

JOURNALS

OF THE

HOUSE OF REPRESENTATIVES

OF

THE STATE OF TEXAS.

EXTRA SESSION—THIRD LEGISLATURE.

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AUSTIN, August 12, 1850.

Pursuant to the Proclamation of his Excellency, Governor P. Hansbrough Bell, the House of Representatives of the Legislature of the State of Texas assembled in extra session at the Capitol in Austin, to day. The House was called to order by the Speaker, the Hon. Charles G. Keenan. The roll was called by Ben. F. Hill, acting as Chief Clerk, by request, and the following members answered to their names :

Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Clements, Clough, Cochran, Crump of Bexar, Dickson, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Lloyd, Lott, McKinney, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Red River, Stapp, Sterne, Stewart, Tarrant, Taylor, Wilson and Winfield.

The Speaker announced that a quorum being present, the House was ready to proceed to business.

On motion of Mr. Bryan, the Hon. Jas. E. Shepard, member elect from Washington county, to supply the vacancy created by the resignation of the Hon. B. E. Tarver, came forward took the oath of office and his seat.

On motion of Mr. Wilson, the House proceeded to the election of officers to fill vacancies.

The Speaker announced that the election of Chief Clerk was first in order.

Mr. Charlton nominated for that office Mr. Joseph W. Hampton.

Mr. Reynolds nominated Mr. Phineas DeCordova.

Messrs. Gillet, Holland and Hardeman of Travis were appointed tellers.

The House proceeded to vote, and on counting the ballots, it appeared that

Mr. Hampton had received	20 votes.
Mr. DeCordova “	13 “

Mr. Hampton having a majority of all the votes cast, was declared duly elected Chief Clerk of the House.

The House then proceeded to the election of Assistant Clerk.

Mr. Bogart nominated Mr. James M. Long.

There being no other nomination, on motion, Mr. Long was declared elected by acclamation.

The House then proceeded to the election of Engrossing clerk.

Mr. Holland nominated Mr. W. T. Tucker for Engrossing Clerk.

There being no other nomination, on motion, Mr. Tucker was declared elected by acclamation.

The House proceeded to the election of Enrolling Clerk.

Mr. Bryan nominated for that office Mr. A. J. Harrell.

Mr. Clements nominated Mr. A. Von Ger-Mar.

The House voted, and, on counting the ballots, it appeared that

Mr. Harrell received	31 votes.
Mr. Von Ger-Mar	3

Mr. Harrell having received a majority of the votes cast, the Speaker declared him duly elected.

The election of Sergeant at-Arms being announced next in order,

Mr. Reynolds nominated Mr. A. N. Smith for that office.

Mr. Gillet nominated Mr. John S. Price. The House proceeded to vote, and on counting the ballots, it appeared that

Mr. Smith received	26 votes
Mr. Price	8.

Mr. Smith having received a majority of all the votes cast, was declared by the Speaker duly elected.

On motion of Mr. Sterne, the officers elect came forward and the Speaker administered to them the oath of office prescribed by the constitution.

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

AUSTIN, August 13, 1850.

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

Absentees—Messrs. Bee, Crump of Austin, Jowers, Lewis, McNairy, Millican, Pace, Smith of Shelby; Whittlesey, Williams and Wren.

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

Resolved, That the committee on Finance be instructed to ascertain and report as early as practicable, what will be the probable amount of receipts in money and other funds in the Treasury at the end of this quarter ; also, the probable amount at the ending of the next quarter, (closing with the month of February next,) and the probable amount assessed and collected under the present revenue law."

On motion of Mr. Lott, a committee, consisting of Messrs. Lott, Russell and Hardeman of Nacogdoches, was appointed to wait upon the Honorable Senate, and inform that body, that the House of Representatives had organized and was ready to proceed to business.

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

Resolved, That the Doorkeeper be authorized to hire a porter. at not more than one dollar per day, for the purpose of supplying the House with good well water.

A message was received from the Senate, through the Hon. Isaac Parker, informing the House that the Senate had organized and was ready to proceed to business.

Mr. Scott moved that a committee be appointed to wait upon his Excellency, the Governor, in conjunction with a like committee of the Senate, and inform him that the two Houses had organized and were ready to receive any communication he might have to make ; motion carried.

The Speaker appointed Messrs. Scott, Stewart and Clements said committee.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had elected Mr. Bird Holland Assistant Secretary, to fill the vacancy created by the absence of Mr. James F. Johnson ; and also, that the Senate had appointed a committee, consisting of Messrs. Robertson, Latimer and Van Derlip, to act with the committee of the House to wait upon his Excellency, the Governor, and inform him that the two Houses had organized and were ready to receive any communication he might have to make.

On motion of Mr. Taylor, Col. B. F. Hill was requested to render such assistance to the several clerks of the House as his leisure would admit of.

Mr. Scott, chairman of the committee on the part of the House to wait upon his Excellency, the Governor, etc., reported duty performed; and that his Excellency would deliver his message to both Houses of the Legislature at 11 o'clock, a. m., to-day.

On motion of Mr. Reynolds, the House took a recess until fifty minutes past ten o'clock.

Recess expired—roll called—quorum present.

On motion of Mr. Burney, Mr. Shepard was added to the committees on the Judiciary, Finance, and State Affairs.

A communication was received from his Excellency, the Governor, through his Private Secretary, Charles A. Harrison, with accompanying documents.

On motion of Mr. Sterne, a committee was appointed, which consisted of Messrs. Sterne, Rannels and Shepard, to inform the Honorable Senate of the receipt of the Governor's Message, and to invite that body into the House of Representatives.

The committee, through their chairman, Mr. Sterne, reported duty performed.

The Honorable Senate was announced, headed by their President, who was invited to a seat at the right of the Speaker, and Senators to seats prepared for them.

The rolls of the two Houses being called, the Speaker announced the reception of a message, with accompanying documents, from his Excellency, the Governor, which was then read as follows:

EXECUTIVE DEPARTMENT, }
Austin, August 13, 1850. }

To the Honorable Senate

and House of Representatives:

GENTLEMEN: The season of the year is unfavorable for assembling the Representatives of the people, and its great heat unpropitious for mature and satisfactory deliberation. The draft which I have felt myself compelled to make upon your time and personal convenience, and the increased expenditures to the State necessarily involved by the extraordinary session now convened, were subjects maturely considered, and gave me for a time painful solicitude.

But as the intrinsic weight of the great question which I shall have the honor to present for your consideration, continued from time to time to augment and to present itself in bolder relief according as I bestowed reflection upon it, the objections to the

call which at first seemed to possess validity and force, were soon lost in the superior consideration, that a serious wound was about to be inflicted upon the honor of our State, and great detriment about to accrue to her most important interests.

As the head of the Executive Department of the State Government, possessing most clearly no remedial agency strong and efficacious enough for the emergency, I could only acquiesce in the necessity which obliged me to play the subordinate but interesting part of a sentinel, charged with the duty of guarding with sleepless vigilance against all unfriendly approaches, and to sound the alarm whenever the sanctity of our rights should be assailed, no matter from what quarter and in what form.

Upon receiving the report of the Commissioner appointed under the authority of the act of the last Legislature, to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fe, and other information which subsequently came to my knowledge connected with the subject of that report, it occurred to me, that if the "occasion" contemplated by the constitution for the exercise of the power by the Executive of convening the Legislature in extraordinary session could ever exist, it was presented by the various facts and circumstances, in reference to a portion of the territory of our State, requiring in my judgment the most prompt and decisive action on the part of this Government; and though fully sensible of the inconvenience and probable hardships to which I must expose you, in asking your presence at the Seat of Government at a season so unfavorable, still the oath I had taken, faithfully to administer the duties of the station which I occupy, did not permit me to disregard the necessity of invoking the aid and assistance of the legislative wisdom of the country at a crisis in which the interest, honor, and character of the State were so deeply involved.

In accordance with the provision and requirement of the act of January 4th, 1850, Robert S. Neighbors, Esq., was with the advice and consent of the Senate, appointed the Commissioner of the State, to carry into operation the objects contemplated by it, and after receiving such instruction and aid as it was in the power of the Executive to afford, he left the City of Austin on the 8th day of January for the region of country in which the duties of his mission required his presence and action.

Upon his arrival in the County of El Paso, he took the necessary measures for its immediate organization, and by his prudence, zeal, and activity, he succeeded to the fullest extent of our expectations. Within the space of a few weeks, he effected with a people heretofore unaccustomed to our Government and laws,

and strongly imbued with prejudices against us as a race, a full recognition of the rights and of their relations to it, and inspired in them a desire to cultivate those relations in the performance of all the obligations of good citizens. The complete and perfect returns of the organization of that county made by him to the State Department, afford the best evidence of the ability with which the organization was conducted, and it is adverted to now for the purpose of shewing the capacity of the Commissioner for the performance of the duties assigned him, and that the want of entire success in executing the act referred to above, is in no wise to be ascribed to any deficiency on his part.

The success of Major Neighbors in the County of El Paso, gave rise to strong hopes of accomplishing the purposes of his mission in the County of Santa Fe, and these hopes were strengthened by assurances that he would meet with no opposition or obstacles on the part of the officers commanding the United States forces at that place. Previous to his departure from El Paso, he was furnished with a copy of an Official Order issued at Santa Fe on the 12th day of March, 1850, by Col. John Munroe, commanding the 9th Military Department, recognizing him as "a Commissioner of the State of Texas *for the purpose of establishing the civil jurisdiction of the State over this territory,*" and requiring from the military authorities under his command, a rigid non-interference with him in the exercise of his functions. This order and the course which it indicated as the one to be pursued by the authorities of the United States, was all that he demanded. It is true it was not all that he had a right to expect from the justice and liberality of the General Government, but it would have been sufficient to have enabled him to accomplish the object he had undertaken, had it been observed in good faith. I regret to be compelled to state however, that it was not observed in good faith—very far from it.

Your honorable body will perceive from the report of the Commissioner and accompanying documents, copies of which are herewith submitted, marked A, that on his arrival at Santa Fè, he not only met with every discouragement on the part of the individual exercising the authority of civil and military Gov., but it was distinctly intimated to him, that if he succeeded in holding his elections, and in qualifying the officers elected, the jurisdiction of Texas would not be recognized.—Superadded to this, he was threatened by a judge holding a commission from the President of the United States with imprisonment if he attempted to enforce the laws of the State over that territory. Appeals were made by the same Judge to the populace to resist the authority of

the State. Public meetings were called and held with the same object which were presided over and comprised principally of the officers and other persons in the pay and employment of the United States Government— and all this under the immediate eye and observation of the commanding officer, who if not the projector of these proceedings, unquestionably yielded his assent to them, and subsequently adopted them, by issuing his proclamation calling a convention to form a government adverse to, and independent of our own.

This course of conduct on the part of Col. Munroe would seem strange after his *order of March* the 12th, were we not able to account for it by a belief which scarcely admits a doubt, that subsequent to the date of the order, he received instructions to repudiate the rights and authority of Texas in that territory.— That he received what he regarded as equivalent to such instructions there can exist no doubt. If the tone and import of the message sent by the President of the United States to the Senate on the 17th of June were not sufficient to satisfy the mind on this subject, the letter of the Hon. Volney E. Howard of July the 4th, addressed to the Editors of the Southern Press, with confirmatory evidence from other quarters, places it beyond question.— Copies of these documents are submitted herewith, marked B, with the request, that they may receive the consideration which they merit.

As soon as it was practizable to prepare the documents after receiving the report of the commissioner, I transmitted them to our Senators and Representatives in Congress, in order that they might be fully advised in an official shape of the actual state of things at Santa Fé.

I also addressed a letter to the President of the United States, accompanied with a copy of Col. Munroe's proclamation calling a convention to form a State Government in New Mexico, and most respectfully asked him to say whether or not, he recognized and sanctioned the acts of Col. Munroe, so far as they affected the rights of Texas. At the same time I addressed a letter to the Hon. Volney E. Howard covering a Protest against the unlawful usurpation by the Federal Authorities of our rights at Santa Fé; and requested him to lay it before the President in the event of his Excellency's declining to disavow the acts of his military subordinates in that territory.

Copies of my letters to the President, to Mr. Howard, to the Delegation in Congress and of the Protest, are herewith submitted, marked C.

Although the proceedings referred to, no longer permitted me to

indulge the hope intimated in the communication which I had the honor to lay before you, shortly after entering upon my official duties, "that the difficulties encountered in our efforts to extend the jurisdiction of the State over that portion of her territory may have resulted from tardiness of action on the part of the Federal Authorities, rather than a deliberate design to do us wrong;" yet, I was anxious that the President should have one more opportunity of disclaiming such design, and hence it was, that I requested our Delegation in Congress to have an interview with him on the subject previous to the delivery of the protest.—No such disclaimer however has been received, and facts which have since come to my knowledge, indicate most clearly that none such was made or intended to be made.

Having thus, gentlemen, placed before you, in a very plain and brief manner, the most prominent facts and circumstances connected with our relations with Santa Fé, as they have recently been developed, and having called your attention to the unwarrantable assumption of power by the Executive branch of the Federal Government in its direct interference with the municipal and internal affairs of a sovereign State, the question at once presents itself—what course does duty, honor, patriotism and a just appreciation of our solemn obligations to the country require us to adopt?

I am fully sensible, that this is a question involving the most serious considerations, and in its contemplation there is commingled much of hope and apprehension. But who will falter in the pathway of duty though the wrong-doer be there powerful and mighty? On the one hand our devotion to the Union—a devotion manifested in the confiding spirit with which we yielded many of the most important attributes of sovereignty for a connection with it—renders us averse to the adoption of measures, which might seem by possibility to contemplate a collision with any of its constituted authorities, while, on the other hand, a just sense of what is due to ourselves, will not permit us to submit to outrages and wrong from any quarter. So long as we were permitted to cherish the hope, that there existed no fixed or premeditated design, to deprive us of our acknowledged and essential rights, our language was that of entreaty and supplication—our course that of forbearance and moderation: but with the undeniable evidence now before us of a settled determination to despoil us, regardless of compacts and constitutional guaranties, of at least one-third of our territory—a continuance of such language and such a course, would be degradation and shame.

Difficult and embarrassing then, as the question undoubtedly

is, and however fraught its contemplation with painful solicitude, we have left us no choice, but to meet it. It must be met boldly, and fearlessly and determined. Not by further supplication or discussion with Federal authorities; not by renewed appeals to their generosity and sympathy; not by a longer reliance on the delusive hope, that justice will yet be extended to us; but by action—manly and determined action on our part, by a prompt assertion of our rights and a practical maintenance of them with all the means we can command, *“at all hazards and to the last extremity.”*

After deeply, and I trust maturely reflecting on this subject, with a mind guided by the most anxious desire, to take no step in it which would not command the approbation of my fellow citizens and the reflecting portion of those of our sister States, whose interest in this matter is strongly assimilated to ours, it is my deliberate and firm conviction that there is now left us but one course consistent with honor, and a just sense of what is due to ourselves as a sovereign community, and that is, the immediate adoption by your honorable body with perfect unanimity, of such measures as are necessary for the occupation of Santa Fé, with a force ample to quell the arrogant and rebellious spirit now prevailing there, and to enable us to extend and firmly establish the jurisdiction and laws of the State over it.

Should the adoption and unswerving enforcement of these measures lead to a conflict with those who, by Executive authority, are now unlawfully exercising the powers of a government adverse to our interests within our defined and acknowledged limits, there are none who would regret that conflict, and the consequences which would most probably flow from it, more than myself: but I should be consoled in the contemplation of its fearful results by the reflection that it was not a difficulty of our seeking—that every effort on our part, save that of craven submission to lawless outrage and insult, had been employed to avert it, and confiding in the justice of our cause, I should fearlessly meet it, trusting and feeling assured that Texas would stand exonerated before the world, even should that conflict shake, to its very centre, the most glorious confederacy upon which the sun has ever shone.

I am not of the number of those who have attempted to estimate the value of the Union. I regard its benefits, when they are administered in conformity with the spirit and principles of its constitution, as unappreciable by those who are left in their undisturbed enjoyment. But, when the guaranties of that sacred instrument are set at naught, or when force shall be resorted to as

the legitimate mode of their interpretation, it will then cease to be a Union entitled to our reverence, because it will have ceased to possess the power of extending equal and mutual benefits to all of its members.

In view, then, of the unpleasant and extraordinary position in which we are placed, and of the absolute necessity of immediate and decisive action on our part, I recommend that your honorable body authorize the Executive to raise, with as little delay as possible, *with power to supply*, at least two regiments of mounted volunteers for the contemplated move to and occupancy of Santa Fé.

In making this recommendation, I am not unmindful of the heavy expenses which it will involve, and the embarrassing difficulties which will be presented in raising the necessary funds to meet them : but I rely with great confidence on the wisdom of the Legislature in devising some effective means to meet the emergency—recollecting that Texas in a much darker and more embarrassed period of her pecuniary resources prepared to encounter, and did successfully encounter, a more appalling conflict.

It may not be improper, in connection with this subject, to remind your honorable body that there is now lying idle and unprofitably in the Treasury the sum of \$34,443 00 which has been set apart, in accordance with a provision of the constitution, as a school fund. It is true that this fund cannot be appropriated to any other object than that for which it was originally designed. But may not its present shape be changed by converting it into one of different and more profitable character for the ultimate attainment of the ends contemplated, without violating any constitutional provision ?

In my general message to you in December last, I suggested the plan of converting it by loan or otherwise into some profitable stock bearing interest, until it shall be sufficient to authorize its useful employment in the way designed; being then convinced, as I am now, "that it would be totally lost if distributed amongst the various counties, whilst the amount was too inconsiderable to effect any beneficial purpose." It is true that, at that time, I was, from the imperfect reflection I had been able to give to the subject, of the opinion that such a conversion was not authorized from the terms of the constitution, but upon further consideration, and a more critical examination of the phraseology employed, I am led to doubt somewhat the entire correctness of the view then entertained. The expressions that "no law shall ever be made diverting said fund to any other use than the support of the public schools," would probably be construed to mean that the value,

the essential property of the fund, shall never be applied to any other purpose, and not that the evidences of that value shall not be changed or converted into other evidences, equally available and more beneficial to the objects intended to be promoted by it. I submit the subject, however, for your consideration, remarking that I should be amongst the last to weaken the guards which were manifestly intended to be placed around the fund alluded to, and if it could be now profitably employed, I would not make the suggestion which I have done, though the object to which it is desired to apply it is second in importance to none other. If you shall concur with me that the change proposed is admissible, I suggest that you make provision for issuing stock by the State, bearing interest at eight per cent., to the extent of that fund, payable at any time hereafter when in the judgment of the Legislature it may be desirable to call it in, and that ample security be provided for its redemption in a pledge of the public domain, and as much of the proceeds arising from the sale of any portion of it as may be necessary, strengthening these pledges with any further securities that you may deem proper.

The money, now lying idle and profitless in the Treasury, might thus be made auxilliary to the other resources of the State in preparing and fitting out a military expedition, and at the same time the fund would be increased by its employment in this most worthy manner.

The State has at this time about six hundred stand of arms which could be used if actually necessary to supply any unavoidable deficiencies, but it should be required in my judgment, that any troops mustered for the service indicated, should be required to mount, arm and equip themselves, and it is believed that our citizens are patriotic enough to enrol themselves under the banner of their State upon an occasion like the present, without expecting any advance of pay for their services; but I would recommend that the Legislature make as ample provision as the resources to be derived from our public lands will permit, to secure them a just and liberal compensation covering their pay proper, and likewise satisfactory reimbursement for all actual unavoidable losses which they may incur while in the service of the State.

A statement of the present and prospective condition and resources of the Treasury, together with estimates of the probable amount which will be required for munitions of war, provisions and transportation, will be laid before you for such action as will be proper on your part. marked D.

While addressing you on the subject of our difficulties at Santa Fe, and suggesting as I have done, the only course which to my

mind is capable of affording a remedy, it would be improper for me not to call your attention to certain measures now pending before the Congress of the United States, and in which amongst other things, it is proposed to establish a government for New Mexico, with a boundary extending south to the 32d parallel of north latitude, and east to the one hundredth parallel of west longitude, striking off thereby, unceremoniously, nearly one-third of the territory embraced within the heretofore acknowledged and recognized limits of this State. This plan is accompanied with a proposition to Texas to give her dollars for a relinquishment of her claim, or in plainer language, to give her dollars, provided she will quietly stand aloof, and permit a party in Congress, known to be adverse to certain institutions of the south, and seeking every opportunity to assail them, to partition her territory in a manner consonant with their views to afford them another means of carrying out their favorite policy on that subject.

However willing Texas may have been, and may still be to *dispose* of a portion of her north western territory, upon fair, equitable and honorable terms, I cannot believe that any party respectable for its numbers or intelligence, will be found amongst us who would be willing to accept a proposition so degrading to the character and dignity of the State, as the one contained in the bill reported by the Compromise Committee of the Senate. The right of the General Government to dispose of any portion of the territory of a sovereign State without its consent, cannot be admitted or acquiesced in by a free people, so long as they retain any just conception of the relative rights and obligations of the Federal and State Governments to each other; and so true is this principle, that notwithstanding this movement in reference to Texas, it seems not to be denied by those who are advocating the measure; for they place the foundation of their proceedings in the assumption, that we have no right or title to the territory in question!

The question of our title we will not again discuss, as it can result in no practical good; and indeed it would be humiliating to do so, after so much has been said in reference to it. "The argument is exhausted." Those who now deny our claim, would continue to do so, were it placed before them in characters written with a sunbeam. It stands in the way of the attainment of their darling object in respect to slavery, and to deny it affords the only pretext which can be found for avoiding the stipulations of the compact under which Texas became a member of the Confederacy. Public faith is to be sacrificed at the shrine of an

unhallowed fanaticism, and in the opinions of some occupying prominent positions in the councils of the country, the constitution itself should be made to yield to a morbid philanthropy originating and existing only in the heated imaginations of partizan zealots. Texas can never be guided by such influences. She will never, it is hoped, debase herself in the eyes of her sister States of the South, by giving her assent to measures so manifestly intended to strike a blow at their most vital interests; and she regards the attempt to purchase her acquiescence in so unholy a scheme, as an insult offered to the integrity, common sense and honor of her citizens. If a proposition had been made founded upon her acknowledged rights of territory, to purchase from her that portion of it lying north of the 34th degree of north latitude, and accompanied with a sufficient guarantee that the provisions of the Joint Resolutions for annexation in respect to slavery should be observed, the most respectful consideration would have been given to it, and I risk but little in saying, that a large majority of our fellow citizens would have met such a proposition in the most liberal spirit, and with a sincere desire to accord every thing reasonable and just that might have been asked in reference to it.

I have deemed it my duty to call your attention to this subject, because it may not be inappropriate for you, coming directly from the people, to give an expression of the public sentiment in regard to it. Such an expression may have a salutary influence elsewhere—if not in producing more liberal and just action toward us, at least in cutting off a discussion which must be fruitless in the attainment of its object. It is true that this proposition so objectionable and offensive in its terms to us, has not so far as we are informed obtained the sanction of either branch of Congress, and the hope is still indulged that it may receive such modifications and changes as will make it meritorious and worthy of our consideration; but while we may flatter ourselves with this reasonable expectation, you need not be prevented from an expression of your opinion in reference to it, clear and unequivocal, and should not, in my humble judgment, prevent your decided and prompt action in regard to the course to be pursued in sustaining in relation to Santa Fe, the integrity, character and interest of the State.

In my message submitted to you in December last, I used the following language: "The State should unquestionably use the necessary means to cause her laws to be obeyed and respected, etc. I therefore recommend that the Executive be authorized to send to Santa Fe, if the necessity for doing so should contin-

ue to exist, a military force *sufficient* to enable the civil authorities to execute the laws of the State in that portion of the territory, without reference to any anticipated action of the Federal Government, or regard to the military power of the United States stationed at Santa Fe. I make this recommendation with more freedom, because I cannot conceive that a measure of this character, will, or ought to give rise to any disturbance in our relations with the Federal Government. The right of Texas to enforce her jurisdiction is not more perfect in the county of Travis, than it is in the county of Santa Fe; and if the employment of the necessary force to enable her to exercise that right over a refractory population, should produce a collision with the Federal Authorities, the fault will not be hers.—She will stand exonerated in the judgment of just men from all the fearful consequences which may result from such a conflict. In suggesting to the Legislature the propriety of authorizing the Executive to send a military force to Santa Fe, I am not unmindful of the increased pecuniary burthens, which the exercise of the authority will impose upon our present tax-paying citizens. I trust, however, that the necessity of carrying into effect a measure of this sort may yet be averted. If the difficulties encountered in our efforts to extend the jurisdiction of the State over that portion of her territory, have resulted from the tardiness of action on the part of the Federal Authorities, rather than from a deliberate design to do us a wrong, (and it may be ascribed to that cause,) we may still encourage the hope that a sense of magnanimity and justice may induce her, upon being advised of the course we have resolved to pursue, if driven to it, to adopt such measures as will supercede the necessity of incurring this expense; but the indulgence of this hope should not prevent your action upon the subject. Such action may accelerate—it cannot retard the issue and adjustment of the question.”

I must be permitted to express my regret that the Honorable Legislature did not accord in the propriety of this recommendation, since every circumstance which has transpired in connection with this matter establishes the fact, that their concurrence in the views then expressed, and by placing at the disposal of the Executive a comparatively small military force, the difficulties and embarrassments now surrounding this subject would have terminated, our jurisdiction been formally established in that county; the State saved from a heavy expense, and the Executive from the unpleasant necessity of assembling you at this unfavorable season of the year. Even the Military Commander at Santa Fe, intimated to our Commissioner, that if Texas at that

period had made a suitable military demonstration at Santa Fe, it would have had the effect of keeping in check the rebellious and disorganizing spirit, fostered and kept alive there by designing and political demagogues,—and it requires no prophetic spirit to foresee, that had we then or at a previous day taken possession of the country, under circumstances which would have enabled us to maintain it, a very different course would have been adopted in reference to our claim from the one which is now brought forward and attempted to be established.

I do not, I assure you gentlemen, advert to these things in any spirit of querulous complaint. It was my duty to submit to you such recommendations as I deemed proper; it was your privilege to take such action thereon as your judgment sanctioned; but they are referred to, that we may profit by the experience of the past, and not permit any delusive hope to stop or retard present and future action. We have already suffered from a confidence in others too generous and implicit. Let us not increase that suffering by affording additional advantages to those who would seek to despoil us of our rights.

I have had prepared and herewith lay before you, copies of all documents connected with this subject which may be useful to you in your deliberations. Among them are my instructions to Maj. Neighbors, and address to the people of the counties of Presidio, El Paso, Worth and Santa Fe, marked E.

I might elaborate the subject of our difficulties connected with Santa Fe, by tracing their origin and progress more fully, by enumerating the various expedients which have been employed to alienate the population of that part of our territory from us; and a strong appeal could be made to your sympathies and feelings of State pride, by reference to the blood bought sacrifices which Texas has made in the acquisition of the country over which she claims sovereignty. But it is not necessary. I will remark that Texas cannot with any propriety be charged with being impatient or precipitate in this matter of disputed boundary; on the contrary her too patient reliance on the justice of the General Government has brought her present evils upon her.—Humility and patience have characterized her course so far, and should occasionally any feelings of indignation be betrayed in her councils or by her citizens, let it be remembered in justice, that the great head of the family of States may not claim entire exemption from the frailties of nature.

But there should be no criminations or recriminations between the Federal and State Governments. A proper appreciation of the Union and its benefits abides in our State, and so long as this

sentiment can exist consistent with independence and honor, it will be fostered with pride.

But our rights are still our rights, and when, and in what manner they are to be asserted and maintained, the representatives of the people are now called on to determine. In your deliberations and final action upon this grave and important subject, I trust your honorable body will exhibit firmness, tempered with mildness; decision, after the free exercise of an enlightened judgment; self respect, with a decent regard for the opinions of those who stand adversely to us; and obtaining a complete victory over those high passions which the occasion and these turbulent times are so much calculated to engender, you will, it is hoped, exhibit to the world that the youngest member of a great confederacy can, when she feels herself aggrieved, assert with the confidence which justice inspires, her just claims, and by a moral force effectuate a noble end, which in other ages and countries could only be consummated by political convulsions and the sword.

I have humbly and in great sincerity given you my views and made such recommendations as my judgment approved. If the suggestions which I have made shall meet your concurrence, I shall indeed be pleased. If in the resources of your collective wisdom you conceive a better plan for the attainment of the end proposed, I shall be most happy to co-operate with you in the approval and execution of it.

It is my duty to announce to you that since the adjournment of your honorable body in February last, there has been no abatement of Indian hostilities on our frontier. The sufferings of our fellow citizens on several portions of it have increased, notwithstanding the vigorous efforts made by the veteran Commander, Gen. Brooke, to afford security. This officer is crippled in his action by the miserable policy emanating from the Capital.

There are other subjects which I might present worthy of legislative action; but consulting the wishes of our fellow-citizens, the public expense, and your convenience, but little will be presented by me to the Honorable Legislature, disconnected with the main object for which you were assembled.

In conclusion, allow me to add, that we are called on for an expression of our grateful thanks to a kind Providence for its manifold blessings, and most humbly to invoke His aid in giving to our beloved State a happy issue out of all her misfortunes, and to our common country peace.

P. H. BELL.

[For documents accompanying Governor's Message, see Appendix.]

The reading of the message having been concluded, the Honorable Senate retired to their chamber.

Mr. Sterne moved that the committee on public printing be instructed to procure the printing of 1,500 copies of the Governor's message in the English and 500 copies in the Spanish language.

Mr. Franklin moved to amend, by inserting "and so much of the accompanying documents as the committee may deem necessary." Accepted.

Mr. Reynolds moved a division of the question ; lost.

Mr. Stewart moved that the committee be instructed to procure the printing of 300 copies in the German language.

Mr. Bogart moved to amend by striking out "300," and inserting "500 copies" ; carried.

Mr. Gillet offered the following preamble and resolution, which were adopted :

Whereas, business of the most interesting and important character, not only to Texas, but to the whole American Union, has been presented by His Excellency, Gov. Bell, in his message to the Legislature just read, upon which their immediate action is invited ; and

Whereas, we, the representatives of the people, feel deeply impressed with the weight of responsibility which attaches to us, as such, on this momentous occasion ; and believing as we do in the Divine interposition of an Allwise Providence, where truth and justice are the objects sought, and where a proper degree of moderation and forbearance characterises the actions of those who invoke his aid ; therefore,

Resolved, That the House elect a Chaplain for the present session, and that to-morrow at 11 o'clock, be set apart for the performance of that duty.

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

AUSTIN, August 14, 1850.

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

Absentees—Messrs. Bee, Clough, Jowers, Lewis, McNairy, Millican, Whittlesey and Wren.

Journals of yesterday read and adopted.

Mr. Fields presented a petition from sundry citizens of Galves-

ton and Liberty counties, praying a charter to improve the navigation of the Trinity River, and moved its reference to the committee on Internal Improvements, without reading.

Mr. Stapp moved to lay the petition on the table—upon which motion, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Bryan, Charlton, Crump of A., Dickson, Gillet, Hardeman of N., Hardeman of T., Holland, Runnels, Scott, Selman, Shaw, Smith of R. R., Stapp, Stewart, Tarrant, Taylor and Wilson—18.

Nays—Messrs. Speaker, Bogart, Burney, Clements, Crump of B., Fields, Franklin, Johnson, Lloyd, Lott, McKinney, Pace, Reynolds, Russell, Shea, Shepard, Smith of Shelby, Sterne, Williams and Winfield—20.

So the motion was lost.

The question then recurring upon Mr. Fields' motion to refer, was put and carried.

Mr. Sterne presented petitions from the citizens of Houston and Walker counties, praying a charter for the erection of a Plank Road, etc., accompanied by a bill to carry into effect the contemplated object, which on motion of Mr. Sterne, was referred to the committee on Roads, Bridges and Ferries.

Mr. Wilson presented the petition of Z. K. Fulton and others, praying a charter for the erection of a Turnpike Road from Port Lavaca to Victoria, accompanied by a bill to carry into effect the contemplated object—which was, on motion of Mr. Wilson, referred to the committee on Internal Improvements.

Mr. Wilson presented the petition of R. M. Forbes and associates, praying to be incorporated as a company, for the navigation of a certain portion of the Gulf of Mexico, accompanied by a bill to carry into effect the contemplated object; which was, on motion of Mr. Wilson, referred to the committee on Internal Improvements.

Mr. Bogart introduced a joint resolution requiring an increase in the mail service from Bonham to Austin; read first time.—Rule suspended—read second time, and referred to the appropriate committee.

A message was received from the Senate through their Secretary, Mr. Raymond, requesting that the documents accompanying the Governor's message should be transmitted to the Senate.

Mr. Dickson introduced the following resolution, which was read.

Resolved, That the committee on Public Printing be instructed to contract for ——— copies of the State Gazette and South-Western American each, tri-weekly, for the use of the members

of this House, and that the same be paid for out of the contingent fund.

Mr. Taylor moved to fill the blank with five copies.

Mr. Fields moved to fill the blank with 10 copies;—upon which motion, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Crump of B., Dickson, Fields, Franklin, Russell, Scott, Shea, Smith of Shelby, Sterne, Wilson and Winfield—15.

Nays—Messrs. Burney, Charlton, Crump of A., Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, Lloyd, Lott, McKinney, Pace, Polk, Reynolds, Runnels, Selman, Shaw, Shepard, Smith of R. R., Stapp, Stewart, Tarrant, Taylor and Williams—24.

So the motion was lost.

Mr. Clements moved to fill the blank with seven copies.

The yeas and nays being called for, resulted as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Clements, Crump of B., Dickson, Fields, Franklin, Hardeman of T., Johnson, Lott, Russell, Scott, Shea, Smith of S., Sterne, Wilson and Winfield—18.

Nays—Messrs. Burney, Charlton, Crump of A., Gillet, Hardeman of N., Holland, Lloyd, McKinney, Pace, Polk, Reynolds, Runnels, Selman, Shaw, Shepard, Smith of R. R., Stapp, Stewart, Tarrant, Taylor and Williams—21.

So the motion was lost.

Mr. Johnson moved to fill the blank with six—lost.

The question then recurring on the motion of Mr. Taylor, to fill the blank with five, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Dickson, Fields, Franklin, Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, Lloyd, Lott, Runnels, Russell, Scott, Selman, Shea, Shepard, Smith of S., and Taylor—23.

Nays—Messrs. Clements, Crump of B., Crump of A., McKinney, Pace, Polk, Reynolds, Shaw, Smith of R. R., Stapp, Sterne, Stewart, Tarrant, Williams, Wilson and Winfield—16.

So the motion was carried.

Mr. Scott offered the following resolution :

Resolved, That the Governor be requested to inform this House, what steps he has taken towards an organization of troops in the State, and in what counties; also, their number,—the names of the persons authorized to effect said organization, and the nature of their orders. Also, such steps as he may have taken

in relation to the arms belonging to the State; and what contract (if any) he has entered into for the procurement of horses, mules, arms, ammunition and subsistence for the use of the State. Also, to transmit to this House all the correspondence had between the State and the General Government, by himself, or predecessors, together with any correspondence that may have been entered into with any other State of the confederacy.

Resolution read, and laid on the table one day for consideration.

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

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of proposing to the people of Texas, an amendment to the constitution so as to give to the district courts of this State, appellate jurisdiction over causes tried by Justices of the Peace, and report at as early a day as practicable.

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

Resolved, That so much of the Governor's message as relates to the appropriation of the school fund, be referred to the committee on the Judiciary; and that they be requested to report, by bill or otherwise, at as early a day as practicable.

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

Resolved, That so much of the Governor's message as relates to raising two regiments of volunteers, be referred to the committee on Military Affairs, and that they be requested to report to the House, by bill or otherwise.

On motion of Mr. Bogart, Mr. Burney was added to the committee on Post Routes.

On motion of Mr. Bryan, the Chief Clerk was requested to read a communication from the Adjutant General to his Excellency the Governor.

On motion of Mr. Lloyd, Mr. Sterne was added to the committee on Roads, Bridges and Ferries.

On motion of Mr. Fields, Mr. McKinney was added to the committee on Internal Improvements.

Mr. Hardeman of Travis, introduced the following resolution, which was read and adopted.

Resolved, That the committee on Finance be instructed to take into consideration the propriety of selling the lots in the City of Austin, belonging to the State, and report by bill, or otherwise.

Mr. Franklin offered the following resolutions :

Resolved, That the message of his Excellency, with the accompanying documents, be referred to a select committee of members of the House, with instructions to accompany their report with such bills and resolutions as may be deemed necessary or advisable.

Be it further resolved, That the Senate be requested to appoint a like committee, to act jointly with the committee of the House, on the subjects presented by the message of his Excellency the Governor.

On motion of Mr. Fields, the blank was filled with nine, and the resolutions adopted.

The Speaker appointed Messrs. Franklin, Russell, Tarrant, Williams, Clough, Stewart, Clements, Fields and Sterne to compose said committee.

The Speaker announced that the hour, according to the resolution of yesterday, to go into the election of Chaplain, had arrived.

On motion of Mr. Wilson, the House proceeded to the election of Chaplain.

Mr. Russell nominated the Rev. J. W. Whipple.

Mr. Winfield nominated the Rev. Henry Chamberlain.

Mr. Stewart nominated the Rev. F. E. Foster.

Messrs. Polk, Gillet and Bryan, were appointed tellers.

The House then proceeded to ballot, and upon the ballots being counted, it appeared that the

Rev. Mr. Whipple	received	20	votes.
“ “ Chamberlain,	“	14	“
“ “ Foster.	“	3	“

The Rev. Mr. Whipple having received a majority of all the votes, was declared duly elected Chaplain to the House of Representatives.

Mr. Fields moved to adjourn until to-morrow morning 9 o'clock; lost.

On motion of Mr. Franklin, the House adjourned until 8 o'clock, to-morrow morning.

THURSDAY, August 15, 1850.

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

Absentees: Messrs. Bee, Bryan, Charlton, Clough, Jowers, Lewis, McNairy, Millican, and Whittlesey.

Journal of yesterday read and adopted.

Mr. Burney presented the petition of Neal McGaffey, praying the Legislature to pass some law whereby administrations could be moved from one county to another; which, on motion, was referred to the committee on the Judiciary.

Mr. Taylor presented the petition of citizens of Cass county, praying to have the Centre Male and Female Academy incorporated; which, on motion of Mr. Taylor, was referred to the committee on Education.

Mr. Runnels presented the certificate of election of Mr. Joshua H. Speights, elected to fill the vacancy created by the absence of the Hon. E. A. Whittlesey; which, on motion, was referred to the committee on Privileges and Elections.

On motion of Mr. Hardeman of Nacogdoches, Messrs. Wilson and Williams were added to the committee on Privileges and Elections.

Mr. Clough presented the petition of John Duncan, praying for the confirmation of a grant of land in Peters' colony; which, on motion of Mr. Clough, was referred to the committee on Private Land Claims.

Mr. Selman presented the petition of Sarah Blythe, widow of Sion Blythe, praying for relief; which, on motion of Mr. Selman, was referred to the committee on Private Land Claims.

Mr. Dickson presented the petition of Lewis Rector, praying for relief; which, on motion of Mr. Dickson, was referred to the committee on Private Land Claims.

Mr. Wilson introduced a bill permanently to locate the county seat of Calhoun county; read first time.

Mr. Lott introduced a bill to authorize and require county courts to issue unconditional certificates in certain cases; read first time. Rule suspended, read second time, and referred to the committee on Public Lands.

Mr. Lloyd presented the petition of Jesse Walling, praying for relief; referred to the committee on Private Land Claims.

Mr. Cochran introduced a bill to be entitled an act supplementary to an act to secure to all actual settlers within the limits of the colony granted to Peters and others, commonly known as

Peters' Colony, the lands to which they are entitled as colonists ; read first time.

Mr. Burney introduced a bill to be 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, 1848 ; 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. Clements, Messrs. Shepard, Bogart and Wilson were added to the committee on Military Affairs.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House, that the Senate had appointed a committee of thirteen, consisting of Messrs. Latimer, Portis, Van Derlip, Wallace, Robertson, Taylor, Hart, McRae, Truit, Moffett, Gage, Ward and Grimes, to act in conjunction with the committee of the House, on the message of His Excellency the Governor, and accompanying documents.

Mr. Scott's resolution of yesterday, calling on the Governor for certain information, was taken up and read.

Mr. Dickson moved to strike out all that portion of the resolution relating to correspondence.

Mr. Franklin moved to lay the resolution on the table, which motion, after some discussion, was carried.

On motion of Mr. Bogart, a select committee on Post Routes, consisting of Messrs. Stapp, Bryan, Tarrant, Burney and Cochran, was appointed.

Mr. Stern presented the following protest and asked that it be spread upon the Journal, which was granted.

	HOUSE OF REPRESENTATIVES, {
HON. C. G. KEENAN,	August 15, 1850. }
<i>Speaker of the House of Representatives :</i>	

The undersigned, who has the honor to represent in this House (in part) the counties of Cherokee, Angelina, Houston, Trinity, Anderson and Nacogdoches, requests leave to enter his protest against the resolution adopted on yesterday—instructing the committee on Printing, to contract for five copies of each of the newspapers published tri-weekly, in this place, for each member of this House—from the fact that the undersigned is of opinion, that it is the imperative duty of the House to furnish information of their proceedings to their constituents, and as those he has the honor to represent, are satisfied that a portion of the money which they contribute towards the exigencies of the State, cannot be better disposed of, than in publishing and dissemina-

ting our proceedings, particularly at this time, when momentous questions concerning the well being and honor of the State have induced His Excellency, the Governor, to call us to the Capital at this unusual season. The undersigned thinks the number of newspapers insufficient, and moreover, believes that the resolution is conceived in a spirit of false economy, and likely to work to the injury of his constituents, and that of the State at large—and therefore protests against it, and respectfully requests that this his solemn protest be entered on the journals.

Very respectfully,
ADOLPHUS STERNE.

A message was received from the Senate, through their Secretary Mr. Raymond, informing the House, that the Senate had passed the following resolution :

Resolved, That no business, other than that recommended to the Legislature by the Governor, shall be entertained during this extra session.

Mr. Taylor moved that the committee raised by the House on yesterday to act in conjunction with the committee of the Senate on the Governor's message and accompanying documents, be increased to twenty-one members.

Motion adopted.

The Speaker then appointed, in addition to those appointed yesterday, Messrs. Runnels, Smith of S., Lott, Lloyd, Polk Charlton, Scott, Dickson, Wilson, Stapp, Bee and Shepard.

On motion of Mr. Taylor, the House adjourned until to-morrow at 9 o'clock, A. M.

AUSTIN, August 16, 1850.

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

Absentees, Messrs. Bee, Jowers, Lewis, McKinney, Shaw, Stapp, Sterne, Wilson and Wren.

Journal of yesterday read and adopted.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House, that the Senate had passed a resolution to go into the election of U. S. Senator, to fill the vacancy that will occur by the expiration of the term of service of the Honorable Thomas J. Rusk, at 11 o'clock, on Monday

next; to which resolution, they respectfully asked the concurrence of the House.

Mr. Tarrant submitted the petition of sundry persons, asking the Legislature to take into consideration alleged illegalities and frauds, practised at the late election for the location of the seat of government; which was read, and on motion of Mr. Tarrant, referred to the committee on State Affairs.

Mr. Johnson submitted the petition of sundry citizens of the State, praying a charter for the navigation of the Sulphur Fork of Red River, which, on motion, was referred to a special committee, consisting of Messrs. Smith of R. R., Johnson, Runnels, Bogart and Holland.

Mr. Bogart submitted the petition of Ann Terry, praying for a grant of land; which, on motion of Mr. Bogart, was referred to the committee on Private Land Claims.

Mr. Hardeman of N., chairman of the committee on Privileges and Elections, made the following report:

COMMITTEE ROOM, }
Austin, August 15, 1850. }

To the Hon. C. G. KEENAN,
Speaker of the House of Representatives:

Your committee on Privileges and Elections, to whom was referred the credentials and application of Joshua H. Speights, for a seat as Representative from the District No. ———, composed of the counties of Sabine and Newton, have unanimously agreed upon the following report: That there is in the Executive Department no evidence of the resignation of the Hon. Edgar A. Whittlesey, but that from the testimony of the Hon. Mr. McRae, before your committee, they are satisfied that the intention of Mr. Whittlesey, was to resign his seat, and that he probably did forward his resignation, which may have miscarried and failed to reach the Executive Department. That the said Whittlesey, repeatedly avowed his determination to resign before leaving for California—that letters have been received recently from him, dated in California, from which it is evident that he will not return to the State of Texas, during the term for which he was elected.

Now, therefore, your committee believing that the said Whittlesey has actually and intentionally vacated his seat, and unwilling that the said District No. ———, should be deprived of their right of representation, especially in this important crisis in the affairs of our State, would respectfully recommend that the

said Joshua H. Speights be permitted to take the oath prescribed by the laws and constitution, and his seat in your Honorable Body as representative from the said district.

W. N. HARDEMAN,
Chairman of the Committee.

Report adopted.

Whereupon, the Hon. Mr. Speights presented himself, and the Speaker having administered to him the oath as required by the constitution, took his seat.

