

JOURNALS

OF THE

HOUSE OF REPRESENTATIVES

OF

THE STATE OF TEXAS.

1850
THIRD LEGISLATURE—THIRD SESSION.

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1850.

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HOUSE OF REPRESENTATIVES,

HOUSE OF REPRESENTATIVES.

AUSTIN, November 18, 1850. }

Pursuant to the proclamation of His Excellency, the Governor of the State of Texas, the third session of the Legislature thereof convened in extraordinary session at the Capitol in the city of Austin, on Monday the 18th day of November, A. D., 1850, at 11 o'clock, A. M., when the Chief Clerk proceeded to call the roll, and the following members appeared and answered to their names, to wit :

Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Clements, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Johnson, Lott, McKinney, Polk, Runnels, Selman, Shaw, Smith of Red River, Smith of Shelby, Speights, Sterne, Tarrant, Taylor, Williams and Wren.

There not being a quorum present, the Speaker ordered that the roll of Districts be called, when

Mr. Williams presented the credentials of the Hon. H. G. Hendricks, elected from the District of Fannin, to fill the vacancy created by the resignation of Hon. Alfred E. Pace.

Mr. Burney presented the credentials of the Hon. John Patrick, elected to fill the vacancy from the District of Brazos, Leon and Limestone, created by the resignation of Hon. E. M. Millican.

Mr. Taylor presented the credentials of Hon. Joseph Taylor, elected from the District of Harrison and Upshur, to fill the vacancy created by the resignation of Hon. John H. McNairy.

The newly elected members appeared and took the oath of office and their seats.

There still not being a quorum present, on motion, the House adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called, and a quorum being present, the Speaker announced that the House of Representatives was now ready to proceed to business.

On motion, Hon. L. T. Wigfall, member elect from Harrison, to supply the vacancy created by the resignation of Hon. J. M. Clough, presented himself with his credentials, took the oath of office and his seat.

The Speaker announced that he had received a communication from the Sergeant-at-Arms, informing the House of his unavoidable detention from the Capital, the letter having been read,

On motion of Mr. Runnels, the Chief Clerk was authorized by the House to appoint a Sergeant-at-Arms, *pro tempore*.

There being a vacancy in the office of Engrossing Clerk,

On motion of Mr. Sterne, the House proceeded to the election of that officer.

The Speaker having announced that nominations were in order,

Mr. Lott nominated Mr. McLemore.

Mr. Dickson " " J. G. Smith.

There being no other nominations, the House proceeded to ballot.

Messrs. Jowers and Clements were appointed tellers.

When upon counting the votes, it appeared that

Mr. McLemore had received 5 votes, and

" Smith " " 28 "

Mr. Smith having received a majority of all the votes cast, was declared by the Speaker duly elected Engrossing Clerk of the House of Representatives for the present session.

On motion of Mr. Burney, a committee, consisting of Messrs. Burney, Sterne and Fields, was appointed to wait upon the honorable Senate, and inform that body that the House of Representatives had organized and were now ready to proceed to business.

After a short period, the committee returned, and through Mr. Burney, reported duty performed.

A message was received from the honorable Senate, through the Honorable A. H. Latimer, informing the House that the Senate had organized and were ready to proceed to business.

Mr. Lewis moved that a committee be now appointed to act in conjunction with a like committee of the honorable Senate, to wait upon his Excellency, the Governor, and inform him that the

Legislature had organized and were ready to receive any communication he might have to make.

The Speaker appointed Messrs. Lewis, Bryan and Hardeman of Nacogdoches, to compose said committee, who retired, and after a short absence returned and reported duty performed, and that His Excellency, the Governor, returned for answer, that he would send in a communication in writing to both Houses of the Legislature at 10 o'clock to-morrow.

On motion of Mr. Sterne, the resolution of the extra session of the Legislature, subscribing for five copies of the newspapers printed in the City of Austin, for the use of the House, was rescinded.

Mr. Sterne offered the following resolution:

Resolved, That the committee on printing be instructed to contract with one of the Printing establishments in this City, for one copy of their paper for each member of this House, as often as the same may be issued; provided, that said paper contains the journals of the House; and that the same be paid for out of the contingent fund of this House."

Mr. Clements moved to strike out "one," and insert "ten."

Mr. Tarrant moved to amend further, by inserting "provided that said papers be paid for by each member out of his private fund."

Which was accepted by Mr. Clements.

The question being then taken upon the adoption of the amendment as amended, it was rejected.

The question then recurring upon the adoption of the original resolution, was put and carried.

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

AUSTIN, Nov. 19, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees : Messrs. Bee, Crump, Franklin, Gillet, Hendricks, Holland, Lewis, Shea, Shepard, Stewart, Tarrant, Williams and Winfield.

Journal of yesterday read.

Mr. Stapp moved to amend the journal by striking out in first

line, all after the word "pursuant," to the word "proclamation," and add the words "to the," in same line.

Upon which, the yeas and nays were called, and stood as follows:

Yeas—Messrs. Bryan, Clements, Fields, Lott, McKinney, Owen, Reynolds, Runnels, Stapp, Sterne, Tarrant, Taylor of Harrison, and Wigfall—13.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Johnson, Jowers, Lloyd, Patrick, Polk, Russell, Scott, Selman, Shaw, Shea, Smith of Red River, Speights, Taylor of Cass, and Wren—23.

So the motion to amend was lost.

The question then recurring upon the adoption of the journal, was put and carried.

Mr. Wren submitted the petition of the heirs of Samuel P. Sheffield, praying for a grant of land; referred to the committee on Private Land Claims.

Mr. McKinney submitted the petition of Luke A. Falvel, praying for a grant of land; referred to the committee on Private Land Claims.

Mr. Sterne submitted the petition of sundry citizens of Anderson county, praying for an alteration in the law relating to the disposition of school lands, (so far as relates to Anderson county,) which was referred to the committee on Education.

Mr. Patrick presented the petition of sundry citizens of Grimes, Walker and Leon counties, praying for the creation of a new county; and the petition of sundry citizens of the same counties, remonstrating against the creation of any new county or change of boundary; referred to committee on Counties and County Boundaries.

Mr. Patrick submitted the petition of sundry citizens of Leon county, praying for a change of the boundary line of Anderson county; referred to the committee on Counties and County Boundaries.

Mr. Patrick submitted the petition of Stokely D. Shoate, praying for relief; referred to the committee on Private Land Claims.

Mr. Cochran submitted the petition of sundry citizens of Denton county, praying the passage of a law better defining the boundary lines of the county of Denton; referred to the committee on Counties and County Boundaries.

A message was received from His Excellency, the Governor of the State, through his Private Secretary, Mr. Harrison, transmitting a communication in writing.

Mr. McKinney offered the following resolution, which was read and adopted:

“*Resolved*, That the Judiciary committee be requested to report a bill regulating the election of Judges of the Supreme Court, at their earliest convenience.”

Mr. Russell moved that a committee be appointed to invite the honorable Senate into the House of Representatives at half-past 10 o'clock to-day, to hear the reading of the message of His Excellency, the Governor, just transmitted to this House; carried.

The Speaker appointed Messrs. Russell, Sterne and Patrick to compose said committee.

A message was received from the Senate, informing the House that the Senate, had elected to fill vacancies which had occurred, Mr. James F. Johnson Assistant Secretary of the Senate, and Mr. Joseph Mangum Doorkeeper.

Mr. Fields introduced the following resolution, which was adopted:

“*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of proposing to the people such an amendment to the Constitution as will give the district courts appellate jurisdiction over causes tried by Justices of the Peace, and report thereon as early as practicable.

Mr. Fields moved that Mr. Wigfall be added to the committees on the Judiciary, State Affairs and Apportionment.

On motion of Mr. Lott, Mr. Taylor of Harrison, was added to the committees on Public Debt and Apportionment.

On motion of Mr. Williams, Mr. Hendricks was added to the committees on Public Debt, Public Printing and Privileges and Elections.

On motion of Mr. Burney, Mr. Patrick was added to the committees on Claims and Accounts, Public Lands and Apportionment.

On motion of Mr. Smith of Red River, Mr. Hendricks was added to the committee on the Judiciary.

On motion of Mr. Bryan, the House took a recess of 10 minutes.

Recess expired—House called to order—roll called—quorum present.

Pursuant to the invitation of the House, the honorable Senate now appeared, headed by their President, who was invited to a seat on the right of the Speaker, and Senators to seats prepared for them, when the roll of the two Houses, was respectively called by the Secretary of the Senate and Chief Clerk of the House, and a quorum of each found to be present.

The Speaker then announced to the two Houses that he had received from His Excellency, the Governor, a communication in writing, which His Excellency respectfully requested should be read to the two Houses of the Legislature; whereupon the Chief Clerk proceeded to read said communication as follows, to wit:

EXECUTIVE DEPARTMENT, }
Austin, November 18, 1850. }

To the Honorable, the

Senate and House of Representatives:

GENTLEMEN:—An event which was no doubt anticipated by you at the time of your recent adjournment, and which has since been officially communicated to me as the Executive of the State, has rendered it necessary for me to assemble you again in extraordinary session. And in greeting you once more as the representatives of the people, I have much pleasure in congratulating you on the improved auspices under which we meet for the tranquility and peace of the State, and the amicable adjustment of all matters of difference which were likely to arise with the Federal Government in respect to our territorial limits.

On the 27th of September last, I received by express from the Department of State at Washington City, a certified copy of two sections of an act passed by the Congress of the United States, "proposing to the State of Texas the establishment of her northern and western boundaries, and the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claim upon the United States, and to establish a Territorial Government for New Mexico."

You will perceive upon an examination of the propositions, thus submitted, (a copy of which is herewith laid before you,) that their acceptance by the State can be manifested only by an act of its Legislature; and to make the agreement "binding and obligatory upon the United States," it is necessary that your action shall be consummated on or before the first day of December next. The importance, therefore, of assembling you in extraordinary session at as early a day as was practicable after the receipt of the authenticated copy of the two sections of the act above referred to, was so obvious to my mind that I did not hesitate a moment to issue my proclamation convoking the Legislature on the third Monday in November: which proclamation, together with the bill as transmitted to me by the Hon. Secretary of State, I caused at once to be conveyed to every portion of the

State, with the utmost despatch, by special messengers employed for that purpose.

The short period intervening between the time when these propositions reached the Executive and that in which they were to be finally acted upon by the State Legislature, would have induced me to have chosen an earlier day for your meeting, had I believed it practicable to convey the information which the propositions contained to the remote counties of the State in time to have afforded our fellow-citizens an opportunity for forming and expressing their opinions on the important subjects to be presented to you, and thus enable you, as their immediate agents, to execute their will in your legislative action upon these subjects.— This, I trust, will satisfactorily explain to your Honorable body, and to our constituents, what may have appeared to some (inattentive to, or not cognizant of, the true attitude of the subject to which your deliberations are now to be directed,) as an unnecessary delay in the time appointed for your assembling together.

It is true that there is nothing in the act of Congress embracing the propositions herein referred to which required that they should be submitted to the people at all, and from the very limited period allowed for their acceptance or rejection, such a reference does not seem to have been contemplated—the Legislature alone being required to act upon them. This feature in the bill of Congress engaged the anxious attention of the Executive, and imposed a degree of responsibility, which was cheerfully and promptly met, I trust, in a manner satisfactory to the country. In a government and country like ours, where all political power emanates directly from the people, and where their representatives and agents are only employed for a limited period to carry out their will when fairly and clearly ascertained, I could not for a moment believe that a measure of such vast importance in every point of view as the dismemberment of their State and the disposition of a large portion of it for purposes not embraced in the original organization of their government, should be acted upon without affording to the people at large an opportunity for making known their opinions and expressing their wishes upon this measure. I therefore, simultaneously with the proclamation convening the Legislature, issued another, embracing therein, word for word and letter for letter, the authenticated copy received from the Hon. Daniel Webster, Secretary of State, and by which the Chief Justices of their respective counties throughout the State were directed to cause polls to be opened at the various precincts as early as could be done after giving the

necessary notices, and at which the citizens of the State could express their sentiments as to the propriety of accepting or rejecting the propositions submitted to the State, and make those sentiments known as a guide for the action of their Representatives when assembled in their Legislative Halls.

In adopting this course I am sustained by the confidence that the citizens of our State will accord to me the justice of having respected one of the great and essential principles asserted in our Constitution, which declares that all political power is inherent in the people, and I trust that there is no member in either branch of the Honorable Legislature who will suppose that I have had any desire to control or trammel him in the free exercise of his own judgment upon this grave and important subject.

Regarding the act which you are now called upon to perform as one requiring the exercise of high sovereign powers—powers that are rarely delegated by the people, except to agents expressly chosen with reference to them, and believing it to be the desire of every member of your honorable body to carry out in the purity and spirit of our republican institutions and form of government the wishes of those by whom they have been delegated. I did not believe that I could render you a more acceptable service than by adopting a practicable, and the only practicable mode which the time permitted, of causing those wishes to be made known to you before you should be called on to act finally on a question involving such high and vital interests to the State.

To the Chief Justices of the different counties was confided the discretion of appointing the day of receiving the votes upon the propositions submitted, and I was induced to adopt this arrangement from the very limited time (much too limited) which the bill allowed the State for consideration and action. It imposed a degree of responsibility that I was assured would be promptly met, and necessarily excited vigilance in the duty required, calculated to elicit a more general expression of the popular voice. These officers were directed to make their returns of the votes cast at the polls directly to the Legislature, through the presiding officer of each respective branch, and the Executive is not therefore officially informed of the precise character of those returns. From the unofficial returns, however, which have been received, there remains but little doubt that the people of the State who have rendered their votes have decided, by a majority, for the acceptance of the propositions made by Congress, much as they repudiate some of the features, regarding

them (as I have no doubt they did) as a peace offering, which the State might receive without any sacrifice of principle or honor, and as a means of restoring that harmony of feeling and action which it is so desirable should exist between the Federal and State Governments.

Entertaining then but little doubt from the favorable expression of the popular will that the propositions made by the General Government will be accepted by your honorable body, I respectfully suggest in this anticipation, that immediately after that matter shall have been decided, some provision be made for the communication of the result to the proper authorities at Washington city, with as little delay as practicable.

It may be also necessary that the Legislature should take into consideration other matters connected with this subject, and to adopt suitable action in reference to it.—The act of Congress submitting the propositions stipulates that the United States will pay to Texas ten millions of dollars in a stock bearing five per cent interest, redeemable in fourteen years, in consideration of her relinquishment of territory, and of all claim for liability of the debts of Texas, and for compensation or indemnity for such public revenues and property as were transferred to the United States at the time of annexation; that no more than five millions of the stock shall be issued until the creditors of the State holding bonds, or other certificates of stock of Texas, for which duties on imports were specially pledged, shall first file at the Treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates.”

It is to be regretted that Congress was not more specific in defining in this article, the mode of ascertaining and making known at the Federal Treasury the amount of debt for which this five millions of stock are to be retained, or had not deemed the relinquishment by the State of all liability on the part of the United States, as a sufficient guarantee; for it is manifest that the officers of the Treasury can never know except through the acts of the properly authorized officers of Texas, what is the amount of “bonds or stock” now due from the State, and “for which duties on imports were specially pledged,” and consequently can never know from any other source when the time will arrive for issuing the stock on the retained five millions. Every creditor of the State embraced in this provision might file his relinquishment at the Treasury of the United States, and still the stock would not be issued, because under the law no mode has been prescribed for the ascertainment and establishment at the Treasury of the United States the actual amount of debt for which the retained five millions stock were pledged.

We ought not to presume, nor does the language of the act require us to do so, that the General Government intended to assume the right of adjusting the liabilities of Texas, incurred whilst she possessed a separate national character and of settling with her creditors upon the terms of such an adjustment, without reference to and respect for her own acknowledgment of the extent and validity of their claims. We can only suppose that the provision to which I have adverted, was incorporated in the law as a security on the part of the United States against all liability for the payment of such legal and acknowledged claims against Texas as her transferred revenue was pledged to protect. Texas alone, can determine what those claims are, and to Texas only can they look now for their adjustment. I would therefore, recommend to the Honorable Legislature the passage of a law (if the present existing laws on this subject are not deemed sufficient) which will authorize and require the Auditor and Comptroller to make out a tabular statement of the amount for the payment of which the Custom House revenue of the late Republic was pledged, and for which the State is now justly and equitably indebted; this statement to be filed at the Treasury of the United States as evidence; and the only evidence which the State can admit of her liabilities to such creditors—and comparing this statement, I can perceive no reason why the rule hereto adopted for ascertaining the actual value of the debt at the time it was created, and of allowing interest thereon, should not be observed.

It was the misfortune of Texas when laboring under a greatly depressed financial condition in her struggle for independence, to enter into contracts for different objects, supposed to be beneficial to her government, embracing stipulations therein, by which the Republic was obligated in the event of a failure to comply with the contracts at maturity, to issue to the contractors bonds double the amount called for in the original contract; some of these contracts were not cancelled at the time specified, and bonds of the government for double the amount actually expended, were issued and delivered to the parties concerned and the revenues of the Republic pledged for their redemption. These bonds now constitute a very material item of the public debt of Texas, for which certificates of stock for the five millions of dollars are withheld. A feature in contracts such as these, if made between individuals, would, under the laws of most civilized countries be void for usury. The creditor in some instances would lose not only the amount of the unlawful exaction, but likewise his debt. I do not desire or intend to suggest the adoption of so stringent a rule to contracts made by governments. The government should certainly pay to its creditors the full amount of the benefits re-

ceived, and interest on the amount from the time when it should have been paid. This is all that our creditors ought in justice to require, and it is all according to the highest standard of moral ethics that we are bound to accord to them.

I would also recommend, that a law be passed requiring all creditors holding claims against the late Republic of Texas, and for which the revenues arising from impost duties were specially pledged, to file releases in favor of the United States, in respect to said claims with the Comptroller of the State within a specified time, and in default thereof, their claims upon the United States for liability of said debts growing out of the transfer of the revenue under the articles of Annexation, shall be considered as waived. Measures of this sort, it occurs to me, are absolutely necessary for a settlement with the Treasury of the United States within any reasonable time of the amount which under the act referred to is to be retained as a security against these claims.

In what manner the State shall dispose of the five millions of dollars, for which certificates of stock will be issued and placed at its control as soon as notice is given of the acceptance of the proposition, presents a subject, it occurs to me, of too much importance to the future prosperity and advancement of the country, to be acted upon by the Honorable Legislature at its present session. It is one which will require much reflection and deliberation, not only on the part of the Representatives of the people, but the people themselves whose interests are to be so materially affected, should have an opportunity of bestowing upon it deep and matured thought, before a plan can be indicated which is most likely to secure to the State all the practical advantages to be derived from the acceptance of the propositions now before you. Up to the present period, the citizens of the country have had no means of forming or expressing their opinions in reference to it, and it occurs to me, that their Representatives who were not chosen with any view to act upon a question of so much importance, and who have had but little opportunity of acquiring a knowledge of their will in regard to it, will not be disposed to precipitate measures which might not meet the approbation of their constituents, and the delay of which can result in no injury to the State.

There is to be superadded to this, the consideration that the agitation of this subject at your present session will, from the great diversity of opinions no doubt existing in reference to it, elicit long and labored discussions, protracting the session and necessarily creating a heavy draft on the Treasury already in a

feeble and exhausted state. Though secondary in importance, this objection is not without its force and validity, for the disturbing incidents of the last year have made our State prolific in Legislative bodies, causing a heavy drain upon the Treasury; and it now becomes an important desideratum in our political economy to restrict the action of the one in order to curtail the exhausting drafts upon the other; besides the progressive and healthful condition of affairs of the State generally affords ample and satisfactory evidence that its prosperity is not likely to be materially retarded for want of legislative action.

By holding on to the stock for the present, the interest accruing from it would be more than sufficient to meet the immediate and pressing demands upon the Government and the members of another Legislature would assemble better prepared after the subject has been discussed throughout the country to make such ultimate disposition of the amount referred to, as would be most conducive to the public weal.

I have therefore no recommendation to make to your honorable body other than that the disposition of the funds be postponed for the action of a future Legislature.

In adopting these suggestions, my mind has been directed chiefly to measures promotive of the general good, without for a moment losing sight of the wishes and interest of our creditors. In disposing of the five millions of stock, the delay which I have proposed is not with a view to disparage any just or equitable claim. An honest payment of the public debt and a rigid preservation of the public faith embraces in my humble judgment a principle too sacred ever to be disregarded, certainly ever to be abandoned, by those intrusted with the faith, integrity and stability of our State government: but individual interest must, under the circumstances, yield to the public weal. An important portion of the public debt yet remains to be ascertained, and by existing laws the creditors are allowed until September next to file their claims with the Auditor and Comptroller for adjustment. These claims, (if immediate action be taken,) the Legislature cannot be properly prepared for; when by the delay proposed until the meeting of the Legislature at its regular session, the entire public debt will have been ascertained, and legislative action can then be based upon a thorough knowledge of the subject.

Within the last year, gentlemen, you have been thrice assembled, and upwards of four months within that period have been employed by you in legislative action, subjecting you to much personal inconvenience and trouble, and the State to an expenditure which she is badly prepared to meet, and you will, I am sure,

pardon me for suggesting that neither the public interest demands nor will the constitution nor the general sentiment of the country sanction that your labors at the seat of government be prolonged at this time beyond a very reasonable period after you shall have completed the work for which you have been specially assembled; and in this view the Executive does not desire to engage the attention of your Honorable Body with any subject disconnected with the grave and important question upon which you are now called to act.

I invoke for your Honorable Body in conducting the public councils, a spirit of kindness, courtesy, and conciliation, commensurate with your high position and the sacred trust confided to you; and I sincerely hope that the result of your labors may by the decision of after times prove to have been for the happiness and prosperity of our State, and that you may return to the bosom of your constituents with the inward approbation of having faithfully discharged your duties to the State, and receive from them the highest tribute awarded to public servants,—the warm greetings and plaudits of their fellow-citizens.

P. H. BELL.

The reading of the communication having been concluded, the honorable Senate returned to their chamber.

Mr. Williams introduced the following resolution, which was adopted:

Resolved, That so much of the Governor's message as refers to the proposition made by the United States, for the purchase of a part of our Northwestern territory, be referred to a select committee, with instructions to report at as early a day as may be practicable, and that the Senate be requested to appoint a similar committee to act in conjunction with the same.

The Speaker appointed on the part of the House, Messrs. Williams, Runnels, McKinney, Stapp, Stewart and Polk to compose said committee.

Mr. Runnels introduced the following resolution:

Resolved, That the House of Representatives will entertain no other business during its present extra session, than that specially recommended by His Excellency the Governor, or subjects directly connected therewith, without the consent of four-fifths of the members thereof.

The rules of the House requiring that the resolution should lie on the table one day for consideration, Mr. Dickson moved a suspension of the rule.

Upon which the yeas and nays were called, and stood as follows:

Yea—Messrs. Speaker, Charlton, Dickson, Hardeman of Nacogdoches, Hardeman of Travis, Johnson, Jowers, McKiuney, Owen, Polk, Reynolds, Runnels, Scott, Selman, Shaw, Smith of Shelby, Speights, Sterne, Stewart, Taylor of Cass, Williams and Wren—22.

Nays—Messrs. Bogart, Bryan, Burney, Clements, Cochran, Crump, Fields, Hendricks, Lewis, Lloyd, Lott, Patrick, Russell, Shea, Stapp, Tarrant, Taylor of Harrison, and Wigfall—18.

So the motion to suspend the rule was lost.

Mr. Taylor of Cass moved that the committee on Public Printing be instructed to contract for the printing of 2,000 copies of the Governor's message in the English, and 500 copies in the Spanish language; lost.

Mr. Runnels moved that the committee be authorized to contract for 1,000 copies in the English, 300 in the Spanish and 200 in the German languages; which motion was adopted.

Mr. Wren offered the following resolution, which, on motion of Mr. Dickson, was laid on the table for the present:

Resolved by the House of Representatives, the Senate concurring, That the two Houses will meet in joint session in the Hall of the House of Representatives on Wednesday the 20th inst., at 11 o'clock A. M., for the purpose of counting the votes on the acceptance and rejection of the proposition made by the General Government of the United States to the State of Texas, for the purchase of a portion of the Northwestern territory of this State.

On motion of Mr. Scott, the Chief Clerk was directed to furnish Mr. Russell with a copy of the Governor's message, to be transmitted to Mr. Martell, for translation into the German language.

On motion of Mr. Bryan, that portion of the Governor's message not already referred to the Select committee, was referred to the committee on State Affairs.

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

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Russell, by leave, introduced a bill to incorporate Fayette Academy, in the county of Fayette; read first time.

Mr. Russell moved to suspend the rule, in order to place the bill upon its second reading.

Mr. Scott moved to lay the bill upon the table until the 4th day of July next.

Upon which motion the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Charlton, Dickson, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Jowers, Polk, Runnels, Scott, Selman, Shaw, Shepard, Speights, Stewart, Taylor of Cass, and Williams—15.

Nays—Messrs. Bogart, Bryan, Burney, Clements, Cochran, Hendricks, Lloyd, Lott, McKinney, Owen, Patrick, Russell, Shea, Smith of Red River, Smith of Shelby, Stapp, Tarrant, Taylor of Harrison, Wigfall and Wren—20.

So the House refused to postpone the bill.

The question then recurring upon the motion of Mr. Russell to suspend the rule, was put and lost.

Mr. Taylor of Cass moved to take up from the unfinished business of the last extra session of the Legislature, a bill to be entitled an act to amend an act to organize the Supreme Court of the State of Texas.

The Speaker decided the motion out of order.

Mr. Taylor of Cass then appealed from the decision of the chair.

Upon which appeal the yeas and nays were called, and stood as follows:

Yeas—Messrs. Bogart, Bryan, Burney, Clements, Cochran, Dickson, Hardeman of Travis, Holland, Lloyd, Lott, McKinney, Owen, Polk, Runnels, Selman, Shepard, Smith of Red River, Speights, Stapp, Stewart, Taylor of Harrison, Wigfall and Williams—23.

Nays—Messrs. Charlton, Hardeman of Nacogdoches, Hendricks, Johnson, Jowers, Patrick, Russell, Scott, Shaw, Shea, Smith of Shelby, Tarrant, Taylor of Cass and Wren—14.

So the House sustained the decision of the chair.

Mr. Shepard presented the credentials of the Hon. Zimri Hunt, member elect from the counties of Austin and Colorado, to fill the vacancy occasioned by the resignation of the Hon. Wm. E. Crump, who came forward, took the requisite oath of office and his seat.

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

AUSTIN, November 20, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Bryan, Crump, Fields, Gillet, Lewis, Owen, Polk, Runnels, Shepard, Stewart and Winfield.

Journal of yesterday read and adopted.

Mr. Tarrant submitted the petition of citizens of Henderson and Kaufman counties, praying a change of the boundary lines of Henderson county; referred to the committee on Counties and County Boundaries.

Mr. Tarrant submitted the petition of Micajah Goodwin, praying for relief; referred to the committee on Private Land Claims.

Mr. Bogart submitted the petition of Wm. P. Burnes and John A. Burnes, praying for relief; referred to the committee on Private Land Claims.

Mr. Bogart submitted the petition of Thomas Rattan, praying for relief; referred to the committee on Private Land Claims.

Mr. Charlton, chairman of the committee on County Boundaries, made the following report:

COMMITTEE ROOM, November 20, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on County Boundaries, to whom was referred the petition of the citizens of Denton county, praying the establishment of their county seat, have had the same under consideration and have instructed me to report the accompanying bill, and recommend its passage.

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

Mr. Hendricks introduced a bill to require the judges of the District Courts of the State to alternate in holding the courts in their respective districts; rule suspended, and bill referred to the Judiciary committee.

Mr. Stapp introduced a bill for the benefit of certain persons therein named; read first time.

On motion of Mr. Franklin, the rule was suspended, bill read second time, and referred to the committee on the Public Debt.

On motion of Mr. Clements, Mr. Wigfall was added to the Joint Select committee on the Governor's Message.

On motion of Mr. Shepard, Mr. Hunt was added to the committees on Claims and Accounts, State Affairs and Federal Relations.

On motion of Mr. Lloyd, the House proceeded to the orders of the day, and to the business on the Speaker's table.

ORDERS OF THE DAY.

A resolution to change the order of business; read second time.

On motion of Mr. Dickson, a call of the House was ordered.

On motion of Mr. Scott, a further call was suspended.

On motion of Mr. Runnels, the resolution above referred to was laid on the table for one hour.

A bill to incorporate Fayette Academy, in the county of Fayette; read second time; and on motion of Mr. Russell, laid on the table for the present.

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

3 O'CLOCK P. M.

House met pursuant to adjournment—roll called—quorum present.

