ask of the Honorable Congress an appropriation for the payment of the above accounts, as the articles were furnished under the belief that they would be promptly paid for. I would also suggest the propriety of creating a law that would protect public officers who contract debts, in their official capacity, from becoming individually responsible for those debts, and also from being sued for them, as I was rendered subject to that inconvenience, during the last term of the District Court of Travis county, by a Mr. Watkins, who recovered judgment against

me, individually, on an account for repairing the fence and enclosing the yard of the building in which the General Land Office is kept.

With the sincere hope that the within suggestions may lead to the beneficial results so ardently desired, the above is submitted,

With considerations of the most profound respect,

By your obedient servant,

THOS. WM. WARD.

REPORT

OF THE

SUPERINTENDENT OF INDIAN AFFAIRS.

WASHINGTON, Texas, }
December 24th, 1844. }

To his Excellency, ANSON JONES,
President of the Republic of Texas;

Sir,—I have the honor to submit to your Excellency the following Report on Indian Affairs:

A Treaty of Peace and Amity was made at "Bird's Fort" on the river Trinity, on the 29th September, 1843, with Chiefs of the Delaware, Chickasaw, Waco, Tahwacarro, Keechey, Caddo, Nardarko, Ey-e-nye, Biloxi, and Cherokee tribes of Indians, and with the exception of occasional incursions into the settlements by some renegado Wacoos and Tahwacarros, the stipulations of that treaty have been strictly observed by the contracting parties,—who, having buried the tomahawk, now dedicate their attention to agricultural and hunting pursuits, thereby securing ample subsistence for their families, and peltries sufficient to purchase at the trading houses other supplies they need—which renders them contented and happy. Experience is thus teach-

ing them to appreciate the blessings of peace, and to love and respect the white man who bestows them.

In March last, some twenty Indians, head men of the before mentioned tribes, visited this place to see the President. A "Talk" was given them, adapted to the occasion;—their good services were secured in our behalf, to use their endeavors in conjunction with our agents and messengers, to induce the Comanches to come in to Council in April; suitable presents were made to them, and they departed for their homes highly gratified with their reception, reiterating protestations of friendship, of their adherence to us, and their resolution to do all in their power to reconcile the Comanches and other wild tribes, who had not then become parties to the Treaty. As a precautionary measure, suitable persons were selected to accompany them through the settlements, towards their homes, and also, to convey to the Comanches a "Talk" or message from the Executive, inviting them to attend a Council in April. Pursuant to this invitation, three Commissioners and the Superintendent of Indian Affairs, repaired to Tabwacarro Creek, the place appointed to meet them in council, but they came not. After some delay, two of our messengers arrived, and reported to us, that they had found a few Comanches on the head waters of the Colorado, with a Chief, "Mopechookapo;" he replied to the invitation of the President, stating, that his people were scattered at that time, from the salt plains of Arkansas to the Rio Grande, and could not be assembled for the time named; but, that he would meet him in council in the fall of the year; that his people were already virtually at peace with Texas, and had been so for some length of time, with other expressions of good feeling. The next object in view under the instructions of the President, was, to bring into council the Wacoos and Tabwacarros, who, notwithstanding the Treaty, had committed several outrages upon our citizens. This was effected on the 11th May; they numbered about 130, sixty of whom were warriors. They were severely reprimanded in council for three successive days, by the Commissioners and the head men of the friendly tribes present, and finally promised to restore the horses they had stolen, and act better in future.

In the month of July, a small hunting party of Delaware,

on the Trinity, were attacked by a party of white men,—two of the Indians were killed, others wounded, and their horses and other property taken; the murderers were pursued by the good citizens of the vicinity, were captured, and executed by summary process.

About the first of August, information was received by the Superintendent, then at the Falls of the Brazos, that a party of Wacoos, about sixty in number, had left their villages for marauding purposes, and were to make a descent on the settlements of that frontier. The Superintendent immediately caused preparations to be made for the protection of the trading-house, and in company with a few citizens, ranged up the Brazos above the Bosque, thence across to the Navasoto, above Parker's Fort, and returned to the Falls, without having seen an Indian, or discovered any signs on the route.

The Council convoked for the 15th of September last, did not take place until the 7th of October, at the Falls of the Brazos, where the Comanche Chiefs, Poo-chan-e-quahe (Buffalo Hump,) and two others, with a few warriors, met President Houston in council. It lasted three days, and ultimately a treaty was concluded on the 9th of that month, in presence of all the friendly tribes who were on the spot. Presents were then distributed to them all, except the Wacoos, who were directed to bring in the horses they had stolen, which they promised to do; and an agent with others were sent with them to their villages to receive them. The agent returned with seven horses, which they delivered to him; they have been restored to their owners.

Occasional depredations continue on our western and southwestern frontier; the former are attributed to the Wacoos, but from the best information, I am inclined to the opinion, that much mischief is done on that as well as on our northern border, by the Wichitas or Ta-wy-zsh, and perhaps other tribes from the U. States. The attacks upon the settlement at Corpus Christi, have been made, as it is believed, by "Kiowas," a tribe hitherto little known to us,—they are not residents of Texas. Our Indian Affairs, nevertheless, are, in general terms, in a healthy condition. The prospect of permanent peace, continues to brighten; the tribes on our borders already find it to their interest to cherish peaceful

relations with us, and they are too shrewd to lose sight of their own interest.

Licenses have been granted by our late Executive, for two Trading Houses, one to Messrs. Torrey & Co., established since last Spring, on Tahwacarro Creek, twenty-five miles above the Falls of the Brazos, and is still in successful operation; the other to Messrs. Kennedy & Chatfield, to be located on the Elm or South Fork of the river Trinity.