Mr. Lloyd, chairman of the committee on Roads, Bridges and Ferries, made the following report :

COMMITTEE ROOM, }
Austin, August 16, 1850. }

To the Hon. C. G. KEENAN,
Speaker of the House of Representatives :

Your committee to whom was referred the petition of Messrs. Tousey and Pomeroy of Walker county, praying for a charter to construct a plank road across the Trinity swamp, opposite Cincinnati, have had the same under consideration, and instruct me to report: That a majority of your committee are well acquainted with the situation of said swamp; that the space over which the plank road is contemplated to be constructed, is the main mail route connecting the eastern and western sections of this State—that it is utterly impossible for the few citizens residing near the road to keep it in order—that during the last winter, and until not over two weeks ago, the stage conveying the U. S. mail could not pass over said road.

Your committee therefore recommend, that the prayer of the petitioners be granted; and they herewith accompany a bill for the consideration of the House, and earnestly recommend its passage.

EMERY LLOYD,
Chairman.

A bill to be entitled an act to incorporate the Trinity Plank Road Company; read first time. Bill and report laid on the table to come up among the orders of the day.

Mr. Tarrant, one of the select committee on Post Roads, made the following report :

COMMITTEE ROOM, }
August 15, 1850. }

Hon C. G. KEENAN,
Speaker of the House of Representatives :

The special committee to whom was referred the joint resolu-

tion, requiring an increase in the mail service, have had the same under consideration, and have instructed me to report the same back to the House without amendment, and recommend its passage.

E. H. TARRANT,
One of the Committee.

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

Mr. Crump of B., introduced a bill to be entitled an act, supplementary to an act, to secure to Henry Castro and his colonists the lands to which they are entitled; read first time; rule suspended, bill read second time by caption, and referred to the committee on Public Lands.

Mr. Fields moved to take up the resolution of the Senate, providing for the election of U. S. Senator, on Monday next; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Crump of B., Dickson, Fields, Hardeman of N., Hardeman of T., Holland, Johnson, Lloyd, Lott, Polk, Russell, Scott, Selman, Shaw, Shepard, Smith of R. R., Smith of S., Speights, Stapp, Sterne, Tarrant, Williams and Wren—28.

Nays—Messrs. Bee, Bryan, Clements, Clough, Franklin, Gillet, Pace, Reynolds, Runnels, Shea, Stewart, Taylor and Wilson—14.

Motion carried, and resolution taken up.

On motion of Mr. Franklin, further action on the resolution was postponed until Monday next.

On motion of Mr. Wilson, Mr. Bryan was added to the joint committee on the Governor's message and accompanying documents.

On motion of Mr. Williams, Mr. Bogart was also added to said committee.

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

AUSTIN, August 17, 1850.

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

Absentees—Messrs. Bee, Crump of B., Franklin, Gillet, Jowers, Lewis, McNairy, Millican and Runnels.

Journal of yesterday read and adopted.

Mr. Tarrant submitted the petition of Benj. P. Hammett, praying a grant of land where he now resides in Limestone county; referred to the committee on Private Land Claims.

Mr. Tarrant submitted the petition of James M. Riggs, praying that authority be given to the Commissioner of Peters' colony, to grant him a certificate for the land to which he is entitled; petition referred to the committee on Private Land Claims.

Mr. Cochran presented the petition of John Cox, praying for an unconditional certificate for the land to which he is entitled; referred to the committee on Private Land Claims.

Mr. Cochran submitted the petition of Abraham Snider, praying for an unconditional certificate for the land to which he is entitled; referred to the committee on Private Land Claims.

Mr. Scott submitted the petition of Levin B. Weedon, praying for an unconditional certificate, for the land to which he is entitled; referred to the committee on Private Land Claims.

Mr. Scott offered the following resolution:

Resolved, That Wm. F. Weeks be, and he is hereby, requested to act as Reporter for the House during the present session; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Speaker, Bee, Bryan, Clements, Cochran, Dickson, Gillet, Hardeman of T., Lott, Polk, Reynolds, Runnels, Russell, Scott, Shea, Smith of S., Speights, Sterne, Stewart, Tarrant, Taylor, Williams, Wilson, Winfield and Wren—25.

Nays—Messrs. Bogart, Burney, Charlton, Clough, Crump of A., Crump of B, Fields, Hardeman of N., Holland, Johnson, Lloyd, McKinney, Pace, Selman, Shaw, Shepard, Smith of R. R., and Stapp—18.

So the resolution was adopted.

Mr. Bryan offered the following resolution:

Resolved, That the members of the House who are not on the joint committee to which was referred the Governor's message, be added to said committee.

Mr. Scott offered the following as a substitute for Mr. Bryan's resolution:

Resolved, That the committee on the part of the House on the Santa Fe measures, being too large for the dispatch of business, that it is the sense of the House that a smaller committee be appointed; substitute laid on the table.

The question then recurring upon the adoption of Mr. Bryan's motion, the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Speaker, Bee, Bryan, Charlton, Clements, Clough, Cochran, Franklin, Holland, Lloyd, Lott, McKinney,

Russell, Shepard, Smith of S., Speights, Stapp, Stewart, Tarrant and Williams—20.

Nays—Messrs. Bogart, Burney, Crump of A., Crump of B., Dickson, Fields, Gillet, Hardeman of N., Hardeman of T., Johnson, Pace, Polk, Reynolds, Runnels, Scott, Selman, Shaw, Shea, Smith of R. R., Sterne, Taylor, Wilson, Winfield and Wren—24.

So the resolution was lost.

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 titles and papers registered by him, from the 17th day of August, 1846, to the 30th day of December, 1847; read first time; rule suspended, read second time and referred to the Judiciary committee.

On motion of Mr. Taylor, Mr. Speights was added to the committees on the Judiciary, Claims and Accounts, and Engrossed Bills.

On motion of Mr. Clough, Mr. Taylor was added to the committee on State Affairs.

Mr. Russell gave notice that Mr. Whipple declined accepting the office of Chaplain to the House of Representatives.

On motion of Mr. Stapp, the House adjourned until Monday morning, nine o'clock.

AUSTIN, August 19, 1850.

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

Absentees—Messrs. Bee, Franklin, Gillet, Jowers, Lewis, Reynolds and Scott.

Journal of yesterday read and adopted.

Mr. Tarrant submitted the petition of sundry citizens of Limestone county, praying for the creation of a new county; referred to the committee on County Boundaries.

Mr. Bogart submitted the petition of citizens of Collin county, praying a change in the eighth and ninth judicial districts; referred to the committee on the Judiciary.

Mr. Smith of S., introduced a bill to be entitled an act to amend proceedings in Justices' courts; read first time—rule suspended—read second time, and referred to the committee on the Judiciary.

Mr. Dickson introduced a bill to alter the time of holding the district courts in Grimes and Montgomery counties, in the seventh judicial district of the State of Texas; read first time—rule suspended—read second time, and referred to the Judiciary committee.

Mr. Tarrant introduced a bill to be entitled an act for the relief of Alexander McCulloch; read first time.

Mr. Tarrant introduced a bill for the relief of Thomas J. Jordan; read first time.

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

ORDERS OF THE DAY.

The resolution of the Senate to go into the election of a U. S. Senator on to-day at 11 o'clock.

Mr. Bee moved to strike out the "20th" and insert the "26th"—upon which motion the yeas and nays were called for and stood as follows:

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Clements, Clough, Cochran, Crump of A., Franklin, Gillet, Hardeman of T., McKinney, Pace, Reynolds, Russell, Shaw, Shea, Shepard, Smith of Shelby, Stapp, Stewart, Taylor, Wilson and Winfield—25.

Nays—Messrs. Charlton, Crump of B., Dickson, Fields, Hardeman of N., Holland, Johnson, Lloyd, Lott, Polk, Runnels, Scott, Selman, Smith of R. R., Speights, Sterne, Tarrant, Williams and Wren—19.

So the motion was carried.

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

The resolution of the Senate being still under consideration, Mr. Fields moved to strike out "26th" and insert "to-morrow at 11 o'clock, A. M."

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

Yeas—Messrs. Bee, Bryan, Clements, Clough, Crump of A., Franklin, Gillet, Hardeman of T., McKinney, Pace, Reynolds, Russell, Shaw, Shea, Shepard, Smith of S., Stapp, Stewart, Taylor, Wilson and Winfield—21.

Nays—Messrs. Speaker, Bogart, Charlton, Cochran, Crump of Bexar, Dickson, Fields, Hardeman of N., Holland, Johnson, Lloyd, Lott, Polk, Runnels, Scott, Selman, Smith of R. R., Speights, Sterne, Tarrant, Williams and Wren—22.

So the motion was lost.

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

Yeas—Messrs. Speaker, Bogart, Charlton, Cochran, Crump of A., Crump of Bexar, Dickson, Fields, Hardeman of N., Holland, Johnson, Lloyd, Lott, Pace, Polk, Runnels, Scott, Selman, Smith of R. R., Smith of S., Speights, Sterne, Tarrant, Williams, Wilson, Winfield and Wren—27.

Nays—Messrs. Bee, Bryan, Burney, Clements, Clough, Franklin, Gillet, Hardeman of T., McKinney, Reynolds, Russell, Shaw, Shea, Shepard, Stapp, Stewart and Taylor—17.

So the resolution was adopted.

On motion of Mr. Stapp, the communication from his Excellency the Governor, was taken up and read as follows :

EXECUTIVE DEPARTMENT, }
Austin, Texas, August 18, 1850. }

To the Honorable Legislature :

Gentlemen:—I submit the several subjects which I shall embrace very briefly in this communication, and respectfully solicit for them your action and deliberation ; as it will in no wise retard or affect the special object for which you have been assembled.

By the act of the last Legislature, approved February 5th, 1850, the third judicial district was re-organized by changing the order of holding the courts, and by the addition of several new counties to it. In the act of February 11th, 1850, amendatory of an act approved the 29th of February, 1848, there is an evident omission, immediately following the 1st section. From this, or some other cause, the time for holding the courts in the different counties composing the district referred to, is not now fixed by law, and it is indispensable that the Legislature shall at this time supply the deficiency.

It is also expedient that the Honorable Legislature pass an act to define the time of holding the courts in the 11th judicial district. It was organized by the act of January 1st, 1850; and the act of March 15th, 1848, establishing this district was at the same time repealed. The judge of the district entertains the opinion that it is not competent for him to hold the courts unless the time is prescribed by the Legislature.

The counties of Kinney and Uvalde remain without organization, from an omission to name an officer to issue the necessary writs of election ; and until they are organized, the inhabitants thereof, being without the benefits of law, should be subject to the jurisdiction of Bexar county, from which they were originally taken.

There would be, under the circumstances which have convened your Honorable body, no propriety in a detailed account by the Executive of the events which have transpired on the frontier of the State since your adjournment in February last; nor in presenting an expose of its actual condition. The thrilling occurrences, and the true situation of the frontier are known to you, and any relief which your Honorable Body can at this time extend to our afflicted citizens, will be due to humanity and patriotism. I transmit herewith, a petition from the citizens of Bexar county, setting forth their harrassed and exposed condition. The character of the petition, the number and great respectability of its signers, commend it to your serious attention, stamp it with truth, and demand from you such action as will lead to the adoption of measures best calculated to remedy the crying evil of which they complain. The Executive will be most happy to cooperate with the Legislature by executing promptly and faithfully any requirement or authority which it may deem fit to prescribe.

The constituents of every gentleman in the Honorable Legislature and countless individuals, are interested in the speedy erection of a fire-proof Land Office for the State; and I recommend that means and authority be conferred for this purpose. I had the honor at your last session to furnish (by a resolution of the Senate) to the Legislature, a plan and estimate of such a building as would, it was believed, suit the wants of the State.

In connection with this subject, I recommended a sale, after a proper notice, of the town lots, and other public property at the city of Austin. There are about five hundred acres of land, known as the "reserve," on the town plat, which might after being surveyed and laid off into lots of suitable size under the direction of the Comptroller, be advantageously disposed of. There are remaining unsold within the limits of the city about one thousand lots, the sale of which at this time, will, it is believed, be consistent with the wishes of a large portion of citizens whose interests are more immediately identified with this portion of the State. It would immediately give an impetus to individual enterprise here, and impart at once an interest and vitality to the Seat of Government, in which the whole State is interested. The proceeds arising from the sale would very materially aid in the erection of the necessary buildings and in meeting the current expenses of the Government unless otherwise appropriated.

I respectfully submit whether it would not meet the convenience of the citizens and manifest a suitable liberality, and at the same time attain the object of sale, by prescribing the terms of sale as follows, to wit: one-third cash, one-third payable in six

months; and the remainder in twelve months. In case of a failure to meet any of the payments at maturity, the property to revert to the Government, with the forfeiture of any amount paid. The Comptroller should be immediately required (exercising some discretion, however,) to advertise and sell any public property so forfeited.

I transmit herewith a communication from Robert S. Neighbors, the commissioner appointed under the act to provide for the civil organization of the north-western counties, asking reimbursement for actual losses incurred while discharging his public duties, and any additional compensation which the Government in its liberality may accord to him. I take great pleasure in recommending this claim as one possessing peculiar merit. The faithful and energetic manner in which the commissioner performed his duties is known to you. They were executed with great fatigue and inconvenience, and at eminent personal hazard.

I must also earnestly request that the Legislature will make a suitable appropriation for the payment of four express men, employed by the Executive to convey to the different members of the Legislature the proclamation for the extra session. Their duties were performed in a most efficient and satisfactory manner. The service was indispensable for the public good, it being impracticable to promulge the notice in season through the ordinary mail channels. These individuals engaged in the service with zeal, bore their own expenses, and trusted to the justice of the Honorable Legislature.

P. H. BELL.

On motion of Mr. Franklin, all that portion of the Governor's message relating to the Third and Eleventh Judicial Districts, was referred to a special committee, consisting of the delegation from these two districts. The Speaker appointed Messrs. Shepard, Shaw, Burney and Tarrant, said committee.

On motion of Mr. Tarrant, that portion of the message relating to Indian depredations, &c., was referred to the committee on Indian Affairs.

On motion, that portion of the message relating to the sale of the Austin City lots, compensation to the Commissioner to Santa Fe, and a fire-proof Land Office, was referred to the Finance committee.

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

AUSTIN, August 20, 1850.

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

Absentees—Messrs. Bee, Bryan, Crump of A., Franklin, Gillet, Lewis, Runnels, Russell and Shea.

Journal of yesterday read and adopted.

Mr. Lott submitted the petition of Jesse C. Kincannon, praying for an unconditional certificate for the lands to which he is entitled; referred to committee on Private Land Claims.

Mr. Charlton submitted the petition of Elias Stone, praying for a grant of land; referred to committee on Private Land Claims.

Mr. Fields submitted the petition of Wm. R. Smith, praying for a grant of land; referred to the committee on Private Land Claims.

Mr. Fields submitted the petition of N. D. Labadie, praying for relief; referred to the committee on the Public Debt.

Mr. Burney submitted the petition of Z. N. Morrell, praying for relief; referred to committee on Private Land Claims.

Mr. Selman submitted the petition of citizens of the counties of Nacogdoches and Cherokee, praying a charter to be granted to James H. Durst, to erect a bridge across the Angelina river; referred to the committee on Roads, Bridges and Ferries.

Mr. McKinney introduced the following joint resolution, which was read and laid on the table one day for consideration.

Resolved, That Col. Jose Antonio Navarro be respectfully requested to visit Austin with a view of obtaining from him, such information relative to the people of Santa Fe and their condition as he may possess.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House, that the Senate had concurred in the amendment of the House to the resolution to go into the election of United States Senator on the 26th inst.

Mr. Stapp introduced the following resolution:

Resolved, That the committee on State Affairs be instructed to report a bill, authorizing the Governor to lay before the people of Texas, for their acceptance or rejection, any proposition which may be made by the United States Congress for the purchase of a portion of the northern territory of the State.

Mr. Scott moved to lay the resolution on the table until Monday next.

On motion of Mr. Williams, the resolution was laid on the table for the present.

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

ORDERS OF THE DAY.

A bill to be entitled an act supplementary to an act, to secure to all actual settlers within the limits of the colony granted to Peters and others, commonly known as Peters' colony, the lands to which they are entitled as colonists; read second time.

Mr. Bogart offered the following additional section to the bill, which was adopted :

Be it further enacted, That all certificates issued by the Commissioner of said colony, may be located on any vacant land within the limits of said colony, not otherwise appropriated, as other head right certificates are located—and the same law relative thereto, shall govern the surveyors and other officers in the discharge of their official duties, in relation to the surveying, recording and patenting the same.

On motion, the bill and amendment were referred to the committee on Public Lands:

Mr. Gillet introduced the following resolution, which was referred to a select committee, consisting of Messrs. Gillet, Franklin, Williams, Winfield and Smith of R. R.

Resolved, That a special committee of five be appointed, whose duty it shall be to take into consideration the propriety of enacting a law, more fully defining treason against the State, and providing for the punishment of the same at the Seat of Government; and also, the propriety of appointing a marshal for the State—and, that they report by bill or otherwise, as soon as practicable.

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

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

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AUSTIN, August 21, 1850.

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

Absentees—Messrs. Bee, Clements, Crump of Bexar and Smith of Red River.

Journal of yesterday read and adopted.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had

adopted the following resolution, to which they respectfully asked the concurrence of the House :

Resolved by the Senate, the House concurring, That the Legislature, at this Extra Session, will entertain no business other than that already recommended, or that which may be recommended, to them by the Governor ; and also, that the Senate requests that the House cause to be transmitted to that body the message of His Excellency the Governor, of the 19th instant.

Mr. Scott submitted the petition of A. Ewing, praying for relief ; referred to the committee on Claims and Accounts.

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

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

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

Resolved, That the committee on State Affairs, to whom was referred the petition of sundry citizens of Limestone and other counties upon the subject of the election for the Seat of Government, be authorized to call for papers and to summon any person they may wish, for the purpose of obtaining and eliciting information upon the subject.

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

ORDERS OF THE DAY.

On motion of Mr. Stewart, the resolution of the Senate, in relation to the reception of new business at this Extra Session, was taken up upon its adoption. The yeas and nays being called for, stood as follows :

Yeas—Messrs. Charlton, Crump of Austin, Dickson, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Lewis, McKinney, Polk, Runnels, Selman, Shepard, Smith of Red River, Speights, Stapp, Stewart, Taylor, and Wilson—18.

Nays—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Clough, Cochran, Crump of Bexar, Fields, Franklin, Gillet, Johnson, Jowers, Lloyd, Lott, Pace, Reynolds, Russell, Scott, Shaw, Shea, Smith of Shelby, Sterne, Tarrant, Williams, Winfield, and Wren—27.

So the resolution was rejected.

A bill to be entitled an act permanently to locate the county

seat of Calhoun county; read second time and referred to the committee on County Boundaries.

A bill to be entitled an act to incorporate the Trinity Plank Road Company; read second time.

Mr. Sterne offered the following amendment, to come in after the word "bottom" in the third section, "and that said road shall be constructed above highwater mark."

Amendment adopted, and bill ordered to be engrossed.

Mr. Bryan moved a reconsideration of the vote rejecting the resolution of the Senate in relation to the reception of new business, upon which the yeas and nays were called, and resulted as follows:

Yeas—Messrs. Bryan, Charlton, Crump of A., Dickson, Franklin, Gillet, Hardeman of N., Hardeman of T., Holland, Lewis, Lloyd, McKinney, Runnels, Selman, Shepard, Smith of R. R., Speights, Stapp, Stewart, Taylor and Wilson—21.

Nays—Messrs. Speaker, Bee, Bogart, Burney, Clough, Cochran, Crump of B., Fields, Johnson, Jowers, Lott, Pace, Reynolds, Russell, Scott, Shaw, Shea, Smith of S., Sterne, Tarrant, Williams, Winfield and Wren—23.

So the motion to reconsider was lost.

Mr. Bee, chairman of the committee on Public Lands made the following report:

COMMITTEE ROOM, August 19, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred a bill supplementary to an act to secure to H. Castro and his colonists the lands to which they are entitled, have had the same under consideration, and have instructed me to report a substitute for the same, and recommend its passage.

Report and substitute laid on the table.

A joint resolution requiring an increase in the mail service from Austin to Bonham, with report of select committee; read second time.

Mr. Williams offered the following amendment to the caption, which was adopted:

Joint resolution requesting an increase in the mail service from Austin to Clarksville.

Joint resolution ordered to be engrossed.

Mr. Franklin, by leave, submitted the petition of Greenberry Dorsey, praying for relief; referred to the committee on Private Land Claims.

Mr. Stapp introduced a bill for the relief of the heirs of Andrew

Kent, deceased ; read first time ; rule suspended, read second time and referred to the Judiciary committee.

Mr. Tarrant, chairman of the committee on Internal Improvements, made the following report :

COMMITTEE ROOM, August 21, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Internal Improvements, to whom was referred the petition of Z. K. Fulton and others, praying for the incorporation of the Lavaca and Victoria Turnpike Company, have had the same under consideration and 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.

A bill for the relief of Thomas J. Jordan; read second time, and referred to the committee on Private Land Claims.

A bill for the relief of Alexander McCulloch ; read second time, and referred to the committee on Private Land Claims.

A bill for the relief of Berry Merchant ; read second time, and referred to committee on Private Land Claims.

A resolution requesting Col. Jose Antonio Navarro to visit Austin, etc. ; adopted.

On motion of Mr. Winfield, the House adjourned until to-morrow at nine o'clock.

AUSTIN, August 22, 1850.

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

Absentees--Messrs. Clements, Crump of A., McKinney, Lewis and Russell.

Journal of yesterday read and adopted.

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

Mr. Fields, chairman of the committee on Finance, made a report, in accordance with a resolution of the House, showing the probable balance of funds remaining in the Treasury, ending the quarters of October 31st, 1850, and January 31st, 1851 ; report laid on the table to come up among the orders of the day.

Mr. Bee, chairman of the committee on Public Lands, to whom was referred a bill to authorize and require the county courts to

issue unconditional certificates in certain cases; and also, a bill supplementary to an act granting lands to settlers in Peters' colony; reported the same back to the House without amendment, and recommended their passage.

Mr. Tarrant, chairman of the committee on Internal Improvements, to whom was referred the petition of R. M. Forbes and others, praying for the incorporation of the Commercial, Navigation and Transportation Company; reported a bill to incorporate the Commercial, Navigation and Transportation Company, and recommended its passage; report and bill laid on the table to come up amongst the orders of the day.

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

COMMITTEE ROOM, August 22, 1850.

To the 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 the Trinity Plank Road Company; also, a joint resolution requesting an increase in the mail service from Austin to Clarksville, and find the same correctly engrossed.

Report adopted.

Mr. Smith of Shelby, introduced the following resolution, which was adopted:

Resolved; That the committee whose duty it shall be to draft the bill or bills, providing the ways and means for fitting out the contemplated military expedition to Santa Fe, be instructed to take under consideration the propriety of exempting from taxation the property of all officers and soldiers, for and during the time they may be absent from home and engaged in said expedition; also, exempting their property, of every description from forced sales by execution or otherwise during the same.

Mr. Scott introduced a bill to be entitled an act to incorporate the Houston Navigation Company; read first time.

Mr. Selman introduced the following resolution:

Resolved, by the House of Representatives, the Senate concurring, That no bills of a private or individual character will be entertained during the present extraordinary session; resolution laid on the table one day for consideration.

Mr. Taylor introduced a bill to incorporate the Cass County Male and Female Academy, in the county of Cass; read first time.

Rule suspended, bill read second time, and referred to the committee on Education.

Mr. Hardeman of Travis introduced a bill to incorporate Lockhart Academy, in the county of Caldwell ; read first time ; rule suspended, read second time, and referred to the committee on Education.

Mr. Williams introduced the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the committee on State Affairs of both Houses be instructed to examine the condition of the archives of the different Congresses of the Republic of Texas, and devise some method for their future security and safety, and that they report by bill or otherwise.

Read first time ; rule suspended, resolution read second time and adopted.

Mr. Lewis introduced a bill authorizing the county court of Bexar county to levy and collect a special tax for certain purposes ; read first time ; rule suspended, read second time, and referred to the committee on State Affairs.

On motion of Mr. Taylor, 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 supplementary to an act to perfect the land titles in Castro's colony, approved January 22, 1850, with the substitute of the committee on Public Lands ; substitute adopted, and bill ordered to be engrossed.

Mr. Winfield presented the following resolution, which was adopted :

Resolved, That the citizens of Austin have the use of the Hall of the House of Representatives on Tuesday evening next, provided, such use does not interfere with the business of the Legislature.

On motion of Mr. Stapp, the rule was suspended, and the report of the committee on Finance was taken up.

On motion of Mr. Taylor, the report was referred to the joint select committee on the Governor's message and accompanying documents.

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

AUSTIN, August 23, 1850.

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

Absentees—Messrs. Lewis and Reynolds.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had concurred in the resolution of the House instructing the committee on State Affairs to examine into the condition of the archives of the different Congresses of the late Republic of Texas, &c.

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. McKenzie, praying for relief; referred to the committee on Private Land Claims.

Mr. Fields, chairman of the committee on Finance, to whom was referred that portion of the Governor's message relating to the mission of Maj. R. S. Neighbors to organize the counties of Presidio, El Paso, Worth and Santa Fe, reported a bill, making an appropriation for the payment of out standing liabilities of said mission; 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:

COMMITTEE ROOM, August 23, 1850.

TO HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill to be entitled an act supplementary to an act to perfect the land titles in Castro's colony, approved January 22, 1850, and find the same correctly engrossed.

Report received.

Mr. Burney, chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, August 23, 1850.

TO HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined a bill to be entitled an act to amend the 2d section of an act to define the time of holding the courts in the several judicial districts, approved February 29, 1848, and find the same correctly enrolled—and having been signed by the Speaker of the House and President pro tem. of the Senate, was this day transmitted to His Excel-

lency the Governor, for his approval—all of which is respectfully submitted.

Report received.

Mr. Shepard, chairman of the select committee to whom was referred that portion of the Governor's message relating to the courts in the third judicial district, reported a bill defining the time of holding the courts in the third judicial district, and recommended its passage.

On motion of Mr. McKinney, the rule was suspended, bill read second time and ordered to be engrossed: rule further suspended, bill read third time and passed.

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

Resolved, That the committee on the Judiciary be requested to take under consideration the propriety of the passage of some law, by which the plantations of deceased heads of families can be carried on under the order of the probate court.

Mr. Shea introduced a bill to be entitled, an act legalizing the organization of the Buffalo Bayou, Brazos and Colorado rail road company—read first time.

Mr. Wilson introduced a bill to be entitled an act to incorporate the Colorado Navigation Company—read first time.

Mr. Smith of Shelby introduced a joint resolution pledging the resources of the State of Texas for carrying on the contemplated expedition to Santa Fe—read first time.

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

ORDERS OF THE DAY.

On motion of Mr. McKinney, the bill making an appropriation for the payment of out-standing liabilities of the mission of R. S. Neighbors, to organize the counties of Presidio, El Paso, Worth and Santa Fé, was taken up—read second time, and ordered to be engrossed; rule suspended, read third time and passed.

A joint resolution requesting an increase in the mail service from Austin to Clarksville; read third time and passed.

Mr. Sterne moved that a committee be appointed to invite the Hon. Senate into the Representative Hall on Monday next at eleven o'clock A. M., to go into the election of U. S. Senator—motion carried.

The Speaker appointed on said committee, Messrs. Sterne, Johnson and Shaw.

On motion of Mr. Tarrant, the House adjourned until four o'clock P. M.

Four o'clock p. m.

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

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

AUSTIN August 24,, 1850.

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

Absentees—Messrs. Clough, Fields, Franklin, Hardeman of T., Lewis, Smith of R. R. and Winfield.

Journal of yesterday read and adopted.

Mr. Taylor, one of the committee on Education, to whom was referred the petition of G. A. M. Starks and others, asking the incorporation of a Male and Female Institute in Cass county, reported a bill to be entitled an act to incorporate the Male and Female Institute in the county of Cass; report and bill laid on the table to come up among the orders of the day.

Mr. Taylor, one of the committee on Education, to whom was referred a bill to incorporate the Male and Female Academy, in the county of Cass, 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. Bryan, by leave, submitted the petition of R. R. Brown, praying for relief; petition read, and referred to the committee on Private Land Claims.

Mr. Scott introduced the following resolution:

Resolved, That the Comptroller be requested to inform this House what amount of the debt due by the late Republic of Texas is secured by a pledge of the revenues from customs; and also, what amount of the same species of debt has been adjudicated under the law classifying the public debt of the Republic of Texas; resolution read first time; rule suspended, read second time and adopted.

Mr. Fields, chairman of the committee on Finance, made the following report:

COMMITTEE ROOM, August 24, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The Finance Committee have had under consideration that portion of the Governor's message relating to the sale of Austin city lots, and have unanimously instructed me to report a bill, which is herewith submitted, authorizing and providing for said sale, in accordance with the recommendation of the Governor.

A bill to be entitled an act to provide for the sale of public lots and other property in and adjoining the city of Austin ; read first time.

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

Mr. Scott offered the following amendment : In section 3, after the word "specie," add "or the liquidated liabilities of the State." Lost.

Mr. Taylor moved to strike out in 3d section the words "six" and "twelve," and insert "twenty-four ;" lost.

On motion, the bill was ordered to be engrossed.

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

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

ORDERS OF THE DAY.

A resolution declaring that the Legislature will entertain no business of a private or individual character at this extraordinary session ; read second time and adopted.

Mr. Sterne, chairman of the select committee to wait upon the Senate and invite that body into the Hall of the House of Representatives on Monday next, at 11 o'clock A. M., to go into an election of United States Senator, reported duty performed.

A message was received from the Senate, through Hon. Isaac Parker, informing the House that the Senate accepted the invitation to meet the House of Representatives at 11 o'clock on Monday next, to go into the election of a United States Senator.

A bill supplementary to an act to secure to all actual settlers within the limits of the colony granted Peters and others, commonly known as Peters' Colony, the lands to which they are entitled as colonists ; read second time, and laid on the table for the present.

A message was received from the Governor, through his Private Secretary, Mr. C. A. Harrison, transmitting a communication in

writing, with accompanying documents, which was taken up and read as follows :

EXECUTIVE DEPARTMENT, }
Austin, August 22, 1850. }

To the Honorable Legislature :

Gentlemen,—I transmit herewith, a very clear and satisfactory report of the Directors of the State Penitentiary.

From an examination of the report, it will be perceived that this institution which has been deemed worthy to receive the fostering care of the State, and already greatly advanced, can be made progressive, and soon to answer all its ends by a small addition at this time to the means appropriated for its support by the last Legislature. This has been rendered necessary by the application of a large portion (\$2,469 29,) of the amount allowed for the first year, 1850, in the payment of just arrearages. The heavy drafts upon this sum have necessarily restricted the operations of the Superintendent and Directors, and influenced by a proper zeal for the prosperity of the institution, they have respectfully solicited additional aid.

The liabilities of the institution as exhibited in the report, on the 1st of January next will amount to the sum of \$2,416 84, without any increase in the number of convicts. To meet them there remains only the undrawn sum of \$141 16. At the close of the quarter ending the 31st of the present month, there will be a considerable amount (\$1,350 17) due, and there will be manifest embarrassment in conducting the affairs of the Penitentiary, unless relief in some form is afforded by your Honorable Body; and I therefore respectfully recommend that should the Legislature in consideration of the extreme exigencies of the State, deem it impracticable to allow the appropriation asked for by the Directors at this time, authority be conferred to employ in the necessary expenditures connected with the institution, as much of the fund appropriated for the ensuing year, as may be required to meet the liabilities of the present.

I have the honor to request that the accompanying report may be returned to the Executive Department. P. H. BELL.

HUNTSVILLE, July 11th, 1850.

Governor P. H. BELL :

Sir—Having understood that your Excellency intended convening an extra session of the Legislature, we have felt it incumbent upon us, occupying the position we do, to place before you for your consideration, and reference to the Legislature of our State, (should you deem it necessary,) the liabilities, resources

and condition of the Texas State Penitentiary. The present Directors have come into office since the first of March last. The Legislature at its last regular session, appropriated for the support of the Penitentiary, the sum of \$5,000 a year, for two years. Out of which first year's appropriation, the sum of \$2,469 29 had to be paid, on account of warrants drawn by the former board of Directors, over and above the former appropriation of \$20,000, leaving a balance of \$2,530 71 for the present board to operate with during the other ten months. Since which time, there has been drawn by us, warrants to the amount of \$2,389 55 leaving an undrawn balance of \$141 16. We would further state, that there is now, and will be due, at the close of the quarter ending August 31st, for the pay of the superintendent, directors, guards, physician, and board of convicts, including the sum of \$500 for putting on roofs, gutters, etc., and brick mason's work, the sum of \$1,350 17. They would also further state, that without any increase in the number of convicts, the quarterly expense of the institution, at the lowest possible estimate, will be about \$800, which makes the liabilities of the institution on the 1st day of January next, \$2,416 84. To meet which, we have the undrawn balance as above, of \$141 16. —It is however but reasonable to suppose, that the three intervening terms of courts, previous to the next general meeting of our Legislature, will by conviction add to the above estimate of indebtedness. The average cost of transportation of convicts has been for the last eight, \$86 46 each.

There is at this time ten convicts confined in the Penitentiary. And situated as we are, it is entirely out of our power, to engage the convicts at the most useful labor, until the meeting of the Legislature in 1851.

Entirely shorn of means, engagements for materials cannot be made, on as fair terms, on time, as for cash. True we could contract and draw on next year's appropriation, still it would not be cash, until the year began. Neither do we concur in the precedent. We wish to act within the means afforded, and make each year meet its own demands, which we could have done, provided we could have had an untouched appropriation of \$5,000.

The exterior wall of the building heretofore begun, has been completed and covered in. A kitchen as provided for in the plan, has been erected principally by the convicts, and covered with a good tin roof; both of which said roofs must be painted. There is at this time three guards employed, at an aggregate expense of \$258 per quarter, which is the very lowest that responsible men

can be had for. An increase of convicts will necessarily cause an increase in the number of guard.

From the best estimates that can be made, we feel satisfied, that the convicts can (with an appropriation of \$10,000,) make the brick, lay and complete the entire exterior wall of the Penitentiary, with the aid of a master workman to instruct and direct.

Your Excellency will perceive at a glance how we are situated—guards to pay, the contractor to furnish rations, will have a bill of \$156 92 against the institution the last of August. The convicts must be fed and secured—without means we can do neither.

Trusting that such measures will be recommended by your Excellency and concurred in by the Legislature of our State, as the circumstances of the case, and the true interests of the State may require,

We remain your Excellency's obedient servants,
 JOHN S. BESSER,
 R. SMITHER,
 WM. M. BARRETT,

—
Directors.

Amount of warrants drawn as referred to,	\$2,389 55
On what account :	
Travel and transportation of convicts,	\$667 67
Bricklaying,	359 87
Lime,	347 50
Hauling,	72 50
Laborers,	53 30
Blank drafts, (printed,)	10 00
Rations for convicts,	94 75
Blacksmithing,	16 00
Guard and cooking,	215 29
Clothing, tools, and sundries, per bills filed,	191 93
First quarter salary of Superintendent,	250 00
Tin and solder,	110 74
	—————
	\$2,389 55

On motion of Mr. Stapp, the message of the Governor was referred to the committee on the Penitentiary.

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

COMMITTEE ROOM, August 24, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill to be entitled an act making an appropriation for the payment of out-

standing liabilities of the mission of Major R. S. Neighbors to organize the counties of Presidio, El Paso, Worth, and Santa Fé, and find the same correctly engrossed.

Report accepted.

A bill to authorize and require the county courts to issue unconditional certificates in certain cases ; read second time, and ordered to be engrossed ; rule suspended, read third time, and passed.

A bill to incorporate the Commercial, Navigation and Transportation Company ; read second time and ordered to be engrossed.

A bill to incorporate the La Vaca Turnpike and Plank Road Company ; read second time and ordered to be engrossed.

A bill to incorporate the Trinity Plank Road Company ; read third time ; and

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

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Cochran, Crump of Bexar, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Jowers, Lewis, Lloyd, Lott, Pace, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Taylor, Williams, Winfield and Wren—33.

Nay—Mr. Polk—1.

So the bill passed.

On motion of Mr. Winfield, the House adjourned until Monday morning 9 o'clock.

AUSTIN, August 26, 1850.

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

Absentees—Messrs. Crump of A., Crump of B. and Lewis.

Journal of Saturday read and adopted.

Mr. Bogart submitted the petition of sundry citizens of Collin county, protesting against any change in their judicial district ; read and referred to the Judiciary committee.

Mr. Johnson submitted the petition of sundry citizens of Titus county, praying to have the town of Daingerfield incorporated ; referred to the committee on Counties and County Boundaries.

A message was received from his Excellency, the Governor,

through his Private Secretary, transmitting a communication in writing, with accompanying documents.

Mr. Fields, chairman of the committee on Finance, made the following report :

COMMITTEE ROOM, August 26, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Finance have had under consideration that portion of the Governor's message relating to the building of a Fire Proof Land Office, and have agreed to recommend the appropriation of ten thousand dollars for that purpose. No bill is submitted herewith, because the Senate has already passed a bill making provision for the building of a Land Office, which will be reported to the House this morning. The committee therefore ask to be discharged from the further consideration of this subject.

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 making an appropriation for the erecting of a Fire Proof Land Office, in which they had suspended all rules—and requested a like suspension on the part of the House ; also, a bill originating in the House of Representatives, making an appropriation for the payment of outstanding liabilities of the mission of Maj. R. S. Neighbors to organize the counties of Presidio, El Paso, Worth and Santa Fe, with an amendment.

Mr. Clough, chairman of the committee on State Affairs, made the following report :

COMMITTEE ROOM, August 23, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on State Affairs have examined a bill authorizing the county court of Bexar county to levy and collect a special tax for certain purposes. They see no objection to the bill, and a majority authorize me to commend it to the consideration of the House.

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

Mr. Franklin, chairman on the part of the House, of the joint select committee on the Governor's message and accompanying documents, reported the following bills:

A bill making appropriations for the purpose of carrying into effect, a more perfect civil organization of the county of Santa Fe, and for suppressing rebellion ;

A bill to provide for the assessing and collecting the direct tax for special purposes imposed by the act passed at the special session of the Legislature of Texas, convened on Monday the 12th day of August, 1850, by proclamation of the Governor;

A bill to levy and collect a direct tax for special purposes;

A bill to provide for the organization of the militia of the State, and to suppress the insurrection existing in the counties of Worth and Santa Fe;

A bill to require the Comptroller of Public Accounts to pass to the credit of the School Fund, one-tenth of all amounts heretofore collected on account of revenue from direct taxation, and to pay the same into the Treasury of the State, subject to be drawn on account of any appropriation made for suppressing the insurrection existing in the counties of Worth and Santa Fe;

A bill to alter and amend the first section of an act approved March 20, 1848, entitled an act concerning crimes and punishments;

All of which bills were laid on the table to come up among the orders of the day.

The Governor's message was then taken up and read as follows:

EXECUTIVE DEPARTMENT, }
Austin, August 26, 1850. }

To the Honorable, the Legislature of Texas :

Gentlemen—A communication was received at this department, by the last mail, from the Hon. Daniel Webster, Secretary of State of the United States, in answer to one from the Executive of Texas, already laid before you, dated the 14th of June last; and deeming it important in your deliberations, I take the earliest occasion to transmit the same to your honorable body.

P. H. BELL.

On motion, the letter of the Secretary of State of the United States to his Excellency, Governor Bell, was taken up and read.

DEPARTMENT OF STATE, }
Washington, August 5, 1850. }

Sir : A letter addressed by you to the late President of the U. States, and dated on the 14th of June last, has, since his lamented decease, been transferred to the hands of his successor, by whom I am directed to address to you the following answer :

In that letter you say that, by the authority of the Legislature of Texas, the Executive of that State, in February last, despatched a special commissioner with full power and instructions to

extend the civil jurisdiction of that State over the unorganized counties of El Paso, Worth, Presidio and Santa Fe, situated upon its northwestern limits, and that the commissioner has reported to you, in an official form, that the military officers employed in the service of the United States, stationed at Santa Fe, interposed adversely with the inhabitants to the fulfilment of his object, by employing their influence in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas. You also transmit a copy of the proclamation of Col. John Munroe, acting under the orders of the government of the United States, under the designation of civil and military governor of the Territory of New Mexico, and respectfully request the President to cause you to be informed whether or not this officer has acted in this matter under the orders of his government, and whether his proclamation meets with the approval of the President of the United States.

In the events which have occurred, the President hardly knows whether your Excellency would naturally expect an answer to this letter from him. His predecessor in office, to whom it was addressed, and under whose authority and direction the proclamation of Col. Munroe was issued, is no more ; and at this time that proclamation, whatever may be regarded as its true character, has ceased to have influence or effect. The meeting of the people of New Mexico by their representatives, which it invited, is understood to have taken place, although the government has as yet received no official information of it.

Partaking, however, in the fullest degree, in that high respect which the executive government of the United States always entertains towards the Governors and the governments of the States, the President thinks it his duty, nevertheless, to manifest that feeling of respect, by acknowledging and answering your letter. And this duty, let me assure your Excellency, has been so long delayed only by uncontrollable circumstances, and is now performed at the earliest practicable moment, after the appointment of those heads of department, and their acceptance of office, with whom it is usual, on important occasions, for the President of the United States to advise.

In answer, therefore, to your first interrogatory—viz : whether Colonel Munroe, in issuing the proclamation referred to, acted under the orders of this government—the President directs me to state that Col. Munroe's proclamation appears to have been issued in pursuance or in consequence of an order or letter of instructions given by the late Secretary of War, under the authority of the late President, to Lieut. Col. McCall. Of this order, which

bears date on the 19th of November, 1849, your Excellency was undoubtedly informed at the date of your letter. A full and accurate copy, however, is attached to this communication. Col. McCall is therein instructed that if the people of New Mexico, for whom Congress had provided no government, should manifest a wish to take any steps to establish a government for themselves, and apply for admission into the Union, it would be his duty, and the duty of others with whom he was associated, not to thwart, but to advance their wishes. This order does not appear to authorize any exertion of military authority, or of any official or even personal interference, to control or affect in any way the primary action of the people in the formation of a government, nor to permit any such interference by the subordinate officers. Col. McCall and his associates were not called upon to take a lead in any measures, or even to recommend anything as fit to be adopted by the people. Their whole duty was confined to what they might be able to perform, subordinate to the wishes of the people. In this matter it was evidently contemplated that they were to act as the agents of the inhabitants, and not as officers of this government. It must be recollected that the only government then existing in the Territory was a *quasi* military government; and as Congress had made no provision for the establishment of any form of civil government, and as the President doubtless believed that, under these circumstances, the people had a right to frame a government for themselves, and submit it to Congress for its approval, the order was a direction that the then existing military government should not stand in the way of the accomplishment of the wishes of the people, nor thwart those wishes, if the people entertained them, for the establishment of a free, popular, republican civil government, for their own protection and benefit. This is evidently the whole purpose and object of the order. The military officer in command, and his associates, were American citizens, acquainted with the forms of civil and popular proceedings, and it was expected that they would aid the inhabitants of the territory, by their advice and assistance, in their proceedings for establishing a government of their own. There is no reason to suppose that Col. Munroe, an officer as much distinguished for prudence and discretion as for gallant conduct in arms, meant to act, or did act, otherwise than in entire subordination and subserviency to the will of the people among whom he was placed. He was not authorized to do, nor does the President understand him as intending to do, anything whatever in his military character, nor to represent in any way the wishes of the executive government of the United States.

To judge intelligently and fairly of these transactions, we must recall to our recollection the circumstances of the case as they then existed.

Previous to the war with Mexico, which commenced in May, 1846, and received the sanction of Congress on the 13th of that month, the territory of New Mexico formed a department or State of the Mexican republic, and was governed by her laws.— Gen. Kearny, acting under orders from this government, invaded this department with an armed force; the governor fled at his approach, and the troops under his command dispersed; and Gen. Kearny entered Santa Fe, the capital, on the 18th of August, 1846, and took possession of the territory in the name of the United States. On the 22d of that month he issued a proclamation to the inhabitants, stating the fact that he had taken possession of Santa Fe, at the head of his troops, and announcing his “intention to hold the department with its original boundaries, (on both sides of the del Norte,) and under the name of New Mexico.” By that proclamation he promised to protect the inhabitants of New Mexico in their persons and property against their Indian enemies, and *all others*, and assured them that the United States intended to provide for them a free government, when the people would be called upon to exercise the rights of freemen in electing their own representatives to the Territorial Legislature. On the same day he established a Territorial constitution by an organic law which provided for executive, legislative, and judicial departments of the government; defined the right of suffrage, and provided for trial by jury; and at the same time established a code of laws. This constitution declared that “the country heretofore known as New Mexico shall be known hereafter and designated as the Territory of New Mexico, in the United States of America;” and the members of the lower house of the legislature were apportioned among the counties established by the decree of the department of New Mexico, of June 17, 1844; which counties, it is understood, included all the territory over which Texas has lately attempted to organize counties and establish her own jurisdiction.