A resolution changing the order of business being the special order.

Mr. Bryan offered the following amendment: after the word "therewith," in fourth line, insert "and regulating the election of Judges of the Supreme Court."

Mr. Taylor of Cass offered an amendment to Mr. Bryan's amendment, as follows: "and the organization of the Supreme Court of the State of Texas;" which was rejected.

On motion a call of the House was ordered.

On motion, a further call was suspended.

Mr. Lott offered the following amendment to Mr. Bryan's amendment: "and the appointment of an Attorney General in cases where the present Attorney cannot act;" adopted.

The question then being taken upon the adoption of Mr. Bryan's amendment as amended, was carried.

Mr. Stapp moved to lay the resolution upon the table; upon which motion the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Clements, Cochran, Crump, Franklin, Hendricks, Lloyd, Lott, Owen, Russell, Selman, Shepard, Smith of Red River, Smith of Shelby, Stapp, Tarrant, Taylor of Harrison, Wigfall and Williams—20.

Nays—Messrs. Bryan, Burney, Charlton, Dickson, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Hunt, Johnson, Jowers, McKinney, Patrick, Polk, Reynolds, Runnels, Scott Shaw, Speights, Sterne, Stewart, Taylor of Cass and Wren—22

So the motion to lay on the table was lost.

Mr. Holland, moved the adoption of the resolution, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Bryan, Burney, Charlton, Dickson, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Hunt, Johnson, Jowers, McKinney, Reynolds, Runnels, Scott, Shaw, Speights, Stewart, Taylor of Cass and Wren.—21

Nays: Messrs. Bogart, Clements, Cochran, Crump, Franklin, Lloyd, Lott, Owen, Patrick, Polk, Russell, Selman, Shepard, Smith of Red River, Smith of Shelby, Stapp, Sterne, Tarrant, Taylor of Harrison, Wigfall and Williams—21. So the resolution was rejected.

Mr. Williams, chairman of the joint select committee on the part of the House, to whom was referred such portions of the message of His Excellency, the Governor, as refers to the propositions made by the United States to the State of Texas, relative to the sale of our Northwestern territory, etc., made the following report:

COMMITTEE ROOM, Austin, Nov. 20, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The select committee of the Senate and House of Representatives to whom was referred such portions of the Governor's message as refers to the propositions made by the United States to the State of Texas relative to the establishment of our boundaries—cession of claim to territory exterior to the boundary in said propositions contained, etc., etc., have had the same under consideration, and a majority thereof, satisfied that a large majority of the people of Texas are willing to accept the said propositions according to the meaning and intent thereof; therefore a majority of said committee have instructed us to report the bill herewith accompanying and to recommend its passage, to wit:

A bill accepting the propositions made by the U. States to the State of Texas, in an act of the Congress of the U. States, approved the 9th of September, 1850, entitled "an act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial Government for New Mexico."

Whereas, said propositions are contained in the first section of said act, in the following words and figures, to wit: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following propositions shall be, and the same hereby are, offered to the State of Texas, which when agreed to by the said State in

an act passed by the General Assembly, shall be binding and obligatory upon the United States and upon the said State of Texas : *provided*, the said agreement by the said General Assembly shall be given on or before the first day of December, eighteen hundred and fifty.

First : The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich, thence her boundary shall run due south to the thirty-second degree of north latitude, thence on the said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

Second : The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries, which she agrees to establish by the first article of this agreement.

Third. The State of Texas relinquishes all claim upon the United States for liability of the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, customhouses, customhouse revenue, arms and munitions of war, and public buildings with their sites, which became the property of the United States at the time of the annexation.

Fourth. The United States in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims will pay to the State of Texas, the sum of ten millions of dollars in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half yearly at the Treasury of the United States.

Fifth. Immediately after the President of the United States shall have been furnished with an authentic copy of the act of the General Assembly of Texas accepting these propositions, he shall cause the stock to be issued in favor of the State of Texas, as provided for in the fourth article of this agreement : *Provided also*, That no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, for which duties on imports were specially pledged, shall first file at the Treasury of the United States, releases of all claim against the United States for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States : *Provided*, That nothing herein contained,

shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March first, eighteen hundred and forty-five, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise.

Therefore, 1st. *Be it enacted by the Legislature of the State of Texas,* That the said Legislature hereby agrees to and accepts said propositions; and it is hereby declared that the State of Texas shall be bound by the terms thereof, according to their true import and meaning.

2d. That the Governor of this State be, and he is hereby, requested to cause a copy of this act, authenticated under the seal of the State, to be furnished to the President of the United States by mail as early as practicable; and also a copy thereof certified in like manner, to be transmitted to each of the Senators and Representatives of Texas, in Congress, and that this act take effect from its passage.

On motion of Mr. Stapp, the rule was suspended; bill read second time.

Mr. Wigfall offered the following amendments to the bill:

Amendment No. 1. Strike out all between the words "Provided, also," of the 5th clause of the 1st section, and the words "Provided, that nothing herein contained," and insert; "That the Federal Government shall have power to retain at the Treasury of the United States as large an amount of the ten millions offered for that portion of the territory of Texas which it is proposed that she shall cede to the United States, as is necessary to pay the bonds of the State of Texas, for which her revenues arising from impost duties were pledged, according to their graded value, to be ascertained by the Comptroller of the State of Texas."

Amendment No. 2. Strike out the words "claim to," in the 2nd section, and after the word "agreement," insert: "and the U. States agree that the said territory so ceded by the State of Texas, shall not be admitted into the Union as a State, till it shall contain a population as great as that required for the election of a member of Congress, at the time the said Territory may apply for admission, and that in the meantime the laws of Texas shall prevail in said Territory, so far as the same are applicable to African slavery: but that the said Territory may be admitted into the Union as a State without reference to population, whenever the State of Texas shall, by an act of her Legislature, agree to the same."

Mr. Bryan moved that the bill and amendments be laid on the

table, and made the special order for half-past three o'clock to-morrow, upon which the yeas and nays were called and stood as follows:

Yeas: Messrs. Bryan, Clements, Crump, Franklin, Hunt, Lewis, Lott, Reynolds, Shepard, Stapp, Tarrant, Taylor of Harrison, and Wigfall—13.

Nays: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lloyd, McKinney, Owen, Patrick, Polk, Runnels, Russell, Scott, Selman, Shaw, Smith of Red River, Smith of Shelby, Speights, Sterne, Stewart, Taylor of Cass, Williams and Wren—31. So the motion was lost.

Mr. Tarrant moved that the bill be made the special order for half-past ten o'clock to-morrow, and that the committee on printing be authorized to contract for the printing of fifty copies of the bill and amendments.

Mr. Bogart moved a division of the question; carried.

The question first recurring upon that part of the motion making the bill the special order for half-past ten o'clock to-morrow, the yeas and nays were called, which stood as follows:

Yeas: Messrs. Bryan, Clements, Crump, Fields, Franklin, Hardeman of Travis, Holland, Hunt, Lewis, Lott, McKinney, Owen, Polk, Reynolds, Russell, Shaw, Shepard, Smith of Shelby, Stapp, Tarrant, Taylor of Cass, Taylor of Harrison, Wigfall, and Williams—24.

Nays: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Hardeman of Nacogdoches, Hendricks, Johnson, Jowers, Lloyd, Patrick, Runnels, Scott, Selman, Smith of Red River, Speights, Sterne, Stewart, and Wren—20.

So the motion was adopted.

The question upon printing fifty copies of the bill and amendments, was then put and carried.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had appointed a committee of three, consisting of Messrs. Robertson, Ward and Brashear, to enquire into the amount of the Public Debt, with instructions to report a bill providing for the filing at the Comptroller's Office of the State, within a given time, all the evidences of indebtedness against the State, with the necessary releases against the United States for her liability for said debts, and requesting the appointment of a like committee on the part of the House.

The Speaker appointed Messrs. Stapp, Taylor of Harrison, Bryan, Russell and Smith of Red River, to compose said committee on the part of the House.

Mr. Scott moved to reconsider the vote adopting the journal of Monday the 18th inst.

On motion of Mr. Franklin, the motion of Mr. Scott to reconsider, was laid on the table for the present.

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

ATLANTA, November 21, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Burney, Franklin, Gillet, Johnson, Jowers and Winfield.

Journal of yesterday read, corrected and adopted.

Mr. Russell submitted the petition of Peter Lopez, praying for relief; referred to committee on Military Affairs.

Mr. Selman submitted the petition of the heirs of Sion and Sarah Blythe, praying for relief; referred to the committee on Private Land Claims.

Mr. Bryan submitted the petition of Reuben R. Brown, praying for a grant of land; referred to the committee on Private Land Claims.

Mr. Bryan submitted the petition of sundry citizens of Brazoria county, praying for an act of incorporation for certain purposes; referred to the committee on Internal Improvements.

Mr. Lewis submitted the petition of D. C. Ogden and J. S. Sutton, praying for relief in a certain case; referred to the committee on State Affairs.

Mr. Shepard submitted the petition of the Grand Jury of Washington county, praying the passage of a law quieting disputed jurisdictions; referred to the committee on State Affairs.

Mr. Bogart introduced a bill to authorize the settlers in Peters' Colony to intervene in suit or suits, in reference to any matter connected with said colony contracts, where they have an interest; read first time.

Mr. Franklin introduced a bill to be entitled an act to amend the first section of an act, entitled an act to incorporate the Galveston and Brazos Navigation Company; read first time; on motion, rule suspended, bill read second time, and referred to the committee on Internal Improvements.

Mr. Lloyd introduced a bill to be entitled an act, to amend an act entitled an act to organize the Supreme Court of the State of Texas; read first time.

Mr. Tarrant introduced a bill to be entitled an act to authorize the Clerk of the County Court of Navarro county, to transcribe into a bound book, to be procured by him for that purpose, all title papers, registered by him from the 17th day of August, 1846, to the 30th of December, 1847; read first time; on motion, rule suspended, bill read second time, and referred to a select committee—consisting of Messrs. Tarrant, Patrick and Harde-man of Nacogdoches.

Mr. Lewis introduced a bill to be entitled an act to require the Commissioner of the General Land Office, to issue patents for lands therein named; read first time; on motion, rule suspended, bill read second time, and referred to the committee on Private Land Claims.

Mr. Patrick introduced a bill to be entitled an act to repeal a portion of an act to authorize the Commissioner of the General Land Office, to issue patents on certificates issued by the Board of Land Commissioners of Robertson county, under certain restrictions, approved February 5, 1850; read first time.

Mr. Sterne introduced a bill to be entitled an act, to repeal in part an act to incorporate the Trinity Plank Road Company, approved September 4th, 1850; read first time; on motion, rule suspended, read second time, and ordered to be engrossed; on motion, rule further suspended, bill read third time, and passed.

On motion of Mr. Russell, the House proceeded to take up the business on the Speaker's table, and to the orders of the day.

On motion of Mr. Russell, a bill to be entitled an act to incorporate Fayette Academy, in the county of Fayette, was taken up; read second time, and ordered to be engrossed; on motion, rule suspended, bill read third time, and passed by a constitutional majority—Yeas 39—Nays 1.

Mr. Scott introduced the follow resolution :

Resolved, That a committee be appointed to wait upon the Senate, and request their attendance in the House of Representatives, for the purpose of counting the returns that have been received of the election on the propositions of the General Government, for a cession of our North-western territory.

Mr. Wren offered the following amendment to the resolution, which was adopted: "and all returns hereafter presented shall be counted by the House and placed on the journal.

Mr. Lott moved to lay the resolution on the table, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Charlton, Crump, Dickson, Hendricks, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Russell, Selman, Shea, Smith of Red River,

Smith of Shelby, Speights, Sterne, Stewart, Tarrant, Taylor of Cass, and Williams—26.

Nays—Messrs. Bryan, Burney, Clements, Cochran, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Hunt, Johnson, Reynolds, Scott, Shaw, Shepard, Stapp, Taylor of Harrison, Wigfall and Wren—19. So the motion was laid on the table.

The bill to be entitled an act accepting the propositions made by the United States to the State of Texas, in an act of the Congress of the United States, approved the 9th day of September, A. D. 1850, and entitled an act, proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico, reported by the joint select committee on yesterday, being the special order for half past ten o'clock, to-day, together with the amendments offered by Mr. Wigfall, was taken up.

The question being upon the adoption of the 1st amendment of Mr. Wigfall, the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Bryan, Clements, Hunt, Taylor of Harrison, and Wigfall—5.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Crump, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Hollaud, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Cass, Williams and Wren—40. So the amendment was rejected.

The question then came up upon the adoption of the second amendment proposed by Mr. Wigfall, upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Bryan, Clements, Hunt, Taylor of Harrison and Wigfall—5.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Hollaud, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Taylor of Cass, Williams and Wren—39.

So the amendment was rejected.

Mr. Jowers proposed the following amendment, to wit :

Strike out in section 5, line 3, after the words "United States," and insert, "by a special messenger, to be elected by the two Houses of the Legislature."

Mr. Sterne proposed the following as a substitute for Mr. Jowers' amendment :

Strike out in 1st line of 2d section, the words "a copy," and insert "two copies;" in 3d line after the word "State," insert "one;" and after the word "practicable," insert "and one by a special messenger, to be elected by both Houses of the Legislature."

Which was accepted by Mr. Jowers, as a substitute for his amendment.

The question then being upon the adoption of the amendment, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Bogart, Clements, Cochran, Crump, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Hunt, Jowers, Lott, Patrick, Polk, Shea, Smith of Red River, Speights, Sterne, Stewart, Taylor of Harrison and Wigfall—20.

Nays—Messrs. Speaker, Bryan, Burney, Charlton, Franklin, Hardeman of Travis, Holland, Johnson, Lloyd, McKinney, Owen, Reynolds, Russell, Scott, Selman, Shaw, Shepard, Smith of Shelby, Stapp, Tarrant, Taylor of Cass, Williams and Wren—23.

So the amendment was rejected.

Mr. Lewis moved that the House adjourn until three o'clock, p. m. ; lost.

Mr. Stewart moved to amend by striking out in 1st line of 1st section the word "Legislature," and inserting the words "the State of Texas;" adopted.

On motion, the bill was then ordered to be engrossed.

On motion of Mr. Charlton, the House adjourned until three o'clock, p. m.

THREE O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

A bill to be entitled an act to permanently locate the seat of justice of Denton county ; read second time and ordered to be engrossed.

Rule suspended ; bill read third time and passed.

Mr. Scott introduced a resolution authorizing the Speaker of the House to open such returns of the late election for the acceptance or rejection of the proposition made by the United States to Texas, for the purchase of a portion of her northern and western territories, as any member might desire opened for his information and guidance ; which resolution was adopted.

Mr. Sterne offered the following resolution :

Resolved, That we have no objection to the citizens of Austin using the Representative Hall this evening at candle-lighting.

Upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Clements, Fields, Holland, Hunt, Jowers, Lewis, Lott, McKinney, Owen, Patrick, Reynolds, Russell, Shaw, Shea, Shepard, Smith of Red River, Sterne, Taylor of Cass, Taylor of Harrison and Wren—21.

Nays—Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Johnson, Lloyd, Polk, Runnels, Scott, Selman, Speights, Wigfall and Williams—19.

So the resolution was adopted.

Mr. Wren offered the following resolution :

Resolved, That the Speaker be authorized to grant to Billy Barlow the use of the Representatives Hall for the purpose of giving an evening's amusement to the citizens of Austin to-morrow evening;

Upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Bogart, Clements, Dickson, Fields, Hendricks, Holland, Jowers, Lott, Scott, Smith of Red River, Smith of Shelby, Speights, Sterne, Taylor of Harrison, Wigfall and Wren—17.

Nays—Messrs. Bryan, Burney, Charlton, Cochran, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hunt, Johnson, Lewis, Lloyd, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Selman, Shaw, Shepard, Taylor of Cass and Williams—21.

So the resolution was rejected.

Mr. Scott introduced a joint resolution requiring the Commissioner of the General Landoffice to obtain a certain record book from the county clerk of Harris county ; read first time.

Rule suspended ; resolution read second time, and referred to a select committee consisting of Messrs. Scott, Franklin and Owen.

Mr. Lewis, by leave, introduced a bill to be entitled an act to authorize the county court clerk of Bexar county to transcribe the records in book A No. 1, into a bound book ; read first time.

Rule suspended ; bill read second time, and referred to the Judiciary committee.

Mr. Johnson introduced a bill to be entitled an act for the relief of Berry Merchant ; read first time.

Rule suspended ; bill read second time, and referred to the committee on Private Land Claims.

Mr. Charlton introduced a bill to be entitled an act for the relief of James Chesier, Senr. ; read first time. Rule suspended bill read second time and referred to committee on Private Land Claims.

Mr. Shepard introduced a bill to be entitled an act to legalize a copy of the records in the office of the County Surveyor of the County of Washington ; read first time. Rule suspended ; bill read second time and referred to the committee on Public Lands.

A message was received from the Senate through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act, accepting the propositions made by the United States to the State of Texas, in an act of the Congress of the United States, approved, the 9th of September 1850, and "entitled an act, proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial Government for New Mexico."

Mr. Franklin moved to reconsider the vote taken this day engrossing the bill to be entitled an act accepting the propositions made by the United States to the State of Texas, etc., etc., which was carried and the vote reconsidered.

Mr. Franklin then moved to reconsider the vote rejecting amendment No. 1, proposed to the bill by Mr. Wigfall--which was also carried, and the vote reconsidered.

Mr. Wigfall then proposed the following amendment to amendment No. 1, offered by himself on yesterday ; after the word "revenues" in the 6th line from the top, insert "arising from impost duties."

On motion of Mr. Stapp, the bill and amendments were laid on the table.

Mr. Stapp then moved to take up the bill just reported from the Senate, to be entitled an act accepting the propositions made by the United States to the State of Texas, etc., etc., which was carried, and the bill taken up and read first time.

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

Mr. Shepard proposed the following amendment. After the word "Texas" in the second section third line, insert "agreed to and" —which was rejected.

Mr. Wigfall proposed the following amendment. In the second clause of the first section of Pearce's Bill, strike out the words "claim to"—upon which the yeas and nays were called and stood as follows :

Yeas: Messrs. Bryan, Clements, Hunt, Taylor of Harrison, and Wigfall—5.

Nays: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Crump, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Taylor of Cass, Williams, and Wren—39.

So the amendment was rejected.

Mr. Wren proposed the following amendment. Strike out in second section all the portion relating to "a special messenger:" upon which the yeas and nays were called and stood as follows:

Yeas: Messrs. Bryan, Burney, Charlton, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Lloyd, McKinney, Owen, Reynolds, Russell, Scott, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Taylor of Cass, Williams, and Wren—23.

Nays: Messrs. Speaker, Bogart, Clements, Cochran, Crump, Dickson, Fields, Hendricks, Hunt, Jowers, Lewis, Lott, Patrick, Polk, Selman, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, and Wigfall—21.

So the amendment was adopted.

Mr. Wigfall proposed the following amendment. Insert in the preamble after the words "Western boundaries" "the relinquishment by said State of all territory owned by her exterior to said boundaries," etc.

Mr. Tarrant moved the House now adjourn until nine o'clock to-morrow morning, upon which the yeas and nays were called and stood as follows:

Yeas: Messrs. Bryan, Burney, Clements, Cochran, Crump, Franklin, Hardeman of Travis, Hendricks, Holland, Hunt, Lewis, Reynolds, Russell, Scott, Shea, Shepard, Smith of Red River, Smith of Shelby, Tarrant, Taylor of Harrison, and Wigfall—21.

Nays: Messrs. Speaker, Bogart, Charlton, Dickson, Fields, Hardeman of Nacogdoches, Johnson, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Selman, Shaw, Speights, Stapp, Sterne, Stewart, Taylor of Cass, Williams and Wren.—24.

So the motion was lost.

Mr. Crump moved to adjourn until half-past nine o'clock to-morrow morning.—Lost.

Mr. Tarrant moved to adjourn until ten o'clock to-morrow morning upon which motion the yeas and nays were taken and resulted as follows:

Yeas: Messrs. Bogart, Bryan, Burney, Clements, Cochran, Crump, Franklin, Hardeman of Travis, Hendricks, Holland, Hunt, Johnson, Lewis, Lloyd, Lott, Owen, Reynolds, Runnels, Russell, Scott, Selman, Shea, Shepard, Smith of Red River, Smith of Shelby, Sterne, Tarrant, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—32.

Nays: Messrs. Speaker, Charlton, Dickson, Fields, Hardeman of Nacogdoches, Jowers, McKinney, Patrick, Polk, Shaw, Speights, Stapp, and Stewart—13.

So the House adjourned.

AUSTIN, November 22, 1850.

House met pursuant to adjournment—rolled called—quorum present.

Absentees—Messrs. Bee, Crump, Gillet, Owen, Stapp, Taylor of Harrison, and Winfield.

Journal of yesterday read and adopted.

Mr. Smith of Red River, submitted the petition of Lorenzo Henderson praying for relief; referred to the committee on Private Land Claims.

Mr. Smith of Red River submitted the petition of Mary W. Doñoho, praying for relief; referred to the committee on Private Land Claims.

Mr. Tarrant submitted the petition of Elijah Allen praying for relief; referred to the committee on Private Land Claims.

Mr. Charlton submitted the petition of the heirs of William Gibbs deceased, praying for relief; referred to the committee on Private Land Claims.

Mr. Burney introduced the petition of Z. N. Morrell praying for relief; referred to the committee on Claims and Accounts.

Mr. Cochran submitted the petition of A. D. Rice praying for relief; referred to the committee on Private Land Claims.

Mr. Cochran submitted the petition of H. J. McKinzie praying for relief; referred to the committee on Private Land Claims.

Mr. Tarrant submitted the petition of James M. Riggs, praying for relief; referred to a special committee consisting of Messrs. Tarrant, Patrick, and Shepard.

Mr. Tarrant submitted the petition of sundry citizens of Peter's colony, praying for relief; referred to the committee on Private Land Claims.

Mr. Tarrant submitted the petition of B. P. Hammett praying for relief; referred to the committee on Private Land Claims.

Mr. Tarrant submitted the petition of L. T. M. Plumer praying for relief; referred to the committee on Private Land Claims.

Mr. Shea submitted the petition of Henry Tiermester praying for relief; referred to the committee on Claims and Accounts.

Mr. Taylor of Harrison, submitted the petition of the Marshall Lodge No. 24, of Freemasons, praying for a grant of land for the use and benefit of the Masonic Female Institute in the town of Marshall; referred to the committee on Education.

Mr. Lott, chairman of the committee on Public Lands, to whom was referred a bill to be entitled an act to require the Commissioner of the General Land Office to issue patents for lands therein named; reported the bill back to the House and recommended its passage.

Report and bill laid on the table to come up amongst the orders of the day.

Mr. Lott, chairman of the committee on Public Lands, to whom was referred a bill to be entitled an act to legalize a copy of the records in the office of the County Surveyor of Washington County; reported the bill back to the House without amendment and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of Berry Merchant; reported the same back to the House without amendment and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of James Cheshier, Senr.; reported the same back to the House without amendment and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of Reuben R. Brown, reported a bill for his relief and recommended its passage.

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

Mr. Tarrant, chairman of the committee on Internal Improvements, to whom was referred a bill to be entitled an act to incorporate the Galveston and Brazos Navigation company; reported

the same back to the House without amendment, and recommended its passage.

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

Mr. Tarrant, chairman of the committee on Internal Improvements, to whom was referred the petition of citizens of Brazoria county, praying for a charter to construct a plank road; reported a bill embracing that object and recommended its passage.

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

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a joint resolution refunding to Major W. S. Henry the fine imposed upon him by sentence of a court martial in the 9th military department of the United States, in which all rules were suspended,—also, that the Senate had passed a resolution to convene in the Hall of the House of Representatives in joint session on Tuesday the 30th inst., at three o'clock p. m. to count the vote of the people of this State for and against the proposition of the United States to Texas, for the purchase of her Northwest territory, and requested the concurrence of the house thereto.

The committee on engrossed bills, W. G. W. Jowers chairman, made the following report, which was accepted.

COMMITTEE ROOM, November 22, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill to be entitled an act to incorporate Fayette Academy in the county of Fayette; also, a bill to be entitled an act to repeal in part an act entitled an act to incorporate the Trinity plank road company, approved September 4, 1850; also, a bill to be entitled an act to permanently locate the seat of justice of Denton county, and find the same correctly engrossed.

Mr. Fields introduced a bill to be entitled an act to incorporate the Trinity and Galveston Navigation company; read first time.

Mr. Lloyd introduced a bill to be entitled an act to regulate the time of trial of causes in District Courts, and to provide for the summoning of witnesses to attend on particular days; read first time; rule suspended, bill read second time, and referred to the Judiciary committee.

Mr. Dickson introduced a bill to be entitled an act for the relief of Mac J. D. McKissack; read first time.

Mr. Wigfall introduced a bill to authorize the Executive Board of Managers of the Masonic Female Institute to confer degrees ; read first time ; rule suspended, read second time, and referred to the committee on education.

Mr. Jowers introduced a joint resolution for the relief of Daniel Parker, jr., read first time: rule suspended, read second time and referred to the committee on Private Land Claims.

Mr. Williams introduced a bill to be entitled an act for the relief of J. M. Day: read first time.

Mr. Williams introduced a bill to be entitled an act for the relief of the citizens of Fannin county: read first time.

Mr. Stapp introduced a bill to be entitled an act for the relief of the heirs of Andrew Kent, dec'd: read first time—rule suspended, bill read second time and referred to a select committee, consisting of Messrs. McKinney, Owen, and Taylor of Cass.

Mr. Clements introduced the following resolution—which was laid on the table one day for consideration.

Resolved, That the House of Representatives, the Senate concurring, will adjourn *sine die* on Monday the second day of December 1850, at twelve o'clock, M.

Mr. Scott, of the select committee to whom was referred the joint resolution relative to the "Lost Book" of the Board of Land Commissioners of Harris, reported a substitute for the bill and recommend its passage; report and bill and substitute laid on the table to come up among the orders of the day.

Mr. Smith of Shelby introduced a bill to be entitled an act to regulate the pay of certain volunteers who served in 1842; read first time, rule suspended, bill read second time and referred to the committee on Military Affairs.

Mr. Tarrant, Chairman of a select committee to whom was referred the bill, to authorize the Clerk of the County Court of Navarro county, to transcribe certain records; reported a substitute for the bill and recommend its passage. Report, bill and substitute laid on the table to come up among the orders of the day.

Mr. Stewart introduced a bill to be entitled an act to amend an act entitled an act to incorporate the City of New Braunsfels; read first time.

Mr. Stewart introduced the following resolution:

Resolved, That the committee on Public Debt be instructed to enquire into the expediency of sending a Special Agent to bring the five million of bonds to Austin, and of requiring the
to pay out the same at _____ per cent. premium, to such
of the public creditors as hold par fund certificates, and that said committee report by bill or otherwise—adopted.

Mr. Burney introduced a bill to be entitled an act for the relief of Zachariah N. Morrell; read first time.

Mr. Shepard introduced a joint resolution providing for the funding of the moneys set apart for common school purposes; read first time; rule suspended, read second time and referred to committee on Public Debt.

Mr. Lott submitted a remonstrance of the citizens of Kaufman county—referred to the committee on County Boundaries.

Mr. Runnels introduced a bill to be entitled an act regulating slaves; read first time; rule suspended, bill read second time, and referred to the committee on the Judiciary.

On motion, the House proceeded to take up the business on the Speaker's table, and to the

ORDERS OF THE DAY.

A bill to be entitled an act accepting the propositions made by the United States to the State of Texas, in an act of the Congress of the United States, approved the 9th of September, 1850, and entitled "an act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a Territorial government for New Mexico, on its second reading.

Mr. Wigfall's amendment to the preamble being before the House, the question was taken upon its adoption and lost.

Mr. Shepard offered the following as a substitute for the two last sections of the bill:

Therefore, 1st. *Be it enacted by the Legislature of the State of Texas,* That said Legislature hereby agrees to, and accepts said proposition, and from and after the compliance of the government of the United States with her part of said agreement, the boundary of the State of Texas on the North shall commence on the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte; and thence with the channel of said river to the Gulf of Mexico.

Second. The State of Texas hereby cedes to the United States,

all her territory exterior to the limits and boundaries above agreed to, upon compliance of said government with her part of said agreement.

Third. The State of Texas hereby relinquishes to the United States, all claim for liability of the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, customhouses, customhouse revenue, arms and munitions of war, and public buildings with their sites, which became the property of the United States at the time of annexation.

Fourth. That the Governor of this State be, and he is hereby, requested to cause a copy of this act, authenticated under the seal of the State, to be furnished to the President of the United States, by mail as early as practicable; and also, a copy thereof, certified in like manner, to be transmitted to each of the Senators and Representatives of Texas in Congress; and that this act take effect from and after its passage.