Agents have been despatched to recover the two children abducted by Indians, at the city of Austin. They are instructed to proceed direct to the furthestmost villages of the Wacoos, and as much farther as may be deemed expedient to attain that object,—to effect the release of other captives if found, and practicable, and to demand the surrender of horses recently taken on the Colorado, if found.

An estimate of amounts due to individuals for supplies furnished, and services rendered, &c., for Indian purposes, up to the 5th inst., amounting to \$4,042 03, is herewith transmitted for your Excellency's information.

I have the honor to be

Your Excellency's obedient servant,

THOMAS G. WESTERN,
Superintendent of Indian Affairs.

*Estimate of amounts due by Indian Department on the 31st
December, 1844.*

DATE.	NAMES.	CONSIDERATION.	AMOUNTS.
	To Torrey & Brother,	Goods furnished,	\$1,238 51
	" John Conner,	Services bringing in Comanches,	150 00
	" Jim Shaw,	do.	125 00
	" D. G. Watson,	Do. with agent Wil- liams,	100 00
	" John Conner,	Supplies furnished,	60 00
	" Louis Sanchez,	As Indian Interpreter,	97 00
	" Jack Harry,	Supplies furnished,	2 00
	" Delaware William,	Express,	8 00
	" Jesse Chisholm,	Services seeking Co- manches,	250 00
	" Joe Harry,	Services with Col. Eldredge,	50 00
	" Isaac Pennington,	Goods furnished,	199 00
	" M. Stroud,	"	50 00
	" Jesse Chisholm,	Supplies furnished,	94 75
	" Jarret Menefee,	Corn,	171 00
	" John Marlin,	Beef,	220 00
	" S. T. Slater,	Pay as Agent,	171 67
	" L. H. Williams,	" "	60 00
	" C. Greene,	" "	125 00
	" — Ellis,	" "	181 60
	" T. G. Western,	Fay as Superintendent,	143 75
	" B. Sloat, assignee of Tarbox,	Corn and transportation,	158 83
	" John Marlin,	Services seeking In- dians,	14 00
	" Gibson Mays,	" as Agent,	125 00
	" W. G. Ford,	Medicines,	6 00
	" A. Jones,	Provisions,	5 00
	" Messrs. Torreys,	Transportation,	10 00
	" Louis Sanchez,	Hire of a mule,	5 00
	" Jim Shaw for Sloat,	On acc. of services, 1843,	85 00
	" John Conner, do.	" " "	79 62
	" M. Stroud,	Goods furnished, 1843,	56 00

\$4,042 03

SPECIAL REPORT
OF THE
SECRETARY OF WAR AND MARINE.

DEPARTMENT OF WAR AND MARINE, }
Washington, Dec. 24th, 1844. }

To his Excellency ANSON JONES,
President of the Republic of Texas:

Sir,—In obedience to the resolution of the Honorable Senate, referred to the department of your Excellency on the 21st instant, I have the honor to transmit herewith a copy of the report of the General who commanded the troops mustered into the service of the Republic for the campaign alluded to in the resolution; as also copies of the muster-rolls (papers so called) of the detachments or *skeletons* of companies composing the army on the return march from the Rio Grande, and which were disbanded on the first day of January, 1843, conformably to the order of the Commanding General.

The roll of "A" Company appears to have been made out, at the date the men were mustered into service, though it was returned as a "discharge roll." It embraces the whole period from the 1st of October, 1842, to 1st January, 1843, and bears date 24th November, 1842.

For the orders under which the troops were mustered into service, and under which the officer commanding them marched westward, I beg leave to refer you to the accompanying copy of the Appendix to the Journals of the House of Representatives of the 7th Congress, which was published by authority, and is presumed to be accurate. They will be found in the beginning of the volume, from page 1 to 14.

I have the honor to be

Your very obedient servant,

M. C. HAMILTON,

Acting Secretary.

REPORT OF BRIG. GENERAL A. SOMERVELL.

WASHINGTON, 1st Feb., 1843.

To the Hon. G. W. HILL, Secretary of War and Marine:

Sir,—In order to explain with some clearness the objects of the late expedition to the Rio Grande, and the movements of the army, it will be necessary to recur to transactions antecedent to my communication addressed to the department on the 10th December last.

On arriving at head-quarters, at San Antonio, on the 4th November last, I had the strongest grounds for believing that the forces in the field would amount to, at least, one thousand men before the few but necessary preparations could be made to take up the line of march. Had these well founded expectations been realized, it was my intention to have passed the Rio Grande above the Presidio, and descended directly on San Fernando, where a large body of the enemy's troops are stationed. Unhappily, however, the numerous desertions from the companies commanded by Col. Bennet, reduced the number of the army to something less than seven hundred men, and compelled an entire change in the plan of the campaign. My own determination to enter the territory of the enemy at some weaker point than the Fernando was unanimously concurred in by a council of war; and the town of Laredo was selected as the point of attack. Celerity of movement being now considered (with our inferior numbers) one of the most essential elements of success, I ordered back a piece of artillery which had been brought up, and prepared to move rapidly from the encampment on the Medina, near the Presidio Road, to the "La Parieta," on the road from San Antonio to Laredo, while traversing the country from one road to the other a heavy rain fell, rendering the whole region almost one entire bog. The horses were so materially injured by their exertions to pass through this continuous, deep and tenacious morass, that they were ever afterwards unable throughout the campaign to make those quick marches essential to the accomplishment of the objects of the campaign.

For the facts in relation to the capture of the town of La-

redo, the Department is respectfully referred to my communication of the 10th December last.

In addition to the facts therein mentioned, I would further state, that the forces then under my command amounted to six hundred and eighty-three men—officers, non-commissioned officers and privates, of whom forty were reported on the sick list.