On the 22d of December, 1846, a copy of this constitution and code was transmitted by President Polk to the House of Representatives, in pursuance of a call on him by that body. In the message transmitting the constitution he says that “portions of it purport to establish and organize a *permanent* Territorial government over the territory, and to impart to its inhabitants political rights which, under the constitution of the United States, can be enjoyed permanently only by citizens of the United States.—

These have not been approved and recognised by me. Such organized regulations as have been established in any of the conquered territories for the security of our conquest, for the preservation of order, for the protection of the rights of the inhabitants, and for depriving the enemy of the advantages of these territories, while the military possession of them by the forces of the United States continues, *will be recognized and approved.*"

Near four years have now elapsed since this *quasi* military government was established by military authority, and received, with the exceptions mentioned, the approval of President Polk. In the meantime, a treaty of peace has been concluded with Mexico, by which a boundary line was established that left this territory within the United States, thereby confirming to the United States by treaty what we had before acquired by conquest.—The treaty, in perfect accordance with the proclamation of Gen. Kearny, declared, that, the Mexicans remaining in this territory, should be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to an enjoyment of all the rights of citizens of the United States, according to the principles of the constitution, "and in the meantime should be maintained and protected in the enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." Thus it will be perceived that the authority of the United States over New Mexico was the result of conquest, and the possession held of it, in the first place, was of course a military possession. The treaty added the title by cession to the already existing title by successful achievements in arms. With the peace there arose a natural expectation that as early as possible there would come a civil government to supercede the military. But until some such form of government should come into existence, it was matter of absolute necessity that the military government should continue, as otherwise the country must fall into absolute anarchy. And this has been the course generally in the practice of civilized nations, when colonies or territories have been acquired by war and their acquisition confirmed by treaty.

The military government, therefore, existing in New Mexico at the date of the order, existed there of inevitable necessity. It existed as much against the will of the executive government of the United States as against the will of the people. The late President had adopted the opinion that it was justifiable in the people of the territory, under the circumstances, to form a constitution of government without any previous authority conferred by Congress, and thereupon to apply for admission into the Uni-

on. It was under this state of things, and under the influence of these opinions, that the order of the 19th November, last, was given and executed in the manner we have seen. The order indicates no boundary and defines no territory, except by the name of New Mexico ; and, so far as that indicates anything, it referred to a known territory which had been organized under military authority, approved by the Executive, and left without remonstrance or alteration by Congress, for upwards of three years. It appears to the President that such an order could not have been intended to invade the rights of Texas.

Secondly, you ask whether the proclamation of Col. Munroe meets with the approval of the President of the United States. To determine this question, it is necessary to look at the *object* of the proclamation and to the *effect* of the proceedings had under it.

If the object was to assume the authority to settle the disputed boundary with Texas, then the President has no hesitancy in saying that such object does not meet his approbation, because he does not believe the executive branch of this government, or the inhabitants of New Mexico, or both combined, have any constitutional authority to settle that question : that belongs either to the judicial department of the General Government, or to the concurrent action, by agreement, of the legislative departments of the governments of the United States and Texas. But it has been sufficiently shown that Col. Munroe could have had no such object, and that his intention was merely to act in aid of the people in forming a State constitution to be submitted to Congress. Assuming, then, that such a constitution has been formed, what is its *effect* upon the disputed boundary ? If it compromises the rights of either party to that question, then it does not meet the President's approbation : for he deems it his duty to leave the settlement of that question to the tribunal to which it constitutionally belongs. It is sufficient for him that this boundary is in dispute—that the territory east of the Rio del Norte seems to be claimed in good faith both by Texas and New Mexico, or rather, by the United States. Whatever might be his judgment in regard to their respective rights, he has no power to decide upon them, or even to negotiate in regard to them : and therefore, it would be improper for him to express any opinion. The subject-matter of dispute is between the United States and Texas, and not between the inhabitants of New Mexico and Texas. If those people should voluntarily consent to come under the jurisdiction of Texas, such consent would not bind the United States, or take away *their* title to the territory. So, on the other hand,

if they should voluntarily claim the title for the United States, it would not deprive Texas of her rights. Whatever those rights might be, they can only be affected by her own acts, or a judicial decision. The State constitution formed by New Mexico can have no legal validity until it is recognised and adopted by the law-making power of the United States. Until that is done, it has no sanction, and can have no effect upon the rights of Texas or of the United States to the territory in dispute. And it is not to be presumed, that Congress will ever give its sanction to that constitution without first providing for the settlement of this boundary. Indeed, no government, either Territorial or State, can be formed for New Mexico without providing for settling this boundary. Hence he regards the formation of this State constitution as a mere nullity. It may be regarded, indeed, as a petition to Congress to be admitted as a State; but until Congress shall grant the prayer of such petition by legal enactments, it affects the rights of neither party.

But, as it is the right of all to petition Congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their constitution with a view of applying to Congress for admission as a State; and as he thinks the act can prejudice no one, he feels bound to approve of the conduct of Colonel Munroe in issuing the proclamation.

I am directed also to state that, in the President's opinion, it would not be just to suppose that the late President desired to manifest any unfriendly attitude or aspect towards Texas or the claim of Texas. The boundary between Texas and New Mexico was known to be disputed; and it was equally well known that the executive government of the United States had no power to settle the dispute. It is believed that the executive power has not wished—it certainly does not wish—to interfere with that question, in any manner whatever, as a question of title.

In one of his last communications to Congress—that of the 17th of June last—the late President repeated the declaration that he had no power to decide the question of boundary, and no desire to interfere with it, and that the authority to settle that question resided elsewhere. The object of the executive government has been, as I believe, and as I am authorized to say it certainly now is, to secure the peace of the country; to maintain as far as practicable, the state of things as it existed at the date of the treaty; and to uphold and preserve the rights of the respective parties as they were under the solemn guaranty of the treaty, until the highly interesting question of boundary should be finally settled by

competent authority. This treaty, which is now a supreme law of the land, declares, as before stated, that the inhabitants shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion. It will of course be the President's duty to see that this law is sustained, and the protection which it guarantees made effectual; and this is the plain and open path of executive duty, in which he proposes to tread.

Other transactions of a very grave character are alluded to and recited in your Excellency's letter. To those transactions I am now directed not more particularly to advert, because the only questions propounded by you respect the authority under which Col. Munroe acted, and the approval or disapproval of his proclamation. Your Excellency's communication and his answer will be immediately laid before Congress, and the President will take that occasion to bring to its notice the transactions alluded to above.

It is known to your Excellency that the questions growing out of the acquisition of California and New Mexico, and among them the highly important one of the boundary of Texas, have steadily engaged the attention of both houses of Congress for many months, and still engage it, with intense interest. It is understood that the Legislature of Texas will be shortly in session, and will have the boundary question also before it. It is a delicate crisis in our public affairs, not free, certainly, from possible dangers; but let us confidently trust that justice, moderation and patriotism, and the love of the Union, may inspire such counsels, both in the government of the United States and that of Texas, as shall carry the country through these dangers, and bring it safely out of them all. And with renewed assurances of the continuance of mutual respect and harmony in the great family of States,

I have the honor to be, with entire regard, your Excellency's most obedient servant,
DANIEL WEBSTER,
Secretary of State.

To his Excellency, P. H. BELL,
 Governor of Texas.

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

Resolved, That the message of the Governor and accompanying documents be referred to a joint committee of both Houses, to consist of five from the House; and that the Chief Clerk transmit the message to the Senate, and request their concurrence in the appointment of said committee.

The Speaker appointed Messrs. Williams, Johnson, Tarrant, Scott and Fields to compose said committee on the part of the House.

Mr. Franklin offered the following resolution :

Resolved, the Senate concurring, That the House of Representatives rescind the resolution for going into the election of a United States Senator on Monday, the 26th August instant, at 11 o'clock.

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

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Crump of Bexar, Dickson, Fields, Hardeman of Nacogdoches, Holland, Johnson, Jowers, Lloyd, Lott, Pace, Polk, Scott, Selman, Shaw, Smith of Red River, Speights, Sterne, Tarrant and Wren—25.

Nays—Messrs. Bee, Clements, Clough, Franklin, Gillet, Hardeman of T., Lewis, McKinney, Reynolds, Russell, Shea, Shepard, Smith of Shelby, Stapp, Stewart, Taylor, Williams, Wilson and Winfield—19.

So the resolution was laid on the table.

On motion of Mr. Scott, the House took a recess until 5 minutes to 11 o'clock.

Recess expired—House met—roll called—quorum present.

Mr. Clough introduced a joint resolution authorizing the Governor of the State to appoint delegates to the Nashville convention ; read first time.

On motion of Mr. Lewis, a bill to be entitled an act supplementary to an act to perfect the land titles in Castro's colony, approved January 26, 1850, was taken up.

The Hon. Senate now appeared, in accordance with an invitation of the House, to go into an election of a United States Senator to-day at 11 o'clock, headed by their President *pro tem.*, who was invited to a seat on the right of the Speaker, and Senators to seats prepared for them.

The Speaker announced that the two Houses had met for the purpose of electing a Senator to the United States Congress, and that nominations were now in order.

Mr. Sterne, on the part of the House, nominated the Hon. Tho. J. Rusk.

Mr. Franklin, on the part of the House, nominated Blank.

The House then proceeded to vote.

Those voting for Mr. Rusk, were Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Crump of Austin, Crump of Bexar, Dickson, Fields, Gillet, Hardeman of Nacogdoches, Harde-

man of Travis, Holland, Johnson, Jowers, Lewis, Lloyd, Lott, Pace, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor, Williams and Wren—38.

Those voting for Blank, were Messrs. Clough, Franklin, Wilson and Winfield—4.

Scattering, to wit : For Mr. Wigfall, Messrs. Bee and Clements—2 ; for Mr. Miller, Mr. Shepard—1.

Mr. Rusk, having received a majority of all the votes, was declared duly elected Senator to the Congress of the United States for six years from and after the fourth day of March next.

The bill supplementary to an act to perfect land titles in Castro's colony ; read third time and passed.

On motion, a bill making an appropriation for the payment of outstanding liabilities, of the mission of Maj. R. S. Neighbors to organize the counties of Presidio, El Paso, Worth and Santa Fé, with an amendment from the Senate, was taken up.

The yeas and nays being called for on the adoption of the amendment, stood as follows :

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Charlton, Clements, Coehran, Crump of Austin, Crump of Bexar, Fields, Franklin, Gillet, Hardeman of Travis, Holland, Lewis, Polk, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Williams, Wilson and Winfield—32.

Nays—Messrs. Dickson, Hardeman of Nacogdoches, Johnson, Jowers, Lloyd, Reynolds, Runnels and Taylor—8.

So the amendment was concurred in.

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

COMMITTEE ROOM, August 26, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined an act to incorporate the La Vaca Turnpike and Plank Road Company ; also, an act to incorporate the Commercial Navigation and Transportation Company ; and find the same correctly engrossed.

Report received.

Mr. Williams moved to reconsider the vote referring the message of the Governor and accompanying documents to a joint select committee, in order that it might be referred to the committee on the Judiciary ; motion lost.

On motion of Mr. Winfield, Mr. Franklin was added to the

joint select committee on the Governor's message and accompanying documents.

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

TUESDAY, August 27, 1850.

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

Absentees—Messrs. Clough, Crump of A., Crump of B., Franklin, Lewis, Pace, Runnels and Stewart.

Journal of yesterday read and adopted.

Mr. Lott, chairman of the committee on the Penitentiary, made the following report :

COMMITTEE ROOM, August 26, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on the Penitentiary, to whom was referred the communication of his Excellency, the Governor, together with the report of the Directors of the State Penitentiary, have had the same under consideration, and respectfully ask leave to report.

It appears from the report of said Directors to his Excellency, the Governor, that of the five thousand dollars that was appropriated at the last session of the Legislature, for the year A. D. 1850, that the sum of \$2,469 24, had to be paid on account of warrants drawn by former Directors, leaving a balance of \$2,530 71, for the present board of Directors to operate with the present year; and, it also appears, that up to the present time, warrants have been drawn to the amount of \$2,389 55, leaving an undrawn balance of only \$141 01. It further appears that there is now, and will be due at the close of the present quarter, ending August 31st, to superintendents, directors, workmen, etc., five hundred dollars.

Thus it appears, the sum of money at the disposition, or under the control of the present board of Directors has already been exhausted, and is insufficient to carry on the operations of the Penitentiary for the present year.

Had there been no back arrearages, it seems that the five thousand dollars thus appropriated would have been entirely sufficient to have met the current expenses of the present year, and an-

swered all the ends fully, that was contemplated by said appropriation.

The committee has thus presented the facts as they appear, and report the following bill for the consideration of the House, and ask to be discharged from the further consideration of the same.

A bill making an appropriation to meet the contingent expenses of the State Penitentiary for the year 1850.

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

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

COMMITTEE ROOM, August 26, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Counties and County Boundaries, have had under consideration the petition of the citizens of Limestone county, praying for the organization of a new county to be formed out of the territory of Limestone : a majority of the committee concurring, instruct me to report the following bill to the House and respectfully recommend its passage.

A bill to create the county of Freestone.

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

Mr. Russell, from the committee on Claims and Accounts, returned to the House sundry documents which had been referred to that committee of a private or individual character, which by a resolution of the House the committee are prohibited from acting upon.

Mr. Bryan, one of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, August 27, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined and find correctly enrolled, a bill to be entitled an act making appropriations for the payment of outstanding liabilities of the mission of Major R. S. Neighbors, to organize the counties of Presidio, El Paso, Worth and Santa Fe, which originated in the House, and was this day presented to the Speaker, President pro tem. of the Senate, and the Governor for their signatures ; report received.

Mr. Williams, chairman of the committee on Indian Affairs, made the following report :

COMMITTEE ROOM, Aug .26, 1850.

HON. CHARLES G. KEENAN,

Speaker of the House of Representatives :

The committee on Indian Affairs, to whom was referred that portion of the Governor's message relative to the state of our frontier, together with the memorial of the citizens of Bexar county, have had the same under consideration, and from abundant evidence adduced, are at once convinced that an Indian war now exists on our south-western frontier, and will continue along its entire line, unless more effective means are resorted to whereby its progress may be arrested. It would be a waste of time on the part of this committee to argue in detail to prove that the means at present employed by the United States Government will or can afford that protection which our citizens on the frontier have a right to expect—that the number of gallant officers and men who have been sacrificed since the adjournment of this Legislature, in February last, ought to furnish abundant evidence to convince that Government of the fact of the existence of disturbances, and that a change of policy should be at once adopted, as well for the preservation of its own troops as for the safety of our citizens.

The question now arises as to the proper policy, etc.; which question has been heretofore so fully discussed by this committee in reports made to this House during the last session of this Legislature, and the developments since that time tending to prove so conclusively that the policy then recommended was the only one to be relied upon, that your committee are again induced to resuggest the same.

First. Demand of the General Government the immediate removal of all Indians now in Texas which do not properly belong to her. This removal, in the opinion of your committee, will do more for the protection of our frontier than the entire standing army of the U. States stationed on the line at present occupied. This was a matter of such importance, that the commissioners appointed by the United States to treat with the Indians in Texas (Messrs. Butler and Lewis), in their report dated August 8, 1846, while speaking of these intruders, say: "*They are able to do much mischief; and some measures should be taken to remove them.*" The fact of their being "able to do much mischief" has been more than realized: for it is well known to every man who has resided near our frontier, that most of the depredations committed, and the serious injuries that have been inflicted, upon our border settlers, have been perpetrated by these Indians, and at the same time carrying on an extensive illi-

cit trade with the wild Indians, thereby encouraging them to rob and plunder our citizens—causing constant dread and alarm—greatly retarding the settlement and growth of the country—and very seriously affecting the general prosperity of the State. And whilst our citizens have been fondly hoping that the General Government would redress this grievance, to their great astonishment instead of removing the intruders already the source of so much annoyance, others, of equally as desperate character, are permitted to enter our territory ; that during the last spring Seminoles and others, led by the celebrated chief Wild Cat, with his characteristic boldness, made their appearance in the very midst of our border settlements, and others may, and doubtless will, follow without molestation by the authorities of the United States, unless the State interpose and at once call upon that Government, in the most solemn manner, to remove these intruders from our borders, and to adopt such measures as will prevent their return. The right of the State to make such demand has been recognised so fully by the authorities at Washington, as to present no necessity for an argument in its support. And, when we recollect that these Indians are more formidable than those properly belonging to Texas, by reason of their acquaintance with the use of fire-arms—that the great body of which have been induced to migrate from their homes west of the Mississippi into Texas, from a dissatisfaction with the climate in which they have been forced by the General Government to settle, and finding here an exposed frontier, they are readily disposed to gratify that revenge characteristic with all Indians upon our exposed citizens—this fact alone should induce that government to remove them, as an act of justice to Texians, if no binding obligations existed.

Secondly, the State of Texas ought to define the boundary of a territory, in which the Indians properly belonging to Texas may reside, and over which permit the General Government to exercise its intercourse laws, etc. Without this consent, these laws of the United States can never be enforced and will never be attempted by that Government : and the result has been and will continue, that we will neither have any beneficial policy, protection, nor responsibility for losses sustained by our citizens. This subject has been fully presented to the Congress of the United States. The Commissioner of Indian Affairs in his last annual report; in reference to the Indians in Texas, says : “The entire want on the part of the General Government of any jurisdiction or control over the country occupied by them,” friendly relations “cannot with any degree of certainty be expected to con-

tinue for any length of time ; and this department cannot be held accountable for any disturbances or difficulties that may occur, unless new and more effective arrangements be soon made." And again he says : " Texas on coming into the Union, retained control and jurisdiction over all her public domain, so that none of the laws or regulations of our Indian system are in force in her limits. The department has, therefore, no power to prevent intrusions into the country occupied by the Indians, or any trade or intercourse with them, of however improper a character they may be. Nor is it authorized to encourage the Indians to settle down in any particular section or sections of country ; and until a particular district or districts shall have been set apart within which the General Government will have the same power to prevent intrusions, and to regulate trade and intercourse with them as it has in regard to other Indians on territory of the United States, the department should not be held at all responsible for the proper and efficient management of our Indian affairs in Texas." From which it is obvious to all that no change from the present system—so ruinous to Texas—will be made, until our State shall have come to some action in the premises. The beneficial results of a strict non-intercourse with these Indians would be felt on every part of our border ; and the illicit trade now carried on only having the effect to encourage the Indians to steal and carry off the property of our frontier citizens, would be at once broken up, or no excuse would be left by which the department could screen itself from censure, and that Government be made responsible for spoliations committed upon the property of our citizens. That an extensive trade is carried on, your committee do not doubt, from the fact that we have seen a notice thereof publicly announced in one of the journals of our neighboring State Arkansas. The *Fort Smith Herald*, in July last, announced the fact that several thousand dollars' worth of goods had been purchased in that place for the Camanche and Apache trade by a Mr. Abel Warren, an old and experienced Camanche trader, that his object was to purchase mules, and that this old trader thought he would be able to return to that place this fall with five or six hundred mules to furnish California emigrants in the spring, and also holding out an assurance that the Camanche trade would be larger, and increase, from that point. Thus it seems that the Camanches are to be furnished with supplies of warlike implements, and encouraged to plunder our citizens to enrich this Mr. Warren and the citizens of Fort Smith,—not merely by one expedition, but is to continue and increase every year. This is not a new business with this Mr. Warren, as our north-

western citizens know to their misfortune. He is the same person who established the trading-house on the north side of Red River near the upper Cross Timbers, and so well known as the headquarters of the thieving bands of Indians who plundered and laid waste our frontier a few years ago. This traffic is an outrage to which our frontier citizens have been too long exposed, without any effort being made to suppress it, and nothing but the utmost forbearance on their part has prevented them from taking the war into their own hands, and exterminating these Indians whenever and wherever found; and it cannot be presumed that this forbearance will be exercised longer. Therefore, your committee earnestly recommend the passage of the joint resolutions herewith submitted.

WILLIAM M. WILLIAMS,

Chairman Com. on Ind. Affairs, Ho. of Reps.

A joint resolution, requiring the Governor to demand of the General Government, the immediate removal of all Indians from the territory belonging to this State.

A joint resolution, designating a line of posts on the frontier of Texas

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

Mr. Tarrant introduced a bill, defining the time of holding an election for the county seat of the county of Tarrant, and appointing a place for holding the courts for said county, until the county seat is located; read first time; rule suspended, bill read second time and referred to the committee on Counties and County Boundaries.

Mr. Crump of B., introduced a bill to incorporate the San Antonio Railroad Company; read first time; rule suspended, bill read second time and referred to the committee on Internal Improvements.

Mr. Clements offered the following resolution, which was laid on the table:

Resolved, That the committee on Printing be instructed to enquire into the cause why the Governor's message, ordered by this House to be printed in Spanish and German languages has not been furnished, and report the same forthwith.

Mr. Lloyd introduced a bill to amend an act entitled an act to organize the Supreme Court of the State of Texas; read first time, and referred to a special committee, consisting of Messrs. Lloyd, Stapp, Dickson, Shepard and Smith of R. R.

Mr. Crump of B., by leave, submitted the petition of Thomas

Thomas, praying for relief ; referred to the committee on Private Land Claims.

Mr. Burney introduced a bill to be entitled an act to incorporate the Brazos Plank Road Company ; read first time.

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 referred to the committee on Education.

Mr. Winfield introduced the following resolution :

Whereas, in the opinion of the Legislature of the State of Texas in extraordinary session, that the objects for which we were assembled have ceased to exist ; therefore, Be it resolved, that the Legislature adjourn *sine die*, on Wednesday the 28th of the present month.

Resolved further, That it is hereby made the duty of the Governor to lay before the people of Texas any proposition coming from the United States, or any other quarter, having for its object the purchase of the State of Texas or any part thereof, thereby relieving the next Legislature from responsibility ; read first time.

Mr. Gillet introduced a bill proposing to sell a portion of the territory belonging to the State of Texas to the United States ; read first time.

Mr. Stewart introduced the following resolution :

Resolved, That the committee on Indian Affairs be instructed to report a bill creating a sufficient mounted volunteer force for frontier protection, whose duty it shall be to drive all the Indians from beyond the limits of the State.

Resolution adopted.

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

ORDERS OF THE DAY.

A bill to incorporate the Houston Navigation Company ; read second time and referred to the committee on Internal Improvements.

A bill legalizing the organization of the Buffalo Bayou, Brazos and Colorado Rail Road Company ; read second time and referred to the committee on Internal Improvements.

A bill to incorporate the Colorado Navigation Company ; read second time.

Mr. Hardeman of Travis moved to amend by striking out the name of "Thomas P. Washington," and inserting John S. Craft, in the first section ; carried.

Mr. Scott moved to strike out the 14th section ; lost.

On motion, the bill was ordered to be engrossed.

Mr. Stewart moved to take from the Speaker's table a bill to

provide for the organization of the militia of the State, and to suppress insurrection existing in the counties of Worth and Santa Fé ; carried.

So the bill was taken up and read first time.

Mr. Johnson moved to lay the bill on the table until the 4th day of July next.

A call of the House was ordered, and the Sergeant-at-arms despatched for absent members.

On motion of Mr. Stewart, Mr. Crump of Austin was excused from attendance on the House.

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

On motion of Mr. Tarrant, the call was renewed.

The absent members appearing in the Hall, the call of the House was suspended.

Mr. Scott moved to adjourn till 9 o'clock to-morrow morning, upon which motion the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Bee, Fields, Polk, Scott and Stapp—5.

Nays—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Clements, Clough, Cochran, Crump of Bexar, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Hardeman of T., Holland, Johnson, Jowers, Lloyd, McKinney, Pace, Reynolds, Runnels, Russell, Selman, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Speights, Sterne, Stewart, Tarrant, Taylor, Williams, Wilson, Winfield and Wren—38.

So the House refused to adjourn.

Mr. Johnson, by leave, withdrew the motion to postpone the bill until the 4th of July next.

Mr. Winfield moved to adjourn until 9 o'clock to-morrow morning, upon which the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Charlton, Clough, Cochran, Fields, Jowers, Lott, McKinney, Polk, Scott, Selman, Shaw, Speights, Stapp, Tarrant, Williams, Winfield and Wren—21.

Nays—Messrs. Burney, Clements, Crump of Bexar, Dickson, Franklin, Gillet, Hardeman of Nacog., Hardeman of Travis, Holland, Johnson, Lewis, Lloyd, Pace, Reynolds, Runnels, Russell, Shea, Shepard, Smith of Red River, Smith of Shelby, Sterne, Stewart, Taylor and Wilson—24.

So the House refused to adjourn.

Mr. Dickson moved to adjourn until 4 o'clock p. m. ; lost.

Mr. Dickson moved to postpone the further consideration of the bill until the 3d day of July next.

The Yeas and nays being called for, stood as follows :

Yeas—Messrs. Charlton, Dickson, Hardeman of Nacogdoches, Johnson, Jowers, McKinney, Speights and Smith of Red River—8.

Nays—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Clements, Clough, Cochran, Crump of Bexar, Fields, Franklin, Gillet, Hardeman of Travis, Holland, Lewis, Lloyd, Lott, Pace, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant, Taylor, Williams, Wilson, Winfield and Wren—37.

So the House refused to sustain the motion to postpone.

Mr. Winfield moved to adjourn till 9 o'clock to-morrow morning ; lost.

Mr. Bogart moved to adjourn until 4 o'clock p. m. ; lost.

Mr. Crump of Bexar moved to adjourn until 9 o'clock to-morrow morning ; upon which motion the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Charlton, Clements, Clough, Crump of Bexar, Fields, Franklin, Gillet, Hardeman of Travis, Holland, Jowers, Lott, McKinney, Pace, Polk, Scott, Selman, Shaw, Shea, Smith of Shelby, Speights, Tarrant, Williams, Winfield and Wren—28.

Nays—Messrs. Burney, Cochran, Dickson, Hardeman of Nacogdoches, Johnson, Lewis, Lloyd, Reynolds, Runnels, Russell, Shepard, Smith of Red River, Stapp, Sterne, Stewart, Taylor and Wilson—17.

So the House sustained the motion to adjourn.

AUSTIN, August 28, 1850.

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

Absentees—Messrs. Bee, Johnson, McKinney, Selman, Shea, and Stewart.

Journal of yesterday read and adopted.

Mr. Burney submitted the petition of John McLennan, praying for relief ; read and referred to the committee on Private Land Claims.

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

COMMITTEE ROOM, August 28, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Counties and County Boundaries have had under consideration, an act defining the time for holding an election for the county seat of the county of Tarrant, and appointing a place for holding the courts for said county, until the county seat is located ; the committee concurring, instruct me to report the bill back to the House without amendment, and respectfully recommend its passage.

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

Mr. Smith of R. R., chairman of a select committee, made the following report :

COMMITTEE ROOM, August 28, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The select committee, to whom was referred the petition of many citizens of the counties of Tarrant and Red River, praying that a charter be granted to James W. Jackson and his associates, for the purpose of removing the obstructions to the navigation of the Sulphur Fork of Red River, and that the said Jackson and his associates have the exclusive privilege of navigating that portion of the river above the highest point to which keel or steamboats have as yet ascended, for the term of ten years ; have had the same under consideration and instructed me to report the accompanying bill, and recommend its passage.

A bill to incorporate the Sulphur Fork Navigation Company.

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

Mr. Bogart introduced a bill to change the time of holding the courts in the 8th judicial district ; read first time ; rule suspended, bill read second time, and ordered to be engrossed ; rule further 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 passed a bill to be entitled an act making an appropriation for the per diem pay and mileage of the members and officers of the Legislature at the extra session, convened the 12th of August, 1850 ; also, a bill to repeal an act entitled an act to incorporate Rio Grande City, approved January 10, 1850 ; also, a bill to author-

ize the qualified electors of the town of San Augustine, to elect corporation officers for the same.

Mr. Holland introduced a bill to amend an act regulating estrays; read first time.

On motion of Mr. Dickson, 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 making an appropriation of money, for the erection of a Fire Proof Land Office—Senate's bill; read first time.

Mr. Fields moved to suspend the rule, that the bill be read a second time; lost.

On motion of Mr. Bryan, the bill to provide for the organization of the militia of the State, and to suppress the insurrection existing in the counties of Worth and Santa Fe, was taken up; read second time.

Mr. Scott moved to lay the bill on the table, and make it the special order of the day for Saturday next, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Bogart, Charlton, Cochran, Fields, Hardeman of N., Jowers, McKinney, Polk, Scott, Sterne and Wren—11.

Nays—Messrs. Speaker, Bee, Bryan, Burney, Clements, Clough, Crump of A., Crump of B., Dickson, Franklin, Gillet, Hardeman of T., Holland, Johnson, Lewis, Lloyd, Lott, Pace, Reynolds, Runnels, Russell, Selman, Shaw, Shea, Shepard, Smith of R. R., Smith of S., Speights, Stapp, Stewart, Tarrant, Taylor, Williams, Wilson and Winfield—35.

So the House refused to sustain the motion to postpone.

Mr. Bryan offered the following amendment to the 7th section: strike out after the words "section 7, be it further enacted," and insert, "that the Governor may command said volunteers in person; but shall not march them to the counties of Worth and Santa Fe to suppress the insurrection and rebellion existing in said counties, until the final action of the United States Congress upon the question (now before it) of the boundary of Texas; provided, said action is had before the first day of March next."

On motion of Mr. Winfield, the House adjourned until four o'clock p. m.

House met—roll called—quorum present.

Mr. Bryan's amendment being under consideration,

Mr. Stapp offered the following amendment to Mr. Bryan's amendment, to come in after the word "it" in eighth line: "for the purchase of a portion of the territory;" accepted.

Mr. Franklin offered the following as a substitute for Mr. Bryan's amendment:

"SEC. 7. *Be it further enacted*, That so soon as said volunteers shall be called out and mustered into the service of the State, they shall be marched under the direction of the Governor to any point within the limits of the State where insurrection or rebellion exists: *provided*, the call for and march of the volunteers shall be made and directed by the Governor, as in his judgment under the circumstances he may deem advisable."

Substitute rejected.

Mr. Fields offered the following amendment to Mr. Bryan's amendment, which was also rejected:

"Strike out the words 'may take command of the volunteers in person.'"

Mr. Scott moved to strike out the proviso in Mr. Bryan's amendment, upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Bogart, Charlton, Clough, Dickson, Fields, McKinney, Pace, Scott, Selman and Taylor—10.

Nays—Messrs. Speaker, Bee, Bryan, Burney, Clements, Cochran, Crump of Austin, Crump of Bexar, Franklin, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Jowers, Lloyd, Lott, Polk, Reynolds, Runnels, Russell, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Stapp, Sterne, Tarrant, Williams, Wilson, Winfield and Wren—33.

So the House refused to sustain the motion.

The question then recurring on Mr. Bryan's amendment, the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Speaker, Bee, Bryan, Burney, Clements, Cochran, Crump of Austin, Crump of Bexar, Fields, Hardeman of Nacogdoches, Holland, Johnson, Jowers, Lloyd, Pace, Polk, Reynolds, Runnels, Russell, Selman, Shaw, Shea, Shepard, Smith of Red River, Smith of Shelby, Stapp, Sterne, Tarrant, Taylor, Williams, Wilson, Winfield and Wren—34.

Nays—Messrs. Bogart, Charlton, Clough, Dickson, Franklin, Gillet, Hardeman of Travis, McKinney, Scott and Speights—10.

So the amendment was adopted.

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

COMMITTEE ROOM, August 28, 1850.

To Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined an act to incorporate the Colorado Navigation Company, and also a bill to change the time of holding the courts in the eighth judicial district, and find the same correctly engrossed.

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

AUSTIN, August 29, 1850.

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

Absentees—Messrs. Johnson, McKinney and Stapp.

Journal of yesterday read and adopted.

Mr. Tarrant, chairman of the committee on Internal Improvements, made the following report :

COMMITTEE ROOM, August 29, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Internal Improvements, to whom was referred the bill to incorporate the San Antonio Railroad Company, have had the same under consideration, and have instructed me to report the same back to the House, 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. Hardeman of T., introduced a bill to amend an act entitled an act to incorporate the city of Austin, passed May 11, 1846 ; read first time ; rule suspended, bill read second time and referred to the committee on the Judiciary.

Mr. Williams introduced a joint resolution, granting leave of absence to the State Treasurer ; read first time ; rule suspended, resolution read second time and ordered to be engrossed.

Mr. Lloyd, chairman of select committee, made the following report :

COMMITTEE ROOM, August 29, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The special committee to whom was referred, a bill to be entitled an act to organize the Supreme Court of Texas, have had the same under consideration, and have instructed me to report the same back to the House without amendment, and recommend its passage.

Bill and report laid on the table to come up among the orders of the day.

Mr. Speights offered the following resolution, which was laid on the table.

Resolved, That the committee on State Affairs, be instructed to report a bill making it the duty of the Governor to lay before the people of Texas for their acceptance or rejection, any proposition coming from the General Government for the purchase of the north-western territory of Texas.

Resolved further, That all hostile movements against Santa Fe, upon the part of this Legislature, be suspended until after final action of the United States Congress is had upon the question ; and the vote of the people shall have been taken upon such proposition contemplated in the first section of this resolution, in the event of any such proposition being made by the General Government.

Mr. Clements offered the following resolution :

Resolved, That the committee on State Affairs, be instructed to prepare and report a bill, prescribing the method by which the consent of the State may be given to the formation of a new State out of the territory of Texas, and the wishes of the people ascertained thereon.

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

Yeas—Messrs. Speaker, Bogart, Bryau, Burney, Clough, Cochran, Crump of A., Crump of B., Dickson, Fields, Franklin, Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, Lloyd, Lott, Pace, Polk, Reynolds, Runnels, Russell, Scott, Shaw, Shea, Shepard, Smith of S., Speights, Stapp, Sterne, Stewart, Tarrant, Taylor, Williams, Wilson, Winfield and Wren—38.

Nays—Messrs. Bee, Clements, Jowers, McKinney, Selman and Smith of R. R.—6.

So the resolution was laid on the table.

Mr. Fields introduced a bill making an appropriation to pay

balance due for printing the laws in the German language, and the report of the joint committee to investigate the offices of Treasurer and Comptroller; read first time.

Mr Franklin moved to take up Mr. Clements' resolution, instructing the committee on State Affairs to prepare a bill submitting to the people the subject of forming a new State out of the territory of Texas, in order to move its indefinite postponement; motion lost.

On motion, 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 incorporate the Colorado Navigation Company, was taken up and read third time.

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

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Clements, Cochran, Crump of B., Fields, Franklin, Gillet, Hardeman of T., Johnson, Lott, McKinney, Pace, Russell, Selmau, Shaw, Shea, Shepard, Smith of R. R., Smith of S., Stapp, Sterne, Stewart, Tarrant, Williams, Wilson and Winfield—30.

Nays—Messrs. Charlton, Crump, of A., Dickson, Hardeman of N., Jowers, Lloyd, Reynolds, Scott, Speights and Wren—10.

So the bill passed by a constitutional majority.

On motion of Mr. Tarrant, a bill defining the time of holding an election for the county seat of the county of Tarrant, and appointing a place for holding the courts for said county until the county seat is located, was taken up; read second time, and ordered to be engrossed; rule suspended bill read third time and passed.

On motion of Mr. Crump, a bill to incorporate the San Antonio Railroad Company, was taken up; read second time and ordered to be engrossed; rule suspended, read third time.

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

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Clements, Clough, Cochran, Crump of B., Dickson, Fields, Gillet, Hardeman of T., Holland, Lewis, Lott, McKinney, Pace, Russell, Selman, Shaw, Shea, Shepard, Smith of R. R., Smith of L., Stapp, Sterne, Stewart, Tarrant, Williams, Wilson, Winfield and Wren—34.

Nays—Messrs. Franklin, Hardeman of N., Jowers, Lloyd, Polk, Reynolds, Runnels and Taylor—8.

So the bill passed by a constitutional majority.

Mr. Holland offered the following resolution :

Resolved, That the House of Representatives will entertain no business of any kind whatever, until the Santa Fe matters are disposed of.

Resolution laid on the table one day for consideration.

A bill to organize the militia of the State and to suppress the insurrection existing in the counties of Worth and Santa Fe, was taken up.

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

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

Mr. Runnels offered the following amendment to the bill, which was laid on the table :

“ And further provided, that any proposition emanating from the Government of the United States shall be submitted to the people, for acceptance or rejection ; and that in the event such shall not be concurred in by the people of Texas, then and in that case, the Governor shall be required to submit to the General Government for their acceptance, the following, to wit: The boundary of Texas to begin where the parallel of 36 deg. 30 min. of north latitude intersects the 100 deg. of longitude west of Greenwich ; to run thence due west with said line to the 103 deg. of west longitude ; thence due south to the parallel of 35 deg. of north latitude ; thence due west to the Rio Grande, for the sum of ten millions of dollars.”

Mr. Dickson offered the following as a substitute for Mr. Runnels amendment :

Strike out after the word “ provided,” in 7th section, and insert: “ that the troops proposed to be raised by the provisions of this bill, shall in no event be marched to the counties of Worth and Santa Fe, until it becomes apparent to his Excellency, the Governor of the State, that no amicable arrangement can be made with the United States Government for the adjustment of the existing difficulty ; and provided further, that the government of the United States, does not admit the existence of a State government formed out of, nor establish a Territorial government within that portion of the State of Texas. And it shall be, and is hereby made the duty of his Excellency, the Governor, to submit to the people of the State, any and all propositions made for the purchase of any portion of the territory of Texas, for their acceptance or rejection, by proclamation, with the proposition annexed—at which election all persons competent and qualified to vote for

Representatives, shall be entitled to vote; and which election shall be conducted in all respects in conformity to the laws regulating elections generally throughout the State—duplicate copies of which shall be made out, and after being certified to by the Chief Justice, one shall be transmitted to the Secretary of State, and one delivered to the representative in the State Legislature of such county where the election may be held.”

Mr. Tarrant moved to lay the amendment of Mr. Runnels, together with the substitute offered by Mr. Dickson on the table; upon which motion the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Speaker, Bee, Clements, Clough, Crump of A., Crump of B., Franklin, Hardeman of N., Hardeman of T., Holland, Lewis, Lloyd, Reynolds, Russell, Selman, Shea, Shepard, Smith of S., Stapp, Stewart, Tarrant, Williams, Wilson, Winfield and Wren—25.

Nays—Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Fields, Gillet, Johnson, Jowers, Lott, McKinney, Pace, Polk, Runnels, Scott, Shaw, Smith of R. R., Speights, Sterne and Taylor—21.

So the motion was sustained.

Mr. Bryan moved to engross the bill.

Mr. Cochran offered the following amendment, to come in as an additional section :

Sec. 9. *Be it further enacted*, That should the United States at its present session, make to the State of Texas, a proposition to buy any portion of the territory belonging to this State, it shall be the duty of the Governor of this State to place the same before the legal voters of the State for their ratification or rejection, and should said proposition be ratified and accepted by the voters of this State, then and in that case, the army herein provided for shall not be raised.

Mr. Dickson moved to strike out the words “present session,” in second line.

Mr. Gillet moved to lay the amendment on the table.

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

The absent members appearing in the Hall, on motion of Mr. Taylor, a further call of the House was suspended.

The yeas and nays being called for on the motion of Mr. Gillet, to lay the amendment on the table, stood as follows :

Yeas—Messrs. Speaker, Bee, Bryan, Clements, Clough, Crump A., Crump of B., Franklin, Gillet, Hardeman of N., Hardeman of T., Holland, Lewis, Reynolds, Russell, Shea, Shepard, Smith of

S., Stapp, Stewart, Tarrant, Williams, Wilson, Winfield and Wren—25.

Nays—Messrs. Bogart, Burney, Charlton, Cochran, Dickson, Fields, Johnson, Jowers, Lloyd, Lott, McKinney, Pace, Polk, Runnels, Scott, Selman, Shaw, Smith of R. R., Speights, Sterne and Taylor—21.

So the motion was sustained.

Mr. Taylor moved to lay the bill on the table, and make it the special order for 4 o'clock p. m.; carried.

On motion of Mr. Runnels, the resolutions offered by himself, Mr. Dickson and Mr. Cochran, as amendments to the bill last under consideration, were taken from the table and referred to a select committee consisting of Messrs. Lewis, Williams and Bryan, with instructions to report a bill incorporating the principles contained therein, to-morrow.

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

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A bill, from the Senate, making an appropriation for the mileage and per diem pay of the members and officers of the extra session of the Legislature, etc., was, on motion of Mr. Dickson, taken up and read first time.

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

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

On motion, the Senate's bill making an appropriation of money for the erection of a fireproof landoffice, was taken up and read second time.

On motion of Mr. Fields, "15,000" was stricken out and 12,000 inserted.

Mr. Gillet offered the following amendment, which was adopted:

Strike out all of the first section after the word "necessary," in the fourth line, to the word "to" in the seventh line of same section, and insert "out of any money which may come into the Treasury from the sale of the lots belonging to the State, in the city of Austin."

Mr. Sterne moved to strike out "\$12,000;" carried.

Mr. McKinney moved to fill the blank with \$15,000; lost.

On motion of Mr. Sterne, the blank was filled with \$10,000.

Mr. Shepard offered the following amendment, which was adopted:

SEC. 5. *Be it further enacted*, That the Commissioner of the Landoffice be and he is hereby authorized to use any note or notes that may be hereafter given for the purchase of public lots in the city of Austin, in paying for the erection of the building contemplated: provided, said notes can be used at par.

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

A bill making appropriation to meet the current expenses of the State Penitentiary for the year 1850; read second time.

Mr. Taylor moved to recommit the bill to the Finance committee; lost.

Mr. Fields offered the following amendment:

Add at the end of first section the following: "for the support of the Penitentiary," and strike out section 2.

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

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

COMMITTEE ROOM, August 29, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed bills have examined an act to define the time for holding an election for the county seat of Tarrant, and appointing a place for holding the courts for said county until the county seat is located, and find the same correctly engrossed.

The bill to provide for the organization of the militia of the State, and to suppress the insurrection existing in the counties of Worth and Santa Fé, being the special order for four o'clock, was taken up.

Mr. Dickson offered the following amendment:

Strike out all after the word "provided," in the seventh section, and insert: That the troops proposed to be raised by the provisions of this bill, shall in no event be marched to the counties of Worth and Santa Fé until all efforts by honorable negotiation with the United States for the settlement of existing difficulties have failed and the American Congress determine to dismember the State of Texas, without the consent of her people and Government.

On motion, a call of the House was ordered, and the Sergeant at-Arms despatched for absentees.

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

The yeas and nays being called for on the adoption of Mr. Dickson's amendment, stood as follows :

Yeas—Messrs. Bee, Charlton, Dickson, Fields, Hardeman of Nacogdoches, Johnson, Jowers, M'Kinney, Pace, Polk, Scott, Selman, Smith of Red River, Speights, Sterne, Taylor, Williams and Wren—19.

Nays—Messrs. Speaker, Bryan, Burney, Clements, Clough, Cochran, Crump of Anstin, Crump of Bexar, Franklin, Gillet, Hardeman of Travis, Holland, Lloyd, Lott, Reynolds, Runnels, Russell, Shaw, Shea, Shepard, Smith of Shelby, Stapp, Stewart, Tarrant, Wilson and Winfield—26.

So the amendment was rejected.

Mr. Shepard moved to strike out the word "three" in the first section, fourth line, and insert one ; lost.

On motion of Mr. Stapp, the word "three" was stricken out, and two inserted.

Mr. Jowers moved to lay the bill on the table for the present, 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, Johnson, Jowers, M'Kinney, Pace, Polk, Russell, Scott, Selman, Shaw, Smith of Red River, Speights, Stapp, Sterne, Taylor and Wren—23.

Nays—Messrs. Bee, Bryan, Clements, Clough, Crump of Austin, Crump of Bexar, Franklin, Gillet, Hardeman of Travis, Holland, Lewis, Lloyd, Lott, Reynolds, Runnels, Shea, Shepard, Smith of Shelby, Stewart, Tarrant, Williams, Wilson and Winfield—23.

So the House refused to sustain the motion.

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

AUSTIN, August 30, 1850.

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

Absentees—Messrs. Bee, Franklin, Johnson, Lewis, Pace, Stapp and Stewart.

Mr. Franklin submitted the petition of James Campbell, pray-

ing for relief; referred to the committee on Private Land Claims.

Mr. Franklin submitted the petition of John R. Macmurdo, praying for the passage of a law, authorizing the proper officer to issue to him duplicate evidences of indebtedness, etc.; referred to the committee on the Public Debt.

Mr. Tarrant, chairman of the committee on Internal Improvements, made the following report:

COMMITTEE ROOM, August 29, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Internal Improvements, to whom was referred the bill to incorporate the Houston Navigation Company, have had the same under consideration, and have instructed me to report the bill back to the House without amendment, and respectfully recommend 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:

COMMITTEE ROOM, August 30, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined a joint resolution granting leave of absence to the Treasurer of the State, and find the same correctly engrossed.

Report received.