The yeas and nays being called for on its adoption, stood as follows:

Yeas—Messrs. Bryan, Hunt, Shepard, Taylor of Harrison and Wigfall—5.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Clements, Cochran, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Cass, Williams and Wren—39. So the substitute was rejected.

Mr. Stewart proposed the following amendment: strike out in first line of the first section, the words "Legislature" and insert in lieu thereof, the words "the State of Texas;" strike out in third line of same section, the words "of Texas," and insert before the word "State" in second line, the word "said;" upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Bogart, Bryan, Burney, Charlton, Clements, Cochran, Dickson, Fields, Franklin, Hardeman of Travis, Hendricks, Holland, Hunt, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Runnels, Russell, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Taylor of Cass, Taylor of Harrison, Wigfall and Williams—36.

Nays—Messrs. Speaker, Hardeman of Nacogdoches, Polk,

Reynolds, Scott, Selman, Tarrant and Wren—8. So the amendment was adopted.

Mr. Wigfall moved to lay the bill on the table and make it the special order for Tuesday next; upon which the yeas and nays were called for, and stood thus:

Yeas—Messrs. Bryan, Franklin, Hunt, Lewis, Shea, Shepard, Taylor of Harrison and Wigfall—9.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Cass, Williams and Wren—35. So the motion was rejected.

Mr. Wigfall moved to adjourn until 1 o'clock p. m. Lost.

Mr. Wigfall then moved to adjourn to three o'clock, p. m. Lost.

Mr. Wigfall then moved to adjourn to half-past three o'clock, p. m. Lost.

Mr. Hardeman of Nacogdoches moved that the bill under consideration be now passed to a third reading, which was carried.

On motion the House adjourned to three o'clock, p. m.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

A bill to be entitled an act, to authorize the settlers in Peter's Colony to intervene in suit or suits in reference to any matter connected with said Colony contracts where they have an interest, read 2nd time and referred to a special committee, consisting of Messrs. Franklin, Hendricks, Lewis, and Taylor of Harrison.

A bill to be entitled an act to amend an act to organize the Supreme Court of the State of Texas, read 2nd time.

Mr. Scott moved to strike out "7th District" in the "eastern District" and insert "seventh district" in the "western District." Carried.

Mr. Bryan proposed the following amendment:

SEC. 4. *Be it further enacted*, That there shall be appointed a reporter by the Supreme Court to report the decisions of said Court, who shall report and publish in book form at his own expense 300 volumes of said decisions, and have the said books ready at each session of the Court for the use of the Court and

State. The said Reporter shall have a salary of \$3000, annually.

Mr. Taylor of Cass moved to amend the amendment of Mr. Bryan, by striking out "\$3000" and insert "\$2000."

On motion of Mr. Scott the amendments were laid on the table for the present.

Mr. Franklin moved that the bill be referred to a select committee, consisting of one member from each district, upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Bryan, Burney, Charlton, Clements, Dickson, Fields, Franklin, Hardeman of Nacog, Hardeman of Travis, Holland, Hunt, Jowers, Lloyd, McKinney, Owen, Patrick, Polk, Reynolds, Russell, Scott, Selman, Shaw, Shea, Shepard, Sterne, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—30.

Nays: Messrs. Speaker, Bogart, Cochran, Hendricks, Johnson, Lott, Runnels, Smith of Red River, Smith of Shelby, Speights, Stapp, Stewart and Tarrant—13. So the motion was carried.

The Speaker appointed Messrs. Franklin, Russell, Shepard, Lewis, Speights, Dickson, Williams, Tarrant, Owen and Clements, to compose said committee.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House of the passage of a bill to be entitled an act requiring the Commissioner appointed by an act creating the county of Hunt, to deliver up certain documents &c.—a bill to be entitled an act for the relief of Benjamin Burke, and a bill to be entitled an act to legalize the acts of the county Surveyor of the county of Cass.

Mr. Stapp moved that the rule requiring bills to be read on three several days be suspended, in order to take up the bill to be entitled an act accepting the propositions made by the United States to the State of Texas, etc., etc., upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Taylor of Cass, Williams, and Wren—35

Nays—Messrs. Bryan, Clements, Franklin, Hunt, Shepard, Tarrant, Taylor of Harrison and Wigfall—8.

So the rule was suspended—bill taken up and read third time, the yeas and nays being called for on its final passage stood as follows:

Yeas—Messrs. Speaker, Bogart, Burney, Charlton, Clements,

Cochran, Crump, Dickson, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Pelk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Cass, Williams and Wren—40.

Nays—Messrs. Bryan, Hunt, Shepard, Taylor of Harrison and Wigfall—5. So the bill passed.

On motion the House adjourned until ten o'clock to-morrow morning.

AUSTIN, November 23, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Franklin, Jowers, Patrick, Scott, Shea, Wigfall and Winfield.

Journal of yesterday read and adopted.

Mr. Fields submitted the petition of Daniel Merritt praying the passage of a law, giving to his wife Cynthia R. Merritt the entire control of her property, real and personal; referred to the committee on the Judiciary.

Mr. Hardeman of Travis, submitted the petition of William H. Parker, of the State of Virginia, praying the passage of a law, authorizing the proper officers of the State to issue to him duplicates of certain bonds; referred to a special committee, consisting of Messrs. McKinney, Russell and Scott.

Mr. Shea, submitted the petition of John Gillespie, praying for relief; referred to the committee on private land claims.

Mr. Crump submitted the petition of the county court of Bexar county, praying the power to increase the county taxes of said county; referred to the committee on the Judiciary.

Mr. Shea submitted the petition of John Gillespie, praying for relief; referred to the committee on claims and accounts.

Mr. Scott submitted the petition of Henry Tierwester, praying for relief; referred to the committee on private land claims.

Mr. Holland submitted the petition of Aquilla Brinkley praying for relief; referred to the committee on private land claims.

Mr. Smith of Shelby, chairman of the committee on military affairs, to whom was referred the petition of Peter Lopez, reported a bill for his relief, and recommended its passage.

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

Mr. Crump, chairman of the committee on the public debt, to whom was referred a bill to be entitled an act, for the benefit of certain persons therein named; 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.

Mr. Burney chairman of the committee on private land claims, to whom was referred the petition of Stoakly D. Shoate; reported a bill for his relief and recommended its passage.

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

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill entitled an act, to permanently locate the seat of justice of Denton county; a bill, to be entitled an act, to incorporate Fayette Academy, in the county of Fayette; originating in the House of Representatives.

Mr. Burney, chairman of the committee on private land claims, to whom was referred the petitions of the Heirs of William Donoho, deceased, and that of L. D. Henderson, reported a bill for their relief and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the joint resolution for the relief of Daniel Parker, Jr.; reported the same back to the House without amendment, and recommended its passage.

Report and joint resolution laid on the table to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of the Heirs of James T. Sheffield, reported a bill for their relief and recommended its passage.

Report and resolution laid on the table to come up among the orders of the day.

Mr. Charlton, chairman of the committee on County Boundaries to whom was referred the petition of Eighteen Citizens of Leon county, as also the remonstrance of One hundred and fifty other Citizens, reported the petitions back to the House and recommended that no action be taken thereon.

Report laid on the table to come up among the orders of the day.

Mr. Smith of Red River, chairman of the Select committee, to whom was referred a bill to be entitled an act to authorize the settlers in Peters' Colony to intervene in suit or suits in reference to any matter connected with said Colony contracts where they have an interest; reported the same back to the House without amendment and recommended its passage.

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

Mr. Franklin, chairman of the Select committee, to whom was referred the bill to be entitled an act to organize the Supreme Court of the State of Texas; reported the following substitute for the same and recommended its passage.

An act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th of May, 1846.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the second section of the act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th of May, 1846, be amended so as to read as follows: "**Section 2.** *Be it further enacted,* That the Supreme Court shall hold its sessions once in every year at the City of Austin, in the county of Travis; once in every year at the City of Galveston, in the county of Galveston, and once in every year at the town of Henderson, in the county of Rusk. That the causes decided in the District Courts of the second, third, fourth and eleventh judicial districts, when taken up by appeal or otherwise to the Supreme Court, shall be returnable to the Supreme Court sitting at the city of Austin. That the causes decided in the District Courts of the first, seventh, tenth and twelfth judicial districts, shall be returnable to the Supreme Court holding its session at the city of Galveston. That the causes decided in the District Courts of the fifth, sixth, eighth and ninth judicial districts, shall be returnable to the Supreme Court holding its session at the town of Henderson, in the county of Rusk; *Provided.* That the parties or their attorneys may, on filing an agreement for that purpose with the clerk of any District Court in either of the judicial districts, direct the record, accompanied by a certified copy of the agreement to be transmitted to the Supreme Court holding its session—either at the city of Austin, the city of Galveston or at the town of Henderson; *Provided further,* That all causes, where land titles are involved, taken up from the District Courts to the Supreme Court, where the State of Texas is a party, shall be returnable to the Supreme Court holding its session at the city of Austin. That the Supreme Court shall hold its session

at the city of Austin on the second Monday in November, in each and every year, and may continue in session six weeks, or until the business before the court is disposed of. At the city of Galveston on the first Monday in January, and may continue in session ten weeks, unless the business before the court is sooner disposed of. At the town of Henderson on the first Monday in April, and may continue in session until the first day of July, unless the business before the court is sooner disposed of. That all causes remaining on the docket undisposed of when this act goes into effect, which have been decided in the counties included in the first, seventh, tenth and twelfth judicial districts, shall be by the clerk of the Supreme Court, transmitted to the Supreme Court holding its session at the city of Galveston. That the causes remaining on the docket undisposed of which were decided in the fifth, sixth, eighth and ninth judicial districts, shall be transmitted to the Supreme Court holding its sessions at the town of Henderson, unless the parties or their attorneys agree that the same may be decided by the Supreme Court holding its session at the city of Austin.

SEC. 2. *Be it further enacted*, That the seventh section of the act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th day of May, 1846, be amended so as to read as follows: "Section seventh. *Be it further enacted*, That the clerk of the Supreme Court, shall keep an office at the city of Austin; at the city of Galveston, and at the town of Henderson. That said clerk shall have power to appoint deputies under him, from whom he may require bonds for the faithful discharge of the duties of his office, by written appointment under the seal of the court, which shall be filed and recorded in the records of the court, to whom he shall administer an oath faithfully to discharge the duties of his office, and for whose official acts he shall in all cases be responsible. That the clerk of the Supreme Court shall appoint a deputy residing in the first, seventh, tenth or twelfth judicial districts, who shall reside at the city of Galveston, and attend at the office of the clerk of the Supreme Court. That he shall also appoint a deputy residing in the fifth, sixth, eighth or ninth judicial district, who shall reside at the town of Henderson, and attend at the office of the clerk of the Supreme Court and attend to and discharge the duties of his office during the absence of the clerk of the Supreme Court, or when the clerk is present, under his direction. That the clerk of the Supreme Court and his deputies shall have power to administer oaths in all cases incident to the discharge of the duties of his office."

SEC. 3. *Be it further enacted*, That this bill take effect from and after its passage.

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

Mr. Selman introduced a joint resolution for the relief of the Heirs of J. Rutherford, deceased; read first time; rule suspended, resolution read second time, and referred to the committee on Military Affairs.

Mr. Williams introduced a bill for the relief of George W. Wright and others; read first time; rule suspended; read second time and referred to the committee on the Public Debt.

Mr. Williams introduced a bill to be entitled an act for the relief of John M. Taylor; read first time.

Mr. Lloyd introduced a joint resolution for the relief of John C. Walling; read first time; rule suspended, resolution read second time and referred to the committee on Public Lands.

Mr. Shepard introduced a resolution authorizing the Governor to draw money from the Treasury for certain purposes; read first time; rule suspended, read second time and referred to the Finance committee.

Mr. Sterne introduced the following resolution:

Resolved, That the committee on Public Printing, be, and they are hereby authorized and required to contract with De Cordova & Co. for 48 copies of each issue of the South Western American; during the publication of the debates of the present session for the use of the members of the House of Representatives, and that the same be paid for out of the contingent fund of this House; the yeas and nays being called for on its passage stood as follows:

Yeas: Messrs. Speaker, Bogart, Bryan, Barney, Cochran, Crump, Fields, Franklin, Gillet, Hardeman of Travis, Hendricks, Holland, Hunt, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Shaw, Shea, Shepard, Smith of Shelby, Stapp, Sterne, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—35.

Nays: Messrs. Chariton, Clements, Dickson, Hardeman of Nacogoches, Johnson, Selman, Smith of Red River, and Speights—8.

So the resolution was adopted.

Mr. Tarrant introduced a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue Patents to the Heirs of Simon Gillom and the Heirs of John Smith; read first time; rule suspended; bill read second time and referred to the committee on Private Land Claims.

Mr. Patrick introduced a bill to be entitled an act for the relief of the Heirs of Mary Ann Smith, deceased; read first time.

Mr. Dickson introduced a bill appropriating ten thousand dollars, or so much thereof as may be necessary for the payment of the mileage and per diem pay of the members of the second extra session, third Legislature; read first time. On motion of Mr. Dickson, the rule was suspended. On motion of Mr. Scott, the bill was laid on the table for the present.

On motion of Mr. Franklin, the motion of Mr. Scott to amend the journal of Monday the 18th inst., which had been previously laid on the table, was taken up.

The question to reconsider the adoption of the journal of Monday the 18th inst. was put and carried.

Mr. Franklin then moved to amend the journal of Monday the 18th inst., by striking out in the first and second lines after the word "pursuant" the words "adjournment and subsequent;" upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Bryan, Clements, Crump, Dickson, Franklin, Gillet, Hendricks, Holland, Hunt, Lloyd, Lott, Reynolds, Scott, Selman, Shea, Shepard, Stapp, Tarrant, Taylor of Cass, Taylor of Harrison, and Wigfall—21.

Nays: Messrs. Speaker, Burney, Charlton, Cochran, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Johnson, Jowers, Lewis, McKinney, Owen, Patrick, Runnels, Shaw, Smith of Red River, Smith of Shelby, Sterne, Williams and Wren—21.

There being a tie the question was lost.

Mr. Wren moved a reconsideration of the vote last taken; which motion prevailed and the vote was reconsidered.

On motion a call of the House was ordered, and Sergeant at arms dispatched for absent members.

On motion of Mr. Taylor of Cass, Mr. Russell was excused from attendance on the House to-day.

On motion a further call of the House was suspended.

Mr. Franklin renewed his motion to amend the journal: upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Bryan, Clements, Crump, Dickson, Franklin, Gillet, Hendricks, Holland, Hunt, Lloyd, Lott, Reynolds, Scott, Selman, Shea, Shepard, Speights, Stapp, Tarrant, Taylor of Cass, Taylor of Harrison, and Wigfall—22.

Nays: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Johnson, Jowers, Lewis, McKinney, Owen, Patrick, Runnels, Shaw, Smith of Red River, Smith of Shelby, Williams and Wren—20.

So the motion carried, and the journal ordered to be amended.

On motion, the journal of Monday the 18th inst., was then adopted as amended.

On motion, leave of absence was granted to Messrs. Stewart and Lewis, until three o'clock on Wednesday next.

A message was received from the Senate informing the House that the Senate had passed an act incorporating Rising Star Chapter No. 9; and a bill for the relief of Lewis Monroe Mays, a minor.

Mr. Jowers presented a communication from the Hon. D. S. Kaufman, and asked leave of the House that the same be read by the chief clerk.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate refused to concur in the amendments of the House to the bill to be entitled an act accepting the propositions made by the United States to the State of Texas, etc., etc.

On motion of Mr. Tarrant, the House adjourned until three o'clock p. m.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Tarrant, chairman of the Special Committee, to whom was referred the petition of James M. Boggs, reported a joint resolution for his relief and recommended its passage.

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

On motion of Mr. Franklin, the House proceeded to take up the business on the Speaker's table and the Orders of the day.

ORDERS OF THE DAY.

On motion, the bill to be entitled an act accepting the propositions of the United States to the State of Texas etc., etc., was taken up.

Mr. McKinney moved that the House recede from its amendments to the bill.

On motion, a call of the House was ordered, and the Sergeant at arms despatched for absent members.

On motion, the call was suspended.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate requested the House to return to the Senate the bill to be entitled an act accepting the propositions of the United States to the State

of Texas; and had passed a bill to be entitled an act to repeal in part an act entitled an act to incorporate the Trinity Plank Road Company, originating in the House of Representatives; also, a bill to be entitled an act to locate the seat of justice of Kaufman County; a bill to be entitled an act to incorporate the town of Shelbyville in Shelby county, and a bill to be entitled an act to authorize the employment of a State Architect.

Mr. Scott moved that the Chief Clerk be instructed to transmit to the Senate in accordance with their request, the bill to be entitled an act accepting the propositions of the United States to the State of Texas; carried.

Mr. Fields moved to reconsider the vote last taken; carried.

Mr. McKinney then renewed his motion to recede from the amendments to the bill; upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Clements, Crump, Fields, Hardeman of Travis, Jowers, Lloyd, McKinney, Owen, Patrick, Polk, Shea, Stapp, Sterne, Taylor of Harrison, and Wigfall—16.

Nays: Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Holland, Hunt, Johnson, Lott, Reynolds, Runnels, Scott, Selman, Shaw, Shepard, Smith of Red River, Smith of Shelby, Speights, Tarrant, Taylor of Cass, Williams and Wren—27.

So the House refused to recede from their amendments.

On motion, the communication from His Excellency the Governor, this day transmitted to House was taken up and read as follows;

EXECUTIVE DEPARTMENT,
Austin, Texas, November 22, 1850. }

To the Honorable Senate and

House of Representatives.

GENTLEMEN: On the receipt from the Department of State at Washington city, by special express, of the bill passed by the general Congress, proposing to purchase part of the North-western territory of the State of Texas, which is now before your Honorable body for legislative consideration and action, I took immediate steps to lay the matter before the people of the State to obtain through the medium of a general election, their acceptance or rejection of the proposition.

As the time to effect this was necessarily so limited, it was of vital importance that every means at the command of the Executive Department should be made use of to carry out promptly and effectively the course thus taken; and in furtherance of this

view, I deemed it advisable to employ five Expresses to carry the Proclamation for said election to the several Chief Justices of the different counties of the State, with as much dispatch as possible.

As these duties thus required considerable exertion on the part of the Expresses, who underwent much fatigue and exposure in their discharge, and as they appear to have been faithfully performed, I have the honor to recommend that your Honorable body make a suitable appropriation for the services rendered.

One of these expresses, (Mr. Wiley Marshall,) having lost a horse in the performance of this duty, I would also respectfully recommend that your Honorable body make him an equitable compensation for the same.

P. H. BELL.

On motion of Mr. Dickson, the communication was referred to the committee on Finance.

On motion, a bill to be entitled an act to legalize the acts of the County Surveyor of the county of Cass from the Senate, was taken up and read first time.

On motion, rule suspended—bill read second time and passed to a third reading.

On motion, rule further suspended—bill read third time and passed.

On motion of Mr. Franklin, a bill to be entitled an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas &c. with the substitute of the select committee was taken up, and the substitute adopted.

Mr. Smith of Red River moved to strike out "Henderson in Rusk county," and insert "Tyler in Smith county," upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Bogart, Burpney, Charlton, Clements, Cochran, Crump, Dickson, Franklin Gillet, Hendricks, Lewis, Lott, Owen, Patrick, Runnels, Scott, Selman, Shea, Shepard, Smith of Red River, Tarrant, Taylor of Harrison, Wigfall, Williams and Wren—25.

Nays—Messrs. Speaker, Bryan, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Lloyd, McKinney, Polk, Reynolds, Shaw, Smith of Shelby, Speights, Stapp, Sterne and Taylor of Cass—17. So the amendment was made.

Mr. Clements moved to strike out "Galveston" and insert "Corpus Christi." Rejected.

Mr. Shea moved to strike out "Galveston" and insert, "Houston"—upon which the yeas and nays stood as follows:

Yeas—Messrs. Dickson, Gillet, Jowers, Lewis, Patrick, Reynolds, Runnels, Scott, Smith of Red River, Smith of Shelby, Stapp, Taylor of Cass and Wren—13.

Nays—Messrs. Speaker, Bogart, Bryan, Barney, Charlton, Cochran, Crump, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Hunt, Johnson, Lloyd, Lott, McKinney, Owen, Polk, Selman, Shaw, Shea, Shepard, Speights, Sterne, Tarrant, Taylor of Harrison, Wigfall and Williams—30. So the motion was lost.

Mr. Stapp moved to lay the bill on the table until Monday next.
Lost.

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

On motion of Mr. Lewis, a bill to be entitled an act, authorizing the Commissioner of the General Land Office to issue Patents to certain persons therein named, was taken up and read second time.

Mr. Lewis moved to amend by striking out "Senate and House of Representatives," and inserting "Legislature of the State of Texas." Carried.

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

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

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House, that the Senate had concurred in the amendments of the House to a bill to be entitled an act accepting the propositions made by the United States to the State of Texas, etc. etc.

On motion of Mr. Dickson, a bill to be entitled an act appropriating ten thousand dollars, or so much thereof as may be necessary, for the payment of the mileage and *per diem* pay of the members of the second extra session of the third Legislature, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Franklin, a bill to be entitled an act to amend the first section of an act incorporating the Galveston and Brazos Navigation Company, was taken up and read second time; rule suspended, bill read third time and passed.

On motion of Mr. Sterne, Mr. Jowers was added to the Committee on Education.

On motion of Mr. Scott, the House adjourned until ten o'clock Monday morning.

ASTIN, November 25, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Crump, Hardeman of Travis, Reynolds, Russell and Winfield.

Journal of Saturday read and adopted.

Mr. Russell asked leave of the House to record his vote upon the question to amend the journal of Monday, the 18th inst., which was granted.

Mr. Cochran submitted the petition of the citizens of Tarrant county, praying the passage of a law authorizing the location of a county seat for said county; referred to the committee on County Boundaries.

Mr. Shepard submitted the petition of Jacob Long, praying authority to construct bridges over certain water courses; referred to the committee on Internal Improvements.

Mr. Bryan submitted the petition of the heirs of Mrs. Sarah L. Scoville, praying the annulment of a grant of land to John A. Wagner, and the issuance in lieu thereof a certificate to said heirs for one fourth league; referred to the committee on Public Lands.

Mr. Bryan submitted the petition of Edward Hall, praying that the informal assignment of bounty land certificate, No. 580, for 640 acres of land be confirmed; referred to the committee on Public Lands.

Mr. Bryan submitted the petition of Edward Hall, praying the informal assignment of headright certificate, No. 3, class 2, for 640 acres, be confirmed; referred to the committee on Public Lands.

Mr. Bryan submitted the petition of Edward Hall, praying that the informal assignment of bounty land warrant, No. 1246, for 960 acres land, be confirmed; referred to the committee on Public Lands.

Mr. Jowers presented sundry petitions, praying for relief; referred to the committee on Private Land Claims.

Mr. Smith, chairman of the committee on Military Affairs, to whom was referred the bill regulating the pay of certain volunteers who served in the year 1842, in the expedition of General Burleson, and those who served under Col. Clark L. Owen; reported the bill back to the House, and recommended its passage.

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

Mr. Bryan, chairman of the committee on Education, to whom was referred a bill to be entitled an act to authorize the Executive

Board of Managers of the Female Institute of Marshall, Harrison county, to confer degrees, etc.; reported the bill back to the House with amendments, and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue patents to Simon and John Smith, reported the same back to the House without amendment, and recommended its passage.

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

Mr. Charlton, chairman of the committee on County Boundaries, to whom was referred the petition of sundry citizens of Leon, Grimes and Walker counties, praying the organization of a new county; reported the same back to the House without action thereon, and asked to be discharged from its further consideration.

Report laid on the table to come up among the orders of the day.

Mr. Lott, chairman of the committee on Public Lands, to whom was referred the joint resolution for the relief of John C. Walling; reported the same back to the House without amendment, and recommended its passage.

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

Mr. Patrick, chairman of the committee on Claims and Accounts, to whom was referred the petition of Henry Tierwester; reported the same back to the House without action, and asked to be discharged from its further consideration.

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

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report, which was accepted:

COMMITTEE ROOM, Austin, Nov. 25, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved 12th May, 1846; also, an act to amend the 1st Section of an act entitled an act to incorporate Galveston and Brazos Navigation company; also, an act appropriating ten thousand dollars, or as much thereof, as may be necessary for the payment of the mileage and per diem pay of the members of the second extra session

of the third Legislature ; also, an act to require the Commissioner of the General Land Office to issue patents for lands therein named, and find the same correctly engrossed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act to prescribe the time of holding the District Courts in the 11th judicial district ; a bill to be entitled an act better to regulate the election of Judges of the Supreme Court ; also, a bill to be entitled an act for the relief of John Beeman, John S. Beeman and James J. Beeman—originating in the Senate.

Mr. Burney, chairman on the part of the House, of the committee on Enrolled Bills, made the following report, which was received :

COMMITTEE ROOM, November 25, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined a bill to be entitled an act accepting the propositions made by the United States to the State of Texas, in an act of the Congress of the United States, approved the ninth day of September, A. D. one thousand eight hundred and fifty, and entitled an act proposing to the State of Texas the establishment of her North-western boundary, the relinquishment by the said State of all territory claimed by her exterior to said boundary, and of all her claims upon the United States, and to establish a Territorial government for New Mexico ; and find the same correctly enrolled.

Mr. Fields introduced a bill to be entitled an act, to amend an act to incorporate the Galveston Steam Ferry, Freight and Tow Boat Company ; read first time ; rule suspended, bill read second time, and ordered to be engrossed ; rule further suspended, bill read third time, and passed by a constitutional majority—yeas 36—Nays 5.

Mr. Franklin, introduced a bill to be entitled an act to incorporate the Anahuac Canaling and Railroad Company ; read first time ; rule suspended, bill read second time, and referred to the committee on Internal Improvements.

Mr. Bryan introduced a bill to be entitled an act to incorporate the Commercial, Navigation and Transportation Company ; read first time.

Mr. Bryan introduced a bill to be entitled an act to incorporate the Lavaca Turnpike and Plank Road Company ; read first time.

Mr. Polk introduced a bill to be entitled an act to authorize and require the Commissioner of the General Land Office, to is-

sure a patent to William Shipp of Sabine county, for one league of land; read first time; rule suspended, bill read second time and ordered to be engrossed; rule further suspended, bill read third time and passed.

Mr. Fields introduced a joint resolution authorizing the Governor to dispatch a Special Messenger to Washington city, with a copy of the act passed at the present session, accepting the propositions made by the United States to the State of Texas, for the purchase of a portion of her North western territory; read first time.

Mr. Bryan introduced the following resolution:

Resolved, That Professor Mortimer has permission to deliver in the Hall of the House of Representatives on to-morrow evening, the 26th inst., a lecture on Education.

On motion of Mr. McKinney, the Speaker was authorized to make such disposition of the Hall of the House of Representatives, as in his judgment he might think proper.

Mr. Burney introduced a bill to be entitled an act to incorporate the Waco Male and Female Academy, in the county of McLennan; read first time.

Mr. Sterne submitted the petitions of William S. Musicks and Eli M. Thomason, praying for relief; referred to the committee on Private Land Claims.

On motion of Mr. Franklin, the House proceeded to take up the business on the Speaker's table, and to the

ORDERS OF THE DAY.

A bill to be entitled an act to amend the second and seventh sections of an act entitled an act, to organize the Supreme Court of the State of Texas, etc.; read third time and passed.

On motion of Mr. Johnson, a bill to be entitled an act for the relief of Berry Merchant, was taken up read second time, and ordered to be engrossed; rule suspended, bill read third time and passed.

On motion of Mr. Runnels, a bill for the relief of the heirs of Wm. Donoho, deceased, and L. D. Henderson, was taken up and read second time.

Mr. Taylor of Cass proposed the following amendment: after the words "Donoho, deceased," insert "and a certificate to Charles Ames, for eleven hundred and fifty six acres of land;" adopted.

On motion the bill was ordered to be engrossed; rule further suspended, bill read third time and passed.

On motion of Mr. Franklin, a bill to be entitled an act concerning the book or register of land certificates, issued by the board of land commissioners for the county of Harris, which book was at one time mislaid, but has subsequently been found and identified as genuine and unaltered; was taken up and read second time; rule suspended, bill read third time and passed.

On motion of Mr. Patrick, a bill to be entitled an act for the relief of Stokely D. Choate, was taken up, read second time and ordered to be engrossed; rule suspended, bill read third time and passed.

On motion, a bill for the relief of Peter Lopez was taken up; read second time.

Mr. Scott proposed the following amendment: insert in the caption the words "and Henry Tierwester;" carried.