The plan of the attack on the town and on the military station on the opposite side of the river, will appear from order No. 55, to which the Honorable the Secretary of War and Marine is respectfully referred.

Col. James R. Cook was ordered to take six companies under his immediate direction, and endeavor, if possible, to pass the river on the night of the 7th December, for the purpose of surprizing and capturing the enemy's forces there stationed, and to make such disposition as to commence the assault by daylight the next morning—while such disposition was made with the main body, that the town on this side should be invested the same night—thus rendering the attack on both sides of the river simultaneous. A Mexican prisoner (who had been captured a day or two previous) stated that the river had so much swollen as to prevent fording. Col. Cook, about two o'clock on the night of the 7th, reported that it was impossible to cross the river. He also reported that he would occupy the ground between the town and the river with the troops under his command. Had there been any troops on this side of the river, or had the inhabitants made resistance, such was the disposition of the forces around the town that it would have been impossible for any of the combatants to have escaped, either individually or in a body.

I have to regret that after the capture of Laredo, on the 8th December, some irregularities were committed in the town, principally on the 9th, by a few disorderly characters, some of whom are attached to all bodies of undisciplined troops. The wrongs consisted in petty depredations on the property of citizens; and I used every exertion in my power to make reparation by ordering the restitution of all articles taken which was not essential to supply the necessities of the army. Herewith is enclosed a copy of a letter, marked A., to the Alcalde of the town on this subject; and it gives

the pleasure to inform the Department that the Alcalde, in accordance with the suggestions of the letter, visited the encampment and had carried to the town all the principal portion of the property ordered to be returned. Lest the affair should be misunderstood, I feel compelled to state that the injury to property perpetrated in the town of Laredo is not to be compared to the calamities or enormities suffered or frequently enacted in wars between the most civilized nations. But they excited much notice, as being in contravention of the Executive order of October 3d, and in violation of general order No. 57, and were entirely repugnant to the feelings of myself and officers under my command, as a great majority of the army.

Having marched about ten miles in a south-easterly direction from Laredo, I assembled the army on the 10th of December, and having expressed my disapprobation of the disorderly proceedings at Laredo, I proposed to prosecute the march at Guerrero, provided the officers and men would agree to comply with certain articles, the more effectually to enforce order and subordination, and to protect the property and persons of unarmed citizens. About five hundred men, having agreed to these restrictions, pursued the march down the river on the same day under my command. All others had permission to return; and were accordingly ordered to march under the command of Colonels Bennet and McCrocklin, to the county of Washington, and be there discharged. Five prisoners were also put under the charge of Col. Bennet, and ordered to be placed at the disposition of the President. The army continued to march through a chapparal country from the tenth to the fourteenth, when we reached the Rio Grande opposite the mouth of the river Salado, and about six miles from the town of Guerrero. The troops immediately and with great activity and energy commenced passing the river by swimming their horses, the baggage being passed over in three small canoes. After the companies of Capt. Hays and Bogart, consisting of about one hundred men, had crossed, a body of the enemy's forces, commanded by Gen. Canales, amounting to three hundred and fifty or four hundred men appeared within a short distance of the crossing, as if to dispute our passage. Notwithstanding the disparity of numbers, the gallant spirits who had

already entered the enemy's territory were anxious for the engagement; the troops on this side hastened to their assistance, and were greatly chagrined when the enemy, after remaining in view a few minutes, precipitately fled, and were not heard of afterwards. The hostile forces having secured themselves by flight, the town of Guerrero, which is a considerable one, whether its extent, its wealth, or its population be regarded, surrendered without resistance. The civil authorities placed the town at my disposition before more than half the army had passed the river. Determined to avoid the possibility of injury to the inhabitants, I refused to encamp the troops in the town, although accommodations were tendered for that purpose. On the night of the 15th December, when encamped near the town, a fall of rain commenced, which increased on the next day to a violent and furious storm. The country around Guerrero consists of bleak and rocky hills, without wood for fire or grass for horses, and I was compelled to return to the river, where the horses could be fed, and shelter and wood procured. Late on the evening of the 18th of December the whole army had again re-crossed the river; on the 19th of Dec. an order was issued, of which the following is a copy:

“ORDER NUMBER 64.

HEAD QUARTERS, Camp opposite the }
Mouth of the Salado, East bank Rio Grande. }

The troops belonging to the South Western Army, will march at 10 o'clock this morning for the junction of the Rio Frio and the Nueces, thence to Gonzales, where they will be disbanded.

By order of Brigadier-Gen. Somervell, commanding South Western Army.

JOHN HEMPHILL, Act'g Adj't Gen.”

In accordance with this order, the march was commenced for the Nueces on the same day; and in compliance therewith I was accompanied with the following officers: the officers of the General's Staff; Cols. John Hemphill, Acting Adjutant General, James R. Cook, Acting Inspector General, who was also Colonel of the 1st Regiment; and Col. Wm

G. Cooke, Acting Quartermaster General; Lieut.-Col. Geo. T. Howard and Major D. Murphree, both of the 1st Regiment; Capt. P. H. Bell, my Aid-de-Camp; Captains Hays, Bogart, McNeil, Mitchell, Owen, Lowrey and Simms, returned also with portions of their respective companies. The whole number of men and officers who marched in conformity with said order amounted to between one hundred and eighty and ninety. The balance of the army continued to remain in camp at the time the march was commenced.