Mr. Lloyd, chairman of the committee on Roads, Bridges and Ferries, to whom was referred the petition of a large number of citizens of the counties of Nacogdoches and Cherokee, praying that a charter may be granted to James H. Durst, to construct a turnpike road, and erect bridges across the Angelina and through said river bottom, have had the same under consideration, and have instructed me to report: That a majority of the committee are well acquainted with the facts set forth in the petition—that one of the obstructions in the transportation of the mails from Eastern to Western Texas, is met with at the Angelina river, and the low lands adjoining it; and that it is utterly impossible for the few citizens compelled to work on said road, to keep it in order. Your committee have therefore drafted the accompanying bill for the consideration of the House, and respectfully recommend its passage.

A bill to incorporate the Angelina Bridge and Turnpike Company; read 1st time.

Mr. Williams, chairman of select committee, made the following report:

COMMITTEE ROOM, August 30, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The special committee to whom was referred the subject of submitting any propositions that may be made by the General Government of the United States for the purchase of a portion of the north-western territory of this State, as also, the subject of making a proposition for the cession of a portion of said territory, have had the same under consideration, and instruct me to report the bills herewith.

The committee deem it inexpedient to couple the matters referred to in one and the same bill, for the reason that the propositions are separate and distinct, and the sense of the House can be more fully determined by two bills than by one.

A bill requiring the Governor of this State to submit any proposition that may be made by the Government of the United States to the State of Texas for the purchase of a portion of her north-western territory, to the people; read first time.

A bill to sell a portion of Texas; read first time.

Mr. Wren moved to suspend the rule, in order to take up the bill just reported by the select committee—requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas for the purchase of a portion of her territory, to the people.

Lost.

Mr. Franklin introduced a bill to change an appropriation therein named, for the contingent expenses of the Extra Session of the Legislature for the year 1850; read first time.

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

ORDERS OF THE DAY.

On motion of Mr. Holland, the resolution declaring that the House would entertain no business of any kind, until the Santa Fe matters were disposed of, was taken up and read second time.

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

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Cle-

ments, Cochran, Jowers, Lewis, Lloyd, Lott, Polk, Scott, Selman, Shepard, Smith of S., Sterne, Tarrant, Williams, Winfield and Wren—21.

Nays—Messrs. Charlton, Clough, Crump of A., Crump of B., Dickson, Franklin, Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, McKinney, Pace, Reynolds, Runnels, Russell, Shaw, Shea, Smith of R. R., Speights, Stewart, Taylor and Wilson—23.

So the House refused to lay the resolution on the table.

Mr. Williams moved to amend, by adding "and such other business as may be recommended by the Governor, and passed by the Senate."

Adopted.

Mr. Smith of R. R., moved the rejection of the resolution.

Carried.

A message was received from the Senate, through their Secretary Mr. Raymond, informing the House that the Senate had passed a bill to define the time of holding the courts in the third judicial district, originating in the House of Representatives; also an act to repeal the third and fourth sections of an act entitled an act to incorporate the town of Jefferson, approved March the 20th, 1848, and a joint resolution to adjourn *sine die* on Tuesday the third day of September next.

A bill to organize the militia of the State, and to suppress the insurrection existing in the counties of Worth and Santa Fe.

Mr. Taylor offered the following amendment, as a substitute for fourth section: Be it further enacted, That the said volunteers shall each receive for their services, twelve hundred and eighty acres of land.

Amendment rejected.

Mr. Tarrant moved the engrossment of the bill, upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Clements, Clough, Cochran, Crump of A., Crump of B., Franklin, Gillet, Hardeman of T., Holland, Jowers, Lewis, Lott, Lloyd, Reynolds, Runnels, Russell, Shaw, Shea, Shepard, Smith of S., Stapp, Sterne, Stewart, Tarrant, Williams, Wilson and Winfield—32.

Nays—Messrs. Charlton, Dickson, Fields, Hardeman of N., Johnson, McKinney, Pace, Polk, Scott, Selman, Smith of R. R., Speights, Taylor and Wren—14.

So the bill was ordered to be engrossed.

On motion of Mr. Runnels, the bill requiring the Governor of the State to submit any proposition that may be made by the

Government of the United States to the State of Texas for the purchase of a portion of her north-western territory, to the people, was taken up, and read second time.

Mr. Gillet offered the following amendment: Strike out the words "directed to the Speaker of the House of Representatives," in second section, twelfth line.

After the word "Legislature" in fourth section, fourth line, insert "provided, however, that if the returns of said election as forwarded to the Secretary of State, should show a majority of votes against the proposition, then it shall be the duty of the Governor to notify the Executive of the United States that the proposition is rejected."

Amendment rejected.

Mr. Tarrant moved to engross the bill.

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

The absent members appearing in the Hall, on motion, a further call of the House was suspended.

The question being upon the motion of Mr. Tarrant, to engross the bill, the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Charlton, Clements, Cochran, Crump of A., Dickson, Fields, Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Pace, Polk, Reynolds, Rannels, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of R. R., Smith of S., Speights, Stapp, Sterne, Stewart, Tarrant, Taylor, Williams, Winfield and Wren—42.

Nays—Messrs. Crump of B., Franklin and Wilson—3.

So the bill was ordered to be engrossed.

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

3 o'clock, P. M.

House met—roll called—quorum present.

On motion of Mr. Clough, the resolution of the Senate, to adjourn *sine die* on Tuesday the third of September next, was taken up and read first time.

Mr. Tarrant moved to lay the resolution on the table until 10 o'clock on Tuesday next; on which the yeas and nays were called and stood as follows:

Yeas—Messrs. Bogart, Bryan, Burney, Cochran, Fields, Franklin, Holland, Jowers, Lloyd, Lott, McKinney, Pace, Polk,

Reynolds, Russell, Selman, Shaw, Shea, Smith of S., Sterne, Tarrant, Williams and Wren—23.

Nays—Messrs. Speaker, Charlton, Clough, Crump of A., Dickson, Hardeman of N., Hardeman of T., Johnson, Runnels, Scott, Smith of R. R., Speights, Stewart, Taylor and Wilson—15.

So the motion was sustained.

On motion of Mr. Tarrant, the vote passing the bill making an appropriation for the per diem pay and mileage of the members and officers of the Legislature at the extra session convened the 12th of August, 1850, was reconsidered; and the Chief Clerk instructed to request of the Hon. Senate, that the bill be returned to the House of Representatives.

Mr. Franklin introduced a bill to create a Board of Land Commissioners for the counties of Santa Fe and Worth; read first time.

A joint resolution requiring the Governor to demand of the General Government, the immediate removal of all Indians beyond the limits of the State; read second time and ordered to be engrossed—rule further suspended—bill read third time and passed.

A message was received from the Senate, informing the House that the Senate had passed a bill to change the names of Helen Bass and Clara Bass, to that of Helen Menard and Clara Menard, in which all rules had been suspended, and a like suspension requested on the part of the House.

On motion of Mr. McKinney, the bill to change the names of Helen Bass, Clara Bass, etc., just reported from the Senate, was taken up, and read first time—rule suspended—read second time and passed to third reading—rule further suspended—read third time and passed.

A joint resolution designating a line of posts on the frontier of Texas, read second time and ordered to be engrossed—rule suspended—read third time and passed.

The Senate's bill, to authorize the qualified electors of the town of San Augustine to elect corporation officers for the same, read first time—rule suspended—read second time.

Mr. Polk offered the following amendment: after the word "next" in seventh line, insert "and annually thereafter, according to the provisions of the third section of the act to incorporate the town of San Augustine; and in case no election shall be had, at the time specified, then at as early a period thereafter as practicable." Adopted.

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

On motion of Mr. Clements, the Senate bill to repeal an act entitled an act to incorporate Rio Grande City, approved January 10, 1850, was taken up and read first time—rule suspended—read second time and passed to third reading—rule further suspended—bill read third time and passed.

A bill legalizing the organization of the Buffalo Bayou, Brazos and Colorado Rail Road Company; read second time and ordered to be engrossed—rule suspended—bill read third time and passed.

On motion of Mr. Lloyd, a bill to amend an act entitled an act to organize the Supreme Court of the State of Texas, was taken up and read second time.

Mr. Hardeman of Travis, offered the following amendment, which was adopted :

“SEC. 4. Be it further enacted, That all suits in which the State is a party, shall be tried at the seat of Government.”

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

On motion of Mr. Charlton, Messrs. Hardeman of N., and Polk, were excused from attendance on the House this evening.

On motion, Mr. Crump of Bexar was excused from attendance on the House this evening.

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

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

Mr. Smith of R. R., one of the committee on the Judiciary, made the following report :

COMMITTEE ROOM, Aug. 30, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on the Judiciary, to whom was referred an act to amend an act to incorporate the City of Austin, passed May 11th, 1846, have had the same under consideration, and instruct me to report the accompanying substitute, and recommend its passage.

Read first time—rule suspended—read second time, and substitute adopted.

Mr. Franklin offered the following amendment, to come in after the word “real” in last line first section : “provided, that the revenue so collected, shall be applied to no other purpose than that of the cleansing and improvement of the streets, side-walks, alleys, etc.”

Adopted.

Mr. Franklin moved to amend, by inserting at the end of the foregoing amendment, “and the roads leading to the city, to the

distance of six miles from the city ;” which, after some remarks by several gentlemen, was withdrawn.

On motion, the bill was ordered to be engrossed.

On motion of Mr. Hardeman of T., rule suspended—bill read third time and passed.

On motion of Mr. Holland, a bill to amend an act regulating estrays, was taken up, read second time and laid on the table.

The Speaker announced that he had received a communication from the Comptroller of Public Accounts, which on motion, was taken up and read as follows :

* * See Appendix.

On motion of Mr. Bryan, a bill to provide for the organization of the militia of the State of Texas, etc., was taken up and read third time.

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

A message was received from the Senate, through their Secretary, Mr. Raymond, returning, in accordance with the request of the House, the bill making appropriation for the mileage and per diem pay of the officers and members of the extra session of the Legislature convened on the 12th of August, 1850.

Mr. Franklin moved to suspend the rule, in order to take up the bill to create a Board of Land Commissioners in the counties of Santa Fe and Worth, upon which the yeas and nays were called for and stood as follows :

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Clements, Cochran, Crump of A., Franklin, Gillet, Hardeman of T., Holland, Lewis, Lloyd, Lott, McKinney, Pace, Reynolds, Russell, Shaw, Shea, Shepard, Smith of S., Speights, Stapp, Stewart, Tarrant, Taylor, Wilson and Winfield—29.

Nays—Messrs. Charlton, Dickson, Fields, Hardeman of N., Johnson, Jowers, Scott, Smith of R. R., Sterne and Wren—10.

So the motion was lost.

Mr. Winfield moved to adjourn until 9 o'clock to-morrow morning. Lost.

On motion of Mr. Dickson, a bill to provide for the assessing and collecting the direct tax for special purposes, imposed by the act passed at the Special Session of the Legislature of Texas, etc., was taken up and read first time.

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

Yeas—Messrs. Bee, Bryan, Charlton, Crump of A., Dickson, Fields, Franklin, Gillet, Hardeman of T., Holland, Lewis, Lloyd,

Lott, Reynolds, Russell, Shepard, Smith of S., Stapp, Stewart, Tarrant, Taylor, Williams, Wilson and Wren—24.

Nays—Messrs. Speaker, Bogart, Burney, Clements, Clough, Cochran, Hardeman of N., Johnson, Jowers, McKinney, Pace, Scott, Selman, Shaw, Smith of R. R., Speights, Sterne and Winfield—18.

So the motion was lost.

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

AUSTIN, August 31, 1850.

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

Absentees—Messrs. Bee, Clough, Crump of Bexar, Lewis, Pace and Shea.

Journal of yesterday read and adopted.

Mr. Holland submitted the petition of Aquilla Brinkley, praying for relief; referred to the committee on Private Land Claims.

Mr. Tarrant submitted the petition of sundry citizens of Henderson county, praying that a certain portion of Henderson county be attached to the county of Kaufman; referred to the committee on Counties and County Boundaries.

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

COMMITTEE ROOM, August 31, 1850.

To the HON. CHARLES G. KEENAN,

Speaker of the House of Representatives:

The committee on Education have examined a bill to be entitled an act to incorporate the Shelby University, and find no objection to the same.

Report and bill laid upon 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 received:

COMMITTEE ROOM, August 31, 1850.

To the HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined an act to incorporate the San Antonio Rail Road Company; also, a bill for

the organization of the militia of the State and to suppress the insurrection existing in the counties of Worth and Santa Fé ; and find the same correctly engrossed.

Mr. Tarrant introduced a joint resolution for the relief of James O. Rice ; read first time.

Mr. Tarrant introduced a resolution, as follows, which was adopted :

Resolved, That the committee on the Judiciary be requested to report upon a bill referred to that committee, entitled an act to authorize the clerk of the county court of Navarro county to transcribe certain records therein named, on Monday the 2d of September next.

Mr. Sterne introduced a bill to be entitled an act to authorize the city of Nacogdoches to elect corporation officers ; read first time.

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

ORDERS OF THE DAY.

A joint resolution granting leave of absence to the State Treasurer ; read third time.

Mr. Stapp moved to lay the resolution on the table ; lost.

The question recurring on the final passage of the resolution, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Speaker, Bee, Bryan, Charlton, Clements, Clough, Cochran, Crump of Austin, Dickson, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Lott, McKinney, Pace, Russell, Scott, Shaw, Smith of Shelby, Sterne, Stewart, Tarrant Taylor, Williams, Wilson and Winfield—26.

Nays—Messrs. Bogart, Fields, Franklin, Johnson, Jowers, Lloyd, Reynolds, Selman, Shea, Shepard, Smith of Red River, Speights, Stapp and Wren—14.

So the resolution passed.

A bill to organize the militia of the State, and to suppress the insurrection in the counties of Worth and Santa Fé ; read third time.

Mr. Fields moved to lay the bill on the table, and make it the special order of the day for ten o'clock on Tuesday next.

A call of the House was ordered, and the Sergeant-at-arms despatched for absent members.

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

The question being on Mr. Fields' motion to postpone the bill

until Tuesday next, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Bogart, Charlton, Cochran, Fields, Hardeman of Nacogdoches, Johnson, Jowers, M'Kinney, Pace, Polk, Scott, Selman, Shaw, Speights, Sterne and Wren—17.

Nays—Messrs. Speaker, Bryan, Burney, Clements, Clough, Crump of Austin, Dickson, Franklin, Gillet, Hardeman of Travis, Holland, Lloyd, Lott, Reynolds, Russell, Shea, Shepard, Smith of Red River, Smith of Shelby, Stapp, Stewart, Tarrant, Taylor, Williams, Wilson and Winfield—26.

So the motion was rejected.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill making an appropriation for the building of a fire-proof landoffice, originating in the House of Representatives, with an amendment.

The bill to provide for the organization of the militia, etc , being still under consideration,

Mr. Clements moved to lay the bill on the table until 4 o'clock, p. m., upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Bee, Bogart, Burney, Charlton, Clements, Cochran, Fields, Hardeman of Nacogdoches, Johnson, Jowers, Lott, McKinney, Pace, Polk, Scott, Selman, Shaw, Smith of Red River, Speights, Sterne and Wren—21.

Nays—Messrs. Speaker, Bryan, Clough, Crump of Austin, Dickson, Franklin, Gillet, Hardeman of Travis, Holland, Lloyd, Reynolds, Russell, Shea, Shepard, Smith of Shelby, Stapp, Stewart, Tarrant, Taylor, Williams, Wilson and Winfield—22.

So the motion was lost.

The question then recurring on the final passage of the bill, the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Clough, Cochran, Crump of Austin, Franklin, Gillet, Hardeman of Travis, Holland, Jowers, Lewis, Lloyd, Lott, Reynolds, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Shelby, Stapp, Stewart, Tarrant, Williams, Wilson and Winfield—29.

Nays—Messrs. Bee, Charlton, Clements, Dickson, Fields, Hardeman of Nacogdoches, Johnson, McKinney, Pace, Polk, Smith of Red River, Speights, Sterne, Taylor and Wren—15.

So the bill passed.

On motion, the bill making an appropriation for the erection of a fireproof landoffice, with an amendment by the Senate, was taken up, and the amendment of the Senate concurred in.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill for the relief of James Hall, administrator of Richard Hall, deceased, in which all rules had been suspended; a bill making an appropriation for the construction of the Penitentiary; a bill supplementary to an act to secure to all actual settlers within the limits of Peters' colony, the lands to which they are entitled as colonists; and a bill to authorize the sale of Austin City lots and the tract adjoining.

On motion of Mr. Taylor, a bill to levy and collect a direct tax for special purposes, was taken up and read first time.

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

Mr. Franklin moved to fill the blank with 100 per cent.

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

Mr. Bogart moved to suspend the call; lost.

Mr. Stapp moved to adjourn till 3 o'clock p. m.

The Chair decided the motion out of order.

Mr. Taylor moved to suspend a further call of the House; lost.

On motion of Mr. Lott, Mr. Crump of Bexar was excused from attendance on the House.

Mr. Johnson moved to suspend a further call of the House; lost.

A motion was made to adjourn, and decided out of order.

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

The question being on Mr. Franklin's amendment to fill the blank with one hundred per cent., the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Bee, Bryan, Clements, Clough, Franklin, Gillet, Hardeman of T., Holland, Johnson, Lewis, Lott, McKinney, Reynolds, Runnels, Russell, Shaw, Shepard, Smith of S., Stapp, Stewart, Tarrant, Williams, Wilson and Winfield—24.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Crump of A., Dickson, Fields, Hardeman of N., Jowers, Lloyd, Pace, Polk, Scott, Selman, Smith of R. R., Speights, Sterne, Taylor and Wren—20.

So the motion was carried.

Mr. Taylor moved to strike out the second section.

Mr. Shepard offered the following as a substitute for Mr. Taylor's amendment, which was accepted by Mr. Taylor: "provided that said tax shall not be assessed or collected if a proposition is made by the Government of the United States, before the first day of March next, to purchase a portion of our territory, until that proposition is passed upon by the people of Texas; and, provided

further, that said tax shall not be assessed or collected at all, if said proposition is accepted by the people ;" substitute adopted.

Mr. Lott moved that the House adjourn until 3 o'clock p. m. ; lost.

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

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Clements, Clough, Cochran, Franklin, Gillet, Hardeman of T., Holland, Johnson, Jowers, Lewis, Lloyd, Lott, Reynolds, Runnels, Russell, Scott, Selman, Shepard, Smith of S., Stapp, Stewart, Tarrant, Williams, Wilson and Winfield—30.

Nays—Messrs. Charlton, Crump of A., Dickson, Fields, Hardeman of N., McKinney, Pace, Polk, Shaw, Smith of R. R., Speights, Sterne, Taylor and Wren—14.

So the bill was ordered to be engrossed.

Mr. Sterne moved to adjourn until 4 o'clock, p. m. ; lost.

Mr. Holland moved that the rule be further suspended, in order that the bill might be placed upon its third and final reading ; upon which the yeas and nays were called for, and stood thus :

Yeas—Messrs. Bee, Bryan, Clements, Crump of A., Franklin, Gillet, Hardeman of T., Holland, Reynolds, Russell, Shepard, Smith of S., Stapp, Stewart, Tarrant, Taylor, Wilson and Winfield—18.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Clough, Cochran, Dickson, Fields, Hardeman of N., Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Pace, Polk, Runnels, Scott, Selman, Shaw, Smith of R. R., Speights, Sterne, Williams and Wren—26.

So the motion to suspend the rules was lost.

On motion of Mr. Clements, the bill to create a board of land commissioners for the counties of Worth and Santa Fe was taken up, and made the special order of the day for 3 o'clock, p. m.

On motion, the House adjourned until 3 o'clock p. m.

Three o'clock, p. m.

House met pursuant to adjournment—roll called—no quorum present—Sergeant-at-arms despatched for absent members—absent members appearing in the Hall—quorum present.

A bill to create a board of land commissioners for the counties of Worth and Santa Fe, being the special order for this hour, was read second time.

Mr. Bryan, one of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, August 31, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined and find correctly enrolled, a bill entitled an act to change the names of Helen Bass and Clara Bass, to that of Helen Menard and Clara Menard on certain conditions—which originated in the Senate—and has this day been presented to the Speaker of the House, President of the Senate, and to his Excellency, for their signatures.

On motion of Mr. Wren, the bill creating a board of land commissioners for the counties of Worth and Santa Fe, was laid on the table for the present.

On motion, the bill making an appropriation for the per diem pay and mileage of the members and officers of the Legislature, at the extra session, convened on the 12th of August, 1850, was taken up.

On motion, the vote passing the bill, was reconsidered.

Mr. Taylor offered the following amendment : after the word "per diem" in the 8th line, 1st section, strike out the words "as members at the" and insert, "pay as the officers and members received at the 1st session of the 3d Legislature for this;" upon which the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Cochran, Crump of A., Franklin, Hardeman of T., Holland, Johnson, Jowers, Lott, McKinney, Pace, Polk, Reynolds, Runnels, Scott, Shaw, Smith of R. R., Smith of S., Sterne, Stewart, Tarrant, Taylor, Williams, Wilson and Winfield—29.

Nays—Messrs. Charlton, Dickson, Fields, Gillet, Hardeman of N., Lloyd, Stapp, and Wren—8.

So the amendment was adopted.

On motion of Mr. Dickson, the rule requiring bills to be read on three several days, was suspended : bill read third time and passed.

Mr. Burney, chairman of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, August 31, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Enrolled Bills, have examined the act to define the time of holding the courts in the third judicial district, 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 presented to his Excellency, the Governor of the State, for his approval.

On motion of Mr. Taylor, a bill to be entitled an act, requiring the Governor to submit any proposition made by the General Government for the purchase of the north-western territory to the voters of this State, just reported from the Senate, was taken up and read first time; rule suspended, bill read second time.

Mr. Gillet offered the following amendment: in 5th line, 4th section, strike out the words, "it shall be the duty of," and insert in the 6th line of said section, after the word "Governor," the following: "be and he is hereby requested," upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Speaker, Bryan, Burney, Crump of A., Fields, Franklin, Gillet, Hardeman of T., Holland, Lloyd, McKinney, Pace, Polk, Runnels, Selman, Shaw, Smith of S., Stapp, Sterne, Tarrant, Williams, Wilson, Winfield and Wren--24.

Nays--Messrs. Bogart, Charlton, Clough, Cochran, Dickson, Hardeman of N., Johnson, Jowers, Lott, Scott, Smith of R. R., Speights, Stewart and Taylor--14.

So the amendment was adopted.

On motion, rule further suspended, bill read third time, and the yeas and nays being called for on its final passage, stood thus:

Yeas--Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Crump of A., Dickson, Fields, Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, Jowers, Lloyd, Lott, McKinney, Pace, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shepard, Smith of R. R., Smith of S., Speights, Stapp, Sterne, Stewart, Taylor, Williams, Winfield and Wren---37.

Nays---Messrs. Clough, Franklin and Wilson---3.

So the bill passed.

A message was received from the Senate through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to incorporate the Colorado Navigation Company, with an amendment; and also, a joint resolution for the relief of the heirs of Louis P. Cooke, deceased; in which all rules had been suspended.

On motion, the bill to incorporate the Colorado Navigation Company was taken up, and the amendment of the Senate concurred in.

On motion, a bill to authorize and require county courts to issue unconditional certificates in certain cases, with amendments of the Senate, was taken up, and amendments concurred in.

On motion, a bill to create a board of land commissioners for

the counties of Santa Fé and Worth was taken up, and read section by section.

Mr. McKinney offered the following amendment to the first section, to come in after the word "individuals," fourth line: "at least two of whom shall understand the Spanish language;" adopted.

Mr. Franklin moved to strike out "the 19th December, 1836," and insert "14th November, 1835," in third section; carried.

On motion of Mr. McKinney, the 4th section was stricken out.

Mr. Wren offered a substitute for the bill.

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

Yeas—Messrs. Burney, Charlton, Hardeman of Nacogdoches, Johnson, Jowers, Lloyd, Lott, Pace, Polk, Runnels, Selman, Shaw, Shepard, Speights, Sterne, Taylor and Wren—16.

Nays—Messrs. Bee, Bogart, Bryan, Clements, Clough, Cochran, Crump of Austin, Fields, Franklin, Gillet, McKinney, Russell, Scott, Smith of Shelby, Stapp, Stewart, Tarrant, Williams, Wilson and Winfield—21.

So the substitute was rejected.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill, to incorporate the First Presbyterian Church, in Houston.

Mr. Fields offered the following additional section to the bill under consideration, which was adopted:

SEC. 15. *Be it further enacted*, That said commissioners shall not be appointed until the first day of March, 1851.

Mr. McKinney moved to strike out the word "reside" wherever it occurs; carried.

Mr. Lloyd moved a further suspension of the rule, that the bill might be placed on its third and final reading.

A call of the House was ordered.

On motion, the call was suspended.

On motion, the bill was laid on the table till Monday next.

On motion of Mr. Bogart, a bill supplementary to an act to secure to all actual settlers within the limits of Peters' colony the lands to which they are entitled as colonists, from the Senate: read first time; rule suspended, read second time.

Mr. Scott offered the following amendment:

Strike out in fourth and fifth lines, first section, the words "otherwise appropriated," and insert within the alternate sections "reserved by the contract."

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

AUSTIN, September 2, 1850.

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

Absentees : Messrs. Bee, Clough, Johnson, Reynolds, Runnels, Shepard, Tarrant and Winfield.

Journal of Saturday read and adopted.

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

COMMITTEE ROOM, Sept. 2, 1850.

HON. CHARLES G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill to be entitled an act requiring the Governor to submit any proposition made by the General Government for the purchase of the north-western territory, to the voters of the State ; also, a joint resolution requiring the Governor to demand of the General Government the removal of all Indians from territory belonging to this State ; also, an act to amend an act to incorporate the city of Austin, passed May 15, 1846 ; also, a joint resolution designating a line of posts on the frontier of Texas ; also, an act legalizing the organization of the Buffalo Bayou, Brazos and Colorado Rail Road Company ; and find the same correctly engrossed.

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

COMMITTEE ROOM, Sept. 2, 1850.

To the HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined an act to incorporate the Colorado Navigation Company, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President pro tem. of the Senate, was this day transmitted to His Excellency the Governor of the State for his approval.

Mr. Wren introduced the following resolution :

Resolved by the House of Representatives, That the number of copies of the several newspapers subscribed for by the House continue to be taken and sent to members until the entire debates and journals shall have been published : provided, the time shall not exceed two weeks from and after the adjournment.

On motion of Mr. Fields, all that portion of the resolution after the word " published " in fourth line, was stricken out.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill supplementary to an act to perfect the land titles in Castro's colony, approved January 22, 1850, with an amendment; a bill to define the time of holding an election for the county seat of the county of Tarrant, and appointing a place for holding the courts for said county until the county seat is located; also, a bill to authorize the people of Falls county to locate the county seat of said county, originating in the Senate, on which all rules had been suspended; also, a bill for the relief of David Andrews, originating in the Senate; also, a bill to be entitled an act to change the names of certain persons therein named; and, also, that the Senate had appointed a committee, consisting of Messrs. Van Derlip, McRae, Portis and Burleson, to confer with Gen. G. M. Brooke, upon the subject of establishing a line of posts on the frontier of Texas, and requested the appointment of a like committee on the part of the House.

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

ORDERS OF THE DAY.

A bill supplementary to an act to secure to all actual settlers within the limits of Peters' colony the lands to which they are entitled as colonists.

Mr. Scott's amendment to the bill being under consideration,

Mr. McKinney offered the following as a substitute for Mr. Scott's amendment, which was accepted:

SEC. 2. *Be it further enacted*, That in all cases where the conditions of the contract have been complied with, and there exists no disagreement between the colonists and contractors, the commissioner of the General Landoffice shall issue patents to the parties for the amount of land to which they are respectively entitled under the provisions of the contract: provided, that in no case shall patents issue to the alternate sections reserved by said contract, or any portion thereof: and further provided, that the provisions of this act, reserving the alternate sections, shall not be so construed as to prevent patents from issuing to parties who had settled on said sections prior to the contract of Peters and his associates with the Republic of Texas, and have not heretofore acknowledged themselves as colonists of said colony.

Mr. Lewis moved to refer the bill to the Judiciary committee, upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Speaker, Bryan, Crump of Austin, Crump of

Bexar, Hardeman of Nacogdoches, Hardeman of Travis, Lewis, M'Kinney, Polk, Reynolds, Russell, Scott, Shaw, Shea, Shepard, Smith of Shelby, Speights and Stapp—18.

Nays—Messrs. Bee, Bogart, Burney, Charlton, Clements, Cochran, Dickson, Franklin, Holland, Johnson, Jowers, Lloyd, Lott, Pace, Selman, Sterne, Stewart, Tarrant, Taylor, Williams, Wilson and Wren—23.

So the motion was lost.

Mr. Shepard moved to refer the bill to a special committee ; lost.

Mr. Franklin offered the following as a substitute for Mr. McKinney's amendment :

SEC. 2. *Be it further enacted*, That any certificate which has been or may be issued contrary to the intent and meaning of said act, to which this is supplementary, and each and every survey, which has been or may be made in virtue of such certificate, and each and every patent which may be issued in virtue thereof, and every sale and transfer of said unauthorized certificates, and of the land located under the same, is, and shall be, null and void.

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

Yeas—Messrs. Bee, Bogart, Bryan, Burney, Clements, Clough, Cochran, Crump of Bexar, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Jowers, Lewis, Lloyd, Lott, Pace, Polk, Selman, Shaw, Shepard, Smith of Red River, Smith of Shelby, Sterne, Tarrant, Williams and Wren—26.

Nays—Messrs. Charlton, Dickson, Johnson, McKinney, Reynolds, Russell, Scott, Shea, Speights, Stapp, Stewart and Taylor—12.

So the substitute was adopted.

Mr. Bogart moved to suspend the rule requiring bills to be read on three several days, in order to place the bill on its third and final reading, upon which the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Bee, Bogart, Burney, Clements, Cochran, Crump of Bexar, Franklin, Hardeman of Travis, Johnson, Jowers, Lloyd, Lott, Pace, Selman, Shepard, Smith of Red River, Smith of Shelby, Sterne, Tarrant, Taylor, Williams and Wren—22.

Nays—Messrs. Bryan, Charlton, Clough, Dickson, Hardeman of Nacogdoches, Lewis, McKinney, Polk, Reynolds, Russell, Scott, Shaw, Shea, Speights, Stapp, Stewart and Wilson—17.

So the House refused to suspend the rule.

A message was received from the Senate, through their Secre-

tary, Mr. Raymond, informing the House that the Senate had concurred in the amendment of the House to a bill to authorize the qualified electors of the town of San Augustine to elect corporation officers; and that they had passed a bill to incorporate the San Antonio Rail Road Company; and also, that the Senate refused to concur in the amendment of the House to a bill requiring the Governor to submit any proposition that may be made by the Government of the United States for the purchase of any portion of her north-western territory, to the people, which amendment was, to strike out in 4th section, 5th line, the words "it shall be the duty of," and insert in 6th line of said section, after the word Governor, "be and he is hereby requested."

On motion of Mr. Tarrant, a joint resolution for the relief of the heirs of Louis P. Cooke, was taken up and read first time; rule suspended, and bill read second time; rule further suspended, bill read third time and passed.

On motion of Mr. Burney, the Senate's bill to authorize the sale of Austin city lots and reserved tract adjoining, was taken up and read first time; rule suspended, bill read second time.

Mr. Burney offered the following amendment: strike out the word "claimed" in 19th line, first section, and insert, "belonging to;" adopted.

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

On motion of Mr. Selman, a bill to be entitled an act to incorporate the Angelina Bridge and Turnpike Company, was taken up and read second time; rule suspended, bill read third time.

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

Yeas—Messrs. Speaker, Bogart, Burney, Charlton, Clements, Clough, Cochran, Crump of Austin, Dickson, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Jowers, Lloyd, Lott, McKinney, Pace, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of Shelby, Smith of Red River, Speights, Sterne, Stewart, Taylor, Williams, Wilson, Winfield and Wren—35.

Nays—None.

So the bill passed by a constitutional majority.

Mr. Wilson asked leave of absence during the remainder of the session, which was granted.

Mr. Gillet moved that the House adjourn until 9½ o'clock, tomorrow morning, upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Bryan, Gillet, Jowers and Stapp—4.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Clements, Clough, Cochran, Crump of Austin, Dickson, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Lloyd, Lott, McKinney, Pace, Polk, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of R. R., Smith of S., Speights, Sterne, Stewart, Taylor, Williams, Wilson, Winfield and Wren—35. So the House refused to adjourn.

Mr. Lloyd moved to take up a bill to amend an act to organize the Supreme Court of the State of Texas, upon which the yeas and nays were called for, and stood as follows :

Yeas—Messrs. Bogart, Clough, Cochran, Hardeman of N, Holland, Johnson, Jowers, Lloyd, Lott, Polk, Scott, Selman, Smith of R. R., Smith of S., Sterne, Taylor, Williams, Winfield and Wren—19.

Nays—Messrs. Speaker, Bryan, Burney, Charlton, Clements, Crump of A., Dickson, Fields, Franklin, Gillet, Hardeman of T., McKinney, Pace, Russell, Shaw, Shea, Shepard, Stapp, Stewart and Wilson—20.

So the House refused to take up the bill.

On motion of Mr. Russell, a bill requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of any portion of the north-western territory, to the people, was taken up, with the amendment of the House which the Senate refused to concur in.

Mr. Franklin moved to lay the bill on the table until to-morrow, upon which the yeas and nays were called, and stood as follows :

Yeas—Messrs. Bryan, Clough, Crump of B., Fields, Franklin, Gillet, Hardeman of T., McKinney, Shea, Smith of S., and Wilson—11.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Clements, Cochran, Crump of A., Dickson, Hardeman of N., Holland, Johnson, Jowers, Lloyd, Lott, Pace, Polk, Russell, Scott, Selman, Shaw, Shepard, Smith of R. R., Speights, Stapp, Sterne, Stewart, Taylor, Williams and Wren—29.

So the House refused to sustain the motion to lay on the table.

The question being, will the House recede from its amendment, was put and carried.

On motion of Mr. Jowers, the House adjourned until 4 o'clock, p. m.

Four o'clock, p. m.

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

On motion of Mr. Taylor, a bill, from the Senate, to repeal in part, the 3d and 4th sections of an act entitled an act to incorporate the town of Jefferson, approved March 20th, 1848, was taken up, and read first time; rule suspended, read second time; rule further suspended, bill read third time and passed.

On motion of Mr. Johnson, a bill to incorporate the Sulphur Fork Navigation Company, was taken up and read second time; rule suspended, read third time, and passed by a constitutional majority, 32 yeas, 1 nay.

Mr. Burney, chairman of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Sept. 2, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Enrolled Bills, have examined an act to authorize the qualified electors of the town of San Augustine, to elect corporation officers for the same; also, an act to define the time for holding an election for the county seat of the county of Tarrant, and appointing a place for holding the courts for said county until the county seat is located, and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives, and President pro tem. of the Senate, was this day transmitted to his Excellency, the Governor of the State, for his approval.

A bill entitled an act to incorporate the Trinity Plank Road Company, with amendments from the Senate, was taken up; and amendments concurred in.

Mr. Tarrant, chairman of the committee on Internal Improvements, made the following report :

COMMITTEE ROOM, Sept. 2, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Internal Improvements, to whom was referred a bill entitled an act to incorporate the Anahuac Canalizing and Railroad Company, have had the same under consideration, and instructed me to report the same back to the House without amendment, and recommend its passage.

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

A bill to change an appropriation therein named, and appropriating the same for the contingent expenses of the extra session of the Legislature for the year 1850 : read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

A bill to create a board of land commissioners for the counties of Worth and Santa Fe, was taken up ; read third time, and laid on the table.

A call of the House was ordered.

On motion, the call was suspended.

A message was received from the Senate informing the House, that the Senate had passed a bill requesting an increase in the mail service from Austin to Clarksville ; also, an act to amend an act entitled an act to incorporate the city of Austin, originating in the House of Representatives ; and a bill for the relief of Jacob Shannon, administrator of Daniel Walker, deceased ; and a bill prescribing the time for holding the courts in the 11th judicial district.

On motion of Mr. Franklin, a bill to incorporate the Anahuac Canaling and Railroad Company, was taken up and read first time ; rule suspended, read second time ; rule further suspended, bill read third time, and passed by a constitutional majority.

A message was received from the Senate informing the House, that the Senate had passed a bill to change the time of holding the courts in the 8th judicial district ; a bill legalizing the organization of the Buffalo Bayou, Brazos and Colorado Railroad Company, originating in the House of Representatives ; also, a bill supplementary to an act entitled an act to reduce into one act, and to amend the several acts relating to the establishment of a General Land Office, passed December 14th, 1837.

An act making an appropriation for the construction of the Penitentiary, etc., was taken up and read first time ; rule suspended bill read second time ; on motion, rule further suspended, bill read third time and passed.

A message was received from the Senate informing the House, that the Senate had passed a bill to prohibit Assessors and Collectors of taxes, from exercising official functions before they are duly qualified, originating in the Senate ; in which all rules had been suspended, and a like suspension requested on the part of the House.

A bill to be entitled an act making an appropriation to pay balance due for printing the laws in the German language, and the report of the joint committee to investigate the offices of Treas-

urer and Comptroller; read first time; rule suspended, read second time, and referred to committee on Finance.

A bill, originating in the Senate, to change the names of certain persons therein mentioned; read first time; rule suspended, read second time; rule further suspended, read third time and passed.

Mr. Clough moved to take up a joint resolution authorizing the Governor to appoint delegates to the Nashville Convention, upon which the yeas and nays were called for, and stood thus:

Yeas—Messrs. Bee, Bryan, Clements, Clough, Franklin, Gillet, Hardeman of T., Lloyd, Runnels, Smith of S., and Taylor—11.

Nays—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Crump of A., Dickson, Hardeman of N., Johnson, Jowers, Lott, Polk, Reynolds, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of R. R., Speights, Stapp, Sterne, Stewart, Tarrant, Williams, Wilson and Wren—28.

So the House refused to take up the resolution.

A bill to authorize the citizens of Falls county, to locate the county site of said county; read first time; rule suspended, read second time; rule further suspended, read third time and passed.

A motion was made to adjourn until 7 o'clock, p. m.

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

AUSTIN, September 3, 1850.

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

Absentees—Messrs. Bee, Sterne, Williams, Winfield and Wren.

Journal of yesterday read and adopted.

Mr. Scott moved that the Chief Clerk request of the Senate in the name of the House, the return of the bill requiring the Governor to submit any proposition made by the General Government, for the purchase of the north-western territory, to the voters of the State.

Mr. Smith of R. R., moved to lay the motion of Mr. Scott on the table, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Burney, Charlton, Clough, Hardeman of N., Johnson, Selman, Smith of R. R., Speights, Stewart, Tarrant and Wren—11.

Nays: Messrs. Speaker, Bogart, Bryan, Clements, Cochran, Dickson, Fields, Franklin, Gillet, Hardeman of T., Jowers, Lloyd, Lott, McKiuney, Pace, Polk, Reynolds, Runnels, Russell, Scott, Shaw, Shepard, Smith of S., Taylor and Williams—26.

So the House refused to lay the motion on the table.

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

On motion of Mr. Clements, Mr. Bee was granted leave of absence for the remainder of the session.

On motion of Mr. Bryan, Mr. Stewart was granted leave of absence for the remainder of the session.

On motion of Mr. Taylor, Mr. Crump of A., was also granted leave of absence.

Mr. Fields, chairman of the committee on Finance, made the following report :

COMMITTEE ROOM, Sept., 3, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The Finance committee have considered a bill making an appropriation to pay balance due for printing the laws in the German language, etc., and herewith present a substitute for said bill, covering a deficiency for printing the laws in the Spanish language.

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

Mr. Fields, chairman of Finance committee, reported a bill making an appropriation for printing the laws and journals of the Extra session of the Legislature, convened on the 12th of August, 1850; read 1st time.

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

COMMITTEE ROOM, Sept. 3, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Counties and County Boundaries, instruct me to return the accompanying bill and petitions to the House, and ask to be discharged from the further consideration of the same, to wit : a bill to permanently locate the county seat of Calhoun county; a petition of the citizens of Henderson and Kaufman counties in relation to their county boundary; also, the petition of the citizens of Titus county, for the incorporation of the town of Daingerfield.

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

COMMITTEE ROOM, Sept. 3, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Engrossed Bills, have examined a joint resolution designating a line of posts on the frontier of Texas ; also, a bill to change an appropriation therein named, and appropriating the same for the contingent expenses of the extra session of the Legislature, for the year 1850, and find the same correctly engrossed.

Mr. Burney, chairman of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Sept. 3, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Enrolled Bills, have examined an act to incorporate the Trinity Plank Road Company ; also, an act to amend an act entitled an act to incorporate the city of Austin, passed May 15, 1846 ; also, an act to confirm certain land titles therein named, and to require the Commissioner of the General Land Office, to issue patents to the same ; also, an act to change the time of holding the courts in the 8th judicial district ; also, an act requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of any portion of the north-western territory, to the people ; also, an act making an appropriation for the construction of the Penitentiary ; also, an act to authorize the sale of Austin city lots ; also, an act to authorize and require the county courts to issue unconditional certificates in certain cases ; 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, for his approval.

Mr. Bryan moved to strike out of the report, all that portion which relates to requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of any portion of her north-western territory to the people.

On motion of Mr. Jowers, the report was laid on the table for the present.

Mr. Bryan, from the committee on Enrolled Bills, made the following report, which was received :

COMMITTEE ROOM, Sept. 3, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined and find correctly enrolled, the following bills : an act to repeal an act to incorporate Rio Grande city, approved January 18, 1850 ; also, a joint resolution for the relief of the heirs of Louis P. Cooke ; also, a bill to be entitled an act making an appropriation for the per diem pay and mileage of the members and officers of the Legislature at the extra session, convened the 12th of August, 1850 ; all of which originated in the Senate, and was this day presented for the signature of the Speaker House of Representatives and President pro tem. of the Senate, and are now ready for the signature of the Governor.

Mr. Winfield submitted a letter from the Hon. Hamilton P. Bee, tendering to the State of Texas, in the name of Hon. Barnard E. Bee, a collection of old and valuable books.

On motion of Mr. Scott, the books referred to, wer accepted by the Legislature in the name of the State of Texas, and the thanks of the Legislature tendered to the Hon. Barnard E. Bee, for his valuable present.

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

ORDERS OF THE DAY.

The Senate's resolution to adjourn *sine die* on Tuesday, the 3d of September, at 12 o'clock, M., being the special order for 10 o'clock to-day, was taken up.

Mr. Franklin moved to strike out "Tuesday 12 o'clock M.," and insert "Tuesday 9 o'clock P. M."

Mr. Stapp moved to strike out and insert "Wednesday 10 o'clock P. M."

Mr. Winfield moved to strike out, and insert "Thursday 12 o'clock M.," upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Brgart, Bryan, Burney, Clements, Cochran, Crump of B., Fields, Franklin, Gillet, Hardeman of T., Lewis, Lott, Pace, Polk, Russell, Selman, Shaw, Shea, Shepard, Smith of S., Sterne, Tarrant. Williams, and Winfield—24.

Nays: Messrs. Speaker, Charlton, Clough, Dickson, Hardeman of N., Johnson, Jowers, Lloyd, McKinney, Reynolds, Rnnuels, Scott, Smith of R. R., Speights, Stapp, Stewart, Taylor, and Wren—18.

So the motion was sustained.

The question then being upon the adoption of the resolution as amended, the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Bogart, Bryan, Burney Clements, Cochran, Crump of B., Fields, Franklin, Gillet, Hardeman of T., Lewis, Lott, Pace, Polk, Reynolds, Russell, Selman, Shaw, Shea, Shepard, Smith of S., Speights, Sterne, Tarrant, Williams, Winfield, and Wren—28.

Nays: Messrs. Charlton, Clough, Dickson, Hardeman of N., Johnson, Jowers, Lloyd, McKinney, Runnels, Scott, Smith of R. R., Stapp, Stewart, and Taylor—14.

So the resolution was adopted.

Mr. Runnels moved that the House adjourn until Tuesday 10 o'clock a. m. ; lost.

Mr. Dickson moved that the House adjourn until to-morrow morning 9 o'clock, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Charlton, Clough, Dickson Hardeman of N., Jowers, Runnels, Smith of R. R., Speights, Stewart, and Taylor—10.

Nays: Messrs. Speaker, Bogart, Bryan, Clements, Cochran, Crump of B., Fields, Franklin, Gillet, Hardeman of T., Lewis, Lloyd, Lott, McKinney, Pace, Polk, Reynolds, Russell, Scott, Selman, Shaw, Shea, Shepard, Smith of S., Sterne, Tarrant, Williams, Winfield, and Wren—29.

So the House refused to adjourn.

A message was received from the Senate, informing the House that the Senate had passed a bill to authorize the Governor to call out volunteers for frontier defence.

A bill making appropriation for printing the laws and journals of the extra session of the Legislature convened on the 12th day of August, 1850, and for other purposes read first time.

On motion of Mr. Fields, the blank was filled with four dollars.

Rule suspended, read second time; bill ordered to be engrossed; rule further suspended, bill read third time and passed.