Additional Section.—Section 4. *Be it further enacted*, That the Commissioner of the General Land Office be also required to issued a certificate for two-thirds of a league and labor to Henry Tierwester; adopted.

Mr. Russell moved to amend by striking out the word "assignee;" carried.

On motion the bill was ordered to be engrossed; rule suspended, bill read third time and passed.

A message was received from the Senate, informing the House that the Senate had appointed a committee consisting of Messrs. Portis, Wallace and Burleson, to act in conjunction with a like committee on the part of the House, on a resolution requiring the Senators and Representatives in the United States Congress, to receive the bonds from the United States to be issued to the State of Texas; and also, that the Senate had passed a resolution to adjourn *sine die*, on Monday the second day of December ensuing.

Mr. Fields in the Chair.

On motion of Mr. Bogart, a bill to be entitled an act to authorize the settlers in Peters' Colony to intervene in suit or suits in reference to any matter connected with said Colony contracts where they have an interest, was taken up, read second time and ordered to be engrossed; rule further suspended; bill read third time; the yeas and nays being called for on its final passage stood as follows:

Yeas: Messrs. Bogart, Bryan, Burney, Charlton, Clements, Cochran, Crump, Fields, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Jowers, Lloyd, Lott, Runnels, Selman, Shepard, Smith of Red River, Smith of Shelby, Sp-rights, Stapp, Sterne, Tarrant, Taylor of Cass, Taylor of Harrison, Wigfall, Williams, and Wren—31.

Nays: Messrs. Dickson, Hardeman of Travis, McKinner, Patrick, Reynolds, Russell, Scott, and Shaw—S.

So the bill passed.

On motion of Mr. Owen, a bill to be entitled an act, regulating the pay of certain Volunteers who served in 1842, was taken up, read second time and ordered to be engrossed; rule suspended; bill read third time and passed.

On motion of Mr. Bryan, a bill to be entitled an act for the relief of Reuben R. Brown, was taken up and read second time; rule suspended; bill read third time and passed.

Mr. Burney, chairman on the part of the House of the joint committee on Enrolled bills, made the following report:

COMMITTEE ROOM, November 25th, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee on Enrolled bills have this day transmitted to his Excellency the Governor of the State of Texas for his approval, a bill to be entitled an act accepting the propositions made by the United States to the State of Texas in an act of the Congress of the United States, approved the ninth day of September, A. D. one thousand eight hundred and fifty, and entitled an act proposing to the State of Texas the establishment of her Northern and Western boundary, the relinquishment by the said State of all territory claimed by her exterior to said boundaries and of all her claims upon the United States, and to establish a Territorial Government for New Mexico.

On motion of Mr. Wren, a bill to be entitled an act for the relief of Samuel T. Sheffield, was taken up, read second time and ordered to be engrossed.

On motion, the bill was laid on the table for the present.

On motion of Mr. Shepard, a bill to be entitled an act to legalize a copy of the records in the office of the County Surveyor of the County of Washington was taken up, read second time and ordered to be engrossed; rule suspended; bill read third time and passed.

Mr. Tarrant introduced a bill to be entitled an act for the relief of Thomas J. Jordan, read first time; rule suspended, read second time, and ordered to be engrossed; rule further suspended; bill read third time and passed.

The committee on Engrossed bills, Mr. Jowers chairman, made the following report:

COMMITTEE ROOM, November 25, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed bills have examined an act for

the relief of Lorenzo D. Henderson and the Heirs of William Donoho deceased, and Charles Ames, and find the same correctly engrossed.

Mr. Tarrant introduced a bill to be entitled an act for the relief of Alexander McCulloch; read first time; rule suspended; read second time and referred to the committee on Private Land Claims.

On motion of Mr. Jowers the House adjourned until three o'clock p. m.

THREE O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Polk, the bill to incorporate Rising Star Chapter, Number Nine, in the county of San Augustine (Senate's bill) was taken up; read first time, rule suspended, read second time; rule further suspended, read third time and passed.

On motion of Mr. Scott, the bill to be entitled an act for the benefit of certain persons therein named, was taken up and read second time, and ordered to be engrossed.

On motion of Mr. Scott, rule was suspended and bill read third time and passed.

On motion of Mr. Wren the joint resolution for the relief of Robert Shaw, assignee of William Morrow—Senate bill—was taken up and read first time.

On motion of Mr. Wren, rule suspended, bill read second time, and referred to a Select committee consisting of Messrs. Franklin, Burney and Wren.

A message was received from the Senate, through Mr. Raymond, their Secretary, informing the House that the Senate had passed a bill from the House, to be entitled an act to authorize and require the Commissioner of the General Land Office to issue a certificate to William Shipp, of Sabine county, for one league of land, also, that the Senate had passed a bill amendatory of an act to create the county of Freestone.

Mr. Wigfall, by leave, introduced a bill to be entitled an act granting one league and labor of land to Brevet-Major William S. Henry of the United States army: read first time.

On motion of Mr. Wigfall, the rule was suspended and bill read second time and ordered to be engrossed.

On motion of Mr. Franklin, the vote just taken to engross the above bill, was reconsidered.

Mr. Franklin then offered the following amendments to the bill:

Strike out in 1st section, 7th line from top, the words "except the surveying fees."

After the word "issued" in 3d line, 2d section, insert "and located under the direction of the Governor of the State of Texas, for the benefit of the said William S. Henry, or his heirs; and the Governor is authorized to issue his order to the Treasurer of the State, for the payment of the expenses of the location;" adopted.

On motion, the bill as amended, was ordered to be engrossed.

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

Mr. Jowers, chairman of the committee on Engrossed bills, made the following report:

COMMITTEE ROOM, November 25th, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed bills have examined an act to authorize the settlers in Peters' Colony to intervene in suit or suits in reference to any matter connected with said Colony contracts, where they have an interest, correctly engrossed—also an act for the relief of Berry Merchant, and find the same correctly engrossed.

Mr. Burney, chairman on the part of the House of the joint committee on Enrolled bills, made the following report:

COMMITTEE ROOM, November 25, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee on Enrolled bills have examined a bill to be entitled an act to legalize the acts of the county Surveyors of the county of Cass and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to His Excellency the Governor of the State of Texas for his approval.

Mr. Wigfall introduced a joint resolution, expressing the sense of the Legislature of Texas, in respect to Brevet Major William S. Henry, of the United States army, and of the course pursued by him towards the Commissioner appointed by the State to organize certain counties on the Rio Grande.

Read first time; rule suspended, read second time and ordered to be engrossed.

On motion of Mr. Franklin, the joint resolutions were laid on the table for the present.

On motion of Mr. Wigfall, the joint resolutions were taken up

and referred to a Select committee, consisting of Messrs. Wigfall, Franklin, and Crump.

On motion of Mr. Taylor of Cass, a bill to be entitled an act better to regulate the election of Judges of the Supreme Court, —Senate's bill—was taken up and read first time; rule suspended, read second time and, on motion of Mr. Scott, referred to a Select committee, consisting of Messrs. Scott, Runnels, Shaw, Owen and Williams.

On motion of Mr. Charlton, a bill to be entitled an act for the relief of Benjamin Burke, Senate's bill—was taken up and read first time.

Mr. Scott, by leave, introduced a bill to be entitled an act authorizing the Governor to employ counsel in the Supreme Court of the State in cases where the present Attorney General has been employed; read first time; rule suspended, read second time and ordered to be engrossed; rule further suspended, bill read third time and passed.

On motion of Mr. Patrick, a bill to be entitled an act to repeal a portion of an act to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the Board of Land Commissioners of Robertson county, under certain restrictions, approved February 5, 1850, was taken up, read second time and referred to a Select committee, consisting of Messrs. Patrick, Stapp and Jowers.

Mr. Wigfall moved that the House adjourn until nine o'clock to-morrow morning; lost.

On motion of Mr. Clements, a bill to be entitled an act supplementary to an act to secure to the German Emigration Company, the lands to which they are entitled, originating in the Senate was taken up and read first time; rule suspended, bill read second time and referred to the committee on Private Land Claims.

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

ATLANTA, November 26, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Bryan, Gillet, Russell, Stapp, Wigfall and Winfield.

Journal of yesterday read and adopted.

Mr. Fields submitted the petition of the agent of Robert Clokey, praying the issuance of a duplicate audited draft; referred to the committee on the Public Debt.

Mr. Franklin submitted the petition of Joseph Q. Warnes, praying to be appointed Spanish Translator, etc.; referred to the committee on State Affairs.

Mr. Franklin, chairman of the Judiciary committee to whom was referred a bill to be entitled an act to compel the Judges of the District Court to alternate; reported a substitute for the original bill and recommended its passage.

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

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred a bill to be entitled an act to regulate Slaves; reported a substitute for the original bill and recommended its passage.

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

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred the petition of D. Merritt; reported the same back to the House and recommended its indefinite postponement.

Report laid on the table to come up among the orders of the day.

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred a bill to be entitled an act to regulate the time of the trial of causes in the District Courts, and to provide for the summoning of witnesses on particular days; reported the bill back to the House and recommended its indefinite postponement.

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

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred the petition of the County Court of Bexar County, reported the same back to the House and recommended its indefinite postponement.

Report laid on the table to come up among the orders of the day.

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred a bill to be entitled an act to authorize the County Clerk of Bexar County to transcribe the records in book A No. 1 into a bound book; 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.

Mr. Smith of Shelby, chairman of the committee on Military Affairs made the following report:

COMMITTEE ROOM, November 26, 1850.

To Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Military Affairs to whom was referred the joint resolution for the relief of the heirs of Joseph Rutherford deceased, have had the same under consideration and find from the evidence adduced before the committee that said Rutherford, was a member of Capt. Cary's Company and participated in the storming of Bexar, in 1835, and was afterwards slain in the massacre of the Alamo,—that his wife died in the neighborhood of Joseph Durst's in 1834, leaving one heir only, a female child which was taken and raised by Mrs. Durst, (Carneel Rutherford) now the wife of William Martin, a citizen of Cherokee county, and that said heir of said Rutherford, has never received either donation or bounty land or pay for services of her deceased father; the committee therefore instruct me to report the accompanying bill for her relief in lieu of the joint resolution referred, and recommend its passage. All of which is respectfully submitted.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of Alexander McCulloch, reported the bill back to the House with amendments and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of the Heirs of William Gibbs, deceased, reported a bill for their relief and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act supplementary to an act to secure to the German Emigration Company and their Colonists the lands to which they are entitled; reported the same back to the House with amendments and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of Simon Blythe and

John Hobson ; reported a bill for their relief and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of T. M. Plummer; reported a bill for his relief and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petitions of A. D. Rice and H. J. McKinzie ; reported a bill for their relief and recommended its passage.

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

Mr. Lott, chairman of the committee on Public Land Claims, to whom was referred a joint resolution for the relief of James M. Riggs ; reported the same back to the House without amendment and recommended its passage.

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

Mr. Tarrant, chairman of the committee on Internal Improvements, to whom was referred a bill to be entitled an act to incorporate the Anahuac Canaling and Rail Road Company ; reported the same back to the House without amendment and recommended its passage.

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

Mr. Tarrant, chairman of the committee on Internal Improvements, to whom was referred the petition of Jacob Long, praying a charter for the erection of bridges across certain water courses; reported a bill embracing that object and recommended its passage.

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

Mr. Jowers, chairman of the committee on Engrossed bills, made the following report, which was accepted.

COMMITTEE ROOM, November 25, 1850. .

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed bills, have examined an act concerning the Book or Register of land certificates issued by the Board of Land Commissioners for the county of Harris, which was at one time mislaid, but the Book has subsequently been

found and identified as genuine and unaltered; also an act to be entitled an act to legalize a copy of the records in the office of the county surveyor of the county of Washington; also a bill to be entitled an act to amend an act to incorporate the Galveston Ferry Freight and Tow Boat Company; also a bill to be entitled an act for the relief of Stokely D. Choate, and find them correctly engr essed.

Mr. Burney, chairman on the part of the House, of the joint committee on Enrolled bills, made the following report, which was accepted.

COMMITTEE ROOM, November 26, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee on Enrolled bills, have examined a bill to be entitled an act to repeal in part an act entitled an act to incorporate the Trinity Plank Road Company, also an act entitled an act to permanently locate the seat of justice of Denton county, also an act to incorporate the Fayette Academy in the county of Fayette, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to His Excellency the Governor of the State for his approval.

Mr. Scott, chairman of the Select committee, to whom was referred a bill to be entitled an act providing for the election of Judges of the Supreme Court, made the following report:

COMMITTEE ROOM, November 26, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The Special committee to whom was referred a bill providing for the election of Judges of the Supreme Court, have had the same under consideration and a majority concurring in the opinion that the requisitions of the constitution are not complied with by said bill, have instructed me to report a substitute for the same and recommend its adoption. The constitution declares that there shall be a Supreme Court, to consist of a Chief Justice and two associates. It cannot be deemed otherwise than manifest from the language of the clause that the Chief Justice constitutes not only part of, but that his office is necessary to the organization and existence of the court, whilst at the same time, it clearly indicates the appointment to be separate and distinct from that of the associates. It was so regarded in the first appointments made under the State organization. It is under that construction that the present incumbents hold their offices, and which there is no room to believe would ever have been doubted, but for the amendment to the constitution which it is believed

only changed as it was intended to do, the mode of their appointment and not the title of the officer nor the tenure of his office.— That it was not intended to reorganise, but merely to provide a new and different mode of election to the then existing system, by leaving it to the popular voice rather than “to the nomination of the Governor, by and with the advice and consent of the Senate,” is clearly expressed in the act of amendment. Then to believe that the offices may be blended together, or that appointments may be made to fill them otherwise than separate and distinct as they are designated by the constitution, would be to sanction the anomalous opinion that the alteration of the constitution, as to the mode of electing had effected, a change in the organization of the whole court, and the consequent repeal or abolition of the original provisions creating it. Thus would the State have placed itself in the miserable dilemma of having abolished the court by the adoption of the “amendment” which only presumes the existence of, and does not pretend to create. Again, your committee cannot with propriety reconcile the opinion that under a fair and full representative system, such as ours, it is better to do indirectly that which is provided for directly in the exercise of the elective franchise. The Chief Justice is an officer created by the constitution, and it is believed the only method of fulfilling its spirit and intention is to elect him as such, as well as that it is the mode only calculated to render satisfaction to the masses upon whose suffrage he must depend for support. A different course to that recommended is well calculated to mingle in doubt and uncertainty that which has been made sufficiently plain and manifest by the act of organization.

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

Mr. Patrick, chairman of the Select committee, to whom was referred a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue Patents on certificates issued by the Board of Land Commissioners of Robertson county under certain restrictions; reported the bill back to the House and recommended its passage.

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

Mr. Tarrant, chairman of the Special committee, to whom was referred a bill to be entitled an act authorizing the clerk of the County Courts of Navarro and Tyler counties to transcribe certain documents therein named; reported the same back to the House without amendment and recommended its passage.

On motion of Mr. Tarrant, the rule was suspended; bill taken up and read second time and ordered to be engrossed.

On motion, rule further suspended; bill, read third time and passed.

Mr. McKinney, chairman of Select committee, made the following report:

— COMMITTEE ROOM, November 25, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The Special committee, to whom was referred the bill for the relief of the Heirs of Andrew Kent, deceased, have had the same under consideration, and from the evidence introduced we can discover no reason why the relief prayed for should not be granted; the committee have instructed me, therefore, to return the bill without amendment and recommend its passage.

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

Mr. McKinney, chairman of Special committee made the following report:

COMMITTEE ROOM, November 25, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The Special committee, to whom was referred the petition of William H. Parker, have considered the subject and a majority of the committee have directed me to report in favor of the prayer of the petitioner and recommend the passage of the accompanying bill.

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

Mr. Jowers introduced a bill to be entitled an act making an appropriation of one hundred and fifty dollars for the payment of J. E. Cravens, Special Judge of the Supreme Court; read first time.

On motion of Mr. Scott, rule suspended; bill read second time and referred to a Select committee, consisting of Messrs. Scott, Jowers and Hendricks.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act for the relief of William P. Wyche and the legal representatives of Peter A. Duell; also a bill to be entitled an act for the relief of William C. Anderson; and that the Senate had adopted a substitute for the bill to be entitled an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, etc.

Mr. Crump introduced a bill to be entitled an act allowing to the widow of William G. Cooke the balance of pay due him as Commissioner to Santa Fe, and for services as acting Quarter Master General in the Somervell campaign; read first time; rule suspended; read third time and referred to the committee on Public Debt.

The committee on the Public Debt, to whom was referred a bill for the relief of George W. Wright and others; 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.

Mr. Stapp, chairman on the part of the House of the Joint Select committee, who was instructed to enquire into the amount and character of the Public Debt of the late Republic of Texas, made the following report:

The joint select committee of the two Houses, to whom was referred a resolution instructing said committee to report the amount of the public debt, and a bill requiring the creditors of the State to file releases at the Comptroller's Office, against the United States, for all said debts for which the duties on imports were specially pledged; have duly considered the same, and have instructed me to report that they have procured from the Comptroller and Auditor, a statement showing the amount actually ascertained, together with the estimated amount of the unascertained debt, which statement is submitted as a part of this report.

The committee find, upon an examination of the statutes of the Republic of Texas, that the only and whole amount for which duties on imports were specially pledged, is the interest on the funded debt, created by an act of the Congress of the Republic of Texas, on the seventh day of June, 1837.

The committee deem it proper to remark that there is a class of claims which has been presented at the Auditor's office for spoiliations, for property taken and destroyed by both the enemy and our own army during our revolution, upon which no action has been taken by the Auditorial board, and the limited time allowed the committee for the discharge of the duty imposed upon them, has prevented a thorough examination into said class of claims; they therefore, leave this class to be disposed of by future legislation, without any expression of opinion on their part.

The list of persons owning consolidated stock, created by act of the 7th June, 1837, which was classified by the Auditor and Comptroller at 70 cents on the dollar, and which should be

allowed at par, as shown in the report of the Comptroller and Auditor, and marked "E," we are induced to believe are a special class, and in the opinion of a majority of the committee, should be paid at par ; but for the want of time to examine each individual claim, the committee would recommend that the same be passed over for the present, subject to future legislation.

In conclusion, the committee report herewith a bill and recommend its passage. All of which, is respectfully submitted.

J. B. ROBERTSON, Chairman
on part of the Senate.

D. M. STAPP, Chairman
on part of the House

A.

STATEMENT of the class and amount of debt of the late Republic of Texas, filed and receipted for by the Auditor and Comptroller to the 20th of November, 1850, under the provisions of an act approved March 20th, 1848.

FIRST CLASS.

	Ostensible value of filed debt.	Rate.	Par value of filed debt.
10 per cent. Consolidated fund, created by ac. of June 7, 1837,	\$580,757 69	70cts.	\$403,551 30
10 " " Consolidated fund, issued to Swartwout and others,	6,353 50	100cts.	6,353 50
10 ⁰ " " Bonds issued by Commissioners under the five million loan acts,	653,257 00	various.	497,953 50
10 " " Stock issued under act of February 5th, 1840,	711,800 00	30cts.	213,540 00
8 " " Stock issued under act of February 5th, 1840,	23,780 08	30cts.	7,134 00
8 " " Treasury Bonds,	656 100 00	20cts.	131,220 00
10 " " Treasury notes, 1st issue,	33,670 00	100cts.	33,670 00
10 " " do. 2d do.,	307,139 00	50cts.	153,569 50
Treasury notes not issued to bear interest,	1,640,218 00	25cts.	410,052 00
Audited paper,	59,958 09	various	55,259 46
Miscellaneous,	41,087 73	100cts.	41,087 73
Total ostensible and par principal, Interest to 1st July, 1850, on such of the above liabilities as were issued to bear an interest,	\$1,714,219 01		\$1,956,411 07
	2,407,447 69	various.	1,229,668 50
Total ostensible & par value of principal and interest of liabilities receipted for of first class,	\$7,121,663 70		\$3,186,079 57
Amount of Civil, Military and Naval claims audited, (known as 2d and 3d class claims.)	475,533 60		499,370 25
Amounts audited by special acts of the Legislature,	72,077 15	100cts.	72,077 15
Total amount of ostensible and par value of principal and interest receipted for to November 20th, 1850,	7,669,277 45		3,667,527 00
Amount of claims on file not yet receipted for,	103,000 00	100cts.	103,000 00
Total ostensible and par value of principal and interest of all claims filed or receipted for to 20th Nov., 1850,	\$7,772,277 45		\$3,770,527 00

STATEMENT showing the amount and class of debt outstanding, or which has not been filed with the Auditor and Comptroller, under the act of March, 1848, together with the rate at interest which the same was available on a par basis.

BONDS ISSUED UNDER THE FIVE MILLION LOAN ACTS.

	Ostensible value of unfiled debt.	Rate.	Par value of unfired debt.
Amount claimed by F. Dawson and others, for Naval vessels furnished, Interest on the above to 1st July, 1850,	\$560,000 00 651,000 00		
Ostensible and par value of principal and interest,	\$1,211,000 00	50cts.	\$605,500 00
Balance of interest due to 1st July, 1850, on the bonds issued to the bank of the United States, which bonds have been already filed and included in the preceding statement of claims filed,	45,738 00	87 9-20c.	40,000 00
Balance of interest to 1st July, 1850, on the bonds issued to James Holford and associates, for steamship Zavala, which bonds have been already filed and included in preceding statement of claims filed,	19,590 70	50cts.	9,795 35
Total ostensible and par value of principal and interest of above bonds under the five million loan acts not filed,	\$1,276,323 70		\$655,295 35

Treasury Notes, Stock Bonds, &c., which have not been filed under provisions of an act of March, 1848.

	Ostensible value	Rate.	Par value.
10 per cent. Consolidated fund, created by act of June 7, 1837,	231,059 00	70cts.	161,741 30
10 " " Consolidated fund issued to Swartwout and others,	7,584 82	100cts.	7,584 82
10 " " Treasury Notes, 1st issue,	16,330 00	"	16,330 00
10 " " " " 2d "	62,861 00	50cts.	31,430 50
10 " " " " 3d "			
not bearing interest,	437,298 00	25cts.	109,324 50
5 & 10-per cent. Stock issued under act of Feb. 5, 1840,	81,420 00	30cts.	24,426 00
5 " " Treasury bonds,	180,780 00	20cts.	36,155 00
Audited paper,	271,697 61	100cts.	171,697 61
Total ostensible and par value of above liabilities outstanding,	1,289,030 43		658,690 73
Amount of interest on above liabilities, issued to bear interest to July 1, 1850,	498,361 54	various.	242,563 08
Total ostensible and par value of principal and interest of above liabilities outstanding,	\$1,787,391 97		\$901,258 81

UNAUDITED CLAIMS.

	Ostensible value.	Rate.	Par value.
Probable amount of Civil, Military and Naval claims, to be yet filed and audited,	\$1,485,844 92		\$1,485,844 92

RECAPITULATION OF OUTSTANDING DEBT.

	Ostensible value.	Rate.	Par value.
Bonds issued under the five million loan acts, principal and interest,	1,276,323 70	various	655,295 35
Treasury notes, Stock bonds, &c., principal and interest,	1,787,391 97	"	901,258 8
Unaudited claims,	1,485,844 92		1,485,844 91
Total outstanding of principal and interest of all classes of debt,	\$4,549,565 59		\$3,042,399 08

General Recapitulation of the entire Debt, filed and unfiled.

	Ostensible value.	Rate.	Par value.
Debt filed of all descriptions as above shown, principal & interest,	7,772,877 45	various.	3,770,527 00
Debt outstanding, of all descriptions as above shown, principal and interest,	4,549,565 59	various.	3,042,399 00
Total ostensible and par value of debt of all descriptions, filed and unfiled,	\$12,322,443 04	-	\$6,812,926 00
COMPTROLLER'S OFFICE, } Austin, Nov. 21, 1850. }	JAMES B. SHAW, <i>Comptroller.</i> JOHN M. SWISHER, <i>Auditor.</i>		

A bill to provide for the adjustment of the Public Debt of the late Republic of Texas. Read first time.

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

On motion of Mr. Scott, the rule was suspended and the bill just reported by the Joint Select committee taken up and read a second time.

Mr. Wigfall offered the following as a substitute for the bill reported by the committee.

Mr. Sterne moved that one hundred copies of the bill and substitute be printed for the use of the House.

Mr. Shepard moved a division of the question to print; carried.

The question was then taken upon printing one hundred copies of the original bill; which was carried.

The question next in order was the printing of one hundred

copies of the substitute, offered by Mr. Wigfall; which was also put and carried,

On motion of Mr. Dickson the House adjourned until three o'clock p. m.

3 O'CLOCK P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Crump introduced a bill to be entitled an act to authorize the Governor to call out volunteers for frontier defence; read first time.

On motion, rule was suspended, bill read second time and referred to the committee on Military Affairs.

Mr. Burney introduced a bill to be entitled an act to authorize Bartlett Sims, assignee of Martha Barker, to float a certain survey; read first time; rule suspended, bill read second time, and referred to the committee on Private Land Claims.

Mr. Jowers by leave, introduced the petition of Solomon Albright, praying for relief; referred to the committee on Private Land Claims.

Mr. Jowers submitted the petition of sundry citizens of Houston and Cherokee counties, praying a charter for canalizing purposes; referred to committee on Internal Improvements.

Mr. Fields offered the following resolution:

Resolved, That no private relief bill shall be taken up out of its regular order except by unanimous consent of the House; read and adopted.

Mr. Fields introduced a bill to be entitled an act for the relief of Jacob Shaw, administrator, etc., read first time; rule suspended, read second time, and referred to committee on Private Land Claims.

Mr. Patrick introduced a bill to be entitled an act to confirm certain titles therein named, to Joseph Harlan; read first time; rule suspended, bill read second time, and referred to the committee on Private Land Claims.

Mr. Patrick introduced a bill to be entitled an act to incorporate the Arodelphia Academy; read first time; rule suspended, read second time and referred to the committee on Education.

Mr. Patrick introduced a bill to be entitled an act to amend an act, approved August 23rd, 1850, entitled an act to amend the second section of an act, to define the time of holding the courts in the several Judicial Districts, etc.; read first time; rule suspended, read second time, and referred to the Judiciary committee.

Mr. Smith of Shelby introduced a bill to be entitled an act to

incorporate the Shelby University; read first time; rule suspended, read second time, and ordered to be engrossed.

A message was received from the Senate, through their Secretary, Mr. Reymond, informing the House that the Senate had passed a bill to be entitled an act for the relief of William A. Burns.

On motion of Mr. Jowers, the vote just taken upon the adoption of the resolution declaring that the House would take up no private relief bill out of the regular order, was reconsidered by a vote as follows:

Yeas—Messrs Speaker, Bogart, Burney, Charlton, Clements, Cochran, Crump, Franklin, Hendricks, Jowers, Lewis, Patrick, Polk, Russell, Shea, Smith of Red River, Stapp, Sterne, Tarrant, Taylor of Harrison and Wren—21.

Nays—Messrs. Bryan, Dickson, Fields, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Hunt, Johnson, Lloyd, McKinney, Owen, Runnels, Selman, Shaw, Smith of Shelby, Speights, Taylor of Cass and Williams—19. So the vote was reconsidered.

Mr. Sterne then moved to lay the resolution on the table, upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Bogart, Burney, Charlton, Clements, Cochran, Crump, Franklin, Hendricks, Hunt, Jowers, Lewis, Polk, Russell, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Tarrant, Taylor of Harrison, Wigfall and Wren—23.

Nays—Messrs. Speaker, Bryan, Dickson, Fields, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Lloyd, McKinney, Owen, Patrick, Runnels, Selman, Shaw, Taylor of Cass and Williams—18. So the resolution was laid on the table.

On motion of Mr. Tarrant, the House proceeded to take up the business on the Speaker's table and to the orders of the day.

A bill to be entitled an act for the relief of Luanner Ward—from the Senate—was taken up and read first time.

Mr. Charlton moved to suspend the rule in order to place the bill upon its second reading, upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Gillet, Hardeman of Travis, Hendricks, Holland, Johnson, Lewis, Lloyd, Lott, Owen, Patrick, Polk, Russell, Selman, Smith of Red River, Smith of Shelby, Speights, Sterne, Tarrant, Taylor of Cass, Taylor of Harrison and Wren—28.

Nays—Messrs. Clements, Fields, Franklin, Hardeman of Nacogdoches, Hunt, Jowers, McKinney, Runnels, Shaw, Stapp,

Wigfall and Williams—13. It requiring a vote of four-fifths to suspend the rule, the motion was lost.

A bill to be entitled an act for the relief of M. W. B. Armstrong—from the Senate—read first time.

A bill amendatory of an act to create the county of Freestone—from the Senate—read first time.