On the return march considerable difficulty was experienced from the ignorance and mistakes of the guides. The country was rendered boggy by heavy rains; the march was continued through a dense chapparal for more than one hundred miles. The troops suffered greatly from fatigue and from the inclemency of the weather. Their supplies were not sufficient for a march so unexpectedly tedious and protracted. On the 30th and 31st December the army, with considerable difficulty, effected a passage across the Nueces; on the first day of January, 1843, was ordered to be disbanded. The several captains being ordered to march their respective companies to the places of company rendezvous, and there discharge the same—taking all necessary precautions on their route, and particularly to abstain from all infringement upon the rights of private property.

In conclusion permit me to state, that the country within from twenty to fifty miles of the bank of the Rio Grande is admirably adapted to military operations. The surface is diversified with hills of more or less abruptness, while the whole is covered with chapparal thickets preventing the passage of artillery or manœuvres of cavalry. Vast herds of cattle and horses roam the wilderness between the Nueces and the Rio Grande; while on the latter river the supplies of, not only beef, but hogs, sheep, goats and corn are in abundance, amounting to profusion. From the towns, by requisitions, and without distressing the inhabitants, sufficient supplies of sugar, coffee, flour and salt, can be easily obtained. It was from no apprehension of the scarcity of the stores of subsistence that the army under my command was ordered to withdraw on the 19th December. But having been eleven days on the river, and knowing the various positions of bodies of the enemy's troops, I was satisfied that

they were concentrating in such numbers as to render a longer stay an act of imprudence.

I have the honor to be,

Very respectfully,

Your obedient servant,

A. SOMERVELL,

Comm'd'g S. Western Army.

DEPARTMENT OF WAR AND MARINE, }
Washington, December 24, 1844. }

I certify the foregoing to be a correct copy of the original on file in the department.

M. C. HAMILTON,

Acting Secretary.

Abstract of the Muster-Rolls of the companies composing the Army on the South-Western Frontier, commanded by Brigadier Somervell, that marched from Guerrero in obedience to Order No. 64.

No.	Captains.	Non Com.		Aggregate.
		Com'd Off'rs.	Of. & Priv.	
1.	Samuel Bogart,	3	36	39
2.	Bartlett Sims,	2	16	18
3.	John S. McNeil,	3	25	28
4.	James P. Lowrey,	2	17	19
A. 5.	W. M. Barrett,	3	65	68
6.	Isaac N. Mitchell,	1	12	13

DEPARTMENT OF WAR AND MARINE, }
Washington, 4th January, 1845. }

To His Excellency, ANSON JONES,

Sir,—The Department is in receipt of a copy of the Resolution of the Honorable the House of Representatives of the 2d inst., requesting your Excellency to furnish "reasons for the dismissal of Surgeon T. P. Anderson, Lieut. A. Irvine Lewis,

and Lieut. G. C. Banner," and enquiring "whether charges were preferred against said officers at the late general Court Martial—whether said officers are now borne upon the rolls of the Navy, and included among those entitled to a pro rata of their pay appropriated at the last session of Congress"—and, "the reasons for the stoppage of the pay due the estate of J. P. Lansing, deceased."

In reply, I beg leave to inform your Excellency, that neither one of the gentlemen named in the resolution, were *dismissed* the service, or *stricken* from the rolls by order of the Department; nor have charges been preferred against any one of them.

It appears from the records, that the first named one left the service upon the dismissal of Post Captain Moore, not only without permission, but contrary to the wish of the Department, as did also a majority of the officers present—forwarding, at the same time, their resignations, which were not accepted however, for reasons which it would not be necessary to mention to those acquainted with the circumstances. The motives which prompted their tender at that particular juncture, were well understood. Besides, an officer *should* know that a tender of his resignation *while under orders*, is a *disobedience of orders*. Added to this, it is only necessary to mention the fact, that the vessels and other public property, were in imminent peril from the threats and menaces of a mutinous crew, and an excited populace on shore, to show that all officers in service, and present, were called upon by every consideration of duty, to preserve subordination, discipline and order at all hazards; and by their *constant presence*, influence and bearing, to sustain the civil authorities in the execution of the duties assigned them under the law. This auspicious moment, however, was seized by them to abandon the service—thinking it, doubtless, a favorable time to defeat the Executive in the execution of the law. Whether this was their object, or whether it was designed to manifest their disapprobation and indignation in reference to the course pursued by the Executive towards their late Commander, has not been avowed by them,—nor does it matter, since it is notorious, and has been done *for them* by the late Post Captain Moore in his appeal to the people, and I have nowhere seen a disavowal on their part, of the very flattering allusion to their fidelity as manifested to him on that occasion. I refer your Excellency to the report of the late Navy Commissioners of 29th July, 1843, and to the Muster Roll which

accompanied that of 4th August—copies of which are herewith transmitted, marked A and B.

Their names have never appeared upon the Muster Rolls of any vessel since that period; nor indeed could they, without a violation of the Purser's oath of office, and that of the Commander. Such only could be reported as were *present, absent by leave, or on furlough*. Finding that these could not be accounted for in any way, their names were of necessity dropped. The fact was simply announced in orders from the Department for the information of those connected with the service; accompanying is a copy of the order, marked C.

I would here remark, that the memorials of these several gentlemen, are now before the Honorable Congress, with sundry certificates from gentlemen in support of the declarations set forth. They were a few days since, handed in by the Hon. member from Galveston, with *verbal* request that they might be examined, and such information communicated in reference thereto, as the records of the Department could furnish. The propriety of a formal call upon your Excellency, accompanied by copies of the several memorials, &c., &c., was suggested, that they might be placed on the files of the office, and the response recorded; and I regret that they cannot now be referred to, as it would assist greatly in furnishing matter for the proper investigation of the respective cases.