A bill making an appropriation to pay balance due for printing the laws in the German and Spanish languages, and for printing the report of the joint committee ordered to investigate the offices of Treasurer and Comptroller, read first time; rule suspended, read second time and ordered to be engrossed; rule further suspended, bill read third time and passed.

Mr. Scott introduced the following resolution, which was read and adopted:

Resolved, That Wm. F. Weeks, reporter for the extra session be paid \$5 per day out of the contingent fund of the Legislature,

for his services from the 12th of August to the 12th of September, 1850.

A message was received from the Senate, informing the House that the Senate had passed a joint resolution granting leave of absence to the State Treasurer, and that the Senate declined to return to the House of Representatives the bill requiring the Governor to submit any proposition which may be made by the Government of the United States, to this State, for a sale of a portion of the northwestern territory, to the people.

On motion, the report of the Enrolling committee was taken from the table and adopted.

Mr. Franklin, chairman of the Judiciary committee made the following report:

COMMITTEE ROOM, Sept. 3, 1850.

To the HON. CHARLES G. KEENAN,

Speaker of the House of Representatives :

The committee on the Judiciary, to whom was referred sundry bills and resolutions during the present extra session, beg leave respectfully to report, that they have not deemed it advisable to go into general Legislation at this session—deeming the appropriate action of the Legislature to be the consideration of the subject matter submitted in the Executive message—they have not investigated the subjects connected with the various bills and resolutions referred to them. Your committee through their chairman has universally stated that no report would be made on the bills and resolutions referred, unless specially directed by the House. No special directions being given, your committee return the several bills and resolutions, and ask to be discharged from the further consideration of the same.

On motion, the House adjourned until 3 o'clock p. m.

THREE O'CLOCK, P. M.

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

Mr. McKinney introduced a joint resolution requiring the Governor, upon the receipt of any proposition which shall not conflict with the constitution, coming from the United States for the purchase of a portion of the territory of Texas, to submit the same to the people—read 1st time.

Mr. Shea moved to lay the resolution on the table until the 4th of July next, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Bogart, Charlton, Cochran, Dickson,

Hardeman of N., Hardeman of T., Lloyd, Lott, Polk, Reynolds, Russell, Shea, Smith of R. R., Smith of S., Stapp, Stewart, Taylor, and Wren—19.

Nays: Messrs. Burney, Fields, Gillet, Johnson, McKinney, Pace, Runnels, Scott, Selman, Shaw, Shepard, Speights, Tarrant, and Williams—14.

So the motion was sustained.

Mr. Stapp introduced the following resolution:

Resolved, the Senate concurring, the Legislature will adjourn on Wednesday the 4th day of September at 10 o'clock A. M., to stand adjourned until the 2nd Monday in November of the present year,—read 1st time and laid on the table one day for consideration.

On motion of Mr. Scott, a bill to incorporate the first Presbyterian church of Houston, from the Senate, was taken up and read 1st time—rule suspended—read 2nd time—rule further suspended—read 3rd time, and the yeas and nays being called for on its final passage, stood as follows:

Yeas: Messrs. Speaker, Burney, Clough, Cochran, Dickson, Gillet, Hardeman of T., Johnson, Lloyd, Lott, McKinney, Pace, Reynolds, Russell, Scott, Selman, Shea, Shepard, Smith of R. R., Sterne, Tarrant, Taylor, and Williams—23.

Nays: Messrs. Bogart, Charlton, Fields, Hardeman of N., Polk, Runnels, Shaw, Smith of S., Stapp, Stewart, Winfield, and Wren—12.

It requiring a vote of two-thirds, the bill was rejected.

On motion of Mr. Runnels, the vote just taken, rejecting the bill was reconsidered.

The question being again upon the final passage of the bill, was put, and the yeas and nays being called for, stood as follows:

Yeas: Messrs. Speaker, Bogart, Burney, Clough, Cochran, Dickson, Gillet, Hardeman of T., Johnson, Jowers, Lloyd, Lott, McKinney, Pace, Reynolds, Runnels, Russell, Scott, Selman, Shea, Shepard, Smith of R. R., Smith of S., Speights, Sterne, Stewart, Tarrant, Taylor, and Williams—29.

Nays: Messrs. Charlton, Fields, Hardeman of N., Polk, Shaw, Stapp, Winfield, and Wren—8.

So the bill passed by a constitutional majority.

Mr. Stewart moved to reconsider the vote just taken passing the bill incorporating the first Presbyterian church &c.,

Motion sustained, and vote reconsidered.

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

A bill to prohibit assessors and collectors of Taxes from exercising official functions before they are duly qualified; read first

time; rule suspended, read second time; rule further suspended, read third time and passed.

On motion of Mr. Tarrant, a bill supplementary to an act to secure to all actual settlers within the limits of Peters' colony, the lands to which they are entitled as colonists, read third time; the yeas and nays being called for on its final passage stood as follows:

Yeas: Messrs. Bogart, Burney, Clough, Cochran, Crump of B., Fields, Franklin, Gillet, Hardeman of T., Johnson, Lloyd, Lott, Pace, Selman, Shepard, Sterne, Williams, Winfield, & Wren—19.

Nays: Messrs. Charlton, Dickson, Hardeman of N., McKinney, Pace, Polk, Reynolds, Runnels, Russell, Scott, Shaw, Shea, Stapp, and Taylor—14.

So the bill passed.

A message was received from the Senate, informing the House, that the Senate had passed a bill making an appropriation to pay balance due for printing the laws in the German and Spanish languages, and for printing the report of the Joint Committee ordered to investigate the offices of Treasurer and Comptroller—also, a bill to be entitled an act making an appropriation for printing the laws and journals of the extra session of the Legislature, convened on the 12th day of August, 1850, and for other purposes with an amendment—also a bill to authorize the Governor to call out volunteers for Frontier defence—also, a joint resolution requiring the Governor to demand of the General Government the removal of Indians from territory belonging to the State, with amendments.

On motion, the bill requiring the Governor to demand of the General Government the removal of Indians from territory belonging to the State, with amendments of the Senate, was taken up, and amendments concurred in.

A bill for the relief of David Andrews, read first time.

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

AUSTIN, Sept. 4, 1850.

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

Absentees—Messrs. Clements, Crump of B., Franklin, Jowers, Pace and Winfield.

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

COMMITTEE ROOM, Sept. 4, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Education have examined an act to incorporate Lockhart Academy in the county of Caldwell, and find no objection to the same, but a strong necessity that all rules should be suspended and the same passed.

On motion of Mr. Bryan, the rule requiring bills to be read on three several days, was suspended, and bill read second time ; rule further suspended bill read third time and passed by a constitutional majority—34 yeas—1 nay.

The committee on Enrolled Bills, made the following report, which was received :

COMMITTEE ROOM, Sept. 4, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Enrolled Bills, have examined an act to incorporate the Angelina Bridge and Turnpike Company ; also, an act to incorporate the Sulphur Fork Navigation Company, and find the same correctly enrolled ; and having been signed by the Speaker of the House of Representatives and President pro tem. of the Senate, was this day transmitted to his Excellency, the Governor of the State, for his approval.

Mr. Bryan, one of the joint committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Sept. 4, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills, have examined and find correctly enrolled, the following bills which have received the signatures of the Speaker of the House of Representatives and President pro tem. of the Senate : an act to change the names of certain persons therein named ; an act to incorporate the San Antonio Railroad Company ; an act to legalise the organization of the Buffalo Bayou, Brazos and Colorado Railroad Company ; a bill to be entitled an act supplementary to an act to perfect the

land titles in Castro's colony, approved January 22, 1850; a joint resolution requesting an increase in the mail service from Austin to Clarksville; an act to authorize the people of Falls county to locate their site for said county; an act to repeal in part, the 3d and 4th sections of an act entitled an act to incorporate the town of Jefferson, approved March 20, 1848; and were this day presented to his Excellency, the Governor, for his approval.

A bill to authorize the Governor to call out volunteers for frontier defence; read first time.

A message was received from the Senate, informing the House, that the Senate had passed a bill to change an appropriation therein named, and appropriating the same for the contingent expenses of the extra session of the Legislature for the year 1850; also, that the Senate had concurred in the amendment of the House to adjourn *sine die* on Thursday the 5th inst., at 12 o'clock, M.

A communication was received from Mr. J. G. Swisher, surrendering the property, &c. belonging to the capitol, and asking to be discharged from all further responsibility for the same.

Mr. Clough introduced the following resolution:

Resolved, That the Hall of the House of Representatives, and the property and archives connected therewith, be left in the care and under the control of the Chief Clerk of the House, J. W. Hampton, upon his giving bond and security, payable to the Comptroller in the sum of five hundred dollars, conditioned that the said Chief Clerk safely keep, and deliver at the meeting of the next regular session of the Legislature, the said Hall, archives, and property connected therewith, in good condition, unavoidable accidents excepted.

Read and adopted.

A bill making an appropriation for the printing the laws of the extra session of the Legislature convened on the 12th day of August, 1850, and for other purposes, with amendments, from the Senate, was taken up, and amendments concurred in.

A bill to incorporate the Male and Female Institute in the county of Cass, taken up and read second time, and ordered to be engrossed; rule suspended, bill read third time, and passed by a constitutional majority—yeas 30, nays 4.

A bill to incorporate the Cass county Male and Female Academy, in the county of Cass; read second time; rule suspended, bill read third time and passed by a constitutional majority—yeas 27—nays 6.

A bill supplementary to an act to reduce into one act, and to amend the several acts, relating to the establishment of a General

Land Office; read second time, rule suspended, bill read third time and passed.

On motion of Mr. Dickson, a bill for the relief of Jacob Shannon, was taken up and placed amongst the orders of the day.

A bill to amend an act, entitled an act to organize the Supreme Court of the State of Texas; taken up and read second time.

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

A motion was made for a call of the House; lost.

On motion, Messrs. Runnels and Shea were excused from attendance on the House.

Mr. Fields moved to strike out the second section of the bill.

A call of the House was ordered.

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

The question being on Mr. Fields' amendment to strike out the second section, the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Clements, Cochran, Crump of B., Dickson, Fields, Gillet, Hardeman of T., Lott, Pace, Russell, Shaw, Shepard, Speights, Sterne, Stewart, Tarrant and Williams—22.

Nays: Messrs. Clough, Franklin, Hardeman of N., Holland, Jowers, Lloyd, Polk, Reynolds, Scott, Selman, Smith of S., Taylor and Wren—13.

So the motion was sustained.

Mr. Dickson offered the following amendment: provided, that the counties of Montgomery and Grimes, in the seventh judicial district, be attached to the western district.

Mr. Scott moved to insert, Harris and Walker counties; accepted.

Mr. Franklin moved to insert the counties of Liberty and Polk; carried.

On motion, the amendments were adopted.

Mr. Jowers moved to lay the bill and amendments on the table, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Bryan, Clements, Dickson, Hardeman of N., Jowers, Lewis, Pace, Reynolds, Scott, Selman, Shaw, Shepard, Stapp, Stewart and Tarrant—16.

Nays: Messrs. Bogart, Burney, Charlton, Clough, Cochran, Crump of B., Fields, Franklin, Gillet, Hardeman of T., Holland, Johnson, Lloyd, Lott, Polk, Russell, Smith of S., Speights, Sterne, Taylor, Williams and Wren—22.

So the House refused to lay the bill on the table.

A message was received from the Senate, informing the House that the Senate had passed a bill making an appropriation of two hundred and fifty dollars for the payment of A. J. Hamilton and John E. Cravens, special judges of the Supreme Court.

The bill to organize the Supreme Court, still under consideration, Mr. Clements offered the following amendment: strike out "two" and insert "three districts," "the third district to comprise the counties of Cameron, Starr, Webb, Kinney, Nueces, San Patricio, Goliad and Refugio."

On motion, the amendment was laid on the table.

Mr. Clements moved to adjourn until 9 o'clock to-morrow morning; lost.

A motion was made to engross the bill, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Bogart, Clough, Cochran, Crump of B., Fields, Hardeman of N., Hardeman of T., Holland, Johnson, Jowers, Lloyd, Lott, Polk, Reynolds, Russell, Scott, Selman, Smith of R. R., Smith of S., Speights, Stapp, Sterne, Tarrant, Taylor, Williams and Winfield—28.

Nays: Messrs. Clements, Franklin, Lewis, Pace, Shaw, Shepard and Stewart—7.

So the bill was ordered to be engrossed.

Mr. Scott moved to suspend the rule in order to place the bill on its third and final reading: upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Bogart, Bryan, Burney, Clough, Crump of B., Dickson, Fields, Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, Jowers, Lloyd, Lott, Pace, Polk, Reynolds, Russell, Scott, Selman, Smith of R. R., Smith of S., Speights, Sterne, Taylor, Williams and Wren—28.

Nays: Messrs. Clements, Franklin, Lewis, Shaw, Shepard, Stapp, Stewart, Tarrant and Winfield—9.

It requiring a vote of four-fifths to suspend the rule, the motion was lost.

Mr. Clements moved to adjourn until 4 o'clock, P. M.; lost.

Mr. Wren moved to adjourn until 3 o'clock, P. M.; lost.

A message was received from the Senate, informing the House that the Senate had passed a bill to incorporate Lockhart Academy in the county of Caldwell; also, a bill to incorporate the Male and Female Institute in the county of Cass; also, a bill to incorporate the Male and Female Academy in the county of Cass.

A bill to create the county of Freestone; read second time, rule suspended, read third time and passed.

A bill making an appropriation of two hundred and fifty dollars for the payment of A. J. Hamilton and John E. Cravens, special judges of the Supreme Court; read first time, rule suspended, read second time.

Mr. Jowers offered the following amendment: after the word "John E. Cravens" insert, "and James M. Ardrey."

On motion of Mr. Taylor, the House adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

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

A bill making an appropriation of two hundred and fifty dollars, for the payment of A. J. Hamilton and John E. Cravens, special judges of the Supreme Court, with the amendment of Mr. Jowers, being under consideration when the House adjourned.

Mr. Scott moved to refer the bill and amendment to the committee on Claims and Accounts; lost.

The question then coming up on the amendment of Mr. Jowers, to insert the name of James M. Ardrey, was put and carried.

Mr. Scott moved to strike out "two hundred and fifty dollars," and insert "shall receive pay at the same rate as the judges of the Supreme Court during the time they served as special judges."

Mr. Hardeman of T., moved to lay the amendment on the table, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Bogart, Bryan, Clements, Clough, Franklin, Hardeman of T., Johnson, Jowers, Lott, Pace, Polk, Shaw, Smith of R. R., Smith of S., Stapp, Stewart, Tarrant, Taylor, Williams, Winfield and Wren—23.

Nays: Messrs. Charlton, Dickson, Fields, Gillet, Hardeman of N., Lloyd, Reynolds, Russell, Scott, Selman, Shepard and Speights—12.

So the motion was sustained.

Mr. Bryan moved to refer the bill to a special committee; carried.

The Speaker appointed Messrs. Scott, Bryan and Stapp on said committee.

On motion of Mr. Russell, the resolution to adjourn *sine die*

on Thursday the 5th inst., at 12 o'clock, M., was, in accordance with a request of the Honorable Senate, returned to that body.

A bill designating a line of posts on the frontier of Texas, with amendments from the Senate, was taken up, and first amendment concurred in.

On motion of Mr. Stapp, the vote concurring in the first amendment of the Senate, was reconsidered.

On motion of Mr. Franklin, the House refused to concur in the amendments of the Senate to the bill under consideration.

Mr. Scott moved to adjourn until 9 o'clock to-morrow; lost.

On motion of Mr. Taylor, the House took a recess for half an hour.

Recess expired—House met—roll called—quorum present.

Mr. Scott, chairman of the special committee, to whom was referred a bill making an appropriation of two hundred and fifty dollars for payment of A. J. Hamilton and John E. Cravens, special judges of the Supreme Court, reported a substitute for said bill, and recommended its passage.

On motion, the substitute was adopted; rule suspended, bill read third time and passed.

A message was received from the Senate, transmitting a bill requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of a portion of her north-western territory, to the people—with the following message from his Excellency the Governor; and informing the House that the Senate had passed by a constitutional majority over the veto of the Governor, the bill above referred to.

AN ACT

Requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of a portion of her North-western Territory, to the people.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That in the event any proposition shall be made to Texas by the Government of the United States for the purchase of any portion of her north-western territory, it shall be the duty of the Governor, forthwith, to issue his proclamation, with a copy of said proposition appended thereto, requiring the Chief Justices of the several counties of this State, to cause polls to be opened in their several counties as early as practicable, for the purpose of obtaining the assent or refusal, by vote of the citizens of the State, to such proposition.

SEC. 2. *Be it further enacted,* That the election shall be held, and the returns be made to the Chief Justices, in accordance with the laws regulating elections, now in force in this State; and that all citizens entitled to vote for members of the Legislature, and none others, shall be entitled to a vote in this election.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Chief Justices respectively, to make out duplicate certificates of the result of the election, in his county; one of which certificates he shall transmit by mail to the office of the Secretary of State, directed to the Speaker of the House of Representatives, and endorsed on the back Election Returns, County of and the other directed in like manner, he shall deliver to either the Senator or Representative representing his county in the Legislature.

SEC. 4. *Be it further enacted,* That should any proposition be submitted to the people of Texas for their concurrence as herein contemplated, then it shall be the duty of the Governor to convene the Legislature for the purpose of taking final action thereon, within the time prescribed by such proposition, or as soon thereafter as practicable. The returns of elections that have been received, shall be opened, the votes counted, and the result proclaimed by the Speaker of the House, in presence of the two Houses of the Legislature, during the first week of the session; and that this act take effect from its passage.

C. G. KEENAN,

Speaker of the House of Representatives.

EDWARD BURLESON,

President pro tem. of the Senate.

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VETO MESSAGE.

EXECUTIVE DEPARTMENT, }
Austin, September 4, 1850. }

To the Honorable Senate :

Gentlemen : — A bill entitled “an act requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of a portion of her north-western territory, to the people,” and which originated in the Senate, has been submitted to me; and, after considering it with entire deference to your honorable body, it is with unfeigned regret that I feel myself constrained by an imperious sense of duty and by a high regard for the honor, consisten-

cy and integrity of the State over which I have been called to pre-
side, to return it without my approval.

The bill, by its phraseology, evidently intends to *command* the Executive to do an act which, to some extent, it seems to me, ought to require the exercise of Executive discretion. A proposition might be made by the Government of the United States (and who can now doubt the possibility of such an occurrence, since honorable United States Senators declare from their places that there are considerations beyond the constitution,) which would be so offensive in its terms, or insulting in its character, as to render it an act of degradation, on the part of the State, to entertain or listen to it for a moment: and yet, by the terms of this bill, the Executive would be required to go through the solemn and degrading mockery of submitting it to the voice of the whole people, although he might be convinced it would not meet the approbation of a single man imbued with the ordinary feelings of true patriotism. Whether it be competent for one branch of the Government to *order* another and coördinate branch to do an act which necessarily implies the exercise of a most delicate discretion, is a question which I will not now discuss, or present for discussion; but I may be allowed to say, that some room might be left for the exercise of judgment on the part of that officer to whom the whole people have confided, in a great degree, the interests and integrity of their State. The present Executive of Texas, impressed with a proper humility, is as little disposed as any human being to arrogate to himself the exercise of powers which have not been conferred upon him by the constitution and laws of the land; and he thinks he may appeal to his convocation of the Legislature, in its present extraordinary session, as an evidence of this fact; but, still, while disposed to confine himself within the legitimate sphere prescribed him, he regards it as his duty not to give his assent to a departure from it on the part of a coördinate branch: and he believes he would be doing so by giving his assent to the bill now under consideration.

Had any proposition been made or were any to be made by the Federal Government to this State, which was not degrading or insulting in its terms, and in which the people of the State possessed an interest, the Executive would most unquestionably have taken the proper steps to have submitted it to them for approval or rejection, without the *command* of the Legislature; but he could not consent, even with that command, to submit a degrading proposition, or one at which the patriotism and moral sense of the community would revolt.

But, if this objection to the bill did not exist, there is another,

which, to my mind, is insuperable. The 5th section of the 3d article of the constitution limits the Legislature to biennial sessions, and this provision can be departed from only in conformity with the terms prescribed by the 8th section of the 5th article of the same instrument, which gives to the Executive, and to him only, the power to convene the Legislature on extraordinary occasions. The necessity which would require an extraordinary convention of the Legislature, must therefore be judged and determined by him alone. This bill takes that power of judging from him, and without permitting him to exercise any discretion on the subject, it requires him imperatively to convene the Legislature in the event of the happening of a contingency; and if the Legislature can do this, it can wholly subvert and put at nought the constitutional provision which limits their assembling to biennial sessions. If it has the power to order the Governor to convene them in any case, out of the regular time prescribed by law, it would have equal power to order him to convene them at stated intervals of three, six, or twelve months, as their inclinations or supposed views of the interest of the government might dictate; and thus instead of there being but one session of the Legislature in each two years, as the constitution prescribes, the number of sessions would only be limited by Legislative discretion. This feature in the bill is therefore, to my mind, wholly inadmissible, as I regard it as being in direct conflict with the constitution.

The duty of the Executive, then, in relation to calling the Legislature in extraordinary session having been prescribed by the constitution, any Legislative interference will have the effect of removing the barrier judiciously placed there for the purpose of restraining in a salutary manner the action of the different departments of the Government, each within its proper limits; thereby disturbing the harmony and good understanding which should always exist in conducting the affairs of the State. I am, therefore, constrained to return the bill to the Senate in which it originated, without my signature.

P. H. BELL.

Mr. Franklin moved that the bill, with the communication of the Governor, be referred to the Judiciary committee; carried.

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

AUSTIN, September 5, 1850.

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

Absentees—Messrs. Franklin, Gillet, Johnson, Lewis, Pace, Smith of Shelby and Stapp.

Journal of yesterday read and adopted.

Mr. Bryan submitted the petition of sundry citizens, praying some action of the Legislature relative to the shipping and slaughtering of cattle, accompanied by a bill regulating the same :

A bill to regulate the shipping and slaughtering of cattle ; read first time ; rule suspended, read second time and ordered to be engrossed ; rule further suspended, 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 originating in the Senate, to secure to all actual settlers within the limits of Peters' colony, the lands to which they are entitled as colonists.

Mr. Bryan, from the joint committee on Enrolled Bills, made the following report, which was received :

COMMITTEE ROOM, September 5, 1850.

To the Hon. C. G. KEENAN,

Speaker of the House of Representatives :

The joint Enrolling committee have examined and find correctly enrolled the following bills, to wit : A bill to prohibit Assessors and Collectors of taxes from exercising official functions before they are duly qualified ; an act supplementary to an act entitled an act to amend the several acts relative to the establishment of a General Landoffice, passed December 14, 1839 ; a bill to be entitled an act making an appropriation to pay the balance due for printing the laws in the German and Spanish languages, and for printing the report of the joint committee ordered to investigate the offices of Treasurer and Comptroller ; a bill entitled an act making appropriations for printing the laws and journals of the extra session of the Legislature, convened on the 12th day of August, 1850, and for other purposes ; a joint resolution granting leave of absence to the Treasurer of the State ; a bill to incorporate the Male and Female Institute, in the county of Cass ; an act to incorporate the Cass County Male and Female Academy, in the county of Cass ; a bill to change an appropriation therein named, and appropriating the same for the contingent expenses of the extra session of the Legislature for the year 1850 ; an act to incorporate the Lockhart Academy, in the county of Caldwell ;

a bill supplementary to an act to secure to all actual settlers within the limits of Peters' colony, the lands to which they are entitled as colonists ;—all of which have been signed by the Speaker of the House and President pro tem. of the Senate, and this day presented to his Excellency the Governor for his approval.

Mr. Franklin, chairman of the committee on the Judiciary, made the following report :

COMMITTEE ROOM, September 5, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on the Judiciary, to whom was referred the bill entitled an act requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas for the purchase of a portion of her northwestern territory, to the people, together with the veto message of the Governor, have had the same under consideration, and instructed me to report, that

So far as regards the power assumed by the Legislature in the first, second, and third sections of the bill, to require the Governor to submit any proposition which may be made for a sale of a portion of the territory of the State to the people for their approbation or disapproval, it is clearly, in their opinion, within the legitimate scope of legislative authority. And the only question presented by that section is as to the *policy* of the measure. That question has already been decided by the House in the passage of the bill.

Your committee, therefore, cannot concur with the Executive in relation to this branch of the subject, so far as regards the constitutional right of the Legislature to make the requisition.

So far as the fourth section of the bill is concerned, it presents a far graver constitutional question.

By the first section of the second article of the constitution, it is provided that "the powers of the government of the State of Texas shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit :— those which are legislative to one, those which are executive to another, and those which are judicial to another ; and no person or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein *expressly permitted*."

By the fifth section of the third article of the constitution, it is provided that "the members of the House of Representatives shall be chosen by the qualified electors, and their term of office

shall be two years from the day of the general election ; and the sessions of the Legislature shall be *biennial*, at such times as shall be prescribed by law."

By this provision of the constitution, the Legislature is required to fix the time at which the biennial sessions shall be held : and it is the only section of the constitution which gives to the Legislature the power of fixing the time when the Legislature shall assemble—the only section that gives the Legislature any control over the subject.

By the eighth section of the fifth article of the constitution, the power is conferred upon the Governor to convene the Legislature upon extraordinary occasions. That power is conferred upon a distinct and separate branch of the government from the Legislature. That section provides that he, the Governor, may, by proclamation, on extraordinary occasions, convene the Legislature, at the seat of government, or at a different place if that should be in the actual possession of a public enemy. In case of a disagreement between the two Houses with respect to adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

Taking the several sections of the constitution referred to in connection, your committee do not believe that the Legislature can, directly or indirectly, exercise the power which is thus directly conferred upon the Executive. The contingency upon which the Legislature shall be called together in extraordinary session, must depend upon the sound discretion of the Governor, and cannot be anticipated or prescribed by the Legislature.

This principle your committee believe to have been clearly asserted in several decisions of the Supreme Court of the State of Texas. In the case of *Titus vs. Latimer*, decided at the December term, 1849, the Supreme Court, in relation to another branch of the government—the judiciary—uses this language : "The District Court and the Supreme Court, both as to their institution and jurisdiction, are essentially the creatures of the constitution : on those courts the Legislature can neither confer nor take away jurisdiction."

In the case of *Shelby against Johnson*, it appears that, on the 29th day of November, 1839, Shelby was, by a joint resolution preceding, and a joint vote following, elected Judge of the District Court, to fill the unexpired term of Corzine, and he was commissioned on the same day to fill that unexpired term of about one year. In 1841, Johnson, by a like resolution and vote of both Houses of Congress, was elected to hold the same office for four years. Shelby, though elected and commissioned to hold the un-

expired term only, yet claimed that he was entitled to hold the office for four years from and after his election. In deciding upon the conflicting claims to the office, between Shelby and Johnson, the court uses the following language :

“ As the tenure of this office is prescribed by the constitution, that instrument must furnish the rules by which the action, both of the appellant and of the legislative authority, must be regulated. On its broad foundations, rest alike the rights of individuals and the powers of government itself, and of all its departments. Its authority is paramount, and the acts of individuals and of the government are equally subjected to its control. Its maxims or principles cannot be violated without endangering the safety of our institutions.— Nor can any one of the separate bodies in which power is deposited by the organic law, encroach on the rights, franchises, or privileges of another, without hazarding the existence of the distinctive features and most valued characteristics of our republican form of government. This tribunal, in its proper sphere, is vested with the extraordinary power of testing, not only the acts of individuals, but of the highest authorities, by this unchanging criterion ; and where the default is obvious, we can make no discrimination in our judgment between the aberrations of private persons and of the most powerful branches of the government.”

Your committee therefore believe that the power conferred upon the Governor to convene the Legislature in extraordinary sessions, excludes the idea that any other branch of the government can interfere with the exercise of a power thus conferred upon him by the constitution. All which is respectfully submitted.

Your committee herewith return the bill and the message of the Governor, for such action as the House may deem wise and proper, in reference to their own constitutional rights, and those of the Executive.

BENJAMIN C. FRANKLIN,
Chairman Committee on the Judiciary.

On motion, the rule requiring the report and bill to lie on the table, was suspended, and the report and bill were taken up.

The question being will the House pass the bill over the veto of the Governor ?

Mr. Stapp moved to lay the report and bill on the table ; lost.

A message was received from the Senate informing the House that the Senate refused to recede from their amendments to a bill designating a line of Posts on the frontier of Texas, and had ap-

pointed a committee of conference, and requested the appointment of a like committee on the part of the House.

The Speaker appointed Messrs. Williams, Tarrant and Stapp to compose said committee on the part of the House.

The report of the Judiciary committee on the veto message of His Excellency the Governor of the bill requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas for the purchase of a portion of her northwestern territory, to the people, being still under consideration,

The question was put—shall the bill pass?—upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Bogart, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Jowers, Polk, Shaw, Smith of Red River, Speights, Taylor and Wren—13.

Nays—Messrs. Speaker, Bryan, Burney, Clements, Clough, Cruik of Bexar, Franklin, Gillet, Hardeman of Travis, Holland, Lewis, Lloyd, Lott, McKinney, Pace, Reynolds, Russell, Scott, Selman, Shepard, Smith of Shelby, Stapp, Sterne, Stewart, Tarrant, Williams and Winfield—27.

So the House refused to pass the bill.

Mr. Wren offered the following resolutions:

Whereas, the bill entitled an act to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of a portion of her northwestern territory, to the people, has been vetoed by the Executive of the State: and

Whereas, the wishes and best interests of the people are likely to be defeated: Therefore

SEC. 1. *Be it resolved by the Legislature of the State of Texas*, That the qualified electors be, and they are hereby respectfully requested, to assemble in the several counties, and freely express their wishes for or against, any proposition which may be made by the United States to the State of Texas, for the purchase of a portion of her north-western territory.

SEC. 2. *Be it further resolved*, That a copy of the proceedings and resolutions of the several counties be transmitted to their representatives.

SEC. 3. *Be it further resolved*, That the Legislature adjourn on Friday, the 6th inst., to meet on the 11th day of November next.

Mr. Scott moved to refer the resolution to a special committee.

Mr. Reynolds moved to reconsider the vote suspending the

rule, placing the resolution on its second reading; upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Bogart, Clements, Franklin, Gillet, Holland, McKinney, Reynolds, Russell, Scott, Shepard, Smith of Shelby, Stapp, Tarrant and Winfield—14.

Nays—Messrs. Bryan, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Johnson, Jowers, Lewis, Lloyd, Lott, Pace, Polk, Selman, Shaw, Smith of Red River, Speights, Sterne, Stewart, Taylor, Williams, and Wren—24.

So the House refused to reconsider the vote.

Mr. Scott renewed his motion to refer the resolutions to a special committee.

Mr. Stewart offered the following as a substitute for Mr. Wren's resolutions:

Resolved by the House, the Senate concurring, that the Legislature will adjourn on Friday the 6th of September, instant, at 11 o'clock, a. m., until the second Monday of November, 1850.

Mr. Bogart offered the following as an amendment to Mr. Stewart's amendment:

"Unless in the opinion of the Executive, the emergency of the case will require the assembling of the Legislature at an earlier period; in that event, the Executive be requested to issue his proclamation, calling the Legislature at such time as he may designate.

A message was received from the Senate, informing the House that the Senate had passed a bill to create the county of Freestone; also, a bill to regulate the shipping and slaughtering of cattle, originating in the House of Representatives.

Mr. McKinney moved to refer the resolutions and amendments to the committee on the Judiciary.

Mr. Stapp insisted that the House take action on the amendments before a reference was made.

Mr. Winfield moved the House adjourn until 9 o'clock, to-morrow morning; lost; yeas—2--nays—28.

Mr. McKinney moved to lay the substitute and amendments on the table; lost.

Mr. Crump of B., moved the House adjourn until 9 o'clock, to-morrow morning; lost; yeas—6--nays—32.

The question then being on the adoption of Mr. Bogart's amendment to Mr. Stewart's amendment; was taken and rejected.

The question then recurring on the adoption of Mr. Stewart's substitute for Mr. Wren's resolution, the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Speaker, Burney, Clements, Cochran, Crump of B., Dickson, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Lewis, Lloyd, Lott, Selman, Shaw, Stapp, Sterne, Stewart, Tarrant, Taylor, and Williams—20.

Nays—Messrs. Bogart, Bryan, Charlton, Franklin, Gillet, Holland, Johnson, Jowers, McKinney, Pace, Polk, Russell, Scott, Shepard, Smith of Red River, Smith of Shelby, Speights, Winfield and Wren—19.

So the substitute was adopted.

Mr. Taylor moved to refer the resolution to a select committee of three.

Mr. Tarrant moved to adjourn until 3 o'clock p. m.; lost.

Mr. Bryan from committee on Enrolled Bills made the following report:

COMMITTEE ROOM, Sept. 5th, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The Joint Committee on Enrolled Bills, have examined and find correctly enrolled, a bill to be entitled an act to regulate the shipping and slaughtering of cattle; which has received the signatures of the Speaker of the House and President pro. tem. of the Senate, and was this day presented to His Excellency the Governor for his approval. Report received.

A motion was made to adjourn until 3 o'clock p. m. and lost.

Mr. Winfield moved to adjourn until 9 o'clock, to-morrow morning, upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Bryan, Clements, Crump of B., Fields, Franklin, Hardeman of T., Holland, Lewis, McKinney, Russell, Scott, Shaw, Smith of S., and Winfield—14.

Nays: Messrs. Speaker, Bogart, Charlton, Cochran, Dickson, Gillet, Hardeman of N., Johnson, Jowers, Lloyd, Pace, Selman, Shepard, Smith of R. R., Speights, Stapp, Sterne, Stewart, Tarrant, Taylor, Williams, and Wren—22.

So the House refused to adjourn.

On motion of Mr. Shepard, the House adjourned to half past 3 o'clock p. m.

HALF PAST 3 O'clock P. M.

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

The resolution of Mr. Stewart to adjourn at 11 o'clock, on the sixth inst. to meet again on the second Monday in November next, being under consideration when the House adjourned, with Mr. Scott's motion, to refer the same to a select committee.

Mr. Franklin offered the following as a substitute for Mr. Stewart's resolution :

Resolved, That the House of Representatives, the Senate concurring, will adjourn *sine die*, on Friday morning the sixth of September, 1850, at 9 o'clock, ante meridian.

Mr. Stapp moved to lay the resolution on the table; carried.

Mr. Scott renewed his motion to refer the resolution to a select committee; lost.

Several motions for a call of the House; lost.

The question then coming up upon the adoption of Mr. Stewart's resolution, the yeas and nays were called for.

Mr. Russell moved the appointment of a committee to wait upon absent members and receive their votes upon the question under consideration; which after some remarks from several gentlemen, was withdrawn.

The motion was renewed by Mr. Crump of B., which was then put to the House and lost.

The yeas and nays being then taken upon the adoption of the resolution, resulted as follows:

Yeas: Messrs. Bogart, Charlton, Cochran, Crump of B., Dickson, Fields, Hardeman of N., Hardeman of T., Johnson, Jowers, Lloyd, Lott, Pace, Polk, Russell, Selman, Shaw, Shepard, Smith of R. R., Smith of S., Speights, Stapp, Stewart, Tarrant, Taylor, Williams, and Wren—27.

Nays: Messrs. Speaker, Franklin, Gillet, Holland, Reynolds, and Scott—6.

So the resolution was adopted.

Mr. Fields offered the following resolution :

Resolved, That the chief clerk be authorized to purchase a sufficient number of copies of the maps, lately published by Robert Creuzhaur, accompanying his guide to California, showing the position and boundaries of our State, to supply each county with one copy, to be posted up in the office of the county clerk, with the view of giving the people correct information in relation to the territory proposed to be purchased by the General Government by the bill now before the Congress of the United States,

out of the fund appropriated for contingent expenses of this session of the Legislature.

A motion was made to strike out chief clerk, in the first line, and insert each member; and after the words purchase, in same line, insert, at their own expense.

On motion of Mr. Holland, the resolution was laid on the table, upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Charlton, Crump of B., Dickson, Franklin, Gillet, Hardeman of N., Hardeman of T., Holland, Johnson, Jowers, McKinney, Pace, Polk, Reynolds, Shaw, Shepard, Smith of S., Stapp, Sterne, Tarrant, Taylor, and Wren—23.

Nays: Messrs. Bogart, Cochran, Fields, Lloyd, Lott, Russell, Selman, Smith of R. R., Speights, Stewart, and Williams—11.

So the resolution was laid on the table.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House, that the Senate had passed a resolution to adjourn until the third Monday in November next, to which resolution they asked the concurrence of the House.

A motion was made to take up the resolution of the Senate just reported to the House.

Mr. Dickson moved to lay the motion on the table for the present.

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

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House, that the Senate had adopted the resolution of the House to adjourn on Friday the sixth inst., to meet again on the second Monday in November next, with an amendment, substituting the third Monday in November for the second, in which amendment the House concurred.

Mr. Selman asked leave of the House, to withdraw certain papers and documents, presented by him to the Legislature for their action thereon, at this session; leave granted.

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

AUSTIN, September 6, 1850.

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

Absentee : Mr. Franklin.

Journal of yesterday read and adopted.

On motion, the members who were absent from the House yesterday at the time the vote was taken to adjourn until the third Monday in November next, were allowed to record their votes.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had appointed a committee of three to wait upon his Excellency, the Governor, and inform him that the two Houses were now ready to adjourn, and requested the appointment of a like committee on the part of the House.

The chair appointed Messrs. Lewis, Gillet and Shepard, said committee.

Mr. Scott, from the committee on Enrolled Bills, made the following report, which was received :

COMMITTEE ROOM, Sept. 6, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined the bill creating the county of Freestone, and find the same correctly enrolled ; and having received the signature of the Speaker of the House of Representatives and President pro tem. of the Senate, has this day been presented to his Excellency, the Governor, for his approval.

Mr. Winfield introduced the following resolution, which was unanimously adopted.

Resolved, That the thanks of the House of Representatives, be tendered to the Hon. C. G. Keenan, Speaker of the House, for the able and impartial manner in which he has presided over the deliberations of this body.

Mr. Scott offered the following protest against the action of the House, in passing the resolution to adjourn, to meet again on the third Monday in November next :

HOUSE OF REPRESENTATIVES, }
Austin, September 6, 1850. }

The undersigned begs leave, respectfully to protest against the action of the Legislature in adjourning to meet at this place on the

third Monday in November next : 1st, because it is exercising a doubtful power ; 2d, because it is setting a precedent, which the future exercise of may eventuate in serious injury to the State ; 3d, because it is assuming a responsibility that of right should rest with the Governor, for should the Government of the United States submit to this State, any propositions requiring the action of the Legislature, there can, in view of the formation of our government, and the responsibilities surrounding the Executive of the State, exist no reasonable doubt that a proper view of his duty would force him to take such action on the question, as the propositions would seem to require ; 4th, because, should from any unanticipated causes, no proposition be made, it would be entailing an expense upon the State, which her finances are illly able to sustain ; 5th, because I believe that the Legislature should remain in session until the action of the General Government is ascertained in relation to propositions known to be before the Congress, and which reports by the last mail assert have passed both Houses, and which fact could be finally ascertained in a very few days ; and lastly, the action adjourning the Legislature to a day certain, precludes the possibility (under the constitution, 2d article, 22d section,) of the Legislature again acting on bills which they have once rejected ; thus should the Government of the United States fail to settle the boundary question, to the satisfaction of the people of this State, and the Legislature should deem it proper to enforce our jurisdiction, the action of the two Houses is foreclosed by its own act of adjournment from acting on the subject ; or should propositions be submitted to Texas requiring the Legislature to submit the same to the people of the State, the same objection would hold good.

In view then of these reasons, I solemnly protest against the action of the Legislature in this behalf.

J. W. SCOTT.

On motion, the House took a recess for fifteen minutes.

Recess expired—House met—roll called—quorum present.

Mr. Jowers offered the following resolutions, which were read:

Resolved, That should any proposition be made by the Federal Government to the State of Texas, for the purchase of any portion of her territory, it will be proper for the people of said State, to exercise their sovereign right of accepting or rejecting such proposition, by vote at the ballot box.

Resolved, That if practicable, a full vote thereon should be given on the first Monday in November next, and that the Chief Justice of each county be, and he is hereby requested to furnish

the Representative of his county with a certificate of the result of said vote, directed to the Speaker of the House of Representatives, and to enclose by mail a duplicate certificate to the Secretary of State for the Speaker of the House of Representatives; which certificates shall be opened by said Speaker in the presence of the two Houses of the Legislature, and the result there made known.

Mr. Lewis, from the joint committee to wait upon his Excellency, the Governor, and inform him that the Legislature was now ready to adjourn, to meet again on the third Monday in November, reported duty performed; and that his Excellency desired the committee to inform the Hon. Legislature that he had no further communications to make to them.

Mr. Taylor moved to lay the resolutions offered by Mr. Jowers upon the table, upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Clements, Clough, Crump of B., Gillet, Hardeman of T., Holland, Lewis, McKinney, Pace, Shepard, Smith of S., Stapp, Stewart, Tarrant, Williams and Winfield—16.

Nays: Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Hardeman of N., Johnson, Jowers, Lloyd, Lott, Polk, Russell, Scott, Selman, Shaw, Speights, Sterne, Taylor and Wren—20.

So the motion to lay on the table was lost.

Mr. Jowers moved the adoption of the resolutions, upon which the yeas and nays were called for.

Mr. Franklin inquired of the Speaker, if the hour of 11 o'clock had not arrived? The Speaker said it had.

Mr. Franklin objected to the motion being put to the House, as the hour of 11 o'clock had arrived, and that the House stood adjourned by a joint resolution of both Houses, adopted on yesterday.

Several calls for the question; upon which the yeas and nays were taken and resulted as follows—several members declining to vote, from the fact that the House stood adjourned by joint resolution adopted on yesterday; those declining to vote as members of the Legislature were, Messrs. Bryan, Burney, Clough, Crump of B., Fields, Franklin, McKinney, Reynolds, Runnels and Shepard; Messrs. Bryan and Burney, voted yea as citizens.

Yeas on the adoption of resolution: Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Hardeman of Nacogdoches, Johnson, Jowers, Lloyd, Lott, Polk, Russell, Scott, Selman, Shaw, Smith of R. R., Speights, Sterne, Taylor and Wren—22.

Nays—Messrs. Clements, Gillet, Hardeman of T., Holland, Lewis, Pace, Smith of S., Stapp, Stewart, Tarrant, Williams and Winfield—12.

So the resolutions were adopted.

Mr. Franklin asked leave to enter his protest against the action of the House upon the resolutions, as that action was had after the House stood adjourned by joint resolution.

Mr. Franklin moved to erase from the journal, all the proceedings had upon the resolutions offered by Mr. Jowers; lost.

On motion, the House adjourned, to meet again on the third Monday in November next.

JOSEPH W. HAMPTON,
Chief Clerk of the House of Representatives.

APPENDIX

TO THE

HOUSE OF REPRESENTATIVES JOURNALS,

OF

THE THIRD LEGISLATURE,

STATE OF TEXAS.

SECOND SESSION.

PUBLISHED BY AUTHORITY.

AUSTIN :

PRINTED BY WM. H. CUSHNEY, AT THE STATE GAZETTE OFFICE,

1850

APPENDIX.

DOCUMENTS ACCOMPANYING THE GOVERNOR'S MESSAGE OF
AUGUST 13, 1850

A. No. 1.

Major Neighbors to Governor Bell.

DONANA, TEXAS, }
March 23d, 1850. }

TO HIS EXCELLENCY, P. H. BELL.

SIR:—You will be informed by my official returns, which I forward by Mr. Cockburn, of the successful termination of my mission in this county. El Paso county is fully organized, and the officers elected have entered upon the discharge of their duties; and I shall leave for Santa Fé in a few days, to test the chance of success in that county. Although I have met with some encouragement, I am not at all sanguine of success, knowing that I will meet with strong opposition, and *I believe my means entirely inadequate to the undertaking.* At the same time, I am assured by several very influential gentlemen from Santa Fé, that with proper means to combat the influence of a few individuals now in power in Santa Fé, the counties could be easily organized.

A large portion of the people are in favor of the organization, and with the funds necessary to employ proper persons to bring matters forward at the towns where elections would be held, our laws could be extended peaceably over that territory. You are aware that I have not one dime as a contingent fund, and the enormous prices that I have to pay for subsistence, has already exhausted the full amount of my salary. Besides, I find myself very poorly sustained in what I consider to be of more importance than money. *i. e.*, proper pledges to the inhabitants in regard to their lands. There has already been locations made in this territory, on lands that are occupied and cultivated, by Mr. Howard, and others, from San Antonio. They have caused

strong prejudice against our State, amongst some of the most influential men in this county; and I have been compelled, in order to contend successfully against this prejudice, to *pledge the faith of the State that the Land Office will be closed against all locations, until the claims of the actual settlers here are investigated.* I have no assurance that such is the case, although I felt authorized to make the pledge, from the belief that the State would afford proper protection to the actual settlers in this county. If I could show a law to that effect, under the seal of the State, it would bind so large a portion of the actual settlers to our State, that I could not for a moment consider the success of my mission doubtful.