A bill to be entitled an act for the relief of Benjamin Burke—from the Senate—read second time ; and, on motion of Mr. Williams, referred to the committee on Private Land Claims.

A joint resolution, refunding to Major Wm. S. Henry, the fine imposed upon him by sentence of a court martial in the ninth military department of the United States Army—from the Senate—read first time.

A bill to be entitled an act appropriating \$10,000 or as much thereof as may be necessary, for the payment of the mileage and per diem pay of the members of the second extra session, third Legislature—read third time and passed.

A bill to be entitled an act to amend the first section of an act entitled an act to incorporate the Galveston and Brazos Navigation Company—read third time and passed by constitutional majority—yeas 36—nays 3.

A bill to be entitled an act to locate the seat of justice of Kaufman county—from the Senate—read first time.

A bill to be entitled an act for the relief of Lewis Monroe Mays (a minor)—from the Senate—read first time.

A bill to be entitled an act to authorize the employment of a State architect—from the Senate—read first time.

A bill to be entitled an act requiring the Commissioners appointed by an act entitled an act creating the county of Hunt, approved April 11, 1846, to deliver up certain documents, and surveys therein mentioned—from the Senate—read first time.

Mr. Hendricks moved a suspension of the rule in order to take up a bill to be entitled an act organizing the Supreme Court, etc ; lost.

A bill to be entitled an act to prescribe the time of holding the District Courts in the 11th judicial district—from the Senate—read first time.

Mr. Wren moved to take from the table and place among the orders of the day a bill to be entitled an act for the relief of Samuel T. Sheffield ; carried.

A bill to be entitled an act for the relief of John Beeman, John S. Beeman and James J. Beeman—from the Senate—read first time.

Resolution of the Senate proposing to adjourn *sine die* on the

second of December next; read, and on motion of Mr. Jowers, laid on the table for the present.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report, which was accepted:

COMMITTEE ROOM, November 26, 1850.

HON. C. G. KEENAN.

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined a bill to be entitled an act for the relief of certain persons therein named; also, an act to authorize the clerk of the county court of Navarro county, and the county clerk of Tyler county to transcribe into a bound book severally, to be procured by them for that purpose, all the records and title papers hereinafter mentioned, requesting; by the said county clerks; also, an act authorizing the Governor to employ counsel in the Supreme Court of the State in cases where the present Attorney General has been employed; also, a bill regulating the pay of certain volunteers who served in 1842; also, an act for the relief of Reuben R. Brown; also a bill to be entitled an act for the relief of Thomas J. Jordan; also, a bill to be entitled an act granting one league and labor of land to Brevet Major William S. Henry, of the United States Army, and find the same correctly engrossed.

A bill to be entitled an act to incorporate the town of Shelbyville in the county of Shelby—originating in the Senate—read first time.

A joint resolution for the relief of Daniel Parker, jr.—Senate bill—read second time, and referred to a select committee consisting of Messrs. Jowers, Bogart and Russell.

A bill for the relief of Zachariah N. Morrell; read second time, and ordered to be engrossed.

A bill to be entitled an act to incorporate the Trinity and Galveston Navigation Company; read second time.

Mr. Cochran offered the following amendment, "provided however, that nothing herein contained shall be so construed as to give to said company an exclusive privilege to navigate said river; adopted. On motion the bill was ordered to be engrossed.

A bill to be entitled an act to amend an act entitled an act to incorporate the city of New Braunfels; read second time, and ordered to be engrossed.

Mr. Jowers chairman of the committee on Engrossed Bills, made the following report, which was accepted:

COMMITTEE ROOM, November 26, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives.

The committee on Engrossed Bills have examined an act to

incorporate the Brazos and Bernard Railway and Plank Road Company, and find the same correctly engrossed.

A bill to be entitled an act for the relief of the heirs of Mary Ann Smith deceased; read second time, and referred to the committee on Private Land Claims.

On motion of Mr. Burney, Mr. Patrick was added to the committee on Private Land Claims.

A bill to be entitled an act for the relief of John M. Taylor; read second time, and referred to the committee on Private Land Claims.

A bill to be entitled an act to authorize the Executive Board of Managers of the Masonic Female Institute to confer degrees, with the amendments of the committee on Education; amendments adopted, and bill as amended ordered to be engrossed.

A bill to be entitled an act to authorize the Commissioner of the General Land office to issue patents to the heirs of Simon Gillam and John Smith; read second time, and ordered to be engrossed.

A bill to be entitled an act to incorporate the Waco Male and Female Academy in the county of McLennan; read second time, and ordered to be engrossed.

A joint resolution for the relief of John C. Walling; read second time, and ordered to be engrossed.

On motion of Mr. Hardeman of Travis, the House adjourned until ten o'clock to-morrow morning.

AUSTIN, November 27, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Hardeman of Travis, Lewis, Reynolds and Winfield.

Journals of yesterday read and adopted.

Mr. Owen submitted the petition of the heirs of J. F. Ailes, praying the payment of stipulated interest on a bill of exchange; referred to the committee on Finance.

Mr. Bryan, chairman of the committee on Education made the following report:

COMMITTEE ROOM, November 27, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The majority of the Education committee, to whom was refer-

red a resolution providing for the disposition of the school fund, have instructed me to report a bill in conformity with said resolution, which I have done, and submit the same with the report and recommend its passage.

The reasons which influenced the committee to make this recommendation, are these: that the school fund is now and has been from the organization of the State Government, lying useless in the Treasury of the State; that it is not of a sufficient amount for distribution to effect the object for which it was created: that it ought to be invested in some safe way by which it may add to itself, until it may ultimately reach an amount which will warrant its distribution among the counties for the establishment of free public schools; that the investment of the fund in the bonds of the State, or the bonds of the United States, drawing five per cent. interest, is both safe and profitable. And that the latter bonds cannot be more justly disposed of, than by setting aside a portion of them in the manner proposed; for the State is now in want of means, which want, has been caused by two extra-sessions of the Legislature, called for the adjustment of our Northern boundary, through which adjustment, these bonds have or will be procured. Again, the school fund has accumulated to over \$36,000 in the Treasury of the State in gold and silver, and by keeping so much of these precious metals locked up and withdrawn from circulation, it is a direct injury inflicted upon those whom we represent. It is then the policy of the State, as well as to the interest of the fund, that the fund should be disposed of as indicated by the committee; hence the majority of the committee recommend the bill to the most favorable consideration of the House.

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

Mr. Bryan, chairman of the committee on Education, made the following report:

COMMITTEE ROOM, November 26, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Education, to whom was referred a petition of the citizens of Anderson county, praying for leave to rent or lease their county school lands, have had the same under consideration and have instructed me to report a general bill embracing the purposes prayed for; also, a petition from Marshall Lodge, No. 22, praying for a donation of land for school purposes, the committee instruct me to report that it is inexpedient at the present time to grant the prayer of said petitioners, but that at a fu-

ture day it may be prudent to entertain the subject; all of which is respectfully submitted.

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

Mr. Taylor of Cass in the Chair.

Mr. McKinney moved to suspend the rule in order to take up the bill reported by the committee on Education in relation to the disposition of the school fund, upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Bogart, Bryan, Burney, Clements, Cochran, Crump, Franklin, Gillet, Hardeman of Travis, Holland, Hunt, Lewis, McKinney, Owen, Runnels, Russell, Shaw, Shea, Smith of Red River, Smith of Shelby, Stapp, Taylor of Harrison, Williams and Wren—24.

Nays—Messrs. Charlton, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Johnson, Jowers, Lloyd, Lou, Patrick, Polk, Scott, Selman, Speights, Sterne, Tarrant and Taylor of Cass—17.

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

The Speaker resumed his seat.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of Aquilla Brinkley, reported a bill for his relief, and recommended its passage.

Mr. Barney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of Benjamin Burke; 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.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of Solomon Albright, reported a bill for his relief, and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of John M. Taylor, reported the same back to the House without amendment, and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act to authorize Bartlett Sims assignee of Martha Barker to float a certain

claim; 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.

Mr. Patrick, chairman of the committee on Claims and Accounts, to whom was referred the petition of John Gillespie; reported the same back to the House, and asked to be discharged from its further consideration.

Report laid on the table to come up among the orders of the day.

Mr. Scott, chairman of the Special committee, to whom was referred a bill to be entitled an act making an appropriation of one hundred and fifty dollars for the payment of John E. Cravens; reported a substitute for the same and recommended its passage.

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

Mr. Jowers, chairman of the Select committee, to whom was referred a joint resolution for the relief of Daniel Parker, Jr., reported a substitute for the resolution and recommended its passage.

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

Mr. Fields introduced a bill to be entitled an act for the relief of William R. Smith; read first time.

Mr. Shea introduced a bill to be entitled an act for the relief of William B. Jaynes.

Mr. Sterne introduced a bill to be entitled an act for the relief of John H. Hyde; read first time.

Mr. Gillet introduced a joint resolution appropriating a portion of the ten millions to be received from the United States to common school purposes; read first time.

Mr. Crump introduced a bill to be entitled an act for the relief of Gillespie county; read first time.

On motion of Mr. Scott, the House proceeded to take up the business on the Speaker's table and to the orders of the day.

ORDERS OF THE DAY.

A bill to be entitled an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas; with the amendment of the Senate.

Mr. Bogart moved that the House concur in the amendment

of the Senate to the original bill ; upon which the yeas and nays were called for and stood as follows :

Yeas : Messrs. Bogart, Clements, Cochran, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Lott, Russell, Taylor of Cass, Wigfall, Williams and Wren.—14.

Nays : Messrs. Speaker, Bryan, Burney, Charlton, Crump, Dickson, Fields, Franklin, Hardeman of Travis, Holland, Jowers, Lewis, Lloyd, McKinney, Owen, Patrick, Polk, Runnels, Scott, Selman, Shaw, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne and Tarrant—28. So the House refused to concur in the amendment of the Senate.

Mr. Stapp then moved to appoint a committee of conference, and request the appointment of a like committee on the part of the Senate ; upon which the yeas and nays were called for and stood as follows :

Yeas : Messrs. Bryan, Burney, Clements, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Hunt, Johnson, Lewis, Lloyd, McKinney, Owen, Polk, Runnels, Scott, Shaw, Shea, Smith of Shelby, Speights, Stapp, Tarrant, Taylor of Cass, Taylor of Harrison, Wigfall, Williams, and Wren—26.

Nays : Messrs. Speaker, Bogart, Charlton, Cochran, Crump, Dickson, Fields, Franklin, Gillet, Hendricks, Jowers, Lott, Patrick, Russell, Selman, Smith of Red River and Sterne—17. So the motion was carried.

The Speaker appointed on the part of the House, Messrs. Stapp, Clements, Franklin, Dickson, Johnson and Holland, to compose said committee.

Mr. Lewis asked leave of the House to introduce a resolution, it being under the rules of the House, out of the regular order of business ; and requiring a suspension of the rule, the yeas and nays were called for and stood as follows :

Yeas : Messrs. Speaker, Bryan, Burney, Clements, Crump, Dickson, Fields, Gillet, Hardeman of Travis, Holland, Hunt, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Russell, Selman, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Taylor of Cass, Taylor of Harrison, Wigfall and Wren—31.

Nays : Messrs. Bogart, Charlton, Cochran, Franklin, Hardeman of Nacogdoches, Hendricks, Polk, Runnels, Scott, Shaw, Tarrant and Williams—12. So the rule was suspended, and leave granted to Mr. Lewis to introduce his resolution.

Mr. Lewis then introduced the following resolution.

Resolved, That the Governor be authorized to employ such person as he may deem proper to translate the proper number of

the Governor's message, designated by the Legislature, into the German language.

Resolution read and adopted.

On motion of Mr. Clements, the House adjourned until three o'clock p. m.

THREE O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Fields, Mr. Owen was added to the committee on Finance.

The Senate's bill, to be entitled an act for the relief of Luaner Ward, read second time; and on motion, referred to the committee on Private Land Claims.

The Senate's bill to be entitled an act for the relief of M. W. B. Armstrong; read second time, and referred to committee on Private Land Claims.

The Senate's bill, to be entitled an act, amendatory of an act to create the county of Freestone; read second time, and passed to a third reading.

Mr. Burney, chairman on the part of the House of the committee on Enrolled bills made the following report, which was accepted.

COMMITTEE ROOM, November 27, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined an act to legalize a copy of the records in the office of the County Surveyor of the county of Washington, also a bill to authorize and require the Commissioner of the General Land Office to issue a patent to William Shipp of Sabine county for one league of land, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to His Excellency the Governor of the State for his approval.

A joint resolution from the Senate refunding to Major William S. Henry the fine imposed upon him by the Military of the 9th Department, etc.; read second time.

Mr. Lewis proposed the following amendment:

SEC. 2. *Be it further resolved*, That the Secretary of State be required to furnish a copy of this joint resolution, on parchment, under the Great seal of the State to said Major William S. Henry. Amendment adopted.

On motion, the joint resolution as amended was passed to a third reading.

The Senate's bill, to be entitled an act to locate the seat of justice of Kaufman county—read second time—and passed to a third reading.

Senate's bill, to be entitled an act for the relief of Lewis Monroe Mays (a minor)—read second time—and passed to a third reading.

Senate's bill, to be entitled an act to authorize the employment of a State architect; read second time; the question being upon the passage of the bill to a third reading was put and lost.

Senate's bill, to be entitled an act requiring the Commissioners appointed by an act entitled an act creating the county of Hunt, approved April 11, 1846, to deliver up certain documents and moneys therein named; read second time; and passed to a third reading.

Senate's bill, to be entitled an act to prescribe the time of holding the District Courts in the eleventh judicial district; read second time; and on motion of Mr. Burney referred to the Judiciary committee.

Senate's bill, to be entitled an act for the relief of John Beeman, John S. Baeman and James J. Baeman; read second time; and passed to a third reading.

Senate's bill, to be entitled an act to incorporate the town of Shelbyville in the county of Shelby; read second time; and passed to a third reading.

Senate's bill, to be entitled an act for the relief of William A. Burnes; read first time.

Senate's bill, to be entitled an act for the relief of William P. Wyche, and the legal representatives of Peter A. Duell; read first time.

Senate's bill, to be entitled an act for the relief of William C. Anderson; read first time.

An act regulating slaves, with the substitute proposed by the Judiciary committee; was taken up.

On motion of Mr. Bryan, the substitute proposed by the Judiciary committee was adopted.

Mr. Russell proposed the following amendment: first section, eighteenth line, strike out "or any individual"; upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Bogart, Burney, Holland, Johnson, Lloyd, McKinney, Owen, Patrick, Russell, Scott, Selman, Shea, Smith of Red River, Smith of Shelby and Taylor of Cass—15. •

Nays—Messrs. Speaker, Bryan, Chariton, Clements, Cochran, Dickson, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Hunt, Jowers, Lott, Po k, Runnels, Shaw, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Williams and Wren—26. So the amendment was rejected.

Mr. Fields proposed the following amendment: strike out the words "or with such written permit, at places other than described in said permit." Rejected.

On motion, the bill as amended was ordered to be engrossed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act for the relief of Peter Galagher, and the legal representatives of Archibald Fitzgerald and Thompson Robinson; also a bill for the relief of John McLennan, jr.

A bill to be entitled an act to incorporate the Brazos and Bernard Railway and Plank Road Company; read third time, and passed by a constitutional majority—yeas 36—nays none.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report which was accepted:

COMMITTEE ROOM, November 27, 1850.

To Hon. C. G. KEENAN.

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined a joint resolution for the relief of John C. Walling; also, a bill to be entitled an act to incorporate the Waco Male and Female Academy in the county of McLennan; also, an act for the relief of Zachariah N. Morrell; also, a bill to be entitled an act to incorporate the Shelby University; also, an act for the relief of James Chesher, sen.; also, a bill to be entitled an act to authorize the commissioner of the General Land-office to issue patents to the heirs of Simon Gillom and the heirs of John Smith; also, an act to amend an act entitled an act to incorporate the city of New Braunfels; also, an act to authorize the executive Board of Managers of the Masonic Female Institute at Marshall, Harrison county, to confer degrees and for other purposes; also, an act to incorporate the Trinity and Galveston Navigation Company, and, find the same correctly engrossed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate adhered to their amendment to the bill to be entitled an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, and that the Senate had appointed a committee consisting of Messrs. Gage, Portis, Wallace and Kin-

ney to confer with the committee of the House upon the consideration of the same.

Mr. Rummels moved to reconsider the vote taken to day, refusing to concur in the amendment of the Senate to the bill to be entitled an act to amend the second and seventh sections of an act organizing the Supreme Court of the State of Texas. etc.

Mr. Scott moved to lay the motion of Mr. Rummels on the table until Monday next.

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

ATSTIN, November 28, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Hardeman of Travis, Reynolds, Shepard, Stewart and Winfield.

Journal of yesterday read and adopted.

Mr. Sterne submitted the petition of James Crossland, praying for relief; referred to the committee on Private Land Claims.

Mr. Patrick submitted the petition of Rosa L. Williams, praying for relief; referred to the committee on Private Land Claims.

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred an act to amend the 1st Section of an act approved August 23, 1850, entitled an act to amend the second section of an act to define the time of holding the Courts in the several Judicial Districts, approved February 29, 1850; reported a substitute for the same and recommended its passage.

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

Mr. Fields, chairman of the committee on Finance, to whom was referred the bill for the relief of the citizens of Fannin county, reported the same back to the House and recommended its indefinite postponement.

Report laid on the table to come up among the orders of the day.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act concerning the book or register of Land Certificates issued by the Board of Land Commission-

ers for the county of Harris, which was at one time mislaid, but subsequently found and identified as genuine and unaltered, originating in the House of Representatives; also, a bill to be entitled an act for the relief of John Edmonds; a bill to be entitled an act for the relief of John E. Linn; and a bill to be entitled an act to establish Public Schools in the county of Comal, originating in the Senate.

Mr. Bryan, chairman of the committee on Education, to whom was referred a bill to be entitled an act to incorporate the Arodelphia Academy, reported the bill back to the House and recommended its passage.

Mr. Barney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of Luanna Ward, 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.

Mr. Patrick, one of the committee on Private Land Claims, to whom was referred a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue a Headright to the Heirs of Mary Ann Smith, deceased, for one league and labor of land, reported the same back to the House without amendment and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of M. W. B. Armstrong, 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.

Mr. Patrick, chairman of the committee on Claims and Accounts, to whom was referred the petition of Zachariah N. McCrell; reported the same back to the House and asked to be discharged from its further consideration.

Report laid on the table to come up among the orders of the day.

Mr. Franklin, chairman of the Select committee, to whom was referred the bill to be entitled an act for the relief of Robert Shaw, 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.

Mr. Stapp, chairman of the Joint Select committee, to whom

was referred the bill to be entitled an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, made the following report:

COMMITTEE ROOM, November 28th, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee of Conference of the Senate and House of Representatives upon the disagreement of the two Houses upon the Senate's substitute to the House's bill, entitled an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th May, 1846, have had the same under consideration, and a majority of the committee have agreed to amend the Senate's substitute by adding the counties of Victoria, Calhoun, Jackson, Dewitt and Goliad, after the word "Medina," in the fourteenth line of said section, and to strike the same from the twenty-eighth and twenty-ninth lines of said second section, and recommend the adoption of the Senate's substitute to the two Houses.

DAVID Y. PORTIS,

Chairman on part of the Senate:

D. M. STAPP,

Chairman on part of the House:

A motion was made to suspend the rule in order to take up the report of the Joint Select committee just read; upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Bogart, Charlton, Clements, Cochran, Crump, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Patrick, Polk, Runnels, Selman, Shaw, Smith of Red River, Smith of Shelby, Speights, Sterne, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—32.

Nays: Messrs. Bryan, Fields, Hunt, Owen, Reynolds, Russell, Scott, Shea, Stapp, Stewart and Tarrant—11.

So the rule was suspended.

Mr. Bogart moved the adoption of the report of the Joint Select committee; upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Bogart, Clements, Cochran, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Lewis, Lloyd, Lott, Polk, Speights, Sterne, Taylor of Harrison, Wigfall, Williams and Wren—19.

Nays: Messrs. Speaker, Bryan, Charlton, Crump, Dickson, Fields, Franklin, Hardeman of Travis, Jowers, McKinney, Owen, Patrick, Reynolds, Runnels, Russell, Scott, Selman, Shaw,

Shea, Smith of Red River, Smith of Shelby, Stapp, Stewart, Tarrant and Taylor of Cass—25.

So the House rejected the report of the committee.

Mr. Taylor of Cass gave notice to the House, that at the proper time, he would move a reconsideration of the vote just taken rejecting the report of the Joint Select committee.

Mr. Stewart introduced a bill to be entitled an act authorizing the Comptroller to settle with the administrator of Joseph D. Clements, deceased; read first time.

Mr. Scott introduced a bill to be entitled an act, declaratory of the intention of the State of Texas relative to her Public Debt; read first time.

Mr. Crump introduced a bill for the relief of certain persons therein named; read first time.

Mr. Crump moved to suspend the rule in order to place the bill upon its second reading; upon which motion the yeas and nays were called, and stood as follows:

Yeas—Messrs. Crump, Hardeman of Travis, Lewis, Lott, Runnels, Russell, Shea, Smith of Shelby, Sterne, Stewart, Taylor of Cass, Wigfall and Wren—13.

Nays—Messrs. Speaker, Bogart, Charlton, Clements, Cochran, Fields, Franklin, Hunt, Jowers, Lloyd, McKinney, Patrick, Polk, Reynolds, Scott, Selman, Shaw, Smith of Red River, Speights, Tarrant, Taylor of Harrison and Williams—22.

So the House refused to suspend the rule.

On motion of Mr. Fields, the House proceeded to take up the business on the Speaker's table and to the

ORDERS OF THE DAY.

A bill to be entitled an act better to regulate the election of Judges of the Supreme Court, originating in the Senate, with the substitute of the select committee of the House.

On motion of Mr. Scott, a call of the House was ordered, and the Sergeant at Arms dispatched for absent members.

On motion of Mr. Dickson, Mr. Burney was excused from attendance on the House.

On motion of Mr. Hardeman of Nacogdoches, Mr. Shepard was excused from attendance on the House to day.

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

The question being upon the adoption of the substitute proposed by the select committee, the yeas and nays were called, and stood as follows:

The Speaker called Mr. Fields to the chair.

Yeas—Messrs. Bogart, Charlton, Cochran, Dickson, Fields, Franklin, Gillet, Hardeman of Nacozdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lloyd, Lott, Owen, Patrick, Runnels, Russell, Scott, Selman, Shaw, Smith of Red River, Stapp, Sterne, Stewart, Tarrant, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—32.

Nays—Messrs. Bryan, Crump, Hunt, Lewis, McKinney, Polk, Reynolds, Shea and Speights—9.

So the substitute was adopted.

Mr. Franklin proposed the following amendment :

At the end of the first section, add the words "*Provided*, That should there be a tie between two or more persons for the office of Chief Justice, or between three or more persons for Associate Justices, the Governor shall immediately order a new election giving thirty days notice to fill the places left vacant by such tie." Amendment adopted, bill and passed to a third reading.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report :

COMMITTEE ROOM, November 28, 1850.

To Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined an act to amend the sixth section of an act entitled an act concerning slaves, approved the 5th February, 1846, and find the same correctly engrossed. Report accepted.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act for the relief of L. D. Henderson, the heirs of William Donoho, deceased, and Charles Ames ; also, a bill to be entitled an act to amend an act entitled an act to incorporate the Galveston Ferry, Freight, and Tow-boat Company, originating in the House of Representatives.

Mr. Russell informed the House that he had, pursuant to the resolution of the House, procured the translation of the Governor's message into the German language, which translation he presented to the House.

On motion of Mr. Sterne, the House adjourned until three o'clock, p. m.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

A bill to be entitled an act amendatory of an act to create the county of Freestone—from the Senate—read third time and passed.

Mr. Runnels moved to suspend the rule in order to take up the

bill to be entitled an act to amend the sixth section of an act concerning slaves, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Clements, Cochran, Crump, Dickson, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Hunt, Johnson, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Russell, Selman, Shaw, Shea, Smith of Red River, Speights, Stapp, Stewart, Taylor of Cass, Taylor of Harrison, Williams and Wren—35.

Nays—Messrs. Reynolds and Tarrant—2.

So the rule was suspended; bill taken up, read third time and passed.

Senate's bill to be entitled act for the relief of Peter Gallagher and the legal representatives of Archibald Fitzgerald and Thompson Robinson; read first time.

Senate's bill for the relief of John McLennan, jr.; read first time.

A bill to be entitled an act to authorize the Executive Board of Managers of the Masonic Institute at Marshall, Harrison county, to confer degrees, etc.; read third time and passed.

A bill to be entitled an act to amend an act entitled an act to incorporate the city of New Braunsfels; read third time and passed.

A bill to be entitled an act for the relief of Zachariah N. Morrell; read third time and passed.

A bill to be entitled an act for the relief of James Chesher, sen.; read third time and passed.

A bill to be entitled an act to incorporate the Shelbyville University, in the county of Shelby; read third time and passed by a constitutional majority—yeas 36—nays 3.

Mr. Burney, chairman of the joint committee on Enrolled Bills, made the following report, which was accepted.

COMMITTEE ROOM, November 28, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills, have examined an act for the relief of Lorenzo D. Henderson and the heirs of Wm. Donoho, deceased, and Charles Ames, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to his Excellency, the Governor of the State, for his approval.

Mr. Stapp moved a suspension of the rule, in order to take up a bill to be entitled an act to provide for the final adjustment of the Public Debt of the late Republic of Texas, upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Speaker, Bryan, Burney, Crump, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hunt, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Russell, Selman, Shaw, Shea, Smith of Red River, Stapp, Stewart, Taylor of Cass, Wigfall, Williams and Wren—29.

Nays—Messrs. Bogart, Charlton, Cochran, Gilet, Reynolds, Smith of Shelby, Speights and Tarrant—8.

So the rule was suspended and bill taken up.

The question being upon the adoption of the amendment of Mr. Wigfall, Mr. Wigfall asked leave of the House to withdraw his amendment; granted.

Mr. Franklin moved to postpone the further consideration of the bill and make it the special order of the day for Saturday, 11 o'clock, a. m.; lost.

Mr. Stapp moved to postpone until to-morrow 11 o'clock, a. m.; carried.

Mr. Crump moved the House adjourn until 10 o'clock, a. m. to-morrow; lost.

Mr. Taylor of Cass moved a reconsideration of the vote just taken, making the bill the special order for 11 o'clock to-morrow, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Jowers, Selman, Smith of Red River, Speights, Taylor of Cass and Wren—13.

Nays—Messrs. Bryan, Clements, Crump, Fields, Franklin, Gille, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Hunt, Johnson, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Russell, Shaw, Shea, Smith of Shelby, Stapp, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—29.

So the House refused to reconsider.

Mr. Wigfall, by leave, introduced the following joint resolutions; read first time.

Whereas, The State of Texas, although among the youngest members of this confederacy, is not the less attached to that Union which it was the consecrated office of the constitution of the United States to establish and form.

Emerging herself so recently out of an impending conflict with the General Government, which must have been attended with consequences the most disastrous to the whole country; feeling most sensibly the incalculable blessings that Union has conferred on a free and enlightened people, until the fell spirit of fanaticism and sectional legislation established their empire in the Halls of Congress; painfully anxious at the profound and exaspera-

ted spirit of discontent occasioned by the aggressive hostility of several of the non-slaveholding States, and some of the citizens thereof on the slave institutions of the South, more especially so intensely and portentiously manifested in the States of South Carolina, Georgia, Alabama and Mississippi, in the second of which a sovereign convention of her people is just about to meet, and the Legislatures of the other States are now in assembly not only to calculate the value of the Union but to discuss the expediency of dissolving it: a calamity which has been brought on the country not alone by the morbid state of public sentiment—not alone by the unjust and aggressive legislation of Congress, but by the insulting discussion of the abolition of slavery in the Territories of the United States, on the reception of incendiary petitions on this subject, as offensive in their character as they have been wickedly dangerous in their tendency.

The people of Texas, represented by their Legislature in General Assembly, deeply sensible of the peril of the present crisis, approach with feelings of fraternal confidence and affection these four States, whose gallant sons, had the collision taken place between herself and the general government, were prepared to dye her verdant prairies with their precious blood, and entreats them to pause and wait the efficacy of some remedy less dangerous to the peace of the country and to the stability of the Union, than the secession of one or more of the States from the confederacy.

The Legislature of Texas cannot believe that all the remedies to avert so dire a calamity have been exhausted. Whilst we say in the language of a deceased and lamented statesman, "*aggression must cease*" yet we concur with him in the opinion he so ably expressed—that there is a great and abiding power in the instrument itself for its ultimate conservation—the power of amendment.