It is alleged by Mr. Anderson, and supported by the testimony of the late Navy Commissioners, that he did not abandon the service when the other officers did—that he did not disobey any order given by them, &c., &c., and it may be true, that he did not disobey any order given by them, or refuse to do duty when required by them to perform it, but the truth is, they never gave him an order, nor required him to return to duty, nor had they any right so to do, even had he been on board, which he was not. *They did not command the Navy, as stated; nor could they know—far less communicate with any subordinate officer—except through the Commander.* They kept their office on shore, and had nothing whatsoever to do with the internal management and discipline of the vessels and officers. The commanding officer had his orders from the Department, and all the others were, or should have been, under *his* control and looked to him, as well for orders as for testimonials of good conduct.

Mr. Anderson was on shore, as shown by his letter to the Department of 22d February, 1844, (a copy of which, marked

D, is herewith transmitted,) when the vessels were surrendered by Post Captain Moore, and Commander Lothrop. He has been requested to show some evidence from the officer who succeeded to the command of his vessel, that he had permission to remain on shore, or that he reported for duty. A certificate to that effect, would at any time have reinstated him upon the Rolls of his vessel. Why not call upon him?

It is also shown, by the certificates of Messrs. Moore, Stevenson and Lewis, that he was in constant attendance upon them and other sick officers and men on shore. This may also be true; but what does it prove? They had been associated together, and under the same feeling quit the vessels in company; and nothing is more natural, whether in or out of the service, than that they should call upon him in preference to a strange physician; and it is equally natural that he should attend them without reference to his duties as surgeon of the Navy. None of the gentlemen upon whom he was said to be in attendance, however, were officers of the Navy; at least none of those mentioned by name.

In the Report of the Commissioners of 4th August, it is mentioned that Mr. Anderson remarked, on tendering his resignation, that he should consider himself an officer until its acceptance could be had: a copy accompanies this, marked E. This was evidently an after thought, and happened several days after his resignation had been sent in; for he was on shore at the time, and all the resignations were handed to the Commissioners by Mr. Gray, when the officers left the ship on the 26th July.

With respect to the other two gentlemen, Messrs. Lewis and Bunner, I have to state, that the former resigned his appointment in the Navy on the 8th October, 1842, as shown by the log of the vessel on which he did duty, and the Parser's returns. After having been absent six or seven months, and when Post Captain Moore had completed his arrangements in April, 1843, to sail for the coast of Mexico, it was *then* ascertained that the latter had transcended his powers in accepting the resignation of the former. A furlough was therefore forwarded to cover his long absence, with orders to report for duty, which it seems he did just before the squadron sailed.—He was thus reappointed at a time when we had more officers in service than men, according to the statement of the Commander—certainly more than were needful to the management of the vessels, and without the sanction of the Department;

and by an officer too, who was under arrest! His reappointment was not recognized—could not be. No charges were preferred against him, which he knows quite well. He stood fair upon the Rolls up to the date of his resignation, and received his pay accordingly.

Mr. Bunner was *honorably* discharged on the 24th May, 1843. He had been directed to report himself at Galveston some weeks previous, in anticipation of the arrival there of the vessels from New Orleans, when the Department contemplated disbanding the Navy conformable to the intention of the secret law. He did report; and without waiting orders, or a reply, immediately took shipping to join the squadron then on the coast of Mexico. In the meantime, his discharge reached Galveston, and there met him on his return in July following. His conduct was highly reprehensible, but having been discharged before, it was known to the Department, no complaint was made against him. His account for services, up to the date of his discharge, was approved and paid; and I am at a loss to know what more the gentleman can require.

Was it expected that a host of officers were to be appointed and kept in the pay of the Government without men or vessels to command?—at a time too, when every effort was being made to carry out the law, which required all the vessels to be sold, and, of course, contemplated the discharge of the officers without reserve. They were discharged as speedily as their services could be dispensed with, and as prudence would permit.

Whether they were included among those entitled to a pro rata of their pay, I cannot say positively, not having control of that matter; but I can see no reason why the two last named should not have been, and presume they were so included. As to Mr. Anderson, I should think it strange if his claim was admitted by the Auditor into the statement, under the circumstances. It would be contrary to all rule, to law and to justice. Accompanying is a copy of the views of the Department furnished the Auditor upon that subject, marked F.

For the grounds upon which a stoppage was directed against the pay of the late Lieut. J. P. Lansing, I refer your Excellency to the accompanying copies of certificates, marked G, by which it will be seen that Mr. Lansing assisted in disposing of sundry small arms belonging to the schooner San Bernard. It is alleged by the administrator upon the estate, Mr. Yates, that he (Mr. L.) acted under orders from his superior officer, and should not therefore be held responsible. There is little doubt

however, that he shared the proceeds; but whether he did or not, he was none the less culpable, nor can it be plead in extenuation, that he acted under orders, inasmuch as the transaction was suppressed, when his duty imperiously required that he should report it to the Commander of the Navy, and through him to the Department.

The stoppage was made against his pay, because the others implicated have long since left the service, and are irresponsible. If they had been still in service, the amount would have been charged against them jointly until settled. The arms are gone, and some one of those concerned must be held accountable to the Government for their value.

The accompanying copies have been examined and found correct.

I have the honor to be

Your very obedient servant,

M. C. HAMILTON,
Acting Secretary.

[A]

GALVESTON, 29th July, 1843.

Hon. G. W. Hill,
Secretary of War and Marine,

Sir,—With reference to our hurried communication of the 25th inst., we would respectfully beg leave further to report:

Agreeably to previous notice, Commodore Moore delivered the ship *Austin*, together with her stores, arms and munitions of war, to the Commissioners, on the evening of the 25th inst., and at the same time Commander Lothrop surrendered the brig *Wharton*. At the time of surrendering the *Austin*, by Com. Moore, we were informed by Lieut. A. G. Gray, that he would take command of the vessel until the following day, at 12 o'clock, at which time he *would leave*, and that the other commissioned officers and midshipmen, had come to a similar determination.