Soon after my arrival here, I addressed an official note to Col. Munroe, Governor of New Mexico, informing him of the object of my mission. I have the honor to enclose you a copy of the order issued by him. In consequence of that information, you will perceive that there is no opposition whatever, on the part of the troops in that territory. Not being informed what means the Legislature placed in your hands for the purpose of extending our jurisdiction; I, of course, can make no suggestions, nor recommend any particular measure that would facilitate the organization of the counties, unless I could be furnished with a contingent fund and an escort to enable me to travel from point to point in this territory, which is impassable now, on account of Indians. But you will perceive by the spirit of Colonel Munroe's order, that it rests altogether with the State, whether she extends her jurisdiction over this territory or not.

I much regret that our government should have been so poorly informed in regard to the orders existing in this territory. These orders were evidently kept from the knowledge of the State authorities, through design, and it was not known here that such orders existed, as would sustain the authorities of Texas until my arrival. If our Legislature had been well informed, proper means would have at once been adopted, as it is, under the present provisions made for organizing, they risk a failure, which will be prejudicial to our interests. I beg leave to refer this matter to your mature deliberation.

I find since my arrival, that the organization of Worth county, will depend altogether on that of Santa Fé, as they are under the same influence. Under existing circumstances, I shall not be able to go to Presidio, unless I am furnished with an escort. There are but few persons on this side of the river, and they are mostly in the employ of Ben Leaton. There are very serious charges brought against Leaton, by the Governor of Chihuahua,

and others, for robberies and malpractices with the Indians; and it is generally believed that he had Mr. Torrey and his party murdered; besides, the country is so completely overrun by the Indians, the roads waylaid, &c., that it is impossible for any person to travel in any direction, unless in strong parties.

I deem this a proper occasion to urge upon you the necessity of some measures to put an end to the Indian difficulties on this portion of our frontier. The Apache Indians keep up a continual warfare on the settlers, and rob and murder with perfect impunity; a person's life is not safe any where on any road. The United States troops here, are mostly infantry, and can do nothing more than guard their stations, and the Indians have had the advantage in every skirmish. I beg leave to call your attention particularly to that subject, and for any further information, I would refer you to Mr. Cockburn.

The only company of 1st Dragoons in this section, is stationed at Doñana, under command of Brevet Major Steen. They have been very active in the pursuit of the Indians, but his force is so small that his operations are very limited, and of course, can lead to no final results. The Major is a gallant officer and a perfect gentleman. He is a perfect *Texian* in principle, and the strongest *advocate* of our claims that I have found in this territory. He declares openly, that he would resign his commission and take up arms to defend the Texian claim to this territory, and by his own means, neutralized one of the presses in Santa Fé.

The county of El Paso having been organized, you will of course appoint Notaries Public for the county. I beg leave to recommend to your favorable notice, Mr. Alexander Berthold of Socorro, and Mr. Jarvis Hubbell of Franklin, as gentlemen well qualified to fill that office; also, the former Prefector, Mr. T. F. White of Frontera. If the Legislature has made any provisions for the appointment of Land Commissioner for this territory, I would recommend Mr. John James, formerly of San Antonio, who now resides in Socorro, as one of the most proper persons for that commission, as he has informed himself fully in regard to the land matters here.

There are many subjects that would be interesting to the Executive, in regard to this country, but I deem it improper to base any information communicated to my government on rumor. I therefore, close this communication by recommending to your notice, Mr. Cockburn and Mr. James, with whom I have conversed freely with regard to many matters connected with my

strong prejudice against our State, amongst some of the most influential men in this county; and I have been compelled, in order to contend successfully against this prejudice, to *pledge the faith of the State that the Land Office will be closed against all locations, until the claims of the actual settlers here are investigated.* I have no assurance that such is the case, although I felt authorized to make the pledge, from the belief that the State would afford proper protection to the actual settlers in this county. If I could show a law to that effect, under the seal of the State, it would bind so large a portion of the actual settlers to our State, that I could not for a moment consider the success of my mission doubtful.

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I much regret that our government should have been so poorly informed in regard to the orders existing in this territory. These orders were evidently kept from the knowledge of the State authorities, through design, and it was not known here that such orders existed, as would sustain the authorities of Texas until my arrival. If our Legislature had been well informed, proper means would have at once been adopted, as it is, under the present provisions made for organizing, they risk a failure, which will be prejudicial to our interests. I beg leave to refer this matter to your mature deliberation.

I find since my arrival, that the organization of Worth county, will depend altogether on that of Santa Fé, as they are under the same influence. Under existing circumstances, I shall not be able to go to Presidio, unless I am furnished with an escort. There are but few persons on this side of the river, and they are mostly in the employ of Ben Leaton. There are very serious charges brought against Leaton, by the Governor of Chihuahua,

and others, for robberies and malpractices with the Indians; and it is generally believed that he had Mr. Torrey and his party murdered; besides, the country is so completely overrun by the Indians, the roads waylaid, &c., that it is impossible for any person to travel in any direction, unless in strong parties.

I deem this a proper occasion to urge upon you the necessity of some measures to put an end to the Indian difficulties on this portion of our frontier. The Apache Indians keep up a continual warfare on the settlers, and rob and murder with perfect impunity; a person's life is not safe any where on any road. The United States troops here, are mostly infantry, and can do nothing more than guard their stations, and the Indians have had the advantage in every skirmish. I beg leave to call your attention particularly to that subject, and for any further information, I would refer you to Mr. Cockburn.

The only company of 1st Dragoons in this section, is stationed at Doñana, under command of Brevet Major Steen. They have been very active in the pursuit of the Indians, but his force is so small that his operations are very limited, and of course, can lead to no final results. The Major is a gallant officer and a perfect gentleman. He is a perfect *Texian* in principle, and the strongest *advocate* of our claims that I have found in this territory. He declares openly, that he would resign his commission and take up arms to defend the Texian claim to this territory, and by his own means, neutralized one of the presses in Santa Fé.

The county of El Paso having been organized, you will of course appoint Notaries Public for the county. I beg leave to recommend to your favorable notice, Mr. Alexander Berthold of Socorro, and Mr. Jarvis Hubbell of Franklin, as gentlemen well qualified to fill that office; also, the former Prefector, Mr. T. F. White of Frontera. If the Legislature has made any provisions for the appointment of Land Commissioner for this territory, I would recommend Mr. John James, formerly of San Antonio, who now resides in Socorro, as one of the most proper persons for that commission; as he has informed himself fully in regard to the land matters here.

There are many subjects that would be interesting to the Executive, in regard to this country, but I deem it improper to base any information communicated to my government on rumor. I therefore, close this communication by recommending to your notice, Mr. Cockburn and Mr. James, with whom I have conversed freely with regard to many matters connected with my

mission. They can give you much useful and correct information.

There will be a train leaving for Independence, Missouri, about the 15th of April. I will write by that train, and I hope at that time to be able to communicate the result of my operations in Santa Fé.

I have the honor to be,

Very respectfully, your obd't. serv't.

R. S. NEIGHBORS,
Commissioner, &c., &c.

A. No. 2.

Colonel Munroe to Major Steen.

HEAD QUARTERS, 9th MILITARY DEPT., }
Santa Fé, N. M. 12th March, 1850. }

SIR: Having been duly notified by Major Robert S. Neighbors of his arrival as Commissioner of the State of Texas, for the purpose of establishing the civil jurisdiction of the State, over this territory, your command will observe a rigid non-interference with him in the exercise of his functions, and equally avoid coming in conflict with the judicial authority created by that State.

I am, respectfully,

Your very obedient servant,

JOHN MUNROE,
Brev't. Col. U. S. Army,
Commanding 9th Dept.

Brevt. Maj. E. STEEN,
1st Dragoons,
Commanding at Doñana.

A. No. 3.

Circular letter addressed to the several Commanders of Posts in the 9th Military Department, to whom the subject may refer.

HEAD QUARTERS, 9th MILITARY DEPT., }
Santa Fé, N. M. 12th March, 1850. }

SIR: Having been duly notified by Major Robert S. Neigh-

hors, of his arrival as Commissioner of the State of Texas, for the purpose of establishing the civil jurisdiction of the State over this territory, your command will observe a rigid non-interference with him in the exercise of his functions, and equally avoid coming in conflict with the judicial authority, created by that State.

I am respectfully,
Your obedient servant,

JOHN MUNROE,
Brev't. Col. U. S. Army,
Commanding Dep't.

To _____,
Commanding at _____.

A. No. 4.

Report of Major R. S. Neighbors.

CITY OF AUSTIN, }
JUNE 4th, 1850. }

TO HIS EXCELLENCY, THE GOVERNOR:

SIR: I have the honor to inform you that I arrived in this city on yesterday, having left Santa Fé on the 24th April, and El Paso on the 11th of May. I herewith enclose for your special consideration a copy of a proclamation issued on the 23d of April by Col. John Munroe, U. S. A., Commanding 9th M. Department. By it you will perceive that the people of New Mexico are about to go into a separate State organization. This movement I am induced to believe has been brought about by the encouragement given them by the President of the United States, through his instructions to Col. McCall, U. S. A., as they were published, and very generally circulated through that territory.

Having since my arrival been informed that you did not receive my letter of the 12th April, which I forwarded with other documents and letters to you by the military mail, via El Paso, I deem it proper to call your attention to my movements after the organization of the county of El Paso. Having received a copy of Gov. Munroe's circular letter to the commanding officers of the 9th M. Department, ordering a "strict non-interference" with me in the discharge of my duties, and several letters from private individuals in Santa Fé, advising me to come on to Santa Fé, I lost no time, and arrived at that place on the 8th of April, under

the impression that I should be able to effect an organization. I was well and courteously received by the inhabitants. As soon as possible after my arrival I commenced an investigation of public sentiment, and endeavored to ascertain the practicability of organization.

I deemed it my first duty to call upon Col. Munroe, the Military Governor. I found by his conversation that he would give me no encouragement nor adopt any measures or policy that would forward the views or wishes of Texas; on the contrary, he expressed himself as decidedly favorable to the then existing state of affairs, "and believed it best that the present government with the Mexican laws now in force should be maintained until Congress shall establish some other." During the conversation I asked him the plain question: "Are you willing to acknowledge the jurisdiction of Texas, provided I hold the elections and qualify the proper civil officers." His answer was, "I am not prepared to say so. I have no right to abolish the present Government. The Judges and other officers are commissioned by the United States Government, and I have no power to remove them unless instructed to do so by my Government." I called his attention to the probability of the Executive of the State (in the event of my failure to organize) extending our jurisdiction by proclamation and enforcing the laws by a military force.

His reply was, "That would be the proper course for Texas to pursue; there will in that case be no opposition."

I also called on Judge Houghton, Supreme Judge of the Territory, who expressed his determination to maintain the existing Government, and to imprison any person who should attempt to enforce the laws of the State of Texas.

The civil jurisdiction of the Territory rests entirely with three individuals, viz: Judge Houghton as Chief Justice, and two Mexican District Judges—Otero and Bobion. They own and fully control the only press in New Mexico, (The New Mexican,) and no document can be printed or information diffused by it, except what is approved by a committee of supervisors, at the head of which stands Judge Houghton, the Chief Justice of the Territory, and the masses are kept entirely uninformed or misinformed in regard to the Texas and every other question, except the particular views of the party in power. This is the party that opposes the claim of Texas, a party that completely and absolutely controls the whole Mexican population above the Jornada del Muerto, (a party so void of principle that they would incite the Pueblo Indians to hostility, or resort to any other measure whatever to prevent the extension of the jurisdiction of Texas. I

was informed that those Indians had already been tampered with on the subject of Texas.

Enclosed you will find a copy of one of Judge Houghton's circulars to the Mexicans. This is one of the original documents, and bears Judge Houghton's own signature. This party had also circulated many prejudicial reports, such as the enormous amount of taxes that Texas would require them to pay, &c., and some of the Mexican population was excited to a considerable degree against Texas.

The party most favorable to the organization were the original State party. A few evenings after my arrival in Santa Fé, I met a considerable party of gentlemen, principally of that party, and amongst them some of the most distinguished members of the Bar, for consultation on the subject of organizing. At the same time that they were willing to go into an organization, and pledge themselves to carry the vote of what is now Santa Fé county, they were decidedly of the opinion that it would be necessary for the State to send a military force, before she could exercise jurisdiction. The party proposing to organize are of course under the operations of the existing Government in the minority, and the organization would be partial and incomplete. Having no authority to pledge the State to maintain her jurisdiction, and not being informed as to the action of the Legislature of the State on the the subject, I was compelled, contrary to the wishes of many, to defer the election until I could be better informed. In the mean time notices had been posted up in Santa Fé, calling a public meeting for the purpose of organizing a State Government. On the 20th April, a considerable number of persons assembled at the courthouse, and resolutions passed in favor of a State organization; a committee was appointed to wait on the Governor and request him to order a convention. Having no means of opposing this measure, I deemed it proper to protest against it, a copy of which protest, and the Governor's acknowledgement of it, I have the honor to enclose for your consideration.

I deem it proper to call your attention particularly to the official character of the movement in the territory of New Mexico in favor of a State Government. At the meeting in Santa Fé, Maj. Cunningham, U. S. Paymaster, presided, and Mr. Ellison, the Governor's private Secretary and Interpreter, acted as Secretary, and Judge Houghton was the principal spokesman, and out of the one or two hundred persons present, a large portion were the employees of the Government, in the Quarter Master's and other Departments.

I have no hesitation in saying that this movement is entirely one got up by the officials in that territory, and not a spontaneous movement of the citizens. I am credibly informed that the reported meetings in other places were of the same cast. Orders were issued to the Prefects by Judge Houghton, and the petitions to the Governor for a Convention was the result. In my intercourse with the citizens of that territory I became fully convinced of the fact, and I believe there is not a person in New Mexico, if divested of prejudice, but what would coincide with me in the belief, that to do away with the opposition and influence exercised by the United States authorities, Texas could at once and without any difficulty establish and exercise jurisdiction over the whole of that territory. I find many of the leading citizens willing to acknowledge our claim, and a large portion of those most opposed to us, have and now hold large grants of land that they acquired from the Mexican Government a short time before the war.

So soon as I ascertained that Col. Munroe, regardless of the claims of Texas, had issued his proclamation for a Convention, I deemed it unnecessary to remain longer in the territory, as I could in no way benefit the State by so doing, and finding my means nearly exhausted, I determined at once to return home. On my arrival at El Paso I found that the Indians held complete possession of the Rio Grande below that point, and were committing depredations on the Mexican settlements of Guadalupe, and even if I had the means it would be impossible to visit Presidio del Norte without a strong escort, as all communication with that point is cut off by the Apaches.

My duty as Commissioner having been executed to the best of my ability, I hope that my action in the premises will prove satisfactory to the State. Deeming it improper to make any suggestions in regard to her future action upon the subject of extending her jurisdiction over that territory, I can but express a regret that I have not been more successful. Hoping to meet with your approbation,

I have the honor to be,

Very respectfully,

Your obed't serv't,

R. S. NEIGHBORS,

Commissioner, &c.

To His Excellency, P. H. BELL.

A. No. 5.

Proclamation of the Supreme Judge of New Mexico, translated from the Spanish.

SANTA FE, }
 March 13th, 1850. }

MY ESTEEMED FRIENDS: The arrival of a Commissioner from Texas has been notified, and we have received the address of the Governor of said State, ordering the inhabitants on the East side of the Rio del Norte to organize three counties under the government of Texas. In this matter the right belongs to the people, under the Constitution, to act peaceably, and to refuse absolutely their obedience to the doings, orders or proclamations of the Commissioner of Texas.

The Government under whose control we are living, and the civil officers who administer our law, constitute a superior power, whose laws and officers we are all bound to support, until the Government at Washington shall make other and more permanent arrangements for our better government.

We should be neither loyal nor obedient to Texas. Any attempt on the part of that Government for the unjust usurpation of our land and boundaries, *we are in duty bound to resist*. But if every thing can be accomplished by the firm and decided stand of the people, although of a pacific character, it will be rather better than to come to the facts through the medium of hostilities.

After having taken the advice of the best friends of the country, I consider it to be my duty to charge in the name of those friends, and mine also, that every county immediately use the rights guaranteed to it by the laws, and come forward and express with unity and firmness, in the form of resolutions their opinion on a subject so interesting to us all. When this shall have been done, the proceeding may be forwarded to Santa Fe, for publication; and it is requested that such meetings as ours shall take place on the first day after the next week.

The following rules of action should be kept in the minds of the people: not to go the election polls which shall be opened by the Commissioner; not to approve or strengthen any one of his acts or doings, and not to yield him any kind of obedience or respect.

If the people will observe strictly this plan in their conduct, the present mission of the Commissioner of Texas will be as useless as that of Judge Baird, last year.

This very interesting affair is already in the hands of the people. The military power neither helps, hinders nor intrudes itself in favor of, or against the claims of Texas.

The present Government is very culpable for its neglect to arrange the boundaries of New Mexico; but we are waiting every day for news from our Delegate, and feel well founded hopes of the complete success of his mission, while we are also true and faithful to ours.

Your fellow citizen and servant,

J. HOUGHTON.

A. No. 6.

Major Neighbors to Colonel Munroe.

SANTA FE, }
April 14th, 1850. }

COLONEL J. MUNROE,
Commanding 9th Military
Division, U. S. Army.

SIR: Having seen through the day advertisements posted up in many places, both in English and Spanish, inviting the citizens of this place to convene on Saturday next, to take into consideration the propriety of making a State movement, I deem it my duty as the Commissioner of Texas, charged with the duty of effecting a civil organization under her laws of this portion of her territory, to call your attention to this fact, as well as to the 3d section, 4th article of the constitution of the United States.

I deem it the more necessary thus solemnly to protest against any countenance or aid being given to this movement by the heads of this Government, in consequence of the orders which have emanated from the War Department bearing upon this subject, and the result of an interview had between us a few days since. The Government which I have the honor to represent, has declared her determination to maintain inviolate all the Territory within her *boundaries; such boundaries as were guaranteed to her by her compact of union*, and I would take this opportunity, to refer you to the 2d section of the "Joint Resolution for annexing Texas to the United States," and to the "Preamble of the Constitution of the State of Texas," by which the terms of said joint resolutions are accepted; and also, to the "Joint Resolutions for the admission of the State of Texas into the Union,"

approved 29th December, 1845;” all of which, in my opinion, would be violated by the consummation of said State movement. And further to state, that I now most solemnly protest against any movements in furtherance of said State cause, until Texas shall have extended her jurisdiction over this portion of her territory, or until the voice of Texas can be known in this matter as guaranteed to her by the enactments cited above.

I have the honor to be,
Very respectfully,
Your obd't serv't.

R. S. NEIGHBORS.

A. No. 7.

Colonel Munroe to Major Neighbors.

HEAD QUARTERS, 9th MILITARY DEP'T., }
Santa Fé, April 20th, 1850. }

SIR: Enclosed is the transcript of a circular letter, dated the 12th of March, which I addressed to the Commanders of Posts within this Department, to whom the subject might refer.

I received on the 16th instant, your communication of the 15th instant, being a protest against calling a convention of the people of New Mexico, for the purpose of forming a State Government.

I am, respectfully,
Your obd't serv't,

JOHN MUNROE,
Brev't Col. U. S. Army.

Major R. S. NEIGHBORS,
Commissioner, &c.

A. No. 8.

Proclamation.

WHEREAS, The people of New Mexico have, by public meetings held in the several counties of this Territory, expressed a desire to hold a Convention for the formation of a State Constitution, and to urge upon Congress the admission of this Territory into the Union as a State; Therefore,

I, JOHN MUNROE, Civil and Military Governor of said Territory, do hereby direct that the qualified electors of the Territory of New Mexico, shall assemble at the precincts of their respective counties, on Monday, the 6th day of May next, between the rising and setting of the sun, to vote by ballot for Delegates to a Convention to be held at Santa Fé, on Wednesday the 15th of May next, as follows :

For the county of Taos—three Delegates.	
“ “ Rio Arriba—three Delegates.	
“ “ Santa Fe—three Delegates.	
“ “ San Miguel—three Delegates.	
“ “ Santa Ana—two Delegates.	
“ “ Bernalillo—two Delegates.	
“ “ Valencia—Five Delegates.	

The Prefect shall designate convenient precincts in their respective counties, and shall appoint three discreet persons as judges of election in the several precincts—otherwise, said elections shall be conducted in manner and form as prescribed in the laws of the Territory, under the title of “elections,” except that the Prefect’s clerk of each county shall, with the assistance of the Prefect, examine and cast up the votes given to each candidate—shall give a certificate of election to the person having the highest number of votes, and shall transmit to the Secretary of the Territory a fair abstract of all the votes given within four days after the day of election.

Given under my hand at the Government House, in the city of Santa Fe, this 23d day of April, A. D. 1850.

JOHN MUNROE,
Military and Civil Governor
Territory N. M.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

Communicating, in compliance with a resolution of the Senate, information in relation to military orders issued by the United States officers at Santa Fe, and correspondence between those officers and the War Department in relation to the claims of Texas to jurisdiction over that country.

To the Senate of the United States :

I have received a copy of the resolution of the Senate of the 11th June, instant, requesting me "to inform the Senate whether any orders have been issued to any military officer or officers at Santa Fe to hold possession, against the authority of Texas, or in any way to embarrass or prevent the exercise of her jurisdiction over that country ; and to furnish the Senate with copies of any correspondence which may have taken place between the War Department and the military stationed at Santa Fe, since the date of my last communication on that subject."

In reply to that resolution, I state that no such orders have been given.

I herewith present to the Senate copies of all the correspondence referred to in the resolution. All the other orders relating to the subject-matter of the resolution have been heretofore communicated to the Senate.

I have already, in a former message, referred to the fact that the boundary between Texas and New Mexico is disputed. I have now to state that information has been recently received that a certain Robert S. Neighbors, styling himself Commissioner of the State of Texas, has proceeded to Santa Fe, with a view of organizing counties in that district, under the authority of Texas. While I have no power to decide the question of boundary, and no desire to interfere with it, as a question of title, I have to observe that the possession of the territory into which it appears that Mr. Neighbors has thus gone was actually acquired by the United States from New Mexico, and has since been held by the United States, and, in my opinion, ought so to remain until the question of boundary shall have been determined by some

competent authority. Meanwhile, I think there is no reason for seriously apprehending that Texas will practically interfere with the possession of the United States.

Z. TAYLOR.

WASHINGTON, June 17, 1850.

WAR DEPARTMENT, }
Washington, June 15, 1850. }

SIR: In reply to the first clause of the resolution of the Senate of the 11th instant, requesting the President "to inform the Senate whether any orders have been issued to any military officer or officers at Santa Fe to hold possession against the authority of Texas, or in any way to embarrass or prevent the exercise of her jurisdiction over that county," I have the honor to state that no such orders have been given.

In compliance with the second clause of said resolution, requesting "copies of any correspondence which may have taken place between the War Department and the military stationed at Santa Fe since the date of his (the President's) last communication to the Senate on that subject," I have the honor to submit herewith the copies required.

Very respectfully, your obedient servant,

GEO. W. CRAWFORD,

Secretary of War.

TO THE PRESIDENT OF THE UNITED STATES.

List of accompanying papers.

November 21, 1849. Colonel Munroe to the Adjutant General, enclosing report of Major Van Horne of September 23, 1849.

February 15, 1850. The Adjutant General's reply to Colonel Munroe.

January 3, 1850. Colonel Munroe to the Adjutant General, enclosing letter to Major Van Horne of December 28, 1849.

Instructions to same, of December 28, 1849.

March 8, 1850. The Adjutant General's reply to Colonel Munroe.

April 16, 1850. Colonel Munroe to the Adjutant General, enclosing the "New Mexican Extra" newspaper of April 10, 1850; "Public Notice" of April 10, 1850.

Letter from Robert S. Neighbors, respecting the movement indicated by the newspaper publications and the notice.

HEAD QUARTERS NINTH MILITARY DEPARTMENT. }

Santa Fe, New Mexico, November 21, 1849. }

SIR: Brevet Major Van Horne, 3d regiment infantry, commanding opposite to El Paso, has written the enclosed letter (dated post opposite El Paso, 23d September, 1849) to the commander of the 9th military department, who respectfully asks that it be laid before the proper department of government at Washington, with the view of having the question of jurisdiction determined; and that thereby the local authorities within this territory may be relieved from the responsibility which the present unsettled state of the case presents.

I am, respectfully,

Your very obedient servant.

JOHN MUNROE,

Brevet Colonel United States Army,
Commanding department.

Major General R. JONES,

Adjutant General United States Army.

HEAD QUARTERS, POST OPPOSITE EL PASO, }

September 23, 1849. }

SIR: It must have occurred to you that no line can be run or exist such as that described in general orders No. 49, describing the boundary between the 8th and 9th military departments. It is required to run from where the 32d degree of latitude crosses the Rio Grande, *south of El Paso*, to the mouth of the Ensenada Choctaw, a branch of the Colorado. Now instead of the 32d degree crossing the river *south* of El Paso, it is well known that it crosses about fifteen miles in a direct line *north*, or about thirty miles by the river. The order sending the battalion 3d infantry here, designates this spot as New Mexico, and the 9th military department. This suffices for me as to the department.

But the question arises in my mind, whether the laws of New Mexico should be enforced here when the southern boundary of New Mexico is about fifteen miles north of us? or, if not, should those of Texas? These are questions which I take the liberty of referring to you for consideration, as I have been called upon to

sustain the laws of both States by different individuals. Mr. White, at Frontera, desires me to assist him in enforcing the collection of taxes for New Mexico on stores, grogshops, &c. As these collections have not been made, I have deemed it best to defer their enforcement until I have your views and instructions. Mr. Howard, who represents himself as a legally appointed officer of Texas, (surveyor,) has, with other Texians, been locating Texas headrights, &c., on the great Salt lake. They claim the exclusive right to use the salt, and to levy a tax or tribute on all others who take salt therefrom.

I shall be governed by your directions in these particulars, and only present them to your consideration, as I presume you may be instructed or better informed on the subject than I, who have just arrived.

I am, sir, very respectfully,
Your obedient servant,

J. VAN HORNE,
Brevet Major Commanding Battalion 3d
Infantry, and post at El Paso.

ASST. ADJT. GEN. 9TH MILITARY DEPT.,
Santa Fe, New Mexico.

NOTE.—The latitude of 32° referred to by Major Van Horne, and marking the southern limit of the 9th military department, is nowhere mentioned in the treaty between the United States and Mexico. By a law of Mexico, the southern boundary of New Mexico is an east and west line running on *both sides* of the Rio Grande, a league or somewhat less north of El Paso.

J. MUNROE.

—
ADJUTANT GENERAL'S OFFICE, }
Washington, February 15, 1850. }

COLONEL: Your letter of 21st November, enclosing a communication from Brevet Major Van Horne in relation to the boundary line between the 8th and 9th departments, and the jurisdiction of Texas or New Mexico over the station near El Paso, having been submitted to the Secretary of War, the following is his decision:

“The division between the 8th and 9th departments is sufficiently marked by the general orders No. 58, December 15, 1849. The jurisdiction over the soil, east of the Rio Grande, claimed

by Texas and New Mexico, cannot be settled by this department. The commanding officer must refer to and abide by instructions previously given on this subject."

R. JONES, Adjutant General.
Brevet Colonel J. MUNROE,
Commanding 9th Department, Santa Fe, N. M.

—

HEAD QUARTERS 9TH MILITARY DEP'T, }
Santa Fe, New Mexico, January 3, 1850. }

SIR: The enclosed copies of communications relating to the territorial government of New Mexico, I take the liberty of transmitting, through your office, to the Home Department. It may be proper, perhaps, to submit them to the Secretary of War for his perusal.

I am, very respectfully,
Your obedient servant,

JOHN MUNROE,
Brevet Colonel U. S. Army.

Major General R. JONES,
Adjutant General U. S. Army.

—

HEAD QUARTERS 9TH MILITARY DEP'T, }
Santa Fe, New Mexico, December 28, 1849. }

SIR: Enclosed herewith I transmit you instructions for your guidance, and that of the New Mexican authorities, in relation to the limited district south of the territorial line, and desire that you will furnish Mr. White of Frontera, acting prefect, with a certified copy of it. The paper is drawn up with as much caution as possible; and in carrying out its provisions, it is important, as you can well understand, to practise equal prudence.

I did not answer your letters on this subject, owing to the difficulties with which the question was beset, and the necessity of limiting myself to such exercise of power as was absolutely necessary and could be fully justified—a line of conduct by no means easy to hit.

I am, respectfully, your obedient servant,

JOHN MUNROE,
Brevet Colonel, commanding 9th
Military Department.

Brevet Major JEFF. VAN HORNE,
Third U. S. Infantry, commanding,
opposite El Paso, &c.

HEAD QUARTERS 9TH MILITARY DEP'T,
 Santa Fe, New Mexico, December 28, 1849. }

SIR: There appears to be a portion of territory, ceded to the United States by treaty with Mexico, lying on the east side of the Rio Grande, (or Del Norte,) and south of the ancient limits of New Mexico, including the towns or the places of Ponce's Rancho, Isleta, Seneca, Socorro, and San Eleazario, over which neither the State of Texas nor the Territory of New Mexico has properly assumed civil jurisdiction or extended their laws, though the United States exercises military authority over them in consequence of occupation and treaty.

As no jurisdiction has been assumed over the district by the State of Texas, therefore, in order that its inhabitants may have the protection of civil laws and magistrates, it is hereby directed that you sustain the civil jurisdiction of the territory of New Mexico, her civil officers and magistrates. in the execution of their duties for the protection of persons and property only, under what is called the "Kearny code," until such time as Texas shall officially assume civil jurisdiction, or the Congress of the United States finally settle the boundary between Texas and New Mexico, or instruction to the contrary may be received from superior authority.

I am, respectfully, your very obedient servant,

JOHN MUNROE,

Brevet Colonel U. S. Army, commanding,
 Department, and Ex-officio Civil Governor
 of the Territory of New Mexico.

Brevet Major JEFF VAN HORNE,
 Third Regiment Infantry,
 Commanding, opposite El Paso, &c.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE, }
 Washington, March 8, 1850. }

SIR: Your note of the 3d of January, enclosing copies of your letters of instruction, dated December 28 1849, to Brevet Major Van Horne, 3d infantry, commanding United States troops opposite El Paso, relative to the Territorial government of New Mexico, has been received and duly laid before the Secretary of War.

I am directed by the Secretary of War to state, in reply, that, regarding as he does your orders to Major Van Horne, of December 28, 1849, as manifestly assuming to decide the question of

territorial jurisdiction of Texas over the places enumerated therein, and professing to extend a "code" of laws which had not been accepted by the people even whilst under military authority, it is deemed necessary distinctly to repeat, for your guidance on this occasion, what the department has often stated, that the Executive has no power to adjust and settle the question of territorial limits involved in the case. Other co-ordinate departments are alone competent to make the decision. The main duties of the army are, to give protection and security on the soil of the United States, and preserve internal peace. Whatever else is done must arise from the urgent pressure of necessity which cannot be postponed, and to avoid the exercise of any civil authority which is not justified by that necessity. In sending to these people the "Kearny code," or other codes, it is proper to remark, that the only regulations which are applicable to their condition are those laws which were in force at the period of the conquest of New Mexico, or Texas may establish. The only exception is, that they be not in opposition to the constitution and laws of the United States.

I am further directed by the Secretary of War to annex, herewith, extracts from his instructions of April 3, 1849, to General P. F. Smith, United States Army, commanding Pacific division, and of June 26, 1849, to Brevet Brigadier General B. Riley, relative to the laws and internal affairs of California, but which are considered alike applicable to the present state of affairs in New Mexico. I also annex an extract from the letter of Brevet Brigadier General B. Riley to the Adjutant General, dated June 30, 1849, as showing the principle on which the civil government of California was administered, conformably to the instructions of the Secretary of War above referred to.

I am, sir, very respectfully, &c.,

R. JONES;
Adjutant General.

Brevet Colonel J. MUNROE,
Commanding Ninth Department,
Santa Fe, New Mexico.

[Extract 1]

The Secretary of War to General P. F. Smith, commanding Pacific division, California, dated Washington, April 3, 1849.

“Touching the internal regulations of California, it is pre-

sumed that a government *de facto* remains, or has been established in it; that it rests on the consent of the inhabitants under it; and that its chief authority is exercised for the protection and security of the rights of persons and property. California being a part of the territory of the United States, must be regarded as subject to the constitution, and all laws made in pursuance thereof; and hence any regulation in opposition to them will be regarded as having no binding effect. With this limitation, such a government will be respected and aided by you in the exercise of its functions."

[Extract 2.]

*The Secretary of War to Brevet Brigadier General B. Riley,
Monterey, California, dated June 26, 1849.*

"It is equally true that all laws existing and of force in California at the period of the conquest are still operative, with the limitation that they are not repugnant to the constitution and laws of the United States. In my opinion, these constitute the whole code of laws now of force in California. I should add that this opinion does not infringe on the rights of communities to make necessary regulations for the police and security of persons and property. Such regulations must necessarily be temporary, as they are presumed to be voluntary and designed to meet emergencies and difficulties which the sovereign power will take the earliest occasion to remove."

[Extract 3]

*Brevet Brigadier General B. Riley to Major General R.
Jones, Adjutant General, dated Monterey, California, June
30, 1849.*

"The publication of a portion of the instructions received from Washington, respecting the government of this country and the disposition manifested by the authorities here to enforce the existing laws, has done much to remove the erroneous opinions which were for a time entertained by the people of California. The civil government of this country has been, and will

continue to be, administered on the principle laid down by the Supreme Court, viz: "On the transfer of the ceded territory it has never been held that the relations of the inhabitants with each other undergo any change. Their relations with their former sovereign has been dissolved, and new relations created between them and the government which has acquired their territory. The mere act which transfers their country, transfers the allegiance of those who remove [remain] in it; and the law which may be denominated political is necessarily changed, although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the state."

"The treaty is the law of the land, and admits the inhabitants [California] to the enjoyment of the privileges, rights and immunities of citizens of the United States. It is necessary to enquire whether this is not their condition, independent of stipulation. They do not, however, participate in political power; they do not share in the government till [California] shall become a State. In the mean time [California] continues to be a territory of the United States, governed by virtue of that clause of the constitution which empowers Congress to make all needful rules and regulations respecting the territory and other property belonging to the United States."

—

HEAD QUARTERS, 9th MILITARY DEP'T., }
Santa Fe, April 20th, 1850. }

SIR: Enclosed is a letter from Major Robert S. Neighbors, commissioner of the State of Texas, dated the 15th instant, addressed to the commander of this department, and printed papers, all referring to the affairs of this territory in connexion with the claim of Texas, and I desire that they may be placed in the hands of the Secretary of War.

I am, respectfully,
Your obed't serv't,

JOHN MUNROE,
Brev't Col. U. S. Army.

Major General R. JONES,
Adjutant General United States Army.

[From the "New Mexican" extra, of April 19, 1850.]

SANTA FE, April 7, 1850.

MESSEURS EDITORS: Under the excitement caused by the intelligence received from the United States by the last mail, it is extremely difficult to take a perfectly correct and dispassionate view of the course that ought to be pursued by the people of New Mexico; yet I have endeavored to do so, and will present it for the consideration of our fellow citizens, if you will favor me by a publication in your next extra.

The intelligence, nationally and territorially, distresses me as much as it possibly can either of you, or any lover of his country. I know your sentiments well, gentlemen, as expressed publicly and privately, and am well assured that neither of you, so long as a single ray of hope exists, would abandon the zealous advocacy of a Territorial form of government; nor would I do so. The intelligence referred to, however, is of such serious character that we are bound to take other and more comprehensive views of our situation than mere considerations of preference and internal advantage of one form of government over another. We are called upon *now* to act, not only for ourselves, but for the good, and perhaps to avert the menaced dissolution of our beloved Union.

The renewal of the agitating subject of slavery, growing out of the violence of party spirit, and the attempt to establish proper governments for the different departments acquired by treaty from the republic of Mexico, creates general and well founded grounds of apprehension for the safety of the Union, of which we form an integral part, and are equally and alike menaced with every other portion of it.

The only resolutions that have been presented at all favorable to the plan of territorial government were those of Mr. Clay, which met with decided opposition from the whole South, and from other quarters. The debates on the resolutions, and the strength of the opposing party, together with the assured position taken by the administration against the Territorial move, forbids the shadow of a hope that we shall obtain it during this session of Congress, or even during this presidential term, should it please God to preserve our Union so long. The great object of all parties appears to be to have fixed and settled at once, and forever, the whole question of slavery; and nothing short of this will satisfy either of them. It is for this reason that they will seek a *general blending*; and *absolutely refuse* to act on any se-

parate question that can possibly even remotely influence, much less directly affect, the principal one of slavery.

In this position of affairs, the administration, through a conservative principle, and with a hope of shielding our country from the calamity by which she is so menacingly assailed, calls upon us to take such decisive measures as will tend, so far as we are concerned, to achieve that object, and propose as the only effectual means in our power, the immediate adoption of a State constitution and form of government, with the explicit declaration that we are for or against slavery, and present them for the action of Congress during this session. Hence it is we find ourselves placed in a very peculiar and delicate position. On the one hand, we may hope, within the next three years, to get a territorial government, should the Union be undissolved; and on the other it appears to be our imperative duty to abandon those hopes, and, for the preservation of our nationality, to assume a form of government we have always, and conscientiously, opposed as disadvantageous for us.

I, gentlemen, have always been taught that in great emergencies, such as the present appears to be, every community, and every individual of that community, is bound legally, and by every sentiment of honor and patriotism, not only to repress all predilections and abandon all local advantages, but do all that possibly can be done to avert national destruction, and such I believe will be the opinion of all who are not absolutely blinded by ignorance or by party zeal. Believing, as I am most conscientiously forced to do by the evidences before me, that the peril to the Union is *certain, imminent, and immediate*, and that it is in our power materially to aid in averting it, I hold it a sacred duty I owe to the Union, my adopted country, and to myself, to advise the native people of New Mexico that I conceive it to be *their duty*, as well as my own and that of every other American citizen in the territory, to come forward boldly, and at once, and endeavor to sustain the integrity of the Union by the formation of a *State* constitution and government, with an explicit declaration on the subject of slavery.

I am, Messrs. Editors, respectfully,

ONE OF YOUR PARTY.

Los siguientes párrafos son traducidos del Mensaje del Presidente de los Estados Unidos al Congreso, en 21 de Enero, 1850.

Para la mejor ejecucion de los tratados hechos (en Guadalupe

Hidalgo,) y hasta donde Alcãanse el poder ejecutivo para que puedo tomar accion el Congreso, en la seccion presente, con el conõsimento y menos dificultades posibles sobre materia de interer en estos Territorios, mande al Hon. Thomas Butler King como portador de despachos a California, y ciertos Oficiales a California, y Neuevo Mejico cuyos deberes con particularmente definidos en las cartas de instrucciones que acompaño dirigidas a ellos por los propios Departamentos.

Recomende a los Pueblos de los Territorios mi deseo si acaso le convenia a cada Territorio devia si heran preparados a cumplir con los requisitos de la constitucion de los Estados, de formar un plan de Constitucion de Estado, y someter el mismo al Congreso suplicandole que lo admitiese como Estado de la Union.

Aconseje a los Pueblos de los Territorios la pronta aplicacion de ser admitidos como Estado. Fue actuado principalmente por un grande y verdadero deseo de poner en el conocimiento de la sabiduria y exaltadas discusions entre el pueblo de los Estados Unidos.

Las epocas de incitamiento de esta causa, (esclavitud,) que han sucedido anteriormente, las hemos pasado en salvo pero durante el tiempo que sea much o poco, que pudiera pasar antes de la admision de los territorios cedidos por Mejico como Estados, parese probable que insitamiento semejante, existiria de una manera inesperada.

Bajo estas circustancias pense y todavia creo que hera mi deber de poner en el poder del Congreso por la admision de Nuevo Mejico y California como Estado, como medio de remover toda ocasion innesaria de la opinion publica.

Un reclamo ha sido ananzado por Eestado de Tejas a una gran porcion del mas populaso distrito del territorio, comunmente decignado por el nombre de Nueva Mejico. si el pueblo de Nuevo Mejico hubiera formadoun plan de gobierno de Estado para aquel territorio como se dice por los tratados de Guadalupe Hidalgo, y hubiera sido admitido por el Congreso como Estado, nuestra constitucion hubiera sido admitido por el Congreso como Estado, nuestra constitucion hubiera dado medios del ajnste de la cuestion de limites con Tejas por medio de una decicion judicial. Al presente no hay tribunal judicial que tenga el poder de decidir la cuestion, y si queda a la deliberacion del Congreso distar medidas para el ejuste.

Del Secretàrio de Guerra al Teniente Colonel McCall.

DEPARTAMENTO DE GUERRA, }
Washington Noviembre 19, 1850. }

SENIOR: Como V. esta para reunirse con su regimiento en servicio en Mejico, me ha ocurrido como un deber hacer algunas observaciones sobre la condicion peculiar de aquel, y otro Territorio de los Estados Unidos, desde que fueron agregados estos Territorios, en cuanto a su gobierno civil, han sido gobernados por los oficiales del ejercito en ellos mandando. un deber lo es considerado como calleu do mas alla de una esleia de accion y de ser relevados de ese deber, no puede ser mas deseado por ellos que por este departmente. Este Estado de cosas ha resultado de la omision del Congreso de probar un gobierno conveniente, y en respecto a lo futuro hay razon de creer que las dificultades de lo pasado tendremos que encontra. De toda manera posible es importante tanto Nuevo Mejico, desea e quiere un gobierno organizado con todos los poderes propios para lo seguissidad de sus vidas y propiedades.

La cuestion prontamente ocurre de ver de que manera se puede suplir equel gobierno? he advertido ya a dificultades pasadas y tadavia existentes, que han retardado y pueden continuar retardando la accion de los Estados en respecto a esta tan nesecaria y primera nesecidad.

Para removerla, puede en alguna manera ser parte del dever de los oficiales del egercito, sobre quienes bajo las nesecidades del caso, ha sido por embuelta una participacion parcial de sus negocios civiles; y ha sido por conciguiente que diga yo ue no es creido necesario due el Pueblo de Nuevo Mejico esta requerido de aguardar la accion del gobierno federal en relacion al plan de gobierno que desea para la regulacion de sus negocios interiores.

La constitucion de los Estados Unidos, y los tratados de paz entre Mejico y los tratados Unidos les garantiza su admicion en la union de nuestros estados, sugestos unicamente al dictamen o juicio de congreso. Si el pueblo de Nuevo Mejico deseara tomar algunos pasos asi a este objeto tan importante y necesario a ellos mismos y sera su deber y el de otros con quien V. este asociado de no embarazar, para abansar sus deseos. Es su derecho de presentarse ante el congreso, y pedir su admicion en la union,

Observaciones hechas en el Congreso el día 20 de Febrero de 1850, que manifiestan la opinion a las resoluciones del Sr. Clay en favor de un gobierno Territorial para Nuevo Mejico, &c.

El Sr. Foote, hablo mucho tiempo sobre el peligro de que esta rodeado el pais y manifesto la opinion que habia un plan de introducir California a la Union clandestinamente, y que las resoluciones del Sr. Clay concedian todo al Norte y nada al Sur, pero el, ira al sepulcro con la opinion que la esclavitud hera un mal moral, y una injuria politica.

Las resoluciones del honorable senador dicen que la esclavitud no existe; o no esta sostenida por la ley en los Territorios recientemente adquiridos de Mejico: cuando yo soy de la opinion que los tratados con la republica de Mejico llevo la constitucion con todas sus guarantias a todo el Territorio obtenido, por el tratado y asi dura el privilegio a todo dueno de esclavos en el Sur de entrar en cualesquiera parte de dichos Territorios, llevando consigo sus esclavos, y asi gozar libre de toda molestacion o estorbo de cualesquiera naturaleza, y que considerando que el habia antes declarado formalmente que el derecho de Tejas a todo el territorio contenido dentro de sus limites como manifestado en sus leyes del ano de mil ochocientos treinta y seis lleno, completo e inegable, y el hera opuesto de decir cualquiera cosa, por resolucion, o de cualquiera otra manera que podia en el grado mas minimo atraer el titulo en disputa, como el creia estaba hecho en una de sus resoluciones del honorable senador de Kentucky, que si toda otra cuestion conexas con la materia de esclavitud puede ser arreglada satisfactoriamente, el no va objecion alguna a la admision de toda esa parte de California, arriba en la linea de treinta grados y treinta primeros, en la union, con el proviso que uno u otro Estado de esclavitud pueden ser hechos dentro de los limites presentes de Tejas, de manera que existia la misma igualdad entre los Estados de esclavos y Estados libres de la Union, y con tal amas que todo esto esta hecho por la ley de convenio, y como un medio para salvar la Union.

El Sr. Barnes, creia que las miras del Sr. Clay eran muy sinceras y patrioticas, pero que el pensaba de otro modo muy diferente, pero ni yo tampoco despues de declaraciones hechas por Senadores de otros Estados, tenerio inferido de mi silencio con todo el respecto que tengo al senador de Kentucky, y con el pronto homenaje que yo estoy dispuesto a hacer a los motivos que le sugirieron a introducir sus resoluciones que se creen por

un momento mis constituyentes que yo he convenido en las proposiciones manifestadas en estas resoluciones.