We therefore implore the States to whom we have made this appeal, to consult a patience which is yet consistent with the wisest sense of courage and honor, and wait the issue of the struggle now waging in the non-slaveholding States between the zealous friends and vindictive enemies of the constitutional rights of the South.

In the meantime let this Legislature, speaking for the people of Texas, solemnly instruct our delegation in Congress to propose for the adoption of the States, the amendments appended in the resolution herewith annexed.

It has become undeniably manifest, without some sort of Legislative *reto*, inherent in both branches of Congress, in reference to certain subjects of such vital consequence, that the preserva-

tion of the Union depends on its restricted action. Such a Legislative *вето* is indispensable to the protection of the interests of the minority on all questions affecting the reserved rights of the States, and their domestic institutions; without such protection, it reduces the States in a minority, to a condition essentially colonial.

In the original draft of the constitution, as it came from the committee, there was a provision to this effect, which, for the peace and liberty of the country, it is deeply to be regretted, was stricken out, which required a concurrence of two thirds of both branches of Congress to pass a law on certain subjects.

Ought an effort to engraft such an amendment on the constitution now to be deemed hopeless? More especially as its adoption would give perpetuity to the Union, and an abiding harmony among the States. As patriots it behooves us to make zealous endeavors to accomplish results so inestimable and priceless in themselves.

We therefore invoke all the States, however separated by distance and diverse interests, in that feeling of brotherly affection, out of which the constitution and the Union owe their origin, to consider calmly the amendments to the constitution which we are about to propose.

If some of them are rejected, we shall regard the fate of the Union as essentially in jeopardy, and that a majority in the confederacy has resolved to fix on the country "a government without limitation of powers," consummated by the tyranny of an arbitrary majority.

This calamity has to a great extent befallen the country. If it should be remediless from the injustice of a majority in the other States, Texas will find no difficulty in taking a position in entire conformity with the wisdom, gallantry, patriotism and love of freedom which belong to her people.

Be it resolved by the House of Representatives of the Legislature of Texas, That our Senators be instructed, and our Representatives be requested to present with this preamble and resolution, the following proposed amendments to the constitution of the United States, which, when adopted by three-fourths of the States, shall be taken and deemed as a part of the same:

Amendments.

1. All bills introduced into Congress in any degree whatsoever affecting the reserved rights of the States, the imposition of taxes, direct or indirect, the appropriation of the public money to clearing out rivers, harbors or bays, or for the construction of national

roads: or for the donation of the public land, shall only become a law by a vote of two thirds of each branch of Congress.

2. The power to regulate commerce shall not be construed to confer any power over the Slave Trade between the States.

3. The power to exercise exclusive legislation in the District of Columbia, shall not be so construed as to give Congress the power to abolish it in the same.

4. The right of the people peaceably to assemble to petition the Government for a redress of grievances, shall not be so construed as to permit Congress to receive, refer, discuss or report on any petition having for its object the abolition of slavery in the States or Territories of the Union. *

5. No amendment shall ever be made to the constitution on the subject of slavery, except by the unanimous consent of all the States.

6. The Government of the United States shall have the power to acquire Territory by conquest or purchase, but Territory so acquired, shall belong to all the States and not to the Government in its corporate or aggregate capacity.

7. No State formed out of Territory acquired by the United States, except it pass through the condition of a Territorial Government for at least three years previous to its application for admission, has a census of its population taken by the authority of the Congress, one year previous to application, shall be admitted.

Mr. Fields, by leave, introduced the following resolution:

Resolved, That the unfinished business on the Speaker's table, for each preceeding day, shall first be disposed of, after the orders of the day are taken up, before it shall be in order to consider any new business.

Laid on the table one day for consideration.

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

ATSTIN, November 29, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Fields, Franklin, Gillet, Jowers, Lewis, Shepard, Smith of Red River, Wigfall, and Winfield.

Journal of yesterday read and adopted.

Mr. Crump, chairman of the committee on the Public Debt, to whom was referred the bill to be entitled an act, allowing to the widow of William G. Cooke the balance of pay due him for services, reported the same back to the House without amendments and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of John Gillespie, reported a bill for his relief, and recommended its passage.

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

Mr. Patrick introduced a bill to be entitled an act to require the County Court of Brazos County to admit to record the non-occupative will of John H. Jones, deceased; read first time.

On motion of Mr. Burney, the House proceeded to take up the business on the Speaker's table and to the orders of the day.

ORDERS OF THE DAY.

On motion of Mr. Dickson, the Speaker appointed a committee, consisting of Messrs. Dickson, Owen and Polk, to act in conjunction with a committee of the Senate on the resolution authorizing our delegation in Congress to receive from the United States the bonds for the sale of northern and western territory and deposit them in the Treasury of the United States.

Mr. Polk introduced the following resolution:

Whereas, the records, papers, &c., in the Clerk's Office of the House of Representatives are in a scattered, confused condition, liable to be injured and destroyed; therefore,

Resolved, That the Chief Clerk of the House of Representatives be allowed, at his usual per diem pay, a time not to exceed one month, for the purpose of assorting, arranging and labelling all the books, records, papers, &c., in his office; and that when the services herein contemplated are performed to the satisfaction of the Treasurer of the State, he shall pay the said Clerk according to the terms of this resolution, out of any money in the treasury not otherwise appropriated.

Mr. Cochran proposed the following amendment; strike out after the word "Clerk" in second line from bottom; and insert "out of the contingent fund of the House." Carried.

Resolution read and adopted.

A bill to be entitled an act for the relief of William P. Wyche, and the legal Representatives of Peter A. Duell, from the Senate;

read second time and referred to the committee on Private Land Claims.

Senate's bill to be entitled an act for the relief of William C. Anderson; read second time and referred to the committee on Private Land Claims.

A bill to be entitled an act to provide for the safe and profitable investment of the school fund; read second time.

Mr. Owen proposed the following amendment:

"Be it further enacted, That the amount of the bonds of the United States used and appropriated under the provisions of this act, together with the interest to accrue thereon, shall be reimbursed from the receipts into the Treasury of the State arising from direct taxation."

Mr. Fields in the chair.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act making an appropriation of ten thousand dollars, or as much thereof as may be necessary, for the payment of the mileage and per diem pay of the members of the second extra session of the third Legislature; also, a bill to be entitled an act for the relief of Reuben R. Brown; a bill to be entitled an act to authorize the settlers in Peter's Colony to intervene in suit or suits in reference to any matter connected with said Colony contracts where they have an interest; a bill to be entitled an act to amend the first section of an act to incorporate the Galveston and Brazos Navigation Company originating in the House; and the following bills originating in the Senate: a bill to be entitled an act to authorize the County Court of Houston County to levy a special tax for county purposes; a bill to be entitled an act to incorporate the town of Dallas in Dallas county; a bill to be entitled an act to repeal an act to reserve one of the Public buildings in Austin for the Supreme Court; a bill to be entitled an act for the relief of certain persons therein named; a bill to be entitled an act to repeal the third section of the act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved Nov. 1850.

Mr. Runnels proposed the following as a substitute for Mr. Owen's amendment, now under consideration:

"And provided, that said amount of thirty-six thousand dollars when so disbursed shall stand a charge against the State in favor of the creditors of the late Republic of Texas."

Mr. Franklin proposed a substitute for the original bill.

Mr. Owen withdrew his amendment.

The question was then taken upon the adoption of the amendment of Mr. Runnels and rejected.

Mr. Scott proposed the following amendment: insert at the end of fourth section "provided that nothing in this act shall be so construed as to permit the use of said School Fund until the Comptroller shall have been officially informed of the issuance of the bonds of the United States Government, and that they have been placed to the credit of the State, in the place designated by law." Rejected.

Mr. Dickson moved the previous question, upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Bryan, Burney, Charlton, Clements, Crump, Dickson, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Lloyd, Patrick, Polk, Reynolds, Runnels, Scott, Selman, Smith of Red River, Speights, Tarrant, Taylor of Cass, Williams and Wren—24.

Nays—Messrs. Bogart, Cochran, Fields, Franklin, Johnson, Jowers, McKinney, Owen, Russel, Shaw, Shea, Smith of Shelby, Stapp, Sterne, Stewart, Taylor of Harrison and Wigfall—17.

So the motion was carried, and the previous question ordered.

The main question being upon the engrossment of the bill, was then put, upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bryan, Cochran, Crump, Fields, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Lott, McKinney, Reynolds, Russell, Shaw, Shea, Smith of Red River, Smith of Shelby, Sterne, Stewart, Tarrant and Williams—22.

Nays—Messrs. Burney, Charlton, Clements, Dickson, Franklin, Holland, Johnson, Jowers, Lloyd, Owen, Patrick, Polk, Runnels, Scott, Selman, Speights, Stapp, Taylor of Cass, Taylor of Harrison, Wigfall and Wren—21.

So the bill was ordered to be engrossed.

On motion of Mr. Dickson, the House adjourned until three o'clock, p. m.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

On motion of Mr. McKinney, the vote engrossing the bill for the safe and profitable investment of the School Fund, was reconsidered.

Mr. Stapp moved to strike out the fourth section. Carried.

The question then being upon the engrossment of the bill, the yeas and nays were called and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bryan, Clements, Cochran,

Crump, Lott, McKinney, Owen, Russell, Selman, Shaw, Shea, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant and Williams—19.

Nays—Messrs. Burney, Charlton, Dickson, Franklin, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Jowers, Lloyd, Patrick, Polk, Runnels, Speights, Taylor of Cass and Taylor of Harrison—17.

So the bill was ordered to be engrossed.

On motion, Messrs. Hardeman of Travis, Smith of Red River and Lewis were excused from attendance on the House.

A bill to be entitled an act to provide for the final adjustment of the Public Debt of the late Republic of Texas, being the special order, was taken up.

Mr. Stapp moved to strike out in first section, fourth line after the word "published" all to the word "to" in the sixth line.

A call of the House was ordered, and the Sergeant-at-Arms despatched for absent members.

On motion, the call was suspended.

Mr. Dickson moved to strike out the first section.

Mr. Jowers moved to postpone the further consideration of the bill until Monday next, upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Burney, Charlton, Clements, Cochran, Crump, Franklin, Gillet, Jowers, Lott, McKinney, Reynolds, Shaw, Shea, Tarrant, Taylor of Harrison and Williams—16.

Nays—Messrs. Speaker, Bogart, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Lloyd, Owen, Patrick, Polk, Runnels, Russell, Selman, Stapp, Sterne, Stewart and Taylor of Cass—21.

So the motion was lost.

Mr. Dickson moved to postpone the further consideration of the bill until the first March next.

On motion, a call of the House was had, and the Serjeant-at-Arms despatched for absent members.

On motion, a further call was suspended.

Mr. McKinney moved the House adjourn until nine o'clock to-morrow morning, upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Clements, Crump, Franklin, Gillet, Holland, Lott, McKinney, Shea, Tarrant, Taylor of Harrison, Wigfall and Williams—12.

Nays—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Jowers, Lloyd, Owen, Patrick, Polk, Reynolds.

Runnels, Russell, Selman, Shaw, Stapp, Sterne, Stewart, Taylor of Cass and Wren—29.

So the motion was lost.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report, which was accepted :

COMMITTEE ROOM, November 29, 1850.

To Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills, have examined a bill for the safe and profitable investment of the School Fund, and find the same correctly engrossed.

The committee on Enrolled Bills, Mr. Burney chairman on the part of the House, made following report, which was accepted:

COMMITTEE ROOM, November 29, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined a bill amendatory of an act to create the county of Freestone; also, an act appropriating ten thousand dollars, or so much thereof as may be necessary, for the payment of the mileage and per diem pay of the members of the second extra session of the third Legislature; also, an act for the relief of Reuben R. Brown, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day transmitted to his Excellency the Governor of the State, for his approval.

Mr. Crump moved the House adjourn until nine o'clock to-morrow morning; upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Clements, Crump, Holland, Lott, McKinney, Shea, Tarrant, Taylor of Harrison, Wigfall and Williams—10.

Nays—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Fields, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Jowers, Lloyd, Owen, Patrick, Poik, Reynolds, Russell, Selman, Shaw, Stapp, Sterne, Stewart, Taylor of Cass and Wren—27.

So the motion was lost.

Mr. Franklin moved to adjourn until ten o'clock to-morrow morning, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Clements, Crump, Fields, Franklin, Gillet, Holland, Lott, McKinney, Reynolds, Russell, Shea, Tarrant, Taylor of Harrison, Wigfall and Williams—15.

Nays—Messrs. Speaker, Bogart, Bryan, Burney, Charlton,

Cochran, Dickson, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Jowers, Lloyd, Owen, Patrick, Polk, Runnels, Selman, Shaw, Stapp, Sterne, Stewart, Taylor of Cass and Wren—24.

So the motion was lost.

On motion of Mr. Fields, the bill was laid on the table until to-morrow morning.

Mr. Dickson moved to take up the resolution providing for the adjournment of the two Houses *sine die*, on Monday next; withdrawn.

Mr. Bogart moved to adjourn until nine o'clock to-morrow morning; lost.

Mr. Sterne moved to re-consider the vote just taken, postponing the consideration of the bill to be entitled an act to provide for the final adjustment of the Public Debt of the late Republic of Texas, upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Speaker, Bryan, Charlton, Cochran, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Lloyd, Owen, Patrick, Runnels, Russell, Stapp, Sterne, Stewart, Taylor of Cass, Wigfall and Wren—20.

Nays—Messrs. Bogart, Burney, Clements, Crump, Dickson, Fields, Franklin, Gillet, Jowers, Lott, McKinney, Polk, Reynolds, Selman, Shaw, Shea, Tarrant, Taylor of Harrison and Williams—19.

So the motion carried, and vote reconsidered.

Mr. Fields moved that the House adjourn until half past nine o'clock to-morrow morning, upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Speaker, Clements, Crump, Fields, Franklin, Gillet, Hendricks, Holland, Jowers, Lott, McKinney, Owen, Reynolds, Russell, Shea, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—20.

Nays—Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Hardeman of Nacogdoches, Hunt, Johnson, Lloyd, Patrick, Polk, Runnels, Selman, Shaw, Stapp, Sterne, Taylor of Cass and Wren—19.

So the House adjourned.

AUSTIN, November 30, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Fields, Franklin, Gillet, Jowers, Wigfall and Winfield.

Journal of yesterday read and adopted.

Mr. Franklin, chairman of the committee on Finance, to whom was referred the petition of the heirs of J. F. Ailes, returned the same back to the House without any recommendation in relation to the same, and begged to be discharged from its further consideration.

Report laid on the table to come up among the orders of the day.

Mr. Smith of S., chairman of the committee on Military Affairs, to whom was referred the bill to be entitled an act to authorize the Governor to call out volunteers for frontier defence, reported a substitute for the same and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petitions of Eli M. Thomasson and William S. Musick, reported a bill for their relief and recommended its passage.

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

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of William P. Wyche and the legal representatives of Peter A. Duell, reported the bill 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.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act to require the Commissioner of the General Land Office to issue patents for lands therein named; also, a bill to be entitled an act for the relief of James Chesher, Senr.; a bill to be entitled an act to incorporate the Brazos and Bernard Railway and Plank Road Company; a bill for the relief of Peter Lopez and Henry Tierwester; a bill to be entitled an act to authorize the Board of Managers of the Masonic Female Institute at Marshall, Harrison county, to confer degrees, etc.; a bill to be entitled an act to amend an act entitled an act to incor-

porate the city of New Braunfels; a bill to be entitled an act for the relief of Berry Merchant; an act to authorize the Clerk of the County Courts of Navarro and Tyler Counties to transcribe into a bound book, severally to be procured by them for that purpose, all the records and title papers therein mentioned, and an act to incorporate the Shelby University, originating in the House of Representatives; and also, that they had passed the following bills, originating in the Senate: an act for the relief of Martha McMillan; a bill for the relief of William Cummins; a bill for the relief of John Bethea; a bill to prevent the sale of spirituous or vinous liquors to Indians within the State of Texas; a bill for the relief of David Andrews: a joint resolution for the relief of James Pratt Plummer; a bill for the relief of James J. Eldridge; a joint resolution for the relief of John Green, Jr., and a bill for the relief of Alanson Ferguson.

Mr. Dickson moved to take from the table the Senate's resolution to adjourn *sine die* on Monday the 2d Dec. next, in order that the same be placed among the orders of the day, upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Crump, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Jowers, Lloyd, Lott, Owen, Patrick, Polk, Runnels, Russell, Scott, Selman, Shaw, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Taylor of Cass, Taylor of Harrison and Williams—33.

Nays: Messrs. Bryan, Clements, McKinney, Reynolds, Shea and Tarrant—6.

So the resolution was taken up and placed among the orders of the day.

Mr. Franklin asked leave to introduce a bill; it being out of order, leave was refused.

Mr. Taylor of Cass moved a reconsideration of the vote taking up the resolution to adjourn *sine die* on Monday the second of December ensuing, and placing the same among the orders of the day.

The Speaker decided the motion out of order during the pendency of another question.

A bill to be entitled an act to provide for the final adjustment of the Public Debt of the late Republic of Texas, under consideration when the House adjourned.

Mr. Dickson's motion to postpone the consideration of the bill until the first of March next, being first in order, the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Bogart, Charlton, Cochran, Dickson,

Holland, Jowers, Lloyd, Reynolds, Selman, Shaw, Speights and Taylor of Cass—13.

Nays: Messrs. Bryan, Clements, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Lott, McKinney, Owen, Patrick, Polk, Russell, Scott, Shea, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall, Williams and Wren—26.

So the motion was lost.

The question being next upon the amendment proposed by Mr. Stapp, to strike out in first section, fourth line, after the word "published;" all to the word "to," in sixth line, was put and lost.

Mr. Fields proposed the following amendment, which was adopted:

Strike out in fourth and fifth lines, first section, the words, "in each of the cities of New Orleans, Louisville, New York, Philadelphia, Baltimore and Washington," and insert, "in each of the papers printed in the city of Austin, and one in the city of Washington."

Mr. Stapp proposed the following amendment to the second section:

In first line, after the word "indebtedness," insert, "of the first and second classes."

In second and third lines, strike out the words, "as well as those which may hereafter be issued by them," and insert in the blank in third line, the word "five."

Add after the word "the," at the end of third line, same section, the words, "date from which interest may be payable to the State of Texas on the United States five per cent. stock fund;" rejected.

Mr. Dickson moved to strike out the second section; upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Johnson, Jowers, Lloyd, Patrick, Polk, Reynolds, Runnels, Scott, Selman, Shaw, Smith of Shelby, Speights, Sterne, Tarrant, Taylor of Cass, Williams and Wren—28.

Nays: Messrs. Burney, Clements, Fields, Hunt, Lott, McKinney, Owen, Russell, Shea, Stapp, Tarrant, Taylor of Harrison and Wigfall—13.

So the motion carried, and the section stricken out.

Mr. Franklin proposed a substitute, in part, for the bill, and moved the reference of the same, together with the amendments, to a select committee; upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Crump, Dickson, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Jowers, Lloyd, Lott, McKinney, Polk, Reynolds, Runnels, Scott, Selman, Shaw, Smith of Shelby; Speights, Sterne, Tarrant, Taylor of Cass, Taylor of Harrison and Williams—30.

Nays: Messrs. Bryan, Clements, Hunt, Johnson, Owen, Patrick, Russell, Stapp, Stewart and Wren—10.

So the motion prevailed.

The Speaker appointed Messrs. Franklin, Stapp, Stewart, Williams and Sterne to compose said committee.

Mr. Bogart introduced the following resolution:

Resolved, That bills on their third reading in the House, and bills from the Senate on their third and final reading, shall be first in order.

Laid on the table one day for consideration.

On motion of Mr. Hendricks, the rule was suspended, and a bill to be entitled an act to regulate the election of Judges of the Supreme Court was taken up, read a third time and passed.

Mr. Burney, chairman of the joint committee on Enrolled Bills, made the following report, which was accepted:

COMMITTEE ROOM, November 30, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined an act concerning the book or register of Land Certificates issued by the Board of Land Commissioners for the county of Harris; also an act to authorize settlers in Peter's Colony to intervene in suit or suits in reference to any matter connected with said Colony contracts where they have an interest; also, an act to amend an act, entitled an act to incorporate the Galveston Ferry, Freight and Tow Boat Company; also an act to amend the second section of an act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th of May, 1846; also an act to amend the first section of an act entitled an act to incorporate the Galveston and Brazos Navigation Company, and find the same correctly Enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day transmitted to His Excellency the Governor of the State for his approval.

A message was received from the Senate, informing the House, that the Senate had passed a bill for the relief of Samuel J. Sparks.

The Senate's resolution to adjourn *sine die* on Monday the second December next, was taken up and read.

Mr. Tarrant moved to strike out "Monday the second," and insert "Wednesday the fourth;" upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Bogart, Bryan, Charlton, Clements, Cochran, Crump, Gillet, Hendricks, Hunt, Lott, McKinney, Owen, Patrick, Reynolds, Russell, Shea, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—24.

Nays: Messrs. Speaker, Burney, Dickson, Fields, Hardeman of Nacogdoches, Holland, Johnson, Jowers, Lloyd, Polk, Runnels, Scott, Selman, Shaw, Speights, Taylor of Cass and Wren—19.

So the motion prevailed.

The Senate's bill, to be entitled an act for the relief of Peter Gallagher and the legal representatives of Archibald Fitzgerald and Thompson Robinson; read second time and passed to a third reading.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act authorizing the Governor to employ counsel in the Supreme Court of the State, in cases where the present Attorney General has been employed, originating in the House; also, a bill prescribing the duties of the Comptroller in reference to certain claims against the State of Texas, originating in the Senate, and that the Senate had refused to concur in the amendments of the House to the bill to be entitled an act regulating the election of Judges of the Supreme Court; also, the amendment of the House to the resolution to adjourn *sine die* on Monday the second December.

A bill to be entitled an act to amend the third section of an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved November, 1850, from the Senate; read first time.

Mr. Mr. Dickson moved that the House recede from its amendment to the Senate's resolution to adjourn *sine die* on Monday the second December next.

Mr. Tarrant moved to lay Mr. Dickson's motion on the table; upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Charlton, Clements, Cochran, Crump, Franklin, Lott, McKinney, Owen, Patrick, Reynolds, Russell, Shea, Smith of Shelby, Stapp, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—21.

Nays—Messrs. Bryan, Burney, Dickson, Fields, Gillet, Harde-

man of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Jowers, Lloyd, Polk, Runnels, Scott, Selman, Shaw, Speights, Sterne, Taylor of Cass and Wren—21.

There being a tie vote, the motion was lost.

On motion of Mr. Tarrant, the House adjourned until three o'clock, p. m.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Clements introduced the following resolution :

Resolved, That the Chief Clerk of the House be instructed to arrange the bills and resolutions on the Speaker's table in their regular order under the rules of the House ; and that he prohibit any one from changing that order.

Mr. Dickson's motion to recede from the amendment of the House to the Senate's resolution to adjourn *sine die* on Monday the second December next, being under consideration when the House adjourned,

On motion, a call of the House was ordered, and the Serjeant-at-Arms dispatched for absent members.

The absent members appearing in the Hall, on motion, a further call was suspended.

On the question of receding from the amendment of the House, the yeas and nays were called, and stood as follows :

Yeas—Messrs. Burney, Dickson, Hardeman of Nacogdoches, Hendricks, Holland, Johnson, Jowers, Lloyd, Polk, Runnels, Selman, Shaw, Speights, Taylor of Cass and Wren—15.

Nays—Messrs. Speaker, Bogart, Bryan, Charlton, Clements, Cochran, Crump, Fields, Franklin, Gillet, Hunt, Lott, McKinney, Owen, Patrick, Reynolds, Russell, Shea, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant and Williams—24.

So the House refused to recede from its amendment.

Mr. Dickson moved to raise a committee to wait on his Excellency, the Governor, and inform him that the two Houses had disagreed as to the time of adjournment. Lost.

A bill to be entitled an act to provide for the safe and profitable investment of the School Fund ; read third time. The yeas and nays being called on its final passage stood as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Clements, Cochran, Crump, Fields, Gillet, Hunt, Lloyd, McKinney, Owen, Reynolds, Russell, Selman, Shea, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—24.

Nays—Messrs. Burney, Charlton, Dickson, Franklin, Harde-

man of Nacogdoches, Hendricks, Holland, Johnson, Jowers, Lloyd, Patrick, Polk, Scott, Shaw, Speights, Taylor of Cass and Wren—18.

So the bill passed.

A Bill to be entitled an act for the relief of John McLennan, jr ; read second time and passed to a third reading.

Mr. Burney moved to suspend the rule in order that the bill might be read third time ; upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Burney, Clements, Cochran, Crump, Lott, McKinney, Owen, Patrick, Runnels, Russell, Shaw, Shea, Smith of Shelby, Stapp, Taylor of Harrison, Wigfall, Williams and Wren—18.

Nays—Messrs. Speaker, Bogart, Bryan, Charlton, Dickson, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Jowers, Lloyd, Polk, Reynolds, Scott, Selman, Smith of Red River, Speights, Sterne and Stewart—22.

So the House refused to suspend the rule.

On motion, Mr. Taylor of Cass was excused from attendance on the House during the remainder of the present session.

A Bill to be entitled an act supplementary to an act to secure the German Emigration Company the land to which they are entitled, with amendments from the committee on Private Land Claims, was taken up, and amendments adopted.

A message was received from the Senate, informing the House that the Senate had passed a bill for the relief of Mary Alexander, originating in the Senate.

A bill to be entitled an act to require the county clerk of Brazos county to admit to record the noncupative will of John H. Jones, deceased ; read second time and referred to the Judiciary committee.

The Senate's bill for the relief of John Beeman, John S. Beeman, and James J. Beeman ; read third time and passed.

A bill from the Senate for the relief of Lewis Munroe Mayes, (a minor) ; read third time and passed.

A bill to be entitled an act requiring the Commissioners appointed by an act entitled an act creating the county of Hunt, approved April 11, 1848, to deliver up certain documents therein mentioned ; read third time and passed.

Mr. Burney, chairman of the joint committee on Enrolled Bills, made the following report, which was accepted.

COMMITTEE ROOM, November 30, 1850.

Hon. C. G. KEENAN.

Speaker of the House of Representatives :

The Joint committee on Enrolled Bills have examined an act

for the relief of certain persons therein named ; also, an act to require the Commissioner of the General Land Office to issue patents for lands therein named ; also, an act for the relief of Peter Lopez and Henry Tierwester, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to his Excellency, the Governor of the State, for his approval.

A bill to be entitled an act allowing to the widow of Wm. G. Cooke, the balance of pay due him as Commissioner to Santa Fe, and for services as acting Quarter-master General, in the Somervell campaign ; read second time.

Mr. Bryan offered the following amendment, which was adopted :

Strike out all after the words "sum shall," and insert at the end of the first section, "as similar claims have been audited."

Mr. Jowers proposed the following amendment :

Insert, "provided upon settlement of his accounts with the Comptroller there shall be found any thing due him."

The yeas and nays being called on its engrossment, stood as follows :

Yeas—Messrs. Speaker, Bogart, Clements, Crump, Franklin, Gillet, Hendricks, Lott, McKinney, Owen, Patrick, Russell, Shea, Smith of Shelby, Stapp, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—20.

Nays—Messrs. Bryan, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hunt, Jowers, Lloyd, Polk, Reynolds, Scott, Selman, Shaw, Speights and Wren—17.

So the bill was ordered to be engrossed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act for the relief of Stokely D. Shoate, originating in the House ; and that the Senate concurred in the amendment of the House to the bill to be entitled an act, supplementary to an act to secure to the German Emigration Company the lands to which they are entitled ; and that the Senate refused to reconsider their vote, refusing to concur in the amendment of the House to the Senate's resolution to adjourn *sine die* on Monday, the second December next.

A bill to be entitled an act for the relief of the heirs of Luke J. Gillespie, deceased ; read second time and ordered to be engrossed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had

passed a bill, originating in the House, to be entitled an act for the safe and profitable investment of the School Fund.

On motion of Mr. Hardeman of Nacogdoches, the House adjourned until half-past seven o'clock, p. m.

HALF-PAST 7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Fields, the House reconsidered the vote refusing to recede from its amendment to the Senate's resolution to adjourn *sine die*.

Mr. Fields then moved that the House recede from its amendment, upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Bogart, Burney, Clements, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Holland, Johnson, Lloyd, Lott, Polk, Runnels, Selman, Shaw, Smith of Shelby, Speights and Wren—19.

Nays: Messrs. Speaker, Bryan, Charlton, Crump, Franklin, Gillet, Hunt, Jowers, McKinney, Owen, Patrick, Reynolds, Scott, Shea, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—21.