On the morning of the 26th we proceeded on board, and offered the command of the vessel to the Lieutenant and Master, severally, each of whom refused its acceptance; and we were further informed, that all the officers had written their resigna-

tions, which were handed to us shortly afterwards, with a written request from Lieut. Gray, that we would forward the same to the Department. We endeavored to dissuade them from this course, but without effect.

Finding that none of them would remain, the command of the vessel was offered to the Boatswain, Mr. Rice, who having accepted, assured us he would do the utmost in his power to preserve the vessel, and the property on board, against injury or loss of any kind.

Upon this, the men were summoned on deck, who being somewhat mutinous, we proposed, that such of them as might choose to remain on board, would be provisioned, until they could be otherwise provided for. About thirty of them concluded to remain, and the others immediately went on shore.

Judging it imprudent to leave the vessel in charge of a warrant officer longer than might be absolutely necessary, we prevailed upon Lieut. Bunner to take command until the following day. Lieut. Bunner expressed some hesitation in doing so, owing to a letter addressed to him from the Department, which he received on his arrival, dated 14th May last, which he considered a dismissal from the service. On the following day, (the 27th,) the ship Austin was placed in charge of Sailing Master D. Lloyd, who is now in command.

From the ship Austin, we proceeded to the brig Wharton, where we found the men quiet. The command of this vessel was given to Lieut. A. Tennison, the senior Lieut. (A. J. Lewis) being too ill to assume the duties of that station. In consequence of there being a large portion of the Austin's crew on shore, we deemed it imprudent to discharge any men from the brig until those already on shore could in some way be quieted. On the 27th, twenty of the Wharton's crew were discharged, at their earnest solicitation; the remainder are still on board, and yield ready obedience to the officer in charge.

About one hundred of the men are now on shore, and have made many threats to destroy the vessels, the Custom House and other property in the city, unless they should be immediately paid. To effect this object, they openly declared their intention of seizing the ship Austin, and turning her guns upon the town, and particularly the Custom House.

In order to frustrate their purpose, we caused most of the sails, and all the powder and small arms, to be removed on shore. We have been unremitting in our exertions to calm

the excitement among them, and have to some extent succeeded in doing so.

We have concluded, with the advice of Maj. Cocke, and at the earnest and repeated solicitations of the citizens, to provide them with passage as soon as may be practicable, either to the United States, or the interior.

This alternative, though attended with considerable expense, we deem imperatively necessary to the preservation of property, both public and private, as well as to the general peace of this community.

The services of the men now on board, will be required for some time longer, to move the vessels, and perform other necessary duties, when the most of them will be discharged. We will require about fifteen or twenty of them, until repairs on the Archer and San Bernard, are completed.

We would beg leave to call the attention of the Department to the meritorious conduct of Lieut. Tennison, Sailing Master Lloyd, Purser Wells, Doctor Clark, Boatswain Rice, Gunners Salters and Allen, and many of the petty officers.

For want of funds, we are unable to proceed with the outfit of the brig Archer; the repairs on her hull are complete. Mr. Denny, the contractor, informs us that, should there be a high tide, the schooner San Bernard will be afloat in the course of a week or ten days.

The dismissals of Com. Moore, Commander Lothrop, Lieut. Snow, and James Morgan, Esq., were duly handed to the editor of the Civilian, but for reasons assigned by Mr. Stewart, in a note to us of this date, (see copy,) the publication of them is deferred for the present.

We would be pleased to receive from the Department definite instructions as to the disposition to be made of the property on board the Austin and Wharton, and the public buildings at the Navy Yard.

We have the honor to be, very respectfully,

Your obedient servants,

WM. BRYAN,

WM. C. BRASHEAR,

Navy Commissioners.

[B]

Returns of all the Officers, Seamen, ordinary Seamen and Boys, attached to the Texas Sloop of War AUSTIN, 1st day of August, 1843.

No.	NAMES.	RANK.
1	William A. Tennison,	Lieutenant.
*2	William E. Glenn,	Master.
*3	James P. Peacock,	Assistant Surgeon.
*4	Geo. F. Fuller,	Midshipman.
*5	Geo. H. Ripley,	"
6	Robert H. Clements,	"
*7	A. G. Goodall,	"
*8	Selden Hubbard,	Clerk.
9	John Salter,	Gunner.
10	John D. Baker,	Sergeant Marines.
11	Moses E. Morell,	Yeoman.
12	Daniel White,	Carpenter's Mate.
13	Peter Mills,	Capt. F. Castle.
14	James Atkins,	2d Gunner.
15	Charles Morehead,	Seaman.
16	Thomas Norris,	"
17	George Wilson,	O. Seaman.
18	John Smith,	"
19	Thomas Barnett,	1st Class Boy.
20	Jesse Wilson,	Mariner.
21	William H. Flood,	"
*22	George N. Davis,	"
23	Lewis W. Dake,	"

N. HURD,

Purser Texas Navy.

*Requested Commissioners to forward their resignations, and in a day or two afterwards left the vessel—with the exception of Geo. H. Ripley and A. G. Goodall.

[C]

DEPARTMENT OF WAR AND MARINE,
Washington, 24th February, 1844.

GENERAL ORDER NO. 3.

Pursuant to the provisions of the law of the 5th inst., requiring the Navy of the Republic to be laid up in ordinary, and in accordance with previous notice to that effect, the following named officers, to wit: Surgeons R. M. Clark and J. B. Gardner, Sailing Master Daniel Lloyd; Midshipmen R. H. Clements, E. F. Gray, A. J. Bryant, Stephen Smith, Geo. W. White, D. W. C. Crurg, Timothy Griswold and Peyton Middleton, together with all other officers, (Pursers excepted,) seamen and marines, on furlough or leave of absence, are hereby honorably discharged, from the Naval service of the Republic of Texas, to take effect from this date.