El Sr. D. W. Downers. Dijo que nadie puede haber oido con mas placer que el mismo, lo que esta anunciado en el Diario que el Sr. Clay estaba preparando ubenimiento sobre la cuestion agitada de esclavitud, pero que el ha sido muy enganado, y debe confesar que en el enterio discurso de su vida nunca ha sido tan asombrado como cuando vio producida esta proposicion como un convenio. El pidio la palabra no con el fin de discutir la cuestion, sino de protestar solemnemente contra ella.

El S. Butler. Dijo despues del cambio de la discucion, habia tomado que creia que le convenia a el decir unas cuantas palabras antes de concluir este negocio. Yo no hago imputacion ninguna por sus esfuerzos sera la preservacion de la Union, pero a mi me pueden perdonar si digo que no sera preserbada por el simple nombre de convenio.

El Sr. Mason. Depues de examinar las resoluciones del Sr. Clay, dijo que hay otro que siente demaciado de ver introducida ante la sala de senadores, por un senador de un Estado donde hay esclavitud, es esta que supone que la esclavitud no existe ahora segun la ley en estos paises. Yo entiendo de sus proposiciones a declarar que segun la ley esta aborida la esclavitud en Nuevo Mejico y California.

El Sr. Davis. En el discurso de una fuerte comentacion sobre estas resoluciones pregunto: que despues de agitada esta cuestion en estas y en otras partes ha evitado la introduccion de esclavos estorbando le emigracion de hombres que tengan esclavos, con sus propiedades, hemos de estar informados que la cuestion esta arreglada?

El Señor Clemens hizo una larga opicicion y comentario sobre las resoluciones del Señor Clay y el Señor Benton que el Señor Clay nego durante la discucion. El Señor Clemens dijo que el no veza razon alguna que no fuera posible la disunion pero si no la responsabilidad de las concecuencias cae sobre el Norte. Tambien caimento sobre las minas del Señor Cass, a que contesta el Señor Cass. Creo dijo el Wilmot proviso inconstitucional. Si la propocicion me hubiera sido primeramente presentada la hubiera votado cuando fue primeramente presetada los dipütados del sur no manifestaron la resistencia a ellos como lo han hecho despues dijo el Señor Cass, que el examino la materia y hiallo que no havia hallado en la constitucion para prohibir la esclavitud de las comunidades Territoriales. El fue confirmado en su opinion por una consulta con el Señor juez McLean. El sur

Estaba muy exaltado y los Diputados estaban de terminados de hir adelante del sur incitamiento.

El Señor Cass siguió diciendo que él había oído amenazas violentas que ya bastaba, que estas cosas comentando sobre el razonamiento del Señor Mason no arrojan al último extremo. He oído amenazas que en Nuevo York ha de ser Troya moderno, y las ciudades del Sur como Troya antigua que el Norte ha de ser desolado, yo no puedo resistir este estado de cosas por más tiempo. Estamos en las manos de Dios, y yo inoro lo que él hará con nosotros pero de los hombres, su prudencia y moderación él no tiene esperanzas.

La tempestad había rodado sobre él estaba abatido. Esta era su última sección aquí si no dijera un hombre del Norte que la institución de esclavitud no era la mejor del mundo los nombres del Sur los denunciaba como abolicionistas. En sus casas su curso moderado hizo que lo denunciara neutral (*o cara de masa*) Fuego y sangre fue invocada por las dos partes todas las edades han tenido sus Wilmot proviso. En algunos tiempos ha venido de una forma, y en otro ello era un protesto de una conmoción.

A nuestros Conciudadanos de N. M.

El Correo que llegó ayer en diez y siete días de los Estados Unidos, nos trae noticias tristes del estado que guarda la Unión, y destruye nuestras esperanzas de obtener un gobierno Territorial. La cuestión afligida de esclavitud es la causa, y no sólo embuelve a nosotros aquí pero amenaza seriamente la disolución entera de la Unión Dios permita que no sea verdad. Mas de tres meses han pasado desde que se reunió el Congreso y no ha sido admitido todavía. Una proposición introducida por el senador Señor Foote a formar un gobierno Territorial para N. Méjico propone los límites siguientes: Al poniente por la sierra de Mimbres comenzando a los treinta y dos grados de latitud en línea recta al norte hasta los treinta y nueve, de ahí en línea recta al Este hasta 105 grados de longitud al poniente. De ahí línea recta hasta el 22 grado de latitud, y de ahí línea recta al poniente hasta el punto de que comenso. A este tiempo el Nuevo Méjico contiene doscientas mil millas cuadradas, y las resoluciones de Señor Foote de reducir los límites a 70,000 mil dando lo restante de 13,000 a Tejas.

La única acción en favor de nuestra aplicación por un gobier-

no Territorial fue hecha en las resoluciones propuestas por el Senador Clay, que fueron opuestas por todos los senadores del Sur, y por muchos de los senadores distinguidos, del Norte, y parte de los del poniente, aun su companero mismo se opuso a dichas resoluciones. La gran cuestion es esta de esclavitud y ambos grandes por tidos se oponen a una accion separada sobre cualesquiera porcion del Territorio que puedan ser conecso a ella o Nuevo Mejico abandonado por Mejico esta amediamente intersado y en verdad junto con California es la causa principal de la presente ostentacion que aterra anarquia y disunion a nuestro entero pais. El partido poderoso de la administracion tambien se opone a nuestra aplicacion por un gobierno Territorial y salamente fundado que puede atraer la disunion, y por que ellos creen ser nuestro dever de tigrir, lo que ellos admiten sera a nuestra salvacion y de formar inmediatamente una constitucion de estado bajo la cual tendriamos el derecho librimente a declarar si queriamos esclavitud o no a lo cual ningun partido tenia el poder de levantar su voz en contra.

Bajo estas circunstancias deplorables, de violencias inauditas una apelacion esta hecha al pueblo Americano entero y a los ciudadanos de Nuevo Mejico en particular de adelantarse a tomar accion prontamente y decididamente para asegurar la existencia misma de nuestras instituciones gloriosas, y para evitar la aniquilacion de nuestra libertad comun, y de unirnos todos en un comun y dichoso vinculo de hermandad.

En esta posicion de asuntos extraordinarios, la cuestion se presenta actualmente aun mas forzada sobre nosotros cuales son nuestros verdaderos intereses, y que curso hemos de tomar para seguir, ¿cual es el mas justo y mas magnanimo y generoso en un pueblo? No hara a nosotros no siendo capaz por medio de una conuinacion de circunstancias adversas de obtener lo que ahora deceamos o quedar engrillados como hora estamos por dos o tres años siguientes con la esperanza de obtener nuestros decesos, ¿o abandonamos los decesos y generosamente abansaremos valerosamente soportando lo que parese de ser el interes comun de nuestro pais.

Convencidos profundamente, que no podemos al presente obtener un gobierno Territorial, y con la asistencia de la tempestad desoladora amenazando nuestra Union, junto con la controvertible verdad que una conuinacion del partido que siempre ha operado contra nosotros, reunido con el poder administrativo, pueden obligarnos en oqualquier momento a entrar o tomar accion en la formacion de un gobierno de Estado y pronto confesamos que nosotros lo cremos mas ventajoso y en vista de todas las

cosas, de guiar a nuestras mismas miras, y nosotros no podemos ver otro medio que aquel de agarrar la suspensión y aprovecharnos del unico recurso que nos ha quedado para evitar la mas seria calamidad que es, de ser gobernados por cabezas de partidos, quienes han facciosamente puesto en desafio la voz publica y interés del publico, y escogiendo tales personas que a nosotros nos parezcan ser mas capaces inteligentes, y justos para administrar un gobierno que nos conduzca a nuestra prosperidad y quietud, domieca. Con objeto les suplicamos de examinar curidadosa y seriamente lo que los hemos manifestado junto con el prosedimiento del Congoeso y puesto en otras columnas de manera que si son satisfechos de la justicia pueden VV. tomar acción inmediatamente sobre nuestra recommendacion peticionado al Coronel John Munroe, gobernador civil y militar, a llamar una convencion tan luego como sea posible para la formacion de una constitucion de Estado.

NOTICE.

The citizens of the county of Santa Fe are requested to attend a public meeting at the court-house on Saturday the 20th instant, at 10 o'clock. a. m., for the purpose of passing resolutions in favor of a State form of government, and requesting the Governor of the Territory to call a convention to form a State constitution.

JOAB HOUGHTON,
 T. S. J. JOHNSON,
 E. W. PREWITT,
 J. W. FOLGER.
 JOSE M. ABREO,
 DOMINGO FERNANDEZ,
 CERAN St. VRAIN,
 MERRILL ASHURST,
 MURRAY F. TULEY,
 DONACIANO VIGIL,
 FRANCIS ORTIZ, y
 DELGADO,

SANTA FE, April 13, 1850.

AVISO.

Los ciudadanos del condado de Santa Fe, estan convidados para concurrir a una junta publica en el patio de la casa de la corte, el Savado 20 del corriente a las dias de la manana, con el fin de tratar sobre los medios de formar una constitution de Estado, y peticionar al gobernador se sirva despachar un octo convidando a una convencion para llenar dicho objeto. .

JOAB HOUGHTON,
 CERAN Sr. VRAIN,
 E. W. PREWETT,
 DOMINGO FFRNANDEZ,
 J. W. FOLGER,
 JOSE MARIA ABRERO,
 T. S J JOHNSON,
 MERRILL ASHURST,
 MURRAY F. TULEY,
 DONACIANO VIGIL,
 FRAFCISCO ORTIS y
 DELGADO.

SANTA FE, April 13 de 1850.

Major Neighbors to Colonel Munroe.

SANTA FE, }
 April 14th, 1850. }

COLONEL J. MUNROE,
 Commanding 9th Military
 Division, U. S. Army.

SIR: Having seen through the day advertisements posted up in many places, both in English and Spanish, inviting the citizens of this place to convene on Saturday next, to take into consideration the propriety of making a State movement, I deem it my duty as the Commissioner of Texas, charged with the duty of effecting a civil organization under her laws of this portion of her territory, to call your attention to this fact, as well as to the 3d section, 4th article of the constitution of the United States.

I deem it the more necessary thus solemnly to protest against any countenance or aid being given to this movement by the head of this Government, in consequence of the published orders which have emanated from the War Department bearing upon this subject, and the result of an interview had between us a few days

since. The Government which I have the honor to represent, has declared her determination to maintain inviolate all the territory within her *boundaries; such boundaries as were guaranteed to her by her compact of union*, and I would take this opportunity, to refer you to the 2d section of the "Joint Resolution for annexing Texas to the United States," and to the "Preamble of the Constitution of the State of Texas," by which the terms of said joint resolutions are accepted; and also, to the "Joint Resolution for the admission of the State of Texas into the Union, approved 29th December, 1845;" all of which, in my opinion, would be violated by a consummation of said State movement. And further to state, that I now most solemnly protest against any movement in furtherance of said State cause, until Texas shall have extended her jurisdiction over this portion of her territory, or until the voice of Texas can be known in this matter as guaranteed to her by the enactments cited above.

I have the honor to be,

Very respectfully,

Your obd't serv't.

R. S. NEIGHBORS.

Commissioner, &c.

Letter from Hon. V. E. Howard, of Texas.

TO THE EDITORS OF THE SOUTHERN PRESS :

GENTLEMEN: I desire through your paper to make known to my constituents and the public, the true position of the Government, in relation to its present controversy with the State of Texas.

The claim of Texas to her boundary is a legal question, having no necessary connection with the question of slavery, yet the Cabinet at Washington have chosen, for their own selfish and ambitious purposes, to mingle it with that exciting and complicated subject.

In addition to the exclusion of the South from all the territory, the Cabinet found it convenient, in order to support its schemes of aggrandizement, to wed itself to the anti-slavery party by taking measures to dismember Texas, and apply the Wilmot proviso within her limits through the pretended formation of a State government within those limits. It remains to be seen whether the Senate will permit the clear legal rights of the State to be sacrificed to this influence.

Step by step the President has been betrayed by his advisers fully into the measures of iniquity and aggression. He has been urged, persuaded and seduced into a course, which, if not speedily abandoned, will inevitably lead to a collision of arms between the slaveholding and non-slaveholding States. Indeed, it can be no longer disguised that the free soil influence of Congress, and which prevails in the cabinet, is aiming at open hostility and bloodshed. It desires to *subdue* the South by means of the Federal Government, at the head of which is a southern man. Can any one have forgotten how often during the present session of Congress the South has been threatened with invasion and force, by the militia Colonels, and other various champions of free soil and Abolition?

An issue is at length made up. To suit the present political exigencies, and to gratify the anti-slavery influences in the country, the policy of the administration is *changed* in relation to the Texas boundary; the authorities of that State are sneered at by the President; and the State itself threatened with violence if it shall undertake to enforce its jurisdiction in the Santa Fe country. And this is done in such a manner, with taunts and menaces, that Texas cannot yield the enforcement of her jurisdiction without the absolute disgrace of subjecting herself to the imputation of shrinking before the minions of power.

In his late message of the 17th of June, the President says:

"I have already in a former message, referred to the fact that the boundary between Texas and New Mexico is disputed. I have now to state that information has been recently received, that a certain Robert S. Neighbors, styling himself commissioner of the State of Texas, has proceeded to Santa Fe with a view of organizing counties in that district, under the authority of Texas. While I have no power to decide the question of boundary, and no desire to interfere with it as a question of title, I have to observe, that the possession of the territory into which it appears that Mr. Neighbors has thus gone, was actually acquired by the United States from Mexico, and has since been held by the United States, and in my opinion ought so to remain until the question of boundary shall have been determined by some competent authority. Meanwhile, I think there is no reason for seriously apprehending that Texas will practically interfere with the possession of the United States."

Here is an ill-disguised sneer at the officer, and authority of the State in the person of her commissioner; and an implied threat if Texas shall "practically interfere with the possession of the United States." It is without meaning, unless intended as

a threat ; for the message communicates the fact, that Texas had practically asserted jurisdiction in this very country. It is the first time in the history of this Government, when the first Magistrate has made use of his station to sneer at the authorities of one of the States of this confederacy. How much dignity such official bearing can add to the man or the place, the public will judge.

This message asserts, in terms, that the possession of this country is in the United States, and that Major Neighbors, as the commissioner of Texas, has obtruded himself into it without the authority of this Government. As the Legislature of that State has placed this disputed territory in my district, I esteem it my duty to correct these misstatements, and place the history of the subject in its true light.

In the first place, I assert that the last administration admitted that the right of *possession* to this country, as well as the title, was in Texas : ordered it to be delivered over to her, and *invited* her to take possession of the country. In his dispatch of the 12th of October, 1848, directed to the commanding officer at Santa Fe, Secretary Maicy ordered as follows :

“ Texas claims as a part of that State all the territory lying east of the Rio Grande, and the government here has not contested that claim.” * * * “ In regard to that part of what the Mexicans called New Mexico, lying east of the Rio Grande, the civil authority which Texas has established or may establish there is to be respected, and in no manner whatever interfered with by the military force in that department, otherwise than to lend aid on proper occasions in sustaining it. In *other parts* of New Mexico, whatever civil government is found to exist, it is to be regarded as a government *de facto*, and also to be respected.”

The last administration asserted, that with the war ended the military government and the possession of the United States on the east side of the Rio Grande. It was always asserted to be a mere war measure. That was the response given to Governor Henderson, of Texas, when he called on the President to explain the character of this military government. In his special message of the 24th July, 1848, the President said :

“ In answer to a letter from the Governor of Texas, dated on the fourth of January, 1847, the Secretary of State, by my direction, informed him in a letter of the 12th of February, 1847, that in the President’s annual message of December, 1846, ‘ You have already perceived that New Mexico is at present in the temporary occupation of the troops of the United States, and the gov-

ernment over it is military in its character. It is merely such a government as must exist under the laws of nations and of war, to preserve order and protect the rights of the inhabitants, and will cease on the conclusion of a treaty of peace with Mexico. Nothing, therefore, can be more certain than that this temporary government, resulting from necessity, can never injuriously affect the right which the President believes to be justly asserted by Texas to the whole territory on this side of the Rio Grande, whenever the Mexican claim to it shall have been extinguished by treaty.

After the failure of Congress to provide territorial governments, the last administration took measures to continue the then existing governments in California and New Mexico; but expressly excepted the country on the east bank of the Rio Grande. Secretary Marcy, in his despatch to Gen. Worth, dated December 10th, 1848, ordered:

"I send you herewith a copy of a letter from the Secretary of State to Mr. Voorhees, the mail agent sent to California, which was designed to be made known to the people of that territory. The situation of the people of New Mexico, (I mean that part of New Mexico over which Texas does not claim jurisdiction.) is similar to that of the people of California. The views of the government, as presented in the letter of the Secretary of State, you will regard as applicable to the inhabitants of New Mexico, and take the proper measures to make them known in that territory."

In his last annual message in 1849, President Polk says: "The existing condition of California, and that part of New Mexico lying west of the Rio Grande, and without the limits of Texas, imperiously demand that Congress should, at its present session, organize Territorial governments over them."

Thus this subject stood at the close of the war and the termination of the last administration. The possession of the country on the east of the Rio Grande by this Government, ceased by positive agreement at the termination of the war. Every act of military government exercised there since is an absolute nullity. This government has no more possession there now than it has of any other State of the Union, in which it happens to have a post and soldiers stationed. All acts of civil government exercised in Santa Fe by the military, are gross usurpations of power, and tyrannical in the last degree, whether directed by the Executive, or originating with his subordinates.

I shall now proceed to prove that this administration has admitted the right of Texas to take possession of this country, but

has since changed the order for political reasons. In the dispatch of Secretary Crawford to the commanding officer at Santa Fe, dated March 26, 1849, he says :

“It is presumed that the instructions from this Department, of October 12, 1849, forwarded by the hands of Midshipman Beale, of the navy, have been received by you some time since ; nevertheless, I herewith furnish copies of the same. With respect to that portion of the instructions which is in the following words :

“*In regard to that part of what the Mexicans call New Mexico, lying east of the Rio Grande, the civil authority which Texas has established, or may establish there, is to be respected and in no manner interfered with by the military force in that department, otherwise than to lend aid on proper occasions in sustaining it.*” I have to remark, that it is not expected Texas will undertake to extend her civil government over the remote region designated ; but, should she do so, you will confine your action, *under the clause above cited*, to arranging your command in such manner as not to come in conflict with the authorities so constituted. On the claim of Texas to any or the whole of New Mexico, east of the Rio Grande, it is not necessary to give an opinion, *as Congress and that State alone have the power of adjusting it.*”

It is true that the instruction of Mr. Crawford is a modification of the order of Secretary Marcy, but only in changing the direction to sustain the jurisdiction of Texas into one, not to oppose it. It admits fully the right of Texas to take possession and exercise jurisdiction.

Thus supported and protected by the last administration, thus invited and encouraged by the Government of General Taylor, Texas sent her commissioner, without force or appliances, to organize the country and establish her jurisdiction, relying on the honor and good faith of this administration. The military obeyed the order of the 26th of March, 1849, and the commissioner of Texas organized a great portion of the counties under the jurisdiction of Texas. He met with no opposition from the people or the military, as I am informed by those who travelled with him, until he arrived at Santa Fe. There some four or five hundred Americans, principally aspirants for office, opposed his authority ; but their opposition would have been unavailing but for the interference of the military.—About that time, Colonel McCall, as is stated by the Texas papers, on the authority of a United States officer, direct from Santa Fe, arrived with new instructions, under which the authority of Texas was resisted, and a convention called to form a State constitution.

And, now let us go back and briefly trace the origin and motive of this change of policy on the part of the Cabinet of General Taylor, for it will be found to be only a part of the system—a single act in the drama—to defraud the South of all participation in the common territories, to apply the Wilmot proviso through the means of the action of a few and transient people in the formation of State governments. Gen. Taylor was made to intervene and dictate the formation of State governments. On the 3d of April, 1849, Thomas Butler King was despatched to California, with the letter of Secretary Clayton, containing the significant instruction, “You are fully possessed of the President’s views, and can, with propriety, suggest to the people of California the adoption of the measures best calculated to give them effect. These measures must, of course, originate solely with themselves. Assure them of the sincere desire of the Executive of the United States to protect and defend them in the formation of any government, republican in its character, hereafter to be submitted to Congress, which shall be the result of her own deliberate choice.

* * * * *

“You are fully authorized to confer with our military and naval commanders within these territories, who will be instructed to assist you in the accomplishment of the object of your mission.” In his message of 21st January last, the President says :

“I sent the Hon. Thomas Butler King as bearer of despatches to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction addressed to them severally by the proper departments. I do not hesitate to express to the people of those territories my desire that each territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State.” After alluding to the agitation of the slavery question by Congress, the President proceeds to say : “Under these circumstances I thought, and still think that it was my duty to endeavor to put it in the power of Congress, by the admission of California and New Mexico as States, to remove all occasion for the unnecessary agitation of the public mind.” * * * * *

“And the reasons of my opinion that New Mexico will, at no very distant period, ask for admission into the Union, are founded on unofficial information which, I suppose, is common to all who have cared to make inquiries on that subject.”

I submit, however, that the President was mistaken in suppo-

sing that his information on that subject was entirely unofficial. His Cabinet, or one member of it, had already interfered actively to bring a State Government into existence in New Mexico.

Mr. Secretary Crawford, in his instructions to Col George A. McCall, dated November 19, 1849. says :

“Sir, as you are about to join your regiment, now on duty in New Mexico, it has occurred to me as proper to make some observations on the peculiar condition of that and other territory of the United States. * * * * *

“It is not doubted that the people of New Mexico desire and want a government organized, with all proper functions, for the protection and security of their persons and property.

“The question readily occurs, how can that government be supplied? I have already adverted to past and still existing difficulties, that have retarded, and may continue to retard the action of the United States, in respect to this necessary and first want; to remove it, may in some degree, be the part of the duty of officers of the army, on whom, under the necessities of the case, have been devolved a partial participation in their civil affairs. It is therefore deemed proper that I should say that it is not believed that the people of New Mexico are required to await the movements of the Federal Government in relation to a plan of a government proper for the regulation of their own internal concerns.

“The Constitution of the United States, and the late treaty with Mexico, guarantee their admission into the Union of our States, subject only to the judgment of Congress.

“Should the people of New Mexico wish to take any steps towards this object, so important and necessary to themselves, it will be your duty and the duty of others with whom you are associated not to thwart, but to advance their wishes. It is their right to appear before Congress and ask for admission into the Union.

“Other and complicated questions may arise, which are considered as merged in this essential right of these people, and for the decision of which we must look beyond the authority of the Executive.

“It will be instructive, and probably necessary information, when the people of New Mexico form a constitution and seek admission into the confederacy of the States, to have your observation and views on their probable numbers, habits, customs and pursuits of life.”

It should be borne in mind that this order was given a very short time previous to the meeting of Congress, and was a bold

usurpation of its powers, and a lawless disregard of the rights of Texas.

In fairness and plain dealing the Government was bound to notify this change of policy to Texas. It was not an act of good faith to let the State proceed under the impression that this Government would not oppose the civil authorities of the State, and then resist them after their work was half performed. This course was as clandestine and fraudulent, as it was unjust and tyrannical.

When the Secretary of War speaks of "other and complicated questions" he alludes to the boundary claimed by Texas, and distinctly tells the military that it is to be "merged in the essential rights of these people," the plain English of which is, resist the jurisdiction of Texas, if the people of New Mexico see fit to come into the President's plan of presenting themselves with a State organization, otherwise, let Texas go on. Under such an order, the President might well prophesy that New Mexico would soon present herself for admission into the Union.

As already stated, this order to Colonel McCall did not arrive at Santa Fe until late, but it produced its immediate fruits. Colonel Munroe resisted the Texas commissioner and the jurisdiction of Texas, *ordered* the people to hold a convention, and form a State constitution. That officer had no alternative but to consider the instructions of the 26th of March revoked by this order of the Secretary of War, to bring about a State organization, for it is nothing else. Colonel Munroe issued a *mandate* to a population accustomed to absolute obedience to military authority. He had translated and published in Spanish the message of the President inviting, and the instructions of Secretary Crawford demanding a State government. They produce the effect to make these people abandon their plan of a territorial government, now before Congress, and resort to a State organization. It was the result, not of the wishes of that people, but Executive dictation and military coercion. It was a part of this Cabinet plan to defraud the South, dismember a State and trample upon the Constitution of the country by taking the whole subject out of the hands of Congress.

It is quite in vain for the Government organ to assert that "in both of these cases (California and New Mexico) the only agency of the military commandant has been that of facilitating the expression of the popular will" He was but the plastic instrument in the hands of the Executive, bound to obedience. It is quite as idle for the organ to place this action on the ground of the right of petition in the people of New Mexico. They have

not petitioned—they have been ordered, and dragooned into the formation of a State Government by the Executive, and military usurpation and tyranny. This ceases to be a free government of laws and constitution, if the people submit to it. Such an act would shake from his throne the most firmly seated monarch of Europe. I know the people of Texas will resist, and resist to the knife. That, if they fail now, they will, like Hamilcar, take their children to the altar and make them swear eternal hatred and vengeance to their oppressor.

V. E. HOWARD.

Washington City, July 4, 1850.

C. No. 1.

Letter of Gov. Bell to the Senators and Representatives from Texas, in the United States Congress.

EXECUTIVE DEPARTMENT, }
 Austin, June 13, 1850. }

*Hon. Senators and Representatives
 from Texas in the Congress of the United States :*

GENTLEMEN: It is with solicitude and pain, that I announce to you the efforts at present going forward by deluded men, to sever from the State a large portion of territory situated upon her north-western limits. This intelligence I have just received in a full and satisfactory shape from the Special Commissioner, who was appointed by authority of the Legislature at its last session, leaving no doubt upon the mind of the Executive of a settled determination by the people of Santa Fe, to form at once a separate State Government, in utter disregard of our rightful boundary. And there is no less doubt from the statements of the Commissioner, (who has executed his trust in a most worthy manner,) of the inhabitants of that district having received, and are still receiving in the fulfilment of their plans, aid, instruction and encouragement from the United States forces stationed at Santa Fe, who for sometime past have exercised civil and military jurisdiction within that portion of the State. Ungracious and harsh as this announcement sounds upon our ears, yet it comes with the full impress of truth, and brings along with it, I assure

you, all the angry excitement and evil-forebodings which always precede the determined spirit of an outraged people to redress their wrongs when and wherever offered. Unpleasant as it is, it does not come unanticipated. In my general message to the Legislature of December 26th, 1849, I had the honor to state in reference to that portion of territory embracing Santa Fe—“That the course pursued by the Federal Government within the last eighteen months, has been such, as to give rise to the most serious apprehensions that they are disposed tacitly to yield to any effort which may be made to wrest it from us. The total silence observed in regard to the Resolutions of the 20th March, 1848, and the law passed at the same session of the Legislature for organizing the County of Santa Fe: The continuance of their civil and military government within the limits of our territory when no longer required for the purpose for which it was established, and the failure, amounting to a refusal, to give instructions to the officers in command of that department to recognize and respect the authorities of the State in discharge of the duties assigned them, indicate but too strongly, a careless indifference to our rights, if they do not go further, and manifest a disposition totally to disregard them.”

Recent events with which you can become well advised from the information which is herewith transmitted, endorse the opinions therein expressed, placing beyond the reach of speculation, or doubt, the disposition and views entertained by the Federal Government towards us, and exhibiting clearly the unfriendly attitude of the people of Santa Fe.

Before entering upon his proper duties, the Special Commissioner referred to, received from the Executive full and ample instructions to direct him in extending a civil organization to the Counties of Presidio, El Paso, Worth and Santa Fe. He was directed to explain with great care, and in a manner most conciliatory to the inhabitants there, the causes which had operated to prevent an earlier extension to them of the benefits of the Constitution and Laws of the State, and to explain also, as far as opportunity allowed, the particular features of each, as applicable to their position and circumstances.

In the County of El Paso, his mission was marked with signal success, and in a short period a complete organization was effected, and there is every assurance that equal success would have attended the efforts of the Commissioner in the Counties of Presidio and Worth, with a sufficient military escort, which was rendered necessary from the large number of hostile Indians who roam unrestrained through that country.

But the causes in Santa Fe, active and powerful, and adverse to the just claims of our State, which worked defeat to the Commissioner, are of quite a different character, worthy of the gravest consideration, involving as they do living and essential principles, important not only to the parties immediately concerned, but to all who are interested in the maintenance in its original meaning and purity of the integrity of a Sovereign State.

This unfortunate issue between the State and a portion of its inhabitants for several years menaced, has at length assumed *a definite and determined character*, and in my judgement calls for the immediate exercise of the force and efficacy which our Constitution and Laws were intended to confer. It was to have been calculated that difficulties arising within a State of the Union, no matter from what causes, would have been to the general government a subject interesting enough to claim its interposition and kindest offices for their adjustment. But in this instance, instead of exercising parental care and vigilance over the interest of the youngest member of the Confederacy, she has stepped forward with the confident, supercilious air of power, erecting herself into an umpire, claiming privileges and benefits appertaining to Texas from the dear bought sacrifices which she has made to obtain them, and heretofore awarded to her by the most solemn guarantees. Is this, allow me to ask, one of the boasted practical benefits of Union? And is this a foretaste of what we may hereafter expect from a common guardian? This is truly the protection that the wolf gives to the lamb, "covering and devouring." Such a course once sanctioned would leave us recreant to the trust confided to us, leading as it would to the destruction of an important constitutional principle; and I assert it with pride and confidence, that the State of Texas is not now prepared to acquiesce in a doctrine at once so absurd and dangerous. To oppose it by all proper and legitimate means, becomes her for her own security; and possessing kindred sentiments and interests with many of her Sister States it is alike due to their preservation to repudiate it, as a wild, extravagant and unauthorized assumption by the Executive department of the Government. The slumbering patriotism of the calm and sober-minded pioneers of the country has been rekindled by the wound about to be inflicted upon State pride and this manifest attempt at usurpation of State rights.

This effort for supremacy recently so clearly indicated by the United States authorities at Santa Fe, can only have the unhappy effect of disturbing the harmony, good feelings and affection, which ought to exist between the confederacy and all of its mem-

beis It can exact no true homage or respect any where, and it will never find obedience here. Nor is it intended that it shall in the least degree impair or take away the State's claim to sovereignty and jurisdiction over the country in controversy. It at least becomes us to assume a just, lofty and honorable attitude before our sister States, whose interests assimilated to our own, are likely to be affected favorably or otherwise, according as the issue may come out of the important question now to be decided. It is expected that the State of Texas will use the necessary means to extend her civil jurisdiction co-extensive with her proper limits. Duty and policy point out this course, her citizens require it, her honor demands it, it is exacted by good faith to her creditors. Those limits have been very clearly and in the most *expressive* manner defined by the sword, successfully maintained by the same instrument, and confirmed to us by the most enlightened nations. The solemn compact of Union must now shield them from all encroachments, *come from what quarter they may.*

Let it not be forgotten, that chivalry and daring gave birth to the Texas Revolution, which by sacrifices and valor, has been the means of adding to the United States an empire of territory. Does this entitle us to no consideration? and shall Texas now be forced to the humiliating dilemma of asking either gratuities or boons? She does not ask them. She will not ask them. Nor yet even any abatement of the severe rigors of the position in which she is now placed by the unkind action of the Federal Government.

But she does not withdraw her confidence in the justice of the General Government, and reposing for a moment upon that confidence, she now asks of that Government no longer to intervene any obstacle to the claim of Texas to the soil and jurisdiction over all the territory declared within her rightful boundary at the consummation of annexation, and in which was embraced Santa Fe.

The hope is still entertained that the Government at Washington will, when informed in the most positive and unqualified manner, of the fixed determination of the State to maintain its integrity inviolate by enforcing its laws over every part thereof, be visited with a returning sense of right, and issue without any delay, to the officers commanding at Santa Fe, such orders as will cause the immediate cessation of civil jurisdiction in that portion of this State; and with this view, I have to request that the Hon. Delegation from Texas will immediately wait upon his Excellency the President, and respectfully represent, that the State of

Texas does not recognize any right or authority in the Executive or any other branch of the Government, longer to continue civil or military Government at Santa Fe, or within any other portion of the State, and to demand that all instructions heretofore existing for the maintenance of such Government be revoked: and further, that the troops in the service of the United States, occupying that portion of the frontier of Texas, be required to employ themselves strictly in the discharge of their appropriate military duties.

If it is the policy of the Government not to aid a sovereign State with her troops in its efforts to bring under subjection to its laws a refractory population, she is at least required to observe a strict non-interference. This State will endeavor properly to look to the movements of her citizens occupying the quarter alluded to, but she would willingly be saved the trouble of combating the open and the secret influences excited there, brought about manfully, as it is understood, by the policy and directions of the Executive branch of the General Government. The Proclamation of Col. Monroe, commanding at Santa Fe, of the 23d of April last, would seem to establish this position beyond the possibility of a rational doubt. If, however, this individual has so far transcended his orders (which cannot be supposed,) as to promulge this most remarkable Proclamation, it will be matter for congratulation to our State and its citizens generally, as there has always been very great reluctance, to view the United States in the light of an adverse claimant.

It is worse than useless, gentlemen, for me to trespass on your time and patience in bringing forward proofs to establish the boundary of Texas. Our Delegation in Congress, faithful to their trusts in this respect, and able in the manner of discharging it, have convinced even the reluctant, and given firmness to the wavering. The right of Texas to extend her civil and political organization over every portion of her territory, as proclaimed in her Law of Limits of 1836, is considered perfect, and cannot now be yielded without compromising her integrity. *She has passed upon her claim*, looking to the principle of right as contra-distinguished to one of force; and that this arbitrament is just, it is only necessary to recur to the opinions of enlightened nations, who have already, with great unanimity, rendered a judgement in our favor.

In assuming this position, so manifestly just, it is with due deference and profound respect for the Government of the Union, and in urging with firmness and constancy our claim, to the territory in question, no multiplied clamors or implied threats to the

Federal Government are intended to be put forth. It is true that the powers and resources of the State must now be employed for extending her jurisdiction to her remotest limits, but no conflict with the General Government is desired or intended, and if in the record of subsequent events connected with this subject any stain shall be made thereon, it shall not fall, if possible, on the pages of our State's history, but expunging from it every feature not marked by propriety and justice, we will endeavor to pass it with pride and pleasure to those who have assimilated interests and feelings with our own.

In any conflict with the Federal Government, which is not anticipated, and which all would deprecate, Texas is fully sensible of its power, dignity and greatness, and of her own weakness. But this consideration, it is to be hoped, will never influence her counsels or her people to surrender her sovereign attributes, and though conscious of her physical weakness, with justice on her side, she is led to believe that her moral strength would be her shield.

In urging the General Government to abstain from any encroachments upon her territorial limits, Texas cannot be considered importunate. Much toil and many sacrifices gained for her Independence as a Republic, and when she yielded her nationality to the Union, she did not expect that Union to absorb every thing valuable that was hers, for she believed it was emphatically a Union of the power and resources of the two Republics.

To curtail her of her limits, is to deprive her of a portion of her wealth, to say nothing of high political considerations which cannot in these turbulent times be too much guarded. Texas honestly and truly believes that the Rio Grande to its whole extent is her rightful boundary. She carried her flag to the lower and middle Rio Grande and actually established it there, and left untrammelled and even unaided, was perfectly prepared and would soon have conquered her boundary to its whole extent.—Texas sighs for, and really requires tranquility; but if she loves peace, she hates dishonor. With the inhabitants of Santa Fe. I consider the issue clearly and distinctly made, and if in like manner with the Federal Government, it is greatly to be regretted, but it will not change our course. Texas knows her rights and will maintain them with all the means which God and nature have given her.

The Constitution and laws of the State indicate to me my duty too plainly to be misunderstood—I shall not be behind it, but will at once employ the power and resources which they confer to secure complete jurisdiction over that portion of our State,

which a misguided and refractory population are endeavoring to sever.

I will not trouble you further, gentlemen, than to ask from you as the guardians of the honor and interests of the State, at the Capitol, that aid and hearty co operation, now so necessary to secure her against the evils and sinister influences which assail her.

I cannot conclude, however, without expressing that deep feeling of profound love and devotion for the Union which is so universally felt by the citizens of our State, and I am sure that I cannot on this subject better convey the public sentiment, than to reiterate the language which I had the honor publ cly to express on a previous occasion. "We will always endeavor to do our duty to the Union. This is an obligation and it *implies reciprocity*"—"Too just to invade the rights of others, we will be too proud to surrender our own."

With the highest esteem and respect, I have the honor to be, gentlemen, your most obedient servant,

P. H. BELL:

C. No. 2.

EXECUTIVE DEPARTMENT, }
Austin, Texas, June 13, 1850. }

To the Hon. V. E. HOWARD, M. C.,
Washington City, D. C.

SIR:—I have the honor to transmit enclosed to you, a communication, with two accompanying newspapers, addressed to the Senators and Representatives of this State in the general Congress, in relation to the Santa Fe question, to which I respectfully draw the particular attention of those gentlemen. The insertions referred to in the newspaper, were made by my direction.

I have also written to the President of the United States, on the subject, enclosing the proclamation of Colonel John Munroe, United States Army, acting as military and civil governor of the territory of New Mexico, in which he directs an election to be held for the delegates to the State convention (—one of which is herewith enclosed). It is my desire that you see his Excellency as early as possible, and ascertain, in reply to my communication to him, whether he recognises and sanctions the movement alluded to.—Should he reply in the affirmative, I wish you to hand him the accompanying protest.

The present state of affairs in Santa Fe, renders an immediate

military action on the part of the State necessary in that quarter. Whether I shall take the requisite steps, without the assistance of the State Legislature. I have not yet determined.

Please acknowledge the receipt of this as early as possible.

I am, sir, very respectfully, your obedient servant,

P. H. BELL.

C. No. 3.

EXECUTIVE DEPARTMENT, }
Austin, Texas, June 14, 1850. }

To His Excellency, ZACHARY TAYLOR,
President of the United States.

SIR: By authority of the Legislature of Texas, the Executive of the State, in February last, despatched a commissioner, with full power and instructions, to extend the civil jurisdiction of this State over the unorganized counties of El Paso, Worth, Presidio and Santa Fe, situated upon its northwestern limits.

That commissioner has reported to me in an official form, that the military officers employed in the service of the United States stationed at Santa Fe, interposed adversely with the inhabitants to the fulfilment of his object, by employing their influence in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas. I transmit to you herewith the proclamation of Colonel John Munroe, acting under the orders of the government of the United States, under the designation of civil and military governor of the territory of New Mexico.

I have very respectfully to request that your Excellency will cause me to be informed, at your earliest possible convenience, whether or not this officer has acted in this matter under the orders of his government, and whether his proclamation meets with the approbation of the President of the United States?

With assurances of distinguished consideration, I have the honor to be your Excellency's most obedient servant,

P. H. BELL.

C. No. 4.

EXECUTIVE DEPARTMENT,
AUSTIN, TEXAS, JUNE 15, 1850. }

SIR: Under the authority of an act passed at the late session of the Legislature, Major Robert S. Neighbors was appointed by me special commissioner, on behalf of this State, to effect a civil organization of the county of Santa Fe, and he accordingly proceeded there in March last.

Colonel John Munroe, commanding the ninth military department, hearing of the approach of the commissioner, addressed a circular-letter to his subordinate officers in that department, ordering a "strict non interference" with him in the discharge of his duties. A copy of this circular-letter was received by the commissioner whilst on his way to Santa Fe. It was not only gratifying to him as an evidence of the impartial attitude intended to be occupied by the General Government, but inspired him with confidence in the success of his mission. A short time, however, after his arrival at Santa Fe, Colonel Monroe, styling himself military and *civil* governor of the territory of New Mexico, and acting—as must be presumed—under your instructions, issued a proclamation, on the 23d of April last, directing the qualified electors of New Mexico to hold an election for delegates to form a *State Convention* for the territory.

I need not express to your Excellency the surprise and indignation which that act has caused among the people of Texas. It can be regarded in no other light than as the evidence of a determination on the part of the Chief Executive of the American Union, not only to deny the right of the State to a large portion of her just territory, but to exercise an influence directly hostile to the extension of her jurisdiction over it. Nor will I repeat to your Excellency the well-known grounds upon which Texas bases her title to the territory in question, or adduce any arguments in their support. It is sufficient to say, that this title was fully recognised by your predecessor—that in the estimation of the people of Texas, it cannot be disputed by the government of the United States, but is fully protected from any question on the part of that government, by every legal and moral consideration.

I deem it my duty, therefore, in the name and on behalf of the people of Texas, most respectfully, but earnestly to protest against the act in question, as contrary to the compact of annexation, and the constitution of the United States—as insulting to the honor, and in violation of the just rights, of this State.

I am, very respectfully, your obedient servant,

P. H. BELL.

To His Excellency, Z. TAYLOR, President of the United States.

D. No. 1.

TREASURER'S OFFICE, }
 Austin, August 10, 1850. }

To His Excellency, P. H. BELL, Governor of the State:

SIR: In compliance with your request, I have the honor to transmit herewith, a statement of the condition of the Treasury on the 31st ult. It will be found in the form of an account current, showing the receipts and disbursements of this office for the three first quarters of the present fiscal year. The disbursable funds on hand, are shown by this statement to be in amount *one thousand three hundred and thirty dollars, twelve cents.* (1,330 12.)

I observe that the Comptroller is preparing an estimate of the probable amount of funds required to meet the current demands of the Treasury; as, also, the probable receipts for a specified time; it will, therefore, I presume, be unnecessary for me to make any such estimates.

I have the honor to be,

Your Excellency's

Very obedient servant,

JAMES H. RAYMOND,

Treasurer.

D. No. 2.

State of Texas in account current with JAMES H. RAYMOND, State Treasurer, from November 1st, 1849, to 31st July, 1850.

DR.

To amount of cash disbursed upon appropriations as per Register of Treasury Warrants paid. viz:

In specie of revenue of late Republic,

1,824 50

In specie of revenue of State,

125,640 08 | 127,464 58

To amount of cash (in specie) transferred to account of special deposits, it being an error in Deposit Warrants, No's. 225 and 334, in placing to the credit of Revenue of State this amount, which properly belonged to account of County taxes,

47 52

To amount of Government liabilities received from revenue of late Republic, and delivered to the Comptroller as vouchers for settlement, viz :

In assessor's drafts,	189 34	
“ State scrip,	510 93	
“ Promissory notes,	13,792 70	
“ Audited paper,	1,474 18	
“ Navy scrip,	325 00	16,192 15
To balance of cash on hand July 31st, 1850, viz :		
In specie for disbursement,	1,330 12	
“ do. of general school fund,	34,443 03	35,773 15
		<u>\$179,477 40</u>

CR.

By balance of cash on hand, Oct. 31st, 1850, viz :

In specie, of revenue of State for disbursements,	46,564 66	
In specie of general school fund,	25,503 82	72,068 48
By amount of special and government liabilities received in collection of revenue of late Republic, viz :		
In specie,	1,824 50	
“ Assessor's drafts,	89 34	
“ State scrip,	510 93	
“ Promissory notes,	13,792 70	
“ Audited paper,	1,474 18	
“ Navy scrip,	325 00	18,016 65
By amount of specie received in collection of the revenue of State,		89,392 27
		<u>\$179,477 40</u>

TREASURER'S OFFICE, }
Austin, August 1, 1850. }

JAS. H. RAYMOND, Treasurer.

D. No. 3.

AUSTIN, Texas, July 1st, 1850.

To _____,

SIR: A call having been made by the Executive for an extra session of the State Legislature to meet at the capitol on the second Monday in August next, in order to obtain the action of that body on a contemplated military movement to Santa Fe, for the support of the rights of Texas to the disputed territory; and as former military experience and capability have induced me to select you as a suitable person, I am desirous, if agreeable to yourself, that you should, as early as possible, enrol a full company to number in the aggregate one hundred men, who will have to furnish themselves with a good mule or horse, (mules are far preferable to horses on this expedition,) a rifle, two pistols, and the necessary horse equipage, so that they may be well mounted and effectively armed; it being important that nothing should be wanting to ensure the efficiency of the command.

As it is necessary that this expedition should be ready to leave for its destination, at the latest, by the first of September next, I have thus far anticipated the action of the Legislature, that no time may be lost, and to enable you to have your company in readiness immediately after the receipt of such further order, as will be given you when the action of the Legislature is made known.

On the receipt of this you will please notify me forthwith of your acceptance or non-acceptance of the commission, that I may act accordingly; should you accept, I request your particular attention to the instructions herein contained.

The probable organization of the company will be, one Captain, one First Lieutenant, two Second Lieutenants, four Sergeants, four Corporals, two Buglers, one Farrier and Blacksmith, and eighty-five privates.

In the enrollment of the company, you will be careful to explain fully to each member, that it will devolve upon the State Legislature to sanction and support this movement by making the necessary provisions to carry it out.