So the House refused to recede.

Mr. Franklin moved a suspension of the rule, to take up out of its order, the Senate's bill to be entitled an act to repeal the third section of an act to amend the second and seventh sections of an act, entitled an act to organize the Supreme Court of the State of Texas, approved November, 1850, upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Bogart, Bryan, Burney, Cochran, Crump, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Jowers, Lloyd, Lott, McKinney, Patrick, Runnels, Scott, Selman, Shaw, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—32.

Nays: Messrs. Charlton, Clements, Owen, Polk and Shea—5.

So the rule was suspended, and bill taken up.

Mr. Franklin proposed a substitute for the bill, which was adopted; and bill passed to third reading.

On motion of Mr. Franklin, rule suspended, bill read third time and passed.

Senate's bill for the relief of John Edmonds; read first time.

Senate's bill for the relief of John E. Linn; read first time.

Senate's bill to be entitled an act to establish Public Schools in the county of Comal ; read first time.

Senate's bill to be entitled an act making an appropriation for certain purposes therein named ; read first time ; rule suspended, bill read second time.

Mr. Clements proposed the following amendments: amend the caption by inserting after "printing," the words, and "copying journals."

Amend 1st section, by inserting after the word, "for" in seventh line, the words "copying and printing," and strike out in same line the words, "the printing;" adopted.

On motion of Mr. Williams, the bill was referred to the Finance Committee.

Mr. Stapp, from the Select committee, to whom was referred the bill to be entitled an act to provide for the final adjustment of Public Debt, etc., made the following report :

COMMITTEE ROOM, November 30, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The special committee, to whom was referred the bill to be entitled an act to provide for the final adjustment of the debt of the late Republic of Texas, together with amendments and substitute, have duly considered the same, and a majority have instructed me to report the following bill, and recommend its passage:

A bill to be entitled an act to provide for the final adjustment of the Public Debt of the late Republic of Texas.

Mr. Stapp moved a suspension of the rule, in order that the report and substitute might be taken up and acted upon, upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Crump, Fields, Gillet, Hendricks, Hunt, Johnson, Lloyd, Lott, Owen, Russell, Shea, Stapp, Sterne, Stewart, Taylor of Harrison, Wigfall, Williams and Wren—21.

Nays—Messrs. Burney, Charlton, Clements, Cochran, Dickson, Franklin, Hardeman of Nacogdoches, Holland, Jowers, McKinney, Patrick, Polk, Reynolds, Runnels, Scott, Selman, Shaw, Smith of Shelby, Speights and Tarrant—20.

It requiring a vote of two-thirds, the House refused to suspend the rule.

Mr. Franklin gave notice to the House that he should, on behalf of the minority of the committee, present, at the proper time, a counter report.

Senate's bill to incorporate the town of Dallas in the county of Dallas ; read first time.

Senate's bill to be entitled an act to authorize the county court of Houston county, to levy a special tax for county purposes : read first time.

Mr. Scott moved to take up the bill to be entitled an act better to regulate the election of Supreme Court Judges, upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Clements, Dickson, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Holland, Hunt, Jowers, Lloyd, Lott, McKinney, Owen, Russell, Scott, Selman, Shaw, Speights, Stapp, Sterne, Stewart, Wigfall, Williams and Wren—27.

Nays—Messrs. Burney, Charlton, Cochran, Hendricks, Patrick, Polk, Runnels and Tarrant—8.

So the rule was suspended, and bill taken up.

Mr. Bryan moved that the House recede from its amendment to the bill ; upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Bryan, Burney, Clements, Crump, Fields, Hunt and McKinney—9.

Nays—Messrs. Bogart, Charlton, Cochran, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Johnson, Jowers, Lloyd, Lott, Owen, Patrick, Polk, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall, Williams and Wren—31.

So the House refused to recede.

Mr. Hendricks moved the appointment of a committee of conference, and request the appointment of a like committee on the part of the Senate, to take under consideration said bill ; carried.

The Speaker appointed Messrs. Hendricks, Wigfall and Franklin said committee.

On motion of Mr. Bryan, a committee, consisting of Messrs. Bryan, Burney and Tarrant, was appointed, and the Senate requested to appoint a like committee, to confer together upon the resolution to adjourn *sine die*.

Senate's bill to be entitled an act to repeal an act, to reserve one of the public buildings in Austin for the use of the Supreme Court ; read first time.

Senate's bill to be entitled an act for the relief of William A. Burns ; read second time, and passed to a third reading.

A joint resolution for the relief of John C. Walling ; read third time and passed.

A bill to be entitled an act to authorize the Commissioner of the General Land Office to issue patents to the heirs of Simon

Gillam, and the heirs of John Smith, deceased ; read third time and passed.

A bill to be entitled an act to incorporate the Trinity and Galveston Navigation Company ; read third time and passed by a constitutional majority—yeas 30, nays 1.

A bill to be entitled an act to incorporate the Waco Male and Female Academy, in the county of McLennan ; read third time and passed by a constitutional majority—yeas 33, nays 1.

A bill to be entitled an act to incorporate the town of Shelbyville, in the county of Shelby—Senate's bill—read third time and passed.

Senate's bill to locate the seat of justice of Kaufman county ; read third time and passed.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report, which was accepted :

COMMITTEE ROOM, November 30, 1850.

To Hon. C. G. KEENAN.

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined an act for the relief of the heirs of Samuel T. Sheffield, and find the same correctly engrossed.

Senate's joint resolution, refunding to Major W. S. Henry, the fine imposed upon him by the military of the 9th department ; read third time and passed.

A bill to be entitled an act requiring the judges of the District Courts to alternate, with substitute from the Judiciary committee—substitute adopted.

Mr. Cochran proposed the following amendment :

Insert at the end of first section, " provided, however, that the judge of the 9th judicial district be exempt from the provisions of this bill."

Mr. Stapp moved to amend the amendment of Mr. Cochran, by inserting "and 10th."

Mr. Bogart in the Chair.

Mr. Hardeman of Nacogdoches moved an indefinite postponement of the bill.

Mr. Stapp moved the House adjourn until nine o'clock to-morrow morning ; lost.

Mr. Sterne moved the House adjourn until half past nine o'clock to-morrow morning ; lost.

Mr. Bryan moved to lay the bill on the table ; upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Bryan, Charlton, Cochran, Crump, Dickson, Gillet, Hardeman of Nacogdoches, Holland, Jowers,

Lloyd, McKinney, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shea, Speights, Stapp, Stewart and Wren—22.

Nays—Messrs. Bogart, Burney, Clements, Fields, Franklin, Hendricks, Johnson, Owen, Patrick, Tarrant, Wigfall and Williams—12.

Mr. Scott moved the House adjourn until nine o'clock to-morrow morning; lost.

A bill to be entitled an act for the relief of the heirs of Samuel T. Sheffield; read third time, and laid on the table.

A joint resolution, from the Senate, for the relief of Robert Shaw, assignee of William Morrow; read second time and passed to a third reading.

A motion was made to adjourn, which was lost.

On motion of Mr. Owen, the House adjourned until nine o'clock Monday morning.

AUSTIN, December 2, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Clements, Lott, Stewart and Taylor of Harrison.

Journal of Saturday read and adopted.

Mr. McKinney submitted the following memorial, which was read and ordered to be spread upon the journal:

To the Honorable,

The Legislature of the State of Texas.

It is a fact generally known to the people of Texas, that your memorialist entered into a contract with the government of the late Republic, on the thirteenth day of November, 1838, for the construction and equipment of vessels intended for its naval service. James Schott and E. Dana Whitney of the city of Philadelphia, although not named in the contract, joined at the time with your memorialist, in its execution. These vessels consisted of one ship, two brigs, and three schooners. They were constructed in accordance with very minute and specific directions, prescribed by the terms of the agreement, fully armed and sur-

nished with provisions and munitions of war, and delivered to the officers of the Republic in the harbor of Galveston, in condition for immediate and efficient service. The superior qualities of these vessels and their adaptation to the purposes for which they were designed, were severely tested by storms, and in frequent encounters with the enemy.

It is not generally known, however, although it will conclusively appear by reference to the contract on file in your archives, and by the report of a former Secretary of the Navy, an extract from which is annexed, that your memorialist, with his associates, did in fact far exceed the terms of his obligation, both in constructing and furnishing these vessels. They were each of larger dimensions, more strongly built, more completely armed and more fully provisioned, than those terms required. Your memorialist, and those interested with him, were induced to incur this additional expense from the same motive which led him originally to enter into the contract—a cordial sympathy with a people, not numbering twenty thousand, in their unequal struggle with a nation of eight millions. The sincerity of this feeling is sufficiently shown by the fact, well known to all, that the Republic of Texas, at that crisis in her affairs, had no financial credit, either in Europe or America, and that of all to whom application was made, your memorialist and his associates were the only persons who were willing to invest their means to so great an extent, and to connect their fortunes for good or ill, with its cause.

Messrs. Schott and Whitney, at the time of the contract, were merchants doing a large business and prosperous in Philadelphia; as was your memorialist himself in Baltimore. The great amount of money which they advanced from their individual means, made them wholly dependent upon the performance of the agreement on the part of Texas, to sustain their mercantile credit. The inability and failure of the Republic to perform its engagements, involved them in serious embarrassments, and compelled them finally, in order to satisfy completely the liabilities which they had assumed for its benefit, to abandon their commercial business and position.

The Navy, thus acquired by the Republic, was the immediate cause of her recognition as an independent nation by England. Lord Palmerston, who then directed the foreign policy of Great Britain, so declared in the House of Commons. Your memorialist need not dwell upon the immense benefits which this country derived from that recognition of her independence—benefits

which would have been even more sensibly felt, had she chosen to preserve her distinct and separate national existence.

In fixing the price of the vessels, three modes were offered to the Government of Texas, at its request, for selection, and are mentioned in the contract. By the mode which was adopted, that Government delivered to your memorialist two bonds, each in the sum of two hundred and eighty thousand dollars, bearing ten per cent. interest, redeemable on the first day of December, 1843, and for the payment of which the public faith and revenues were solemnly pledged, as appears on the face of the instruments themselves. The manner in which these bonds became the property of your memorialist and his associates, under the contract which had been executed, will be sufficiently explained by the letter of the authorized agents of Texas, bearing date the 29th day of November, 1838, and addressed to the President of the Girard Bank of Philadelphia, a copy of which is annexed to this memorial. Of these bonds one belonged to, and was taken by Messrs. Schott and Whitney on account of their share in the execution of the contract: and your memorialist would therefore respectfully bespeak for them, from your Honorable body, whenever they present their claims, the like favorable consideration as may be deemed due, and be granted to him.— The other remained the sole property of your memorialist. But, it is here perhaps proper to state, that circumstances, growing out of the delay, have since that time compelled him to part with a portion of his, and that he is interested now, only in the remainder.

And here your memorialist would respectfully call the attention of your Honorable body to the fact, that he and his associates have never, during the periods of financial embarrassment through which this country has passed, pressed its Government for payment, either of the principal or interest due upon their claim. Relying on its plighted faith, and reluctant to make their demand a source of inconvenience to the country, by exacting any portion of the public revenues, they have patiently waited, although at very great sacrifice, until the State should be in a condition to reimburse them. And he does not now desire any hasty or inconsiderate action, by which the interests of the State, or any of its creditors, might suffer. He has the same unwavering confidence which they have ever heretofore manifested, that the Government of the country, to whose security and defence they so willingly contributed, will, at a proper time, by a full performance of its obligations, do them ample justice. He has; however, felt compelled to submit this statement, of a matter in

which he is so deeply interested, lest silence on his part should cause such a misconstruction of his conduct or motives, as to induce the supposition, that he wishes to look to any other fund, or rely upon any other security, than that in the uncontrolled power of the State to give. He neither asks for, nor expects immediate payment; nor that the Legislature, at its approaching session, should adopt any special measures with reference to his demand, which the people are not prepared to ratify. The probable shortness of the coming session, and the many outstanding demands not yet ascertained, for which a provision has been made by law, would seem to require a postponement of this and similar matters, to a more convenient period.

And in the meantime, it is the earnest desire of your memorialist, that the nature and merits of this claim,—the benefits which have resulted to Texas from the execution of this contract—the vast acquisition of territory—the consequent increase of revenue—and other happy results, to the attainment of which, the Navy furnished by your memorialist and his associates, most effectually contributed, may receive from your Honorable body, and the people at large, thorough and impartial consideration.—And your memorialist cannot doubt, that when the time for final action upon the public debt shall have arrived, the People of Texas will be found to maintain that high character for honor and integrity, upon which he has so long relied.

FRED'K DAWSON.

Baltimore, Oct., 1850.

Extract from the Report of the Secretary of the Navy.

In pursuance with an act of Congress "for augmenting the Navy and making an appropriation therefor," approved November 4th, 1837, Mr. Samuel M. Williams was appointed by the Government to contract for the building of the vessels therein contemplated; and after a series of exertions which alike do credit to his abilities and patriotism, he effected an arrangement with Mr. Frederick Dawson, of Baltimore, for the building of all the vessels specified in the law already made. For the particulars of the purchase, I most respectfully refer you to the accompanying contract and appertaining documents, all of which are explicit and well defined.

Of the vessels thus contracted for, there have been received by the Government, on the 27th June, schooner San Jacinto; on the 7th of August, the schooner San Antonio; on the 31st of August, the schooner San Bernard; on the 18th October, the brig Colorado. All these vessels are, in the opinion

of the naval officers, and of all the professional men who have examined them, perfect models of naval architecture; their construction is excellent in every respect—for speed, as well as for strength and durability. The schooners are vessels of six guns each, the brig carries sixteen guns and is pierced for twenty.

Too much praise cannot be accorded to Mr. Dawson, for the very generous manner in which he has complied with, or rather gone beyond, his engagements. The schooners are much larger and more commodious vessels, and much better furnished than was stipulated for in the contract. Mr. Dawson had only obliged himself to furnish a brig of twelve guns, and of three hundred tons burthen—the brig which he has delivered to the Government carries sixteen guns, and is of four hundred and five tons burthen. This liberality entitles him to the gratitude of the citizens of this country.

Before the contract with Mr. Dawson will be completed, he has yet to deliver to the Government a Corvette of 18 guns and another Brig. I confidently expect the arrival of the former vessel, by the first, and of the latter, by the middle of next month.

In the construction of the two last mentioned vessels, equal liberality has been displayed by the contractor. I am informed that the Corvette is a much larger vessel and of finer workmanship than was stipulated for in the contract; and the Brig will be equal in force to, and of the same burthen as the one already delivered.

On the arrival of these two vessels the Naval forces of the Republic will be united in our waters.

I feel proud to state to your Excellency, that the Government has at its command a Navy, which, with proper management and an economical attention to its necessities, will be able to enforce a blockade along the Mexican coast from Matamoras to its southern extremity—a blockade of such a strict and uncompromising nature, as to avoid, in every thing, the slightest infringement of international law or the established customs of nations. The consequences of a blockade cannot fail to be of the most happy character: for Mexico is almost entirely dependent upon her relation with foreign powers; and whenever any movements shall have been made, whereby she is deprived of this source of supply, and thrown upon her own capabilities of support, the inevitable consequence will be, both national and individual want, to an extent far beyond her powers of endurance.

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Letter of the Agents of Texas to the President of the Girard Bank, Philadelphia.

BALTIMORE, November 29, 1838.

TO JAMES SCHOTT, Esq.,

President of the Girard Bank, Philadelphia :

Sir: We herewith hand you two bonds of the Republic of Texas, executed by us as Commissioners under the loan law of that Republic, passed on the 16th day of May, each bond being for the sum of two hundred and eighty thousand dollars (\$280,000) payable to Frederick Dawson, or order, which bonds, according to contract, are to remain in deposit with you for the space of twelve months, counting from the first proximo December, unless the government of Texas shall in liquidation of these bonds issue to Mr. Dawson, or order issued by the Commissioners, bonds in sterling money equal to the sum of \$520,000, or shall pay into your Bank the sum of two hundred and eighty thousand dollars in gold or silver, or its equivalent, with ten per cent. on the face of the two bonds, say fifty-six thousand dollars, likewise in gold or silver, or its equivalent, making three hundred and thirty-six thousand dollars, (\$336,000.) in which case said bonds are to be returned to the Government of Texas, or the person or persons authorized to receive them.

If on the first day of December, (1839) eighteen hundred and thirty-nine, the Government of Texas shall not have liquidated these bonds in either of the modes expressed, from and after that day you will hold them as the property of Frederick Dawson, and subject alone to his order, and you are hereby requested and required to deliver them to him at that period.

Very respectfully,

We remain your ob't servants,
(Signed) SAMUEL M. WILLIAMS, for himself
and for A. T. BURNLEY, Commissioners.

PHILADELPHIA, 7th December, 1839.

I have this day received from James Schott, Esq., President of the Girard Bank, the two bonds named in the foregoing letter, numbered 1 and 2, each for two hundred and eighty thousand dollars: the Government of Texas having failed to liquidate them in either of the modes expressed in the said letter.

FRED. DAWSON.

Mr. McKinney submitted the following memorial, which was read and ordered to be spread upon the journal :

To the Honorable, the Legislature of the State of Texas.

Your memorialists, James Schott and E. D. Whitney, merchants of the city of Philadelphia, concurring in the statement of Mr. Fredk. Dawson, dated Baltimore, October, 1850, and addressed to your Honorable body, a copy of which is annexed, respectfully represent :

That feeling a deep sympathy with the people of Texas, they became originally interested and were parties with Mr. Dawson in constructing, furnishing and equipping the vessels for the Naval service of the late Republic, the contract for which was made in the name of Frederick Dawson. That they furnished from their individual means one-half the amount of funds required to build and equip the said vessels, agreeably to contract ; and that one-half of the amount of the bonds given in payment of the same belonged to, and was received by them.

Your memorialists do not expect that any attempt will be made at this session of your Legislature for their relief ; nor do they deem it necessary to remind your Honorable body of the heavy sacrifices they have been compelled to make on account of their interest in the above mentioned contract.

They have ever been willing to rely upon the honor of Texas, that she would, whenever circumstances placed it in her power, perform towards your memorialists her part of the contract.

In order to show the proceedings at Washington in reference to this debt for the vessels, your memorialists trust that they will be excused for respectfully asking the notice of your Honorable body to the annexed petition of Frederick Dawson, James Schott and E. D. Whitney, to the Congress of the United States ; and to the reports of the committee of Claims of the Senate, and the committee on the Judiciary in the House of Representatives.

All of which is most respectfully submitted.

E. D. WHITNEY, for himself
and JAMES SCHOTT.

Austin, December 2, 1850.

Petition of FREDERICK DAWSON, JAMES SCHOTT and ELISHA DANA WHITNEY, praying payment for certain vessels, etc., furnished Texas, and given up by Texas to the United States on the annexation of Texas.

January 13, 1848, referred to the committee of Claims, and ordered to be printed.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

Your petitioners, Frederick Dawson, of Baltimore, and James Schott and Elisha Dana Whitney, of Philadelphia, respectfully represent :

That in the year 1833 they jointly contracted, in the name of Frederick Dawson, with the authorized agents of the Republic of Texas, to furnish her with a navy, to consist of one ship, two brigs, and three schooners, together with their arms and ammunition, and with clothing and four months' provisions for four hundred men ; that these vessels were built, furnished, and equipped by your petitioners, and delivered to the said Republic at the port of Galveston, agreeable to contract, and were accepted ; that, in consideration of this performance, the government of Texas issued to your petitioners their bonds for five hundred and sixty thousand dollars, bearing interest at the rate of ten per cent. per annum, payable half yearly ; that no part of these bonds, principal or interest, has yet been paid.

The undersigned would remind your honorable body that, at the time the aforesaid contract was made, which was shortly after the recognition (in 1837) of the independence of Texas by the United States, and before its recognition by any other power, her condition was depressed, and her prospects overclouded, and that this navy, insuring, as it did, the safety of her coasts, raising the confidence of her friends, and giving her consideration abroad, mainly contributed to her subsequent recognition by France and Great Britain ; and was, in fact, chiefly instrumental in placing Texas in a position to be numbered, as she has since been, in the band of sister States composing this great confederacy.

For the "*faithful redemption*" of the bonds aforesaid, (a copy of one of which accompanies the appendix to this petition,) "interest and principal," the "*revenues and public faith of Texas* were "*solemnly pledged*;" and her inability alone, and not any disinclination on her part, prevented their liquidation.

Texas has always evinced a deep and just sense of what was due for the aid so liberally supplied at such an emergency by the undersigned, and has made repeated efforts for the payment of the interest on these bonds. Finding these efforts fruitless, (having reaped the benefits expected from her navy, by whose means, as before stated, she had gained a position which removed all further apprehensions from Mexico,) her legislature at length enacted a law ordering a sale of the vessels themselves, and the proceeds to be applied in part payment of her indebtedness to your petitioners; but before it could be enforced, in expectation of annexation to the Union, the law was repealed.

In the treaty of annexation, she again endeavored (as is well known to your honorable body,) to make some provision to discharge a portion of this sacred obligation; and of the three hundred and fifty thousand dollars stipulated in the treaty to be paid by the United States to Texas immediately after its ratification, the large proportion of \$250,000 was to have been devoted to this object; the remainder being left to be liquidated, with the rest of the Texan debt, out of the ten millions which were to have been appropriated for its payment by the United States.

In the annexation resolutions subsequently passed by Congress, it was (as your honorable body are aware) left to the discretion of the President of the United States to select which of the two alternatives he would propose to Texas. One enacted that the terms of her admission into the Union should be settled by negotiations between the United States and herself; and had this been offered to Texas, there is no doubt but that in her stipulations with this country, she would have made ample provision for the payment of your petitioners. The other alternative, and the one which was tendered to Texas, contained no such provision; but your petitioners believe there were, at the same time, given to her by this government, as an inducement for her acceptance, the strongest assurances that, after her admission into the Union, her wishes and her honor would be as faithfully consulted, as if provided for by previous agreement.

It was required of Texas to cede to the general government, among other public property, *all her " navy, navy yards, arms, and armaments ;"* and in compliance, she has given up to the United States all that was left to her of this very navy furnished by your petitioners. Three of the vessels were ordered to be sold, and the proceeds paid into the United States treasury; and one of them to be refitted for the service of the United States.

Your petitioners further respectfully represent, that, by her annexation to this country, *Texas has been deprived of her duties*

on imports, (almost her only source of revenue,) which were solemnly pledged to them for the faithful liquidation of the interest and principal of these bonds. Thus Texas was deprived of the means of paying them.

In view, then, of these facts; that your petitioners were instrumental in promoting to such an extent the prosperity of Texas; that the *United States have possession of the identical vessels* furnished by the undersigned, *and of the public revenue so solemnly pledged for their payment*, they appeal, with confidence, to your honorable body for relief. They cannot but believe that Congress will concur with them in the opinion that the general government is bound, by every principal of justice and honor, to provide for the liquidation of this *sacred debt*.

The memorial of your petitioners having been presented at the last session of your honorable body, (29th Congress, 2d session,) and referred to the Committee of Claims in the Senate, who reported a bill recommending the "speedy settlement" of your petitioners' claim, any further action in the premises was suspended, in consideration of the subjects of paramount importance to the country at large, which then engrossed the attention of Congress.

The report of the Committee of Claims of the Senate of the United States, with the accompanying documents, are hereunto annexed.

All which is respectfully submitted.

FRED. DAWSON.
JAMES SCHOTT.
E. D. WHITNEY.

January 13, 1848.

Mr. Johnson, of Maryland, made the following report in the Senate of the United States—February 5, 1847.

The Committee of Claims, to whom was referred the memorial of Frederick Dawson, of the city of Baltimore, and James Schott and Elisha D. Whitney, of the city of Philadelphia, report:

That they have duly examined the statements presented in the aforesaid memorial to the consideration of Congress, and find that in the year 1838 the memorialists jointly contracted, in the name of Frederick Dawson, with the authorized agents of the

Republic of Texas, to furnish said Republic with a navy, to consist of one ship, two brigs, and three schooners, with their armaments and ammunition, together with clothing and four months' provision for four hundred men. These vessels were built, furnished, and equipped by the memorialists, in accordance with the terms of the contract; and were then delivered by the memorialists at the port of Galveston, where they were accepted by the agents of Texas, duly authorized.

In consideration of this satisfactory performance of the contract on the part of the memorialists, the government of Texas issued to them its bonds for the sum of five hundred and sixty thousand dollars, bearing interest at the rate of ten per cent. per annum, payable half yearly.

The committee find that no portion of the money represented by these bonds, principal or interest, has yet been paid. For the faithful redemption of these bonds, (a copy of one of which is annexed to this report,)—the interest and principal of which now amount to one million and seventeen thousand three hundred and thirty three dollars and thirty-three cents—the revenues and public faith of the Republic of Texas were solemnly pledged.

The contract which the committee have thus described was made and fulfilled at a very critical juncture in the history of Texas, shortly after the recognition (in 1837) of that infant republic by the United States, and before any other sovereign power had recognised its independence. Texas was then in a state of great depression, and in circumstances calling for the just sympathy of nations, and requiring on her part extraordinary exertions to maintain an independence then encompassed with danger. The committee are fully persuaded that to the acquisition of the vessels-of-war furnished to the government of Texas by the memorialists the struggling republic was mainly indebted for her security during that critical period, and her subsequent recognition by Great Britain and France. Her little navy secured the safety of her coast, inspired with fresh confidence her government and people, and gave her additional consequence abroad; and it appears that Texas has always entertained a just sense of the weighty obligation incurred by her in consequence of the liberal, prompt, and efficient aid rendered to her by the memorialists. Want of means alone has prevented the liquidation of the debt. No disinclination to discharge her obligation to the memorialists has at any time been apparent on the part of Texas. On the contrary, repeated efforts have been made to effect payment of the interest on these bonds; and, finally, all the benefits looked for from the possession of these vessels-of-war having been en-

joyed, and a position of security having by their means been attained, the legislature of Texas passed a law authorizing and directing the sale of the aforesaid vessels, the proceeds to be applied in part payment of the indebtedness of the republic to the memorialists. This act, however, in anticipation of annexation to the United States, was repealed.

In the treaty of annexation itself, Texas endeavored to make some provision for the discharge of a portion of this obligation. Of the three hundred and fifty thousand dollars stipulated in that treaty to be paid to Texas by the United States immediately after its ratification, the large proportion of two hundred and fifty thousand dollars was to have been devoted to this object; the remainder of the amount to be liquidated, with the rest of the Texan debt, out of the ten millions of dollars which were to have been appropriated by the United States for that purpose.

In the annexation resolutions subsequently passed by Congress, it was, as the Senate is aware, left to the discretion of the President of the United States to choose one of two alternatives to be proposed to Texas. One of these alternatives left, to be settled by negotiation between the two parties, the terms on which Texas should be admitted into this confederacy. Had that alternative been offered to Texas, the committee are induced to believe, from the previous action of that republic, from her avowed and earnest desire to discharge her obligations to the memorialists, from the action of her legislature, and from the effort to make the matter a distinct subject of treaty stipulation, that she would have made ample provision for the payment of the memorialists. The other alternative contained no such provision, and it was the one tendered to Texas; thus leaving the memorialists no resort but their present appeal to the Congress of the United States.

The committee regard the claim of the memorialists as fully sustained on the ground—

First. That, as an inducement to the act of annexation, Texas received assurances from the government of the United States that, after her admission into this confederacy, her wishes and her honor as an independent community would be as faithfully consulted and guarded as if express provision had been made to that end, by previous agreement.

Second. That, in accordance with the terms of annexation, Texas ceded to the general government of the United States, among other public property, all her "navy, navy yards, arms, and armaments;" and that she has actually given up to the United States all that remained to her of the very navy furnished by the memorialists. Three of the vessels have been ordered to

be sold, the proceeds to be paid into the treasury of the United States, and one of them to be fitted for the immediate service of the United States.

Third. That by her annexation to the United States, Texas has been deprived of her duties on imports, almost her sole source of revenue, which were solemnly pledged to the memorialists for the faithful liquidation of the interest and principal of the aforesaid bonds.

Fourth. That the United States, having thus become possessed of the identical vessels furnished by the memorialists, and also of the public revenues of Texas pledged for their payment, are properly responsible for the discharge of that obligation to the memorialists, which the Republic of Texas justly incurred, and uniformly regarded as binding and sacred.

In view of all these facts, and after a careful and deliberate examination of the case, the committee have agreed to recommend the speedy settlement of the claim of the memorialists, and for that purpose report the accompanying bill.

' COPY OF A LETTER TO GEN. HOUSTON.