Lieuts. Alfred G. Gray, Cyrus Cummings, and D. C. Wiber; Surgeon Thomas P. Anderson; Sailing Masters C. S. Atcambal and William E. Glenn; Midshipman A. Walker, A. G. Goodall, and G. F. Fuller, having refused to perform duty, and abandoned the service, on or about the 26th July, 1843, and having remained absent since that period, are hereby notified, that their names have been dropped from the Rolls.

By order of the President,

M. C. HAMILTON,
Acting Sec'y of War and Marine.

[D]

CITY OF GALVESTON, Feb. 22d, 1844.

*To the Honorable G. W. Hill,
Secretary of War and Marine,*

Sir,—I am informed by a communication received from Washington to-day, that the Department had refused to sanction or approve the accounts of all officers who left the vessels in July last, without leave, and that I am considered as one among the number. I regret exceedingly that the Department should labor under any mistake with regard to myself, and I hasten to correct it.

At the time Com. E. W. Moore was discharged from the service, I was on shore, by leave of absence. I soon after tendered my resignation, forwarding it through the Naval Commissioners, and informing them at the time, that I of course considered myself an officer, until an acceptance of my resignation could be had, and felt bound to perform my duties as such. They (the Commissioners,) tacitly consented to my remaining on shore; in fact, there was no necessity for my living on the vessels, as Doctors Clark and Peacock both remained, and there were many officers and men on shore who required my daily attention. I trust, sir, that the above statement will be entirely satisfactory, and for the truth of it, I refer you to Mr. Brashear, (one of the Commissioners,) who will be in Washington by the time this reaches you.

I avail myself of this opportunity to report to the Department in compliance with an order recently published.

I remain, very respectfully,

Your obedient servant,

THOS. P. ANDERSON,

Surgeon T. Navy.

[E]

OFFICE OF NAVY COMMISSIONERS, }
Galveston, 4th August, 1843. }

Hon. G. W. Hill,
Secretary of War and Marine,

Sir,—We have the honor to report the state of the vessels under our charge.

The ship *Austin* and brig *Wharton*, are moored at the usual anchorage. You will see by the accompanying Muster Rolls, the number of men and officers now on board, which are absolutely necessary to take care of the vessels, at least until the excitement and confusion subsides. As many of the men will be required for some time longer, we respectfully solicit further instructions relative to what promises can be made to them about their pay. Unless we can promise to pay them in a very short time, it will be impossible to keep them, and their leaving would compel us to hire others to complete the work now begun, and cause a much greater expense to the Government.

We will first employ the men now on board, in striking top-gallant, and top-masts, and dismantling the vessels so far as will render them more secure in case of heavy weather.

But little has been done to the other vessels, owing to our time having been entirely engrossed, in taking care of and trying to prevent the public property from destruction. We are now engaged in sending off the men, some to Houston, at their request, and others to the United States. This course we consider essentially necessary for the protection and safety of the public property, and as the only alternative left us to quiet the rage and excitement among the men.

As we mentioned in a former communication, this will be attended with an expense of several hundred dollars, which we hope the Honorable Secretary of War and Marine will think proper to sanction.

Again we beg leave to solicit your attention to the necessary funds required to fit out the brig *Archer* and schooner *San Bernard*, in a condition to offer them for sale. We are yet sanguine, that the estimate forwarded to the Department, of 3,620 dollars per funds, invested on them, will complete all that is required; and as Major Cocke has not received instructions from the Hon. Secretary of the Treasury, to advance near that

amount, he now, in justice to the duties of his office, declines making the needful advances to carry into effect the objects required of the Commissioners.

We herewith transmit Muster Rolls of the ship Austin and brig Wharton, and Inventories of articles on board these two vessels. Also, Accounts of Sales by auction. Those names marked thus * in the Muster Rolls of August 1st, requested us to forward their resignations to your Department. Many of the seamen have been subsequently discharged.

We omitted in a former communication to state, when the officers declared their intention of leaving the ship at 12 o'clock on the day of their resigning, that Doctor Anderson said at the time, he would remain on board, and attend to the sick until he heard from the Department.

We have the honor to be,

Very respectfully,

Your obedient servants,

WM. BRYAN,

WM. C. BRASHEAR,

Navy Commissioners.

[F]

DEPARTMENT OF WAR AND MARINE, }
Washington, March 9th, 1844. }

To Charles Mason, Esq., Auditor,

Sir,—Your communication of this date has been received, requesting to be furnished with a list of such officers, that are, or have been attached to the Navy, not entitled to pay, and to be informed “whether in the opinion of the Department, such officers as are not entitled to pay, should be included in making the aggregate of amount due the officers of the Navy, according to the act of the 5th ult.” In accordance with your request, I enclose herewith a list of officers lately attached to the Navy, who have been dismissed the service for misconduct in office, or dropped from the Rolls for the desertion of their posts; which, by reference, will be found to correspond with the list previously furnished, when taken into consideration with the

notice addressed you on the 29th ult. In the opinion of the Department, no rule or principle of naval or military discipline, is better established or more general in its application, than that an infraction of the known rules and regulations of the service of sufficient magnitude to deprive an officer of his commission, or a private of life, carries with it a forfeiture of all pay, and emoluments that may be due for services previously rendered.