WASHINGTON, *December 21, 1846.*

DEAR SIR: In 1838 we contracted, in the name of Frederick Dawson, of Baltimore, to furnish the Republic of Texas with a navy, to consist of one ship, two brigs, and three schooners.— These vessels were built, furnished, and equipped by us, and delivered to the Republic of Texas, at the port of Galveston, agreeably to contract.

In payment for furnishing this navy, the government of Texas issued to us their bonds for \$560,000, bearing interest at the rate of ten per cent. per annum.

As Texas has been unable to pay us any portion of either the principal or interest, and as the United States have taken from Texas her *revenues*, which were *solemnly pledged for the payment of both principal and interest* of these bonds, and have also taken four of the identical vessels, and applied them to the use of the United States, (the other two having been lost,) we are of the opinion that the United States are bound to pay us the amount of the bonds issued by the Republic of Texas in payment for the same, with the interest due thereon until paid, as stipulated in the bonds; and we have determined to petition Congress to pay us accordingly.

As this navy was contracted for during your administration as President of Texas, you are of course familiar with the facts as stated above; and our object in addressing you this note is to ask the favor of you to state to us, in writing, the fact that we furnished this navy to the government of Texas, and that ten per cent. bonds to the amount of \$560,000 were issued to us in payment of the same; and that neither the interest nor principal has been paid.

We have the honor to be, with great respect, your obedient servants,

FRED. DAWSON.
JAMES SCHOTT.
E. D. WHITNEY.

HON. SAM HOUSTON,
United States Senate.

GENERAL HOUSTON'S REPLY.

WASHINGTON CITY, *December 23, 1846.*

GENTLEMEN: In reply to your note of the 21st instant, I have to state that the facts presented by you therein, in reference to the purchase of the vessels belonging to the navy of the late republic of Texas, are correct; and that you did furnish to her one ship, two brigs, and three schooners, with their armaments, &c., for which she issued in payment ten per cent. bonds for the sum of five hundred and sixty thousand dollars.

Under the resolutions of annexation, the navy of the late republic was delivered over to and received by the United States; and the bonds issued in the purchase of the same by Texas are still outstanding and unpaid.

I have the honor to be, very respectfully, your obedient serv^t,

SAM. HOUSTON.
THOS. J. RUSK.

Messrs. F. DAWSON,
JAMES SCHOTT, and
E. D. WHITNEY.

COPY OF BOND HELD BY SCHOTT & WHITNEY.
REPUBLIC OF TEXAS.

B No. 1.—*Ten per cent. loan*—\$250,000.

The republic of Texas promises to pay to Frederick Dawson,

or order, two hundred and eighty thousand dollars, to be redeemed on the first day of December, eighteen hundred and forty-three, with interest thereon, at the rate of ten per cent. per annum from the date thereof, the said interest to be paid semi-annually on the first days of June and December, at the agency of the United States Bank of Pennsylvania in London, where the bond shall also be redeemed. The first payment of interest to be made on the first day of December, eighteen hundred and thirty-nine.— For the faithful redemption of this bond, interest and principal, at the agency aforesaid, the revenues and the public faith of Texas are solemnly pledged, by virtue of an act of the Congress of Texas, bearing date the sixteenth day of May, eighteen hundred and thirty-eight. It is further stipulated, in conformity with a provision of said act, that the holder of this bond may, at any time, surrender the same, and in lieu of principal and interest due thereon receive any of the public lands at the minimum prices fixed by the government for the sale of their vacant lands.

In testimony whereof, we, the undersigned commissioners, duly authorized to that effect, have hereunto set our hands and seals, this thirteenth day of November, in the city of Baltimore, the year eighteen hundred and thirty eight.

A. T. BURNLEY, [L. S.]
SAM. M. WILLIAMS, [L. S.]

Commissioners.

Countersigned on the back of the bond by

ANSON JONES,

*Minister plenipotentiary of Texas
near the government of the United States.*

And endorsed in blank by

FREDK. DAWSON.

HOUSE OF REPRESENTATIVES, January 3, 1849.

Mr. Joseph R. Engersoll, from the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred the memorial of Frederick Dawson, James Schott, and Elisha Dana Whitney, respectfully report:

The memorial states that, in the year 1838, the memorialists jointly contracted, in the name of one of them, with the authorized agents of the Republic of Texas to furnish her with a navy,

to consist of one ship, two brigs, and three schooners, together with their arms and ammunition, and with clothing and four months' provisions for four hundred men; these vessels were built, furnished, and equipped, and delivered to the said Republic, at the port of Galveston, agreeably to the contract, and were accepted; and the government of Texas issued their bonds to the memorialists for \$560,000, bearing interest at the rate of ten per centum per annum, payable half yearly, no part of these bonds, principal, or interest, having yet been paid. The "revenues and public faith of Texas" were "solemnly pledged" for the payment of them. At one period, the Legislature of Texas—the country having reaped the expected benefits from the navy, by means of which she had gained a position which removed all further apprehension from Mexico—enacted a law ordering a sale of the vessels, and that the proceeds should be applied in part payment of the debt due to the petitioners. In the final arrangements for annexing Texas to the United States, it was agreed to cede, among other property, all her "navy, navy yards, arms, and armaments," and, in compliance, she has given up to the United States all that was left of the navy furnished by the petitioners. Three of the vessels were ordered to be sold and the proceeds paid into the treasury of the United States, and one of them to be refitted for service.

The memorialists urge that Texas, having been deprived of her duties on imports, almost her only source of revenue, has been placed in a situation which renders payment from her impossible.

The committee have no reason to doubt any of the facts stated by the memorialists—they are chiefly of a public character. The equitable claim growing out of them has induced more than one favorable report in the Senate. To these reports, made 5th February, 1847, and 15th March, 1848, the committee refer. It is certain that a debt was due from a sovereign nation of a peculiar character; that one of the reasons for non-payment, and the great reason for that payment being hopeless, consisted of the act of the United States. It is supposed that the vessels, when handed over to the United States, were of little value: but, inconsiderable as it was, it was not deemed unworthy of notice in a treaty and express and positive stipulation. It will remain a reproach upon the State, which is now identified with the Union, that so grave a charge shall continue to lie against her. A difference is sufficiently apparent between this debt and the mere ordinary debts of Texas. The committee are inclined to regard the difference worthy of a notice beyond that of mere recognition; and they report a bill.

Mr. Fields, chairman of the committee on Finance, made the following report :

COMMITTEE ROOM, November 30, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The Finance committee have had under consideration a resolution proposing to pay special messengers employed to distribute the Governor's proclamation submitting the ten million proposition to the people, and a bill from the Senate, making an appropriation for certain purposes therein named; and deeming some other appropriations necessary, have instructed me to report a substitute for said bill and joint resolution, which is herewith submitted for the consideration of the House.

Report and substitute laid on the table to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of William C. Anderson, reported the same back to the House without amendment and recommended its passage.

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

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives.

The committee on Engrossed bills have examined an act allowing to the widow of William G. Cook the balance of pay due him as Commissioner to Santa Fe and for services as acting Qr. Master General in the Somerville Campaign; also, an act for the relief of the heirs of Luke J. Gillespie, deceased, and find the same correctly Engrossed.

Mr. Burney, chairman of the joint committee on Enrolled Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined an act to incorporate the Brazos and Bernard Railway and Plank Road Company; also an act for the safe and profitable investment of the school fund; also, an act to incorporate the Shelby University and find the same correctly Enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to His Excellency, the Governor of the State, for his approval.

Mr. Dickson introduced a resolution providing for the adjournment of the two Houses at twelve o'clock, M., to-morrow. Adopted.

Mr. Charlton introduced a resolution authorizing the Chief Clerk of the House to employ a second assistant Clerk for the remainder of the session. Adopted.

Mr. Tarrant introduced a resolution allowing William F. Weeks, reporter for the House, pay at the rate of five dollars per diem, from the 18th of November to the 25th of December, 1850, inclusive. Adopted.

A bill to be entitled an act for the relief of Laana Ward; read third time.

On motion of Mr. Franklin, the vote passing the bill to a third reading was reconsidered.

Mr. Franklin then proposed the following amendment:

Insert in the last line of first section, "March;" and strike out "August;" Adopted; bill read third time and passed.

A bill to be entitled an act for the relief of the heirs of Andrew Kent, dec'd; read third time and passed.

A bill to be entitled an act for the relief of Benj. Burke; read second time; rule suspended, read third time, and passed.

Senate's bill for the relief of M. W. B. Armstrong; read third time and passed.

Senate's bill to be entitled an act to prevent the sale of spirituous or vinous liquors to Indians within the State of Texas; read first time; rule suspended, read second time, and referred to the Judiciary committee.

Senate's bill to be entitled an act for the relief of Samuel J. Sparks; read first time; rule suspended, read second time; rule further suspended, read third time and passed.

A bill to be entitled an act for the relief of Alex. McCulloch; read second time, and referred to the committee on Private Land Claims.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act to incorporate the La Grange Collegiate Institute, on which they had suspended all rules, and requested a like suspension on the part of the House.

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

On motion, a further call was suspended.

A bill to be entitled an act prescribing the duties of the Comptroller, in reference to certain claims against the State of Texas; read second time.

Mr. Franklin proposed a substitute for the bill.

On motion of Mr. Fields, the words "claimed to," in 3d section, was stricken out.

On motion of Mr. Dickson, all that portion in the 4th section, relating to sending a special messenger to Washington City, was stricken out.

Mr. Patrick proposed the following amendment :

In the 1st section, after the words "specially pledged," insert "provided the same shall not exceed seven hundred thousand dollars."

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed the following bills, originating in the House of Representatives :

A bill to be entitled an act to amend the 6th section of an act entitled an act concerning slaves, approved the 5th February, 1840, with an amendment ; also, a joint resolution for the relief of John C. Walling ; and, also, that the Senate concurred in the amendments of the House to a joint resolution refunding to Maj. W. S. Henry the fine imposed upon him by the 9th Military Department ; also, that the Senate had concurred in the resolution of the House to adjourn *sine die*, on Tuesday, the 3d day of December, at 12 o'clock, M., and that the Senate had appointed Messrs. Portis, Latimer and Van Derlip, a committee of conference, to act in conjunction with the committee of the House, upon the bill providing for the election of Judges of the Supreme Court.

Mr. Stapp moved to lay the substitute and amendments for the bill now under consideration on the table ; upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Fields, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Jowers, Lloyd, Patrick, Reynolds, Runnels, Russell, Scott, Selman, Shea, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Taylor of Harrison, Wigfall, Williams and Wren—23.

Nays—Messrs. Speaker, Bee, Clements, Crump, Dickson, Franklin, Gillet, McKinney, Owen, Polk, Shaw and Tarrant—12.

So the substitute and amendments were laid on the table.

Mr. Franklin moved to lay the original bill on the table ; upon which, the yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Bogart, Charlton, Clements, Crump, Franklin, Hardeman of Nacogdoches, Jowers, McKinney, Pat-

rick, Scott, Selman, Smith of Shelby, Tarrant and Taylor of Harrison—16.

Nays—Messrs. Bee, Bryan, Cochran, Dickson, Fields, Gillet, Hendricks, Holland, Hunt, Johnson, Lloyd, Lott, Owen, Runnels, Russel, Shaw, Shea, Speights, Siapp, Stewart, Wigfall, Williams and Wren—24.

So the House refused to lay the bill on the table.

Mr. McKinney moved that the House adjourn until 3 o'clock, P. M.; lost.

Mr. Stapp moved to lay the bill on the table and make it the special order of the day for 3 o'clock, P. M.; lost.

Mr. Franklin moved to lay the bill on the table until 10 o'clock, on Monday next; upon which, the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Charlton, Clements, Cochran, Crump, Franklin, Hardeman of Nacogdoches, Holland, Jowers, McKinney, Patrick, Reynolds, Scott, Selman, Shea, Smith of Shelby, Sterne, Tarrant, Taylor of Harrison and Wigfall—21.

Nays—Messrs. Bryan, Burney, Dickson, Fields, Gillet, Hendricks, Hunt, Owen, Polk, Runnels, Russel, Shaw, Speights, Stapp, Stewart, Wigfall, Williams and Wren—18.

So the bill was laid on the table.

Senate's bill to be entitled an act for the relief of John McLennan, jr.; read third time and passed.

Senate's bill to be entitled an act for the relief of Peter Gallagher, and the legal representatives of Archibald Fitzgerald and Thompson Robinson; read third time and passed.

Senate's bill to be entitled an act for the relief of John Edmonds; read second time; rule suspended, read third time and passed.

Senate's joint resolution, requesting our Senators and Representatives in the United States Congress to receive the bonds to be issued for the purchase of a portion of the territory of Texas, &c.; read first time.

Mr. Scott moved to suspend the rule, in order that the resolution might be read a second time; upon which the yeas and nays were called, and stood as follows:

Yeas; Messrs. Speaker, Bee, Bogart, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Holland, Jowers, Lloyd, Lott, McKinney, Patrick, Polk, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Shelby, Speights, Sterne, Stewart, Taylor of Harrison, Williams and Wren—30.

Nays: Messrs. Bryan, Clements, Crump, Franklin, Holland, Owen, Reynolds, Tarrant and Winfield—10.

It requiring a vote of four fifths to suspend the rule, the motion was lost.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act to change the name of Emmet Baylor Patrick to that of Emmet Harlan Patrick; also, a bill to be entitled an act for the relief of the heirs or legal representatives of John W. R. Tildon, deceased, originating in the Senate; also, a bill to be entitled an act regulating the pay of certain volunteers who served in 1842; also, a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue patents to the heirs of Simon Gillam and John Smith, deceased; also, a bill for the relief of Z. N. Morrell, originating in the House of Representatives.

Senate's bill for the relief of Mary Alexander; read first time; rule suspended, bill read second time; rule further suspended, bill read third time and passed.

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

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A bill to be entitled an act for the relief of Daniel Parker, jr., with the substitute of the special committee; substitute adopted, and bill ordered to be engrossed.

Mr. Fields in the Chair.

On motion of Mr. Tarrant, the Sergeant-at-Arms was granted leave of absence for the remainder of the session.

Mr. Hendricks, chairman on the part of the House, of the committee of Conference, to whom was referred the bill regulating the election of Judges of the Supreme Court, reported, that they had agreed to the substitute of the House, and therefore, recommended its passage.

Senate's bill to be entitled an act for the relief of Martha McMillan; read first time; rule suspended, read second time; rule further suspended, read third time, and passed.

A bill to be entitled an act for the relief of John E. Linn, from the Senate; read second time and passed to a third reading.

Senate's bill to be entitled an act to establish Public Schools

in the county of Comal; read second time, and referred to the Judiciary committee.

On motion of Mr. Tarrant, a bill to be entitled an act to incorporate the Anahuac Canalling and Railroad Company, was taken up, together with the remonstrance of T. J. Chambers against the passage of the bill; bill read second time, and ordered to be engrossed.

Mr. Tarrant moved to suspend the rule in order that the bill might be read a third time, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Charlton, Clements, Cochran, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Lott, McKinney, Owen, Patrick, Runnels, Russell, Selman, Shea, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall, Williams and Winfield—34.

Nays—Messrs. Dickson, Holland, Lloyd, Reynolds, Scott and Wren—6.

So the rule was suspended; bill read third time and passed by a constitutional majority—yeas 34, nays 5.

On motion, a bill to be entitled an act to amend the sixth section of an act concerning slaves, with the amendment of the Senate, was taken up and amendment concurred in.

Senate's bill to be entitled an act to authorize the county court of Houston county to levy a special tax for county purposes; read second time and passed to a third reading.

Senate's bill to be entitled an act to incorporate the town of Dallas in the county of Dallas; read second time and passed to a third reading.

Senate's joint resolution for the relief of Robert Shaw, assignee of William Morrow; read third time and passed.

A bill for the relief of Alanson Ferguson; read first time.—Rule suspended; read second time. Rule further suspended, read third time and passed.

Senate's bill to be entitled an act for the relief of William A. Burns; read third time and passed.

A message was received from the Senate, informing the House that the Senate had amended the amendment of the House to the Senate's bill to repeal the third section of the act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved November, 1850; also, a bill to be entitled an act to authorize the county court of Travis county to levy and collect a special tax, originating in the Senate; also, a bill to be entitled an act to incorporate the Waco

Male and Female Academy, in the county of McLennan ; also, a bill for the relief of the heirs of Andrew Kent, deceased.

A bill to be entitled an act making appropriations, with the substitute of the committee on Finance, taken up and substitute adopted. Bill read second time.

Mr. Williams proposed the following amendment :

At the end of the second section, add " also, two hundred dollars, or so much thereof as may be sufficient to defray the contingent expenses of the branches of the Supreme Court at Galveston and Tyler, to be drawn by the Chief Justice of said court ;" adopted.

Mr. Scott proposed the following amendment :

" And, also, for pay of A. J. Hamilton, two hundred and fifty dollars; John E. Cravens, one hundred and fifty dollars; J. M. Ardrey, one hundred and fifty dollars, for services as special judges of the Supreme Court ;" adopted.

A bill for the relief of Daniel Parker, jr. ; read third time and passed.

An act for the relief of Alexander McCulloch, with the amendments of the committee on Private Land Claims, was taken up and amendments adopted.

Rule suspended, bill read third time and passed.

A bill to be entitled an act to repeal the third section of the act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved November, 18-50, together with the amendment of the Senate just reported, was taken up and amendment read.

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

Mr. Charlton, one of the committee on Engrossed Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill for the relief of the heirs of Andrew Kent, deceased, and find the same correctly engrossed.

Mr. Burney, chairman of the Joint committee on Enrolled Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The Joint committee on Enrolled Bills have examined an act

for the relief of Stoakly D. Choate: also, an act to authorize the Executive Board of Managers of the Masonic Female Institute at Marshall, Harrison county, to confer degrees and for other purposes; also, an act authorizing the Governor to employ counsel in the Supreme Court of the State in cases where the present Attorney has been employed: also, an act to authorize the Clerk of the county court of Navarro county, and the county Clerk of Tyler county, to transcribe into a bound book, severally to be procured by them for that purpose, all the records and title papers hereinafter mentioned; also, an act for the relief of Berry Merchant; also, an act to amend an act to incorporate the city of New Baunfels; also, an act to authorize the Commissioner of the General Land Office to issue patents to the heirs of Simon Gil- lam and the heirs of John Smith; also, an act for the relief of James Chesher, Senr.; also, a joint resolution for the relief of John C. Walling, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day transmitted to His Ex- cellency the Governor of the State for his approval.

Senate's bill to repeal an act, to reserve one of the public build- ings in Austin for the Supreme Court; read second time, and passed to a third reading. Rule suspended, read third time and passed.

Mr. Tarrant introduced the following resolution:

Resolved, That the Chief Clerk be and he is hereby authori- zed, to employ as many additional clerks as will be sufficient to engross and enroll the bills, and to keep up the journals of the House for the present session, and that they be paid out of the contingent fund appropriated for the present extra session of the Legislature. Adopted.

A message was received from the Senate, informing the House that the Senate had passed a bill to authorize the county court of Travis county to levy and collect a special tax.

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

AUSTIN, December 3, 1850.

House met pursuant to adjournment—roll called—quorum present.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report, which was accepted:

COMMITTEE ROOM, December 3, 1850.

To Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined an act for the relief Alexander McCulloch, and find the same correctly engrossed.

Mr. Franklin introduced a bill, to be entitled an act to make valid the official acts of the officers of the County Court of Galveston county ; read first time.

Mr. Winfield introduced a joint resolution to amend a joint resolution for the relief of the heirs of Benjamin D. Nobles, deceased, approved December 31st, 1849 ; read first time.

On motion, rule suspended ; bill read second time, and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Russell moved that the House now proceed to take up the business on the Speaker's table, and to the orders of the day.

On motion of Mr. Dickson, the House adjourned until half-past 11 o'clock, A. M.

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

House met—roll called—quorum present.

Mr. Russell moved that the House now proceed to take up the business on the Speaker's table, and the orders of the day ; lost.

Mr. Burney, chairman of the committee on Private Land Claims, returned to the House sundry papers and documents, without any action thereon, and asked to be discharged from the further consideration of the same.

Mr. Burney, chairman of the Joint committee on Enrolled Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 3, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The Joint committee on Enrolled Bills, have examined a bill for the relief of M. W. B. Armstrong ; also, an act for the relief of Zachariah N. Morrell ; also, an act for the relief of Benjamin Burke ; also, a bill regulating the pay of certain volunteers who

served in 1842; also, a bill for the relief of the heirs of A. Kent, dec'd; also, an act to incorporate the Waco Male and Female Academy, in the county of McLennan; also, an act to amend the 6th section of an act concerning slaves, approved 5th February, 1840, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day transmitted to his Excellency, the Governor of the State for his approval.

On motion of Mr. Burney, a committee, consisting of Messrs. Burney, Russell and Bee, was appointed to act in conjunction with a committee of the Senate, to wait upon his Excellency, the Governor, and inform him that the two Houses were ready to adjourn, *sine die*, at 12 o'clock, M.

A message was received from the Senate, requesting the House to return to that body the several bills relating to the organization of the Supreme Court of the State of Texas.

Messrs. Sterne, Patrick and others, were granted leave to withdraw certain petitions and documents.

Mr. Burney, chairman on the part of the House of the select committee appointed to wait upon his Excellency, the Governor, and inform him that the two Houses were ready to adjourn, *sine die*, at 12 o'clock, M., reported duty performed; and that his Excellency returned for answer, that he desired to make a communication in writing to the House of Representatives, previous to adjournment, after which, he should have no further communication to make.

A message was received from the his Excellency, the Governor, returning to the House an act to be entitled an act to amend an act to incorporate the Galveston Steam Ferry, Freight and Tow Boat Company, approved 20th March, 1848, accompanied by a communication in writing.

On motion, the communication was taken up and read as follows:

EXECUTIVE DEPARTMENT,
Austin, Texas, December 3, 1850. }

To the Honorable Members of the
House of Representatives.

GENTLEMEN:—I herewith return to the House of Representatives, in which it originated, an act entitled an act to amend an act to incorporate the Galveston Steam Ferry, Freight and Tow Boat Company, approved 20th March, 1848, with a brief statement of my reasons for withholding my approval of its provisions.

I believe the bill to be violative of rights secured by the Constitution of the State.

The original bill, of which this is amendatory, creates a private corporation, the object of which is, unquestionably, individual interests. Public convenience may be incident to, or subsequent upon the enterprize, but it is impossible to say that the private property of individuals, which might under the provisions of the bill be condemned, was applied to *public* use. The 14th section of the bill of rights, declares that "no persons property shall be taken or applied to public use, without adequate compensation being made, unless by consent of such person!" The public convenience may require a Ferry at the point contemplated by the Company, and for this single object, the enterprize might bring within the provisions of the Constitution, such landings as might be necessary; but the latitude given to the County Court by the bill, both in respect to the quantity and the objects of the lands to be condemned, coupled with the fact that the decision of the court is final; no appeal being provided, makes it, in my judgment, most dangerous to private rights.

I believe, moreover, that the spirit, if not the letter of the constitution of the State, is infringed in not providing a jury to assess the value of the land sought to be condemned.

If private property may be condemned for the use of this, or any similar corporation, it should only be done by laws amply securing the owners against oppression and injury. The *necessity* of the condemnation of private property, and its value, are, it seems to my mind, facts appropriately referable to a jury of the country, and the decision as in any other case, should be subjected to appeal to the highest judicial tribunal in the State.

For the reasons thus briefly stated, I cannot sanction its provisions.

I will add, that the law creating the company a corporation, is found among the private acts of the Legislature, and can only be considered a private act—the corporation is private, and not public. Under these considerations I feel compelled to return the bill to your honorable body.

P. H. BELL.

A BILL

To be entitled an act to amend an act entitled an act to incorporate the Galveston Steam Ferry, Freight and Tow Company, approved 20th March, 1843.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That in order the better to secure the objects of the act hereby amended, the said corporation shall have the power to appropriate and own such land as may be necessary and suitable for a ferryboat landings, at the various points on Galveston Bay

and its tributaries, and to erect thereon wharf and cattle pens, for the convenience of landing passengers, freight and stock at such points and places as the said corporation may select, upon compensating the owners or claimants of land for the same, at its cash valuation, which compensation and valuation shall be ascertained in the following manner : The corporation shall present a petition to the Chief Justice of the county in which such lands may be situated, designating what lands are required for said landings, wharfs and cattle pens, and stating as near as can be ascertained, who are the owners or claimants of said lands. Whereupon the Chief Justice shall appoint a day, not less than twenty, nor more than thirty days from the time of filing such petition, for the County Commissioners to convene at the usual place of holding their sessions, at which time and place the parties interested shall have been notified to appear ; twenty days notice having been given in writing, posted up at three public places in the county where the land lies, of time, place and object of the meeting of the Board of County Commissioners, and at which time and place as aforesaid, or at an adjourned session, to a more convenient time and place, the said County Commissioners shall ascertain and assess the cash value of such lands, and the amount the owner or claimants are entitled to, as a fair and full remuneration for said lands.

SEC. 2. That the said Board of County Commissioners shall hear such testimony of witnesses as may be introduced by the parties concerned, touching the value of said property, or in the absence of witnesses or of the parties interested, the Board of County Commissioners shall proceed from the best evidence they may be in possession of, or can procure, to assess the cash value of the land, and render their award in writing, giving a particular description of the property and of its valuation, which shall be returned to, and recorded in the office of the County Clerk of the County Court of the county in which the land lies, and the amount of the said appraisement or valuation, shall be paid by the corporation to the owner of the said land, or be deposited in the County Treasury of the county, for the use of the owner or owners, as aforesaid, and the said lands shall be considered as condemned and appropriated to the use and benefit of the corporation, in fee simple, for the purposes contemplated by this act.

SEC. 3. Should the owners, or claimants of the lands condemned, obtain an injunction, to stay the action of the corporation, or the rights and privileges of the corporation be questioned or litigated, the said corporation shall not be stopped in their operations, or any impediments be thrown in their way, upon their filing

a bond with the Chief Justice of the county in which the land is situated, with security to be approved of by the said Chief Justice, for the payment of all or any damages, should any on a final hearing be assessed against said corporation.

SEC. 4. The Chief Justice shall assess such costs as shall be equitable to defray his own fees and that of the court—all witnessess to be paid by the party summoning them.

SEC. 5. That A. B. Adams be, and he is hereby authorized to act as one of the Commissioners authorized to open books for the subscription of stock, as named in the 7th section of the act hereby amended, in the place of John W. Durst, deceased; and at the first, or any subsequent meeting of the Stockholders they shall determine the number of Directors to be elected for the ensuing year, increasing or reducing their number above or below seven, as designated in the 5th section of the act hereby amended, and that this act shall take effect from and after its passage.

Mr. Stapp moved to refer the bill and communication above referred to, to the Judiciary committee; lost.

On motion of Mr. Williams, the bill and communication were laid on the table.

Mr. McKinney moved to take up the business on the Speaker's table, and the orders of the day; carried.

On motion of Mr. Taylor of Harrison, a bill for the relief of the heirs of W. R. Tilden, deceased, was taken up; read first time; rule suspended; read second time; rule further suspended; read third time and passed.

Mr. Russell moved to take up a bill to be entitled an act to incorporate the LaGrange Institute, in the county of Fayette; withdrawn.

Mr. Stapp introduced the following resolution which was unanimously adopted:

WHEREAS, The Hon. C. G. Keenan, Speaker of the House of Representatives, has, by the prompt and faithful discharge of his official duties, as well as by the stern decision of character, which has peculiarly characterized his course as the officer elected to preside over our deliberations, given general satisfaction, and called around him many and devotedly zealous friends; and,

WHEREAS, we confide in his ability and integrity as our Speaker, from whom we are now about to be separated, and in his generosity and devotedness as our friend; Therefore,

Be it unanimously resolved, That we do hereby tender our sincere thanks to him as our Speaker and friend, for the promptitude and efficiently with which he has presided over our legis-

lative councils; and that we will look back with unfeigned pleasure upon the time during which we have with such *unity* and *harmony* indulged in social intercourse with him and each other.

A message was received from the Senate, informing the House that the Senate had passed the bill making appropriations, with amendments.

On motion, the bill was taken up, and amendments concurred in.

The Senate returned to the House the several bills to provide for the organization of the Supreme Court.

On motion of Mr. Scott, a committee, consisting of Messrs. Scott, Jowers and Clements, was appointed to wait upon the Senate, and inform that body that the House of Representatives was now ready to adjourn, *sine die*.

The committee retired, and in a few minutes returned and reported duty performed.

Mr. Burney, chairman of the Joint committee on Enrolled Bills, reported that they have examined a bill to be entitled an act for the relief of the heirs of W. R. Tilden, deceased; also, a bill to be entitled an act making appropriations, and find the same correctly enrolled.

On motion of Mr. Fields, the House adjourned, *sine die*.

J. W. HAMPTON, Chief Clerk.

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