It has been the uniform practice, in the naval as well as land service of this country, in reference to soldiers, and seamen; and why an officer should be exempt in this respect from the punishment awarded to inferiors for a like offence, has not, I conceive, been shown by an exception in any instance in favor of the latter. The rule has been applied to all who have disgraced the service, which every principle of duty required that they should respect and support. No good reason can be assigned why an officer, who by misconduct forfeits claim to rank and command, should not likewise forfeit his pay, or that he should be exempt from the penalties annexed to the violation of the rules and discipline of the service, both in respect of forfeiture of pay, and corporeal punishment, when the men under his command, are held subject both to one and the other. Punishment in reference to officers, for offences not capital, extends no further than dismissal from office, with a forfeiture of pay and emoluments to the Government for the nonfulfilment, on the part of the officer, of his engagement. The propriety of the rule, as well as its justice, is manifest in every service, when the lines are daily broken by desertion, or otherwise, and have to be filled by raw recruits. The Government under such circumstances, is even then poorly compensated for the expense incurred, in drilling and fitting officers for the prompt and efficient discharge of their duties, to say nothing of the injury sustained by the country and the service, consequent upon the delinquency and desertion of those on whom she relies for support.

In the case under consideration, the officers enumerated on the enclosed paper, have been dishonorably discharged from the service, or have abandoned it, and by consequence been dropped from the Rolls for offences which can be characterized by no milder terms than sedition, mutiny and desertion.

They have thereby, in the opinion of the Department, cancelled by their own acts, whatever may have been due them by the Government. This amount therefore, cannot be considered

in estimating the sum due the officers of the Navy, as it is settled as fully as though it had been paid to the officer. To pay the amount now, which has rightfully accrued to the Government, would be granting them a donation which, neither the condition of the country, nor their claims to merit, would justify; and to admit these cancelled claims, in making up the aggregate due the officers of the Navy, and set apart the *pro rata* amount claimed by them respectively, under the provisions of the law of 5th ult., would seem a very unequal award of justice; inasmuch as it would deprive those who have discharged their respective duties, with promptness and fidelity, of the benefits of the law, in a great degree, and so far subject them to the consequences resulting from the misconduct of others; whereas, the guilty should suffer exclusively the penalties annexed to their own crimes.

The aggregate amount then, due the officers of the Navy for services rendered during the years 1842 and '3, will be shown by the addition of the several balances remaining unpaid to those only who stand fair upon the Rolls.

The other claims are regarded as forfeited, and can only be paid by the authority of special legislative enactment.

I have the honor to be

Your obedient servant,

M. C. HAMILTON,

Acting Secretary of War and Marine.

[G]

DEPARTMENT OF WAR AND MARINE, }
Washington, February 29th, 1844. }

To Charles Mason, Esq., Auditor,

Sir,—The Department having just received the enclosed certificate, exonerating T. M. Taylor, late of the Navy, of the charge made against him by Com. E. W. Moore, of disposing of about thirty Colt's patent Pistols, belonging to the schooner San Bernard, while on the coast of Mexico in 1840 or '41, and fixing it upon Lieuts. O'Shannessy, Lansing and others, late of the Navy, I have to request that the Pistols in question be

charged upon your books against the estate of J. P. Lansing, deceased, he having been engaged in the sale of said arms, and the fact having been reported to him, while in command of the brig Wharton, by Lieut. Bunner, who had just then received information relative thereto. His never having reported the affair to the Department, is additional proof of his guilt: Thirty Colt's Pistols at \$37 50 amount to \$1,125. You will also charge to the account of T. M. Taylor, late Lieut. of the Navy, one Colt's Pistol, \$37 50, which he acknowledged to have presented to the British consul at Laguna, coast of Mexico, while at that place sometime in 1840, in command of the schooner San Bernard.

I have the honor to be,

Your obedient servant,

M. C. HAMILTON,

Acting Secretary of War and Marine.

HOUSTON, Feb. 17th, 1844.

Dear Sir,—Having understood that the Secretary of War and Marine has refused to approve your accounts, upon the grounds that you had not accounted for the loss of the small arms of the San Bernard, and knowing you to be innocent of said charge, I with pleasure give you the enclosed certificate.

Respectfully, &c.,

W. A. TENNISON.

Capt. T. M. TAYLOR.

I hereby certify, that whilst the vessels were lying in New Orleans I saw a correspondence between Captain O'Shanessy and Lieut. Lansing, in which the former made disclosures relative to the sale of the small arms of the San Bernard, at Lagaira de Terminas, by himself, Lansing and others, to the number of 25 or 30 Colt's pistols and other arms, and having been with you at the time you are charged with the said defalcation, I further certify that all the arms

were on board at the time you left, and were there when I left, which was some days after.

WM. A. TENNISON,
Lieut. in Texas Navy.

TREASURY DEPARTMENT, }
Auditor's Office, Jan. 3d, 1845. }

I certify the above is a true copy of the original on file in this office.

CHARLES MASON, Auditor.

GALVESTON, Feb. 24th, 1844.

Sir,—According to your request I hereby certify, that in a conversation held with James O'Shannessy, formerly a lieutenant commanding in the service of Texas, that he informed me that a number of Colt's pistols and carbines, belonging to the San Bernard, had been taken on shore at Laguna, and there disposed of by himself and others, and the proceeds used by him. He mentioned the names of Mr. Goldsborough and himself, and some others, whose names I do not now remember, as having been engaged in the transaction. I, on the receipt of this information, immediately informed Lieut. J. P. Lansing, then in command of the brig Wharton, (Captain Lothrop being sick,) of the fact; but whether he reported it to the Commodore or not I cannot say.

Very respectfully yours, &c.,
GEO. C. BUNNER.

To T. M. TAYLOR, Esq.

TREASURY DEPARTMENT, }
Auditor's Office, Jan. 3d, 1845. }

I certify the above is a true copy of the original on file in this office.

CHARLES MASON, Auditor.