I have been thus explicit so that I may not by possibility mislead any one, or be misunderstood. I shall call upon the Legislature to uphold the honor of the State, and this is the only means by which it can be done. Explain fully to every man you may enrol, so that no dissatisfaction may arise. I have

every confidence that the Legislature will sustain me by providing for the expedition ; and as soon as it is determined I will advise you by express. I shall not call for less than one thousand men, so that strength may give confidence and ease to the movement.

In the selection of the members of the company, I would suggest an equal distribution among the counties surrounding the one in which you reside, as I am desirous that every county should, as far as practicable, have a chance to furnish its quota, and participate in the movement.

Very respectfully, your obedient servant,

P. H. BELL.

D. No. 4.

ADJUTANT GENERAL'S OFFICE, }
Austin, Texas, August 9, 1850. }

To His Excellency, Governor P. H. BELL,

Austin, Texas.

SIR: In compliance with your Excellency's instructions, received through your Private Secretary, Mr. Harrison, I have the honor to enclose the following estimates of the cost of raising and maintaining in the field, for six months active service, a company of mounted volunteers, numbering in the aggregate one hundred men ; also, of a regiment of mounted volunteers, to be composed of ten such companies, viz :

Estimated Amounts.

	Company.	Regiment.
Quartermaster property,	6 926 45½	80,684 12
do. funds,	2 480 00	31,890 00
Subsistence stores,	4,918 55½	50,375 38½
Commissary property,		138 75
do. funds,		67 50
Ordnance stores,	32 50	325 00
Funds for Pay Department,	15 491 94	160,735 38
Total amount,	\$29 849 45½	\$324,216 13½

In drawing up these estimates, those articles only were admitted that were considered indispensable in the different departments to which they belong, the number or quantity of each has been limited as much as the efficiency of the service would permit, and their value placed at the lowest probable valuation in their respective markets.

The estimate of funds in the Quartermaster's Department, is based on the requisite number of civil employees, to carry out the duties of that department; their pay being regulated by the customary remuneration in the United States army for similar services.

The very small amount of funds required for the contingencies of the Commissary Department, are necessary (as explained in the estimate,) to enable the Commissary officer to carry out the duties of the Department.

The estimates for the Pay Department have been made in accordance with the rates of pay in the United States army for the same grades.

The ration in the Commissary estimate is precisely the same, both in the articles and their quantities, as in the United States military service, and will weigh in gross about three pounds; the meat ration consists of one third salt meat and two-thirds fresh meat. The advantages gained by this arrangement are, that as fresh meat can be furnished from time to time under contract, it will save a considerable amount of transportation, and prevent the almost inevitable consequence resulting from a long continued use of salt meat—scurvy.

As a further protection against scurvy, rations of pickles have been included in the estimate, which are usually issued by direction of the Medical Department, as an antiscorbutic.

One fourth of the bean ration has been changed for rice, as is customary in the United States army.

The unavoidable wastage that subsistence stores are invariably liable to, from a great variety of causes, especially in the field, has been fixed at five per cent, as the lowest estimate; although it will doubtless greatly exceed that amount. As the fresh beef will be furnished, in all probability, by contract, there should be no wastage in its issue.

In relation to the instruments, drugs, &c., requisite for the Medical Department, it is impracticable to make an estimate, for want of the proper information, as to the necessary articles, their number or quantity, and their probable cost.

It is calculated that each wagon will be able to haul twenty-two hundred and forty pounds.

All of which, I have the honor to submit for your Excellency's consideration.

With the highest respect,

Your most obedient servant,

BEN F. HILL,

Adjutant General.

D. No. 5

QUARTERMASTER DEPARTMENT.

Estimate of Quartermaster property required for a Company of mounted volunteers, containing in the aggregate one hundred men. for six months, also, an estimate of the requisition for a Regiment of mounted volunteers, composed of ten such companies, for the same period.

Quantity of each.		Name of article.	Probable cost of each.	Amount.	
Company	Regiment			Company	Regiment
2	20	Horses,	80 00	160 00	1,600 00
66	785	Mules,	50 00	3,300 00	39,250 00
	3	Ambulances, complete,	250 00		750 00
11	116	Wagons, (mule,) complete,	200 00	2,200 00	23,200 00
	116	4 Horse harness, sets complete,			
11	125	6 Mule harness, do complete,	50 00	550 00	6,250 00
6	60	Wagon tongues extra,	2 50	15 00	150 00
12	120	" covers, complete,	5 00	60 00	600 00
1	11	" hounds, "	2 50	2 50	27 50
6	60	" hammers, "	1 00	6 00	60 00

3	30	Doubletrees,	"	2 00	6 00	60 00
22	238	Singletrees,	"	50	11 00	119 00
22	238	Hames, pairs,	"	25	5 50	59 50
1	11	Wagon saddles,	"	8 00	8 00	88 00
11	120	" whips,	"	75	8 25	90 00
1	12	Fifth chains,	"	10 00	10 00	120 00
12	150	Trace	"	2 00	24 00	300 00
2	24	Breast	"	2 00	4 00	48 00
1	12	Bearing	"	1 50	1 50	18 00
22	238	Halter	"	1 00	22 00	238 00
2	22	Stretchers	"	50	1 00	11 00
		Horse collars,	"			
11	120	Mule	"	1 00	11 00	120 00
22	238	Neck strops,	"	50	11 00	119 00
1	12	Jackscrews,	"	10 00	10 00	120 00
12	150	Waterkegs,	"	3 00	36 00	450 00
12	150	Waterbuckets,	"	1 00	12 00	150 00
4	40	Tarbuckets, extra,	"	75	3 00	30 00
	1	Blacksmith's forge, complete,	"			400 00
	2	" tools, sets of	"	40 00		80 00
	2	Wheelwright's tools, sets of, complete	"	100 00		200 00
	1	Carpenter's	"			100 00
	2	Saddler's tools, sets of, complete,	"	50 00		100 00
50	600	Steel, assorted pounds of,	"	12 $\frac{1}{2}$	6 25	75 00
100	1200	Iron,	"	10	10 00	120 00
20	250	Horse shoes,	"	12 $\frac{1}{2}$	2 50	31 25
300	3750	Mule	"	12 $\frac{1}{2}$	37 50	468 75

5	60	Horse shoe nails, pounds of,	40	2 00	21 00
75	800	Mule " " "	40	30 00	320 00
	100	Spikes, assorted, "	10		10 00
50	500	Nails, " "	8	4 00	40 00
	10	Glue, " "	25		2 50
	2	Chalk, " "	7		14
	4	Chalklines,	25		1 00
	6	Harness leather, sides of,	10 00		60 00
	4	Bridle " "	10 00		40 00
	6	Saddlers thread, pounds of,	50		3 00
	2	" needles, dozen,	50		1 00
	2	Beeswax, pounds of,	25		50
	2	Rozin, " "	7		14
	8	Tacks, papers of,	10		80
	5	Saddlers buckles, assorted, dozen,	25		1 25
	4	Tar, barrels of,	10 00		40 00
120	1500	Picket rope, 1 $\frac{3}{4}$ inch, pounds of,	25	30 00	375 00
60	750	Halter " 1 " "	25	15 00	187 50
60	750	" " $\frac{3}{4}$ " "	25	15 00	187 50
1	12	Scythes,	1 25	1 25	15 00
1	12	" sneathes,	1 25	1 25	15 00
1	12	" stones,	25	25	3 00
1	12	Pick axes,	2 00	25	3 00
1	12	Spades,	1 00	1 00	12 00
1	12	Shovels,	1 00	1 00	12 00
1	6	Crow bars,	3 00		18 00
2	30	Axes,	1 50	3 00	45 00

30	Axe helves, extra.	25	50	7 50
30	Hatchets,	75	1 25	22 50
30	" handles, extra,	12 ¹ / ₂	25	3 75
2	Blank books, f. p. 6 quire,	5 00	25	10 00
2	" " 4 "	4 00	25	8 00
1	4 " f. c. 6 "	3 00	3 00	12 00
1	12 " " 4 "	2 25	2 25	27 00
1	12 " " 3 "	2 00	2 00	24 00
2	Envelope paper, reams.	4 00	40	8 00
1/2	Folio post, "	6 00		3 00
4	Foolscap, "	4 00	80	16 00
6	Letter, "	4 00	1 00	24 00
30	Black ink, papers of,	12 ¹ / ₂	25	3 75
2	Red " "	25	25	50
1	Steelpen holders, dozen,	1 00	25	1 00
1	Steelpens, assorted, gross,	4 00	25	4 00
40	600 Quills, per hundred,	2 00	1 80	12 00
4	Inkstands,	1 50		6 00
4	Sand boxes,	50		2 00
4	Wafercups,	50		2 00
1	Rulers 2 feet,	50		50
2	" 18 inches,	37 ¹ / ₂		75
4	Paper folders,	50		2 00
4	Seals,	1 00		4 00
4	Wafer stamps,	1 00		4 00
8	Red wax. pounds of.	1 50	1 75	12 00
4	" wafers "	1 00	1 25	4 00

	1	Lead pencils, dozen,	1 00		1 00
	6	India rubber, pieces,	6		36
2	30	Tape, office,	4	08	1 20
	2	Writing desks,	15 00	1 08	30 00
	2	Office tables,	6 00		12 00
	12	Camp stools,	1 00		12 00
	12	Black sand, papers of,	4		48
1	20	Asafœtida, pounds of,	50	50	10 00
6	140	Flaxseed, "	10	60	14 00
1	20	Borax, "	15	15	3 00
1	10	Gum aloes, "	75	37	7 50
2	30	Calomel, "	2 00	4 00	60 00
3	45	Sulphur, "	50	1 50	22 50
1	20	Castile soap, "	25	25	5 00
1	10	Gum camphor, "	2 00	1 00	20 00
1	10	Alcohol, gallons,	1 00	50	10 00
1	10	Venice Turpentine, gallons,	1 00	50	10 00
2	30	Oil of spike, dozen bottles,	2 00	4 00	60 00
4	60	British oil, "	25	1 00	15 00
2	30	Castor " "	1 00	2 00	30 00
1	10	Linseed " gallons,	1 00	50	10 00
3	45	Olive " bottles,	1 00	3 00	45 00
	2	Phlemes,	1 50		3 00
3	40	Wall tents, complete,	16 00	48 00	640 00
23	250	Common tents, "	6 00	138 00	1,500 00
	3	Hospital " "	35 00		105 00
1	20	Iron pots,	8 00	8 00	160 00

3	45	Camp kettles,	2	00	6	00	90	00
20	250	Mess pans,		25		5	00	62
100	1000	Canteens,		50		50	00	500
					<hr/>			
					\$6,926		45	
					<hr/>			
					\$80,684		12	

QUARTERMASTER DEPARTMENT.

Estimate of the amount of funds required for the expenditures and contingencies of the Quartermaster's Department of a Company of Mounted Volunteers, numbering in the aggregate one hundred men, for the period of six months, (each month containing thirty days;) also, an estimate of the amount required for the Quartermaster Department of a Regiment, composed of ten such Companies, for the same period.

Number required		Occupation or contingency.	No. of rations per day	Amount of pay per month.	No. of months	Amount for a Company	Amount for a Regiment.	Remarks.
For a Company	For a Regiment							
	1	Driver,	1	\$ 0 00	6		\$540 00	
	1	Wagonmaster,	1	100 00	6		600 00	
	2	Assistant Wagonmaster,	1	60 00	6		720 00	
	1	Wheelwright, as chief mechanic,	1	75 00	6		450 00	
	1	"	1	60 00	6		360 00	
	1	Carpenter,	1	60 00	6		360 00	
	2	Blacksmiths,	1	60 00	6		720 00	
	2	Saddlers,	1	60 00	6		720 00	
11	119	Teamsters, extra do., and Herders, Contingencies,	1	30 00	6	\$1980 00	21420 00	
						500 00	6000 00	
		Total Amounts.				\$2480 00	\$31890 00	

D No 8

COMMISSARY DEPARTMENT.

Estimate of the amount of funds required for the contingencies of the Subsistence Department, of a Regiment of Mounted Volunteers, composed of ten Companies, (each Company containing in the aggregate, one hundred men,) for the period of six months, or one hundred and eighty days

TO WHOM PAID.	ON WHAT ACCOUNT.	No. of days.	cts. per day.	AMOUNT.	REMARKS.
* Commissary Clerk,	For services in the Commissary office,	15	18 $\frac{3}{4}$	33 75	Making up Com. vouchers.
* " Sergeant,	" " " " department,	150	18 $\frac{1}{4}$	33 75	Storing and issuing Com. stores.
Total amount,				867 50	

* Soldiers belonging to the Regiment, detailed for those duties, with the allowance of eighteen and three-fourths cents per day, as extra pay for their services in the Department.

D. No. 9.

ORDNANCE DEPARTMENT.

Estimate of Ordnance and Ordnance Stores required for the use of a Company of Mounted Volunteers, containing in the aggregate one hundred men, for the period of six months; also, an estimate of the quantity required for a Regiment of Mounted Volunteers, composed of ten such Companies, for the same period.

QUANTITY OF EACH REQUIRED.		ARTICLES.	Probable cost.	AMOUNT.		REMARKS.
For a Company.	For a Regiment.		Cents per pound.	For a Company	For a Regiment.	
50	500	Pounds of Rifle Powder,	25	\$12 50	\$125 00	To supply the command with 32 rounds of ball cartridges.
200	2,000	“ Lead,	10	20 00	200 00	
Total amount,				\$32 50	\$325 00	

COMMISSARY DEPARTMENT.

ESTIMATE of the PROVISIONS, and their probable COST, required for the subsistence of a Company of Mounted Volunteers (numbering in the aggregate, one hundred men,) for six months, containing each thirty days, also, an estimate of the quantity and probable cost of the provisions required for the subsistence of a Regiment of Mounted Volunteers, composed of ten such companies, for a similar period, as well as for hired citizens employed in the Quartermaster's Department, and Commissary Department.

CLASSIFICATION.	Organization of Company.										TOTAL.			QUARTERMASTER'S DEPARTMENT.			NO. OF RATIONS FOR A COMPANY.			NO. OF RATIONS FOR A REGIMENT.						
	Colonels	Lieutenant Colonels	Major	Adjutant	Quartermaster	Subsistence Commissary	Assistant Surgeon	1st Lieutenants	2d Lieutenants	Sergeant Major	Qr. Master	Sergeant	Corporals	Privates	Commissioned officers	Non-commissioned officers, musicians and privates	Company and regimental horses and mules	Hired citizens	Public animals	No. of men.	No. of days.	No. of rations	No. of men.	No. of days.	No. of rations.	
Regiment,	1	1	1	1	1	1	10	10	20	1	14	40	20	10	85	96	104	11	68	96	180	17,280	962	180	173,166	
"	1	1	1	1	1	1	10	10	20	1	14	40	20	10	85	96	104	11	68	11	180	1,980	130	180	23,400	

Estimate for the Company, hired citizens, and animals, &c.

ARTICLES.	NO. OF RATIONS.					Total number of rations.	Quantity of each article for 100 men.	Total quantity of each article	Probable cost.		Amount.	Total amount.
	Issues to volunteers	Issues in hired citizens.	Extra issues	Sales to officers.	Wastage per ct				pr. lb cents.	pr. qt cents.		
Pork,	5,760	660		480	725	7,625	75 lbs.	5,718 1/2	12 1/2	\$714 84		
Fresh beef,	11,520	1,320		960	365	13,800	125 "	17,250 "	10 "	1,725 00		
Flour,	17,280	1,980		1,440	1,090	21,790	112 1/2 "	24,513 1/2 "	6 1/2 "	1,532 11		
Beans,	12,960	1,425		1,080	820	16,345	8 qts.	1,308 qts.	10	130 80		
Rice,	4,320	495		360	270	5,445	10 lbs.	544 1/2	6 1/2	34 03		
Coffee,	17,280	1,980		1,440	1,090	21,790	6 "	1,307 1/2	16	209 20		
Sugar,	17,280	1,980		1,440	1,090	21,790	12 "	2,615 "	8	209 20		
Vinegar,	17,280	1,980		1,440	1,090	21,790	4 qts.	871 1/2 qts.	10	87 15		
Candles,	17,280	1,980	6,000	1,440	1,405	28,105	1 lb	281 lbs	50	140 50		
Soap,	17,280	1,980		1,440	1,090	21,790	4 "	871 1/2	10	87 15		
Salt,	17,280	1,980	10,200	1,440	1,680	32,580	2 qts.	651 1/2 qts	5	32 57 1/2		
Pickles,		2,000				2,000	4 "	80 "	20	16 00	\$4,918 53 1/2	

Estimate of Commissary property for a Regiment.

Articles.	Cost.	Amount.	Articles.	Cost.	Amount.
1 Platform scale, com.	\$40 00		Brot forward,		\$106 60
1 Balance, " "	7 50		1 Folio bk book 6qrs.		5 00
1 Set small weights,	1 00		2 Foolscap, " 4 "	\$2 1/2	5 00
2 " tin measures,	\$4 1/2	9 00	2 qt. bottles black ink.	62 1/2 c	1 25
2 Funnels,	62 1/2 c	1 25	1 pt " red "		62
2 Scoops,	75c	1 50	2 Inkstands,	\$1 1/2	2 50
2 Vinegar fosses,	\$1	2 00	1 gross steel pens,		2 50
2 Butcher knives,	75c	1 50	1 doz. pen holders,		75
1 Steel,		75	250 Quills,		5 00
1 Meat hook,		50	2 Sand boxes,	62 1/2 c	1 25
1 Table,	6 00	2 lbs. black sand,	37 1/2 c	75	
1 Writing desk,	15 00	2 Rulers, 18 in. 2 ft.,		88	
4 Camp stools,	75c	3 00	2 lbs sealing wax,	\$1 1/2	3 00
1 Ream envelope,	\$8	2 00	1 " red wafers,		1 00
2 " folio post,	\$6	3 00	2 doz. ps. office tape,	50c	1 00
1 " foolscap,	4 00	1 Seal,		1 00	
2 " letter,	\$4	8 00	1 Wafer stamp,		75
			1 Paper folder,		50
Amt. carried forward		\$106 60	Total amount,		\$135 75

Estimate for the Regiment, hired citizens in Quartermaster Department, animals, &c.

Pork,	57,720	7,800	5,640	3,745	74,905	75 lbs.	56,178 1/2	12 1/2	7,022 34 1/2
Fresh beef,	115,440	15,600	11,280		142,320	125 "	177,900 "	10 "	17,790 00
Flour,	173,160	23,400	16,920	11,235	224,715	112 1/2 "	252,804 1/2 "	6 1/2 "	15,800 28
Beans,	129,870	17,550	12,690	8,425	168,535	8 qts.	13,482 1/2 qts.	10	1,345 27 1/2
Rice,	43,290	5,850	4,230	2,810	56,180	10 lbs.	5,618 lbs.	6 1/2	351 12 1/2
Coffee,	173,160	23,400	16,920	11,235	224,715	6 "	13,483 "	16	2,157 28
Sugar,	173,160	23,400	16,920	11,235	224,715	12 "	26,966 "	8	2,157 28
Vinegar,	173,160	23,400	16,920	11,235	224,715	4 qts.	8,988 qts.	10	898 80
Candles,	173,160	23,400	60,000	16,920	14,395	1 lb.	2,878 1/2 lbs.	50	1,439 37 1/2
Soap,	173,160	23,400	16,920	11,235	224,715	4 "	8,988 "	10	898 80
Salt,	173,160	23,400	120,750	16,920	17,590	2 qts.	7,036 1/2 qts.	5	351 82 1/2
Pickles,		20,000			20,000	4 "	800 "	20	160 00
									50,375 38 1/2

N. B. The meat ration is estimated at one-third salt, and two-thirds fresh meat.
 One-fourth of the ration for beans is substituted for rice
 The pickles are intended as anti-scorbutics.
 On fresh beef, supplied by contract, there should be no wastage.
 Two rations to each officer, is calculated for.
 Allowance of salt to each animal, one pint per month.

PAY DEPARTMENT

ESTIMATE of the amount of funds required to PAY one Company of Mounted Volunteers, numbering in the aggregate, one hundred men, for six months military services, (each month containing thirty days,) also, an estimate of the requisite amount to pay one Regiment of Mounted Volunteers, composed of ten such Companies, for the same period.

RANK.	Aggregate.	PER MONTH.										Total amount of pay per month.	Total amount of pay for six months.				
		Pay proper.	Extra pay.	SUBSISTENCE		FORAGE		SERVANTS.		Clothing.	Use of horse 40 cents per day			Number of each grade.	Number of months		
				Rations per day.	Commutation value, 20 cents each ration.	Horses allowed for	Commutation per month for each horse.	For each ounce.	Pay, subsistence, clothing, same as a private soldier								
Colonel,																	
Lieutenant Colonel.																	
Adjutant, (1st Lieutenant).																	
Quartermaster, (Captain).																	
Com. of Subsistence, (Capt.																	
Assistant Surgeon.																	
Captains.																	
1st Lieutenants.																	
2d Lieutenants.																	
Sergeant Major.																	
Quartermaster Sergeant.																	
Sergeants.																	
Corporals.																	
Buglers.																	
Farmers and Blacksmiths.																	
Privates																	
Total.																	
Organization of the Company.																	
Captain.		\$50 00	10 00	4	\$24 00	2	\$16 00	1	\$16 50			1 6	\$116 50	\$699 00			
First Lieutenant.		33 33		4	24 00	2	16 00	1	16 50			1 6	89 83	538 98			
Second Lieutenant.		33 33		4	24 00	2	16 00	1	16 50			2 6	89 83	1,077 96			
First Sergeant.		16 00								\$2 50	\$12 00	1 6	30 50	183 00			
Sergeants.		13 00								2 50	12 00	3 6	27 50	495 00			
Corporals.		10 00								2 50	12 00	4 6	24 50	588 00			
Buglers.		9 00								2 50	12 00	2 6	23 50	282 00			
Farmer & Blacksmith.		11 00								2 50	12 00	1 6	25 50	153 00			
Privates.		8 00								2 50	12 00	85 6	22 50	11,275 00			
Total amount of pay for a Company,													\$15,491 94				
Field and Staff Officers of Regiment.																	
Colonel,		90 00			6	36 00	3	24 00	2	33 00			1 6	183 00	1,098 00		
Lieutenant Colonel,		75 00			5	30 00	3	24 00	2	33 00			1 6	162 00	972 00		
Major,		60 00			4	24 00	3	24 00	2	33 00			1 6	141 00	846 00		
Adjutant, (1st Lieut.)		33 33	10 00		4	24 00	2	16 00	1	16 50			1 6	99 83	598 98		
Quartermaster, (Cap.)		50 00			4	24 00	2	16 00	1	16 50			1 6	106 50	639 00		
Commissary, (Capt.)		50 00			4	24 00	2	16 00	1	16 50			1 6	106 50	639 00		
Assistant Surgeon,		50 00			4	24 00	2	16 00	1	16 50			1 6	106 50	639 00		
Sergeant Major.		18 00								2 50	12 00	1 6	32 50	195 00			
Quartermaster Sergeant,		17 00								2 50	12 00	1 6	31 50	189 00			
Organization of ten Companies																	
Organization of the Regiment,																	
Total amount of Pay for the Field and Staff of the Regiment,													\$5,815 98				
Total amount of Pay for ten Companies,													\$154,919 40				
Total amount of Pay for the full Regiment,													\$160,735 38				

* An allowance made to the commanding officer of a company on account of his responsibility for the public property appertaining to the company.

† On account of his duties as Adjutant.

D. No. 11.

COMPTROLLER'S OFFICE, }
 Austin, August 12, 1850. }

To His Excellency, P. H. BELL,
 Governor of the State of Texas.

In compliance with your request, I herewith submit a statement showing the condition of the finances of the State, on the first of the current month, and an estimate of the receipts and expenditures from that date to the 31st of October next, viz:

RECEIPTS.

Amount of revenue received from the 31st October, 1849, to the 31st July, 1850.

Revenue of State,	\$89,392 27	
Less 10 per cent. reserved for school purposes,	8,939 21	
Amount of disbursable revenue of State,	80,453 06	
Amount of revenue of Republic received during the same time,	1,824 50	
	<hr/>	
Total disbursable revenue from Republic and State,	\$82,277 56	
Amount of means in the Treasury on the 31st Oct., 1849,	46,564 66	
	<hr/>	
Total receipts and means,		\$123,842 22

EXPENDITURES.

Amount disbursed by Treasurer from 31st Oct. 1849, to 31st July, 1850,	127,522 10
	<hr/>
Balance in Treasury on the 31st of July, 1850,	\$1,330 12

*Estimate of receipts and expenditures from the 31st of July,
to 31st October, 1850.*

RECEIPTS.

Probable amount to be received for the year ending October 31, 1850, on account of revenue of State, for 1846, 1847, 1848 and 1849, as per statement "D," page 36, of last biennial report of Comptroller, including amount likely to be received from Republic revenue,	\$151,108 02
Less amount received on account of the above, from the 31st October, 1849, to 31st July, 1850,	91,216 77
Amount due and unpaid,	\$59,891 25
Add balance in Treasury on 31st July, 1850,	1,330 12
Total estimated means in the Treasury on 31st October, 1850,	\$61,221 37

EXPENDITURES.

Estimate of expenses for called session of the Legislature of 30 days:	
Mileage of members, \$4,523 88	
Pay of members, \$6,480 00	
Pay of officers, \$1,560 00. Contingent expenses, including printing and postage, \$3 500 00,	\$16,063 88
Amount due on appropriations for support of government, which is subject to be drawn by the 31st of October, 1850,	37,449 14
Amount of Treasury Warrants, already drawn and outstanding,	2,738 29
Total estimated expenses from the 31st July, to 31st October, 1850,	\$56,251 31
Estimated balance in the Treasury on the 31st October, 1850,	\$4,970 06

Which is exclusive of the School fund, which on the first of the present month amounted to \$34,443 03. It was to have been expected that the sum advanced for the support of Captains Blackwell's and Johnson's companies, would have been refunded, ere this by the United States; as there is no calculating however,

when the same may be received by the State, I have made no allowance for it in the foregoing estimate.

I will remark, that the Agent elected at the last session of the Legislature to settle the fiscal affairs of the late Republic, has entered upon the duties of his office, and is at this time engaged in their discharge, in the eastern section of the State. I have had no information from him of his probable success in effecting the object of his appointment, as it is likely, however, that a majority of settlements which he may effect, will be in securing the amount due by bond, payable at some subsequent period, not exceeding three years, (which he has a right to do under the law) that but little will be received during the present year from his collections, and I have consequently, made no allowance for means from this source, in the preceding exhibit.

By an act passed at the last session of the Legislature, assessors and collectors are required to convey on their own account, the funds arising from their collections, and settle their accounts by the 1st of June, in each year; this has not been done by a number of those officers; some of them were not aware that this provision of the law applied to the present year, until advised of the fact, by the Comptroller; others were engaged in making their assessments for the current year, and closing their collections for the past years; this accounts for the non observance of this requirement on the part of many. A large number of them, however, have advised the office, that immediately after completing those duties, (which they will during this month,) that they will visit this office and settle their accounts. Those that fail to do so, their indebtedness will be placed in the hands of the proper officer for collection.

For the proper understanding of the probable revenue arising from direct taxes for the present year, under the reduced rate of taxation, established by act of February last, compared with the former year, I have prepared a comparative statement, which I herewith subjoin, of the valuation of the taxable property, and the revenue accruing thereon, together with the amount of poll tax of twenty counties, (the number received up to this time,) for the years 1849 and 1850, which shows that the valuation of property for the latter year, and the reduction made in the poll tax, falls short nine tenths per cent. of yielding a corresponding amount of revenue, when compared with the revenue of the same counties for 1849, the assessment of which was made under the revenue act of March 20, 1848. Notwithstanding this decrease in the revenue of 1850, there is nevertheless, an increase in the amount of taxable property over the preceding year of 7½ per cent.

NAME OF COUNTY	FOR 1849.			FOR 1850.		
	Total value of property assessed.	Poll tax.	Total tax.	Total value of property assessed.	Poll tax.	Total tax.
Matagorda,	\$1,033,415	\$158 00	\$2,224 83	\$1,323,610	\$83 00	\$2,068 41
Sabine,	432,700	190 00	1,055 40	593,700	84 00	974 55
Wharton,	783,290	117 00	1,683 58	942,910	60 00	1,474 36
Robertson,	276,660	158 00	711 32	362,960	77 50	621 93
Grayson,	193,295	292 00	668 59	183,640	119 00	394 45
San Augustine,	860,995	334 00	2,055 99	1,587,360	149 50	2,530 54
Burleson,	391,965	177 00	960 93	487,550	106 50	837 82
Kaufman,	181,870	181 00	544 74	81,670	69 00	191 50
San Patricio,	64,520	24 00	153 04	35,720	11 50	65 08
De Witt,	308,295	171 00	787 59	466,640	86 50	786 46
Colorado,	602,570	278 00	1,483 14	608,610	131 50	1,044 41
La Vaca,	287,345	182 00	756 69	341,300	96 00	607 95
Cooke,	15,980	37 00	68 96	8,240	16 50	28 85
Galveston,	1,088,245	433 00	2,609 49	2,242,690	175 50	3,539 53
Hopkins,	227,550	340 00	795 10	209,740	207 00	521 60
Cass,	795,455	425 00	2,015 91	1,022,095	261 00	1,794 13
Smith,	383,360	473 00	1,239 72	496,160	276 00	1,020 24
Fannin,	461,330	550 00	1,472 66	538,760	245 00	1,053 13
Newton,	279,400	201 00	759 80	308,350	104 00	566 52
Refugio,	119,180	65 00	303 36	139,150	32 50	241 22
Total,	\$8,787,420	\$4,776 00	\$22,350 84	\$11,980,855	\$2,391 50	\$20,362 68

Respectfully submitted,

JAS B SHAW, Comptroller.

DOCUMENT E. No. 1.

ADDRESS of His Excellency the Governor, to the Citizens of the Counties of Presidio, El Paso, Worth and Santa Fé.

EXECUTIVE DEPARTMENT, {
January 5, 1850. }

*To the Citizens of the Counties of
Presidio, El Paso, Worth, and Santa Fé :*

As the Chief Executive Magistrate of the State, it becomes my duty to address you, with a view of drawing your attention, as citizens within its limits, to the relation which you bear in common with the citizens of every other portion of the country, to the institutions and laws which govern us, and to acquaint you with the nature and interesting features of the civil organization about to be introduced amongst you.

I enter upon the discharge of this duty with increased zeal, since learning of late from reliable sources, your friendly disposition towards us, and your expressed desire that such facilities should be extended to your people as would enable them to perform all the duties properly belonging to good and faithful citizens. And the intelligence is received with more pleasure, as it will operate as an incentive to our State Government to carry out in a practical manner, the design which she has long entertained, of extending wholesome and salutary laws over every portion of her territory. This object, so worthy the attention of a well regulated government, over anxious to extend a paternal guardianship over all her people, would have been accomplished at an earlier day ; but our Government, disturbed and paralyzed by a protracted war, and then enervated by its consequences, was only enabled with a judicious use of all its resources and energies, to minister its benefits to those within its immediate reach. But four years a member of the Confederacy of States, the recuperative powers of our country, happily, are now beginning to develop themselves, and the auspicious hour has at length arrived, when we can salute our countrymen on the borders, and extend to them, in good faith, and with good cheer, the hand of fellowship, and the warmest assurances that we earnestly desire to dwell together in harmony and brotherly kindness ; and to enjoy with them, under our happy Government, its benefits and its blessings.

That you will receive the kind overtures which we make you, in the same confiding spirit which has induced them, and rightly appreciate our motives, *we do not entertain a doubt.* Your extreme isolated position has been unpropitious to the grateful inter-

change of social kindness which bind communities, and create an unity of feeling, and mutual interests ; but neither our people nor Government have at any time been estranged from you, and though separated by distance, we have always encouraged identity with you, and have been willing to meet you as brothers of the same household. After congratulating you that the clarion notes of ruthless war, which have so long assailed your ears, are hushed in the land (we trust forever) we present to you a Commissioner who is charged to bear you a constitution and laws, assimilated to others, which have stood the vicissitudes of time, and to present to you, in the name of our State, the olive branch of peace, with the best wishes of her people for the happiness and prosperity of our fellow citizens on the Rio Grande.

The country which you occupy was, at an early day during our existence as a Republic, marked and defined as embraced within the proper limits of Texas, and it now becomes necessary to extend full jurisdiction over it, in establishing our boundary, and for the advantages which will accrue to the inhabitants.— These advantages are secured in the constitution which we send you, and the laws which have been made in strict conformity to it. It is an instrument which the people themselves, in their sovereign capacity, and after due deliberation, have chosen as best suited to secure to them peace, liberty and the pursuit of happiness ; and reserving therein the power to alter or abolish it, whenever it fails to answer the end for which it was established. All the essential principles which free men could desire in their efforts to form a social compact for the benefit of all, and to the exclusion of none, are contained in this instrument. It imposes no restrictions upon individuals or communities, except such as are enjoined by morality and virtue. The good citizen will find under it a shield and defence, the vicious one his punishment.— All, without discrimination, are allowed to worship God according to the dictates of their consciences, and at such place, and in the manner they may deem right ; and it is further the duty of the law making power, to pass laws that will throw ample protection around all religious denominations, when worshipping after their own particular mode. Safety to the person and property of the citizens is guaranteed under the constitution, and every one has a right to be heard by himself, or by counsel. Excessive fines cannot be imposed by any authority, nor excessive punishments inflicted, and no citizen can be deprived of his life or liberty, outlawed or exiled, without due process of law.

These are some of the cardinal principles appertaining to our constitution, and by them, through the favor of a beneficent Pro-

idence, we have secured the blessings of civil and religious freedom, and we invite you to a full participation with us in the efforts we shall make to maintain them in their purity, and to transmit them unimpaired to those who are to follow us.

You cannot, fellow citizens of the Rio Grande, appreciate them too highly, or embrace them too soon. How many of our fellow beings, while groaning under the iron rod of despotism, would be made thrice happy could they embrace the golden opportunities which we are permitted to enjoy! The offering we make to you is part of a rich legacy bequeathed us by our fathers, and consecrated with their blood—when it is undervalued or lost, the sun of American freedom will have set forever. With our efforts we will extend it to every portion of our young and glorious State, and in this work, so worthy of every patriot, we desire your co-operation. No motives can influence you to any other desire. By its union and harmony will be established among yourselves—your means of defence will be increased; your tranquility at home better secured, and a greater share of every political blessing will be yours. No tyrant sceptre can impel you to a forced or menial service; no contributions will be levied on your property; no forced loans. The light tax which our laws will impose, and which will scarcely be felt, will be for the support of an economical government of your choice, and in fair proportion to the property which each individual possesses.

I invite you to a close examination of our laws, fully convinced that you will find proof in that examination, that we desire to hold forth no false inducements to lure you from your true interest—on the contrary, we wish to evince to your people, that we earnestly desire to measure out to them, as our fellow citizens, some of the advantages which we have, and know how to value. Justice demands this at our hands, and true policy dictates on your part, a ready and cheerful acquiescence. We seek to despoil you of nothing—but to elicit your confidence and respect, by the protection we can afford in giving safety to your persons and property.

By the authority of our State Legislature, now in session, I have dispatched to you a Commissioner, Maj. Robert S. Neighbors, who is instructed to execute his mission in a manner the most agreeable to you, consistent with his duties; and you are invited to hold the most free and unrestricted intercourse with him, and requested to lend him such assistance and protection as his situation amongst you may require.

I tender to you herewith, by the authority of my Government, the assurance that your homes and property will be fully secured

to you under our laws, and that you have in an eminent degree, secured the good feelings and wishes of the Government and people of the State.

With sentiments of esteem and kindness,

I am your obedient servant,

P. H. BELL.

E. No. 2.

*Copy of Letter of Instructions to Robert S. Neighbors, Esq.,
Commissioner to Organize the Counties of Presidio, El
Paso, Worth and Santa Fe.*

DEPARTMENT OF STATE, }
Austin, January 8, 1850. }

Major Robert S. Neighbors,

Sir: His Excellency, the Governor, having, by and with the advice and consent of the Senate, appointed you Commissioner under "an act to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fe," I have the honor herewith to had you your commission, together with copies of the constitution and laws of the State, and of the late Republic; and such other documents and forms as are necessary to aid you in the discharge of the duties devolving upon you, a list of which is appended to this communication.

I also hand you the address of his Excellency to the inhabitants of those counties, which you will cause to be circulated as extensively as possible. The kindness of its sentiments, the desire it manifests to promote the happiness of the people, and the determination it evinces to protect them in the enjoyment of their legal and constitutional rights, will no doubt be felt and properly appreciated by those who are now, for the first time, to come under the control of a government and laws, of which they have heretofore had but little knowledge, and prepare them for a ready acquiescence in the labors which you have to perform.

Upon your arrival in each county, after making known the object of your mission, you will proceed, to lay it off into justices and election precincts, having in view the convenience of the inhabitants in attending them, and appoint for each, a presiding officer to superintend the elections—to order an election for a Chief Justice of the county court—a Clerk of the district, and

Clerk of the county court—a Sheriff—a Coroner—an Assessor and Collector of Taxes—and a Justice of the Peace and Constable for each justice's precinct ; to each of which, when elected and qualified, you will give a certificate of election which will have the force and effect of a commission until they are properly commissioned by this department.

In ordering and conducting these elections, you will see that the law upon the subject is duly complied with. It is to be found at page 120, English copy of the laws of 1848.

The statute requires you to administer the oaths of office to the officers elected, and to take the bonds of such as are required by law to give bond. The official oath you will find in the first section of the seventh article of the constitution of the State, published in the volume of laws of 1848.

The officers required to give bond are, the clerk of the district court, (see laws of 1846, p. 204,) clerk of the county court, (same laws, p. 334) sheriff, (same laws, p. 265) coroner, (same laws, p. 358,) constable, (same p. 261,) and assessor and collector of taxes, (laws 1848, p. 196.)

After the justices and election precincts have been laid out, the law requires you to have them recorded in the county, by the clerk of the county court. I would also advise you to have the names of all officers elected and qualified, registered by the clerk of the county court in his office, so that all persons may know, by applying to him, who are the legal officers of the county.

I have furnished you with four copies of the constitution and laws of the State, four copies of the constitution and laws of the late Republic (except the 9th volume, which is not in the department,) and four copies of the ordinances and decrees of the provisional government in English : also, four copies of the constitution and most important general laws of the State, passed at the sessions of 1846 and 1848, and four copies of the late Republic, and of the laws of 1836, in Spanish ; and, also, four copies of the laws of Coahuila and Texas, published in English and Spanish. I also furnish you with three manuscript copies of the act creating the counties of Presidio, El Paso and Worth, and one manuscript copy of the act defining the boundary of the county of Santa Fe ; one copy of all of these laws you will deposit with the clerk of the county court of each county for the use of the officers and inhabitants.

I also furnish you with one manuscript copy of the law under which you are to act, for your own use, eighty copies (twenty for each county,) of the same act, and the law regulating elections, printed in Spanish, and forty copies in Spanish, and twenty

in English, of the Governor's proclamation, ordering an election for the Seat of Government; all of which you will cause to be properly distributed.

You will find among the documents the form of a bond which you are to take from such officers as are required by law to give bond, the condition of which you will vary in each case, so as to make it conform to the office and the law under which it is given. You will also find forms of election returns, etc. I would advise you to take with you a sufficient quantity of stationery to answer your purposes.

In giving these instructions, I have only attempted to point out the most prominent duties you are required to perform, but you will find the laws and your own judgment, at all times your best guides.

The great importance of an early organization of these counties, and the dissemination of the laws among the people, as far as practicable, addresses itself so readily to the mind, that the Executive deems it unnecessary to urge upon you the necessity of entering upon the duties assigned you as early, and of prosecuting them as promptly as circumstances will permit. In your intercourse with the inhabitants, the Executive is satisfied, that while acting with firmness and decision, you will observe that mildness and courtesy of manner which is so well calculated to inspire confidence and esteem, and remove all prejudices which may heretofore have existed in respect to the government, and our people as a race.

Wishing you health and success in your undertaking,

I have the honor to be, with great respect,

Your obedient servant,

JAMES WEBB.

E. No. 3.

Report relative to the County Organization of the Upper Rio Grande, etc. etc. etc.

S. M. Baird to Gov. P. H. Bell.

CITY OF AUSTIN, February 27, 1850.

Sir: With a diffidence of my own views, I beg leave to present to you, with respect, the following as the policy which had suggested itself to my mind in the total absence of other advise-

ment, (except that I should labor to conciliate those people,) likely to be most successful with the least cost to the State, in the organization of the region of the Upper del Norte under our laws.

I thought the county of Santa Fé should have been divided into seven counties, according to the ancient and present division: The territory and population will justify it. I alluded to it in a letter to Mr. Miller. To wit :

Number.	County	County Seat
1	San Fernando de Taós	Taós
2	Rio Arriba	
3	Santa Fé	Santa Fé
4	Santa Anna	Algodones
5	Beñalilla	Albuquerque
6	Valencia	Peralte
7	San Miguel	San Miguel
Add.....8	Presidio	
9	El Paso	
10	Worth	

Making, in all, ten counties. This would have been recognizing the established regulations, thus far, without introducing any thing new among them to be learned. The limits of these districts are well known to the people, and their designation, by name, would have been sufficient.

For each of these counties,	one Coroner,	making	10
	one Sheriff,		10
all	one District Judge,		1
	one " Attorney,		1
each	one " Clerk		10
	one County "		10
	four Justices of the Peace		40
	two Constables		20
	one Assessor and Collector		10
	four County Commissioners		40
	one Probate Judge		10
	one County Treasurer		10
all	one District Surveyor		1
	one Senator		1
	two Representatives		2
	one Marshal		1

MILITIA.

one Brigadier General	1
two Colonels	2
two Lieutenant Colonels	2
two Majors	2

forty Captains	40
forty First Lieutenants	40
forty Second " "	40
OFFICERS FOR THE STATE.	
one Governor	1
one Lieutenant Governor	1
one Secretary of State	1
one Attorney General	1
one Adjutant " "	1
one Commis'r Gen'l Landoffice	1
three Supreme Judges	3
one Member to Congress	1

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Making three hundred and fourteen offices of profit and honor to be filled and voted for by those people (chiefly).—These would have been equal to that amount of patronage in the hands of him who was effecting the organization, and would have been strong inducements to them. An officer in the character of a marshal, to act throughout the district in case any county should fail to elect a sheriff, is necessary, because sheriffs, by the provision of the constitution, must be elected by the people. There is no provision for a vacancy but by election; and I do not conceive that any one has power to appoint such an officer. The difficulty might perhaps have been avoided by the Legislature creating the office of marshal for the district I have called him such in the catalogue of officers herewith presented. I alluded to this difficulty in a letter to Mr. Miller.

A surveyor is also necessary to define the boundaries of their lands, collect information and statistics in relation to appropriated and vacant lands, and make maps of those counties. One for the district would have been sufficient. This office would have been of sufficient importance to have induced a competent man to hold it.

Inasmuch as the issuance of land certificates is prohibited there, the location of certificates should also have been prohibited.—They have already commenced the location of certificates on ranchos, and will soon if permitted to continue do so, have the country in confusion. That of itself—and justly, too—would deter those people from any connection with us. The military should also be organized in accordance with the act providing for the same. On examining that act, you will see that it requires the proclamation of the Governor to be issued, and the organization to take place under the superintendence of the Division officer of

the Red River Division. I mentioned this matter to the Secretary of State before I left for Santa Fé: but it was thought inadvisable at the time to place those people in a warlike condition. That objection does not now exist. Those people have no belligerent intentions.—On the contrary, they should be placed in a condition to defend themselves against the Indians, and encouraged to do so. Their herds are constantly being driven away by the Indians with impunity; and they have no organized system of defence against those depredations. I regard the organization of the militia as a matter of importance, both as to the defence of the people and as auxiliary to the civil organization. It would please those people.

I beg leave also to call your attention to the Pueblo Indians. They live in towns; and have grants of lands, in greater or less quantities. Many of these towns are scattered through the country—many of them surrounded by Mexican population—Some of their chiefs, in times past, (unwisely,) (to use the language of the Indians themselves,) sold off part of their lands. The Indians deny that the chiefs, or the towns themselves, had any right to alienate these lands. The consequence is, that many of them, through the bad advisement of pettifoggers on one side or the other, are involved in lawsuits, and, consequently, jealousies are growing up between them and their Mexican neighbors. This should be arrested. For this and other reasons that will present themselves to your mind, I suggest the propriety of holding out inducements to those Indians to settle on the frontiers. Along the Pecos and Arkansas, east of the mountains, there are delightful regions of country, and every way adapted to their mode of living and are now entirely vacant. By paying them small premiums, I think they could be induced to exchange their present lands for others in the regions designated. Let these premiums be in the way of annuities, and consist mostly of implements of husbandry and domestic manufacture—such as ploughs, spinning wheels, looms, &c.; or these might come in the character of presents. They are an industrious and ingenious people, and would know well how to use them and appreciate their value, and would soon cast aside the rude implements manufactured after the models of the Mexicans. They would be highly delighted with them. Appoint an agent for and carry on a trade with them, and through them with the wild tribes. There should be no attempt to force this policy upon them; but lead them into it by inducements. I think it would please both them and the Mexican population.

These Indians would exercise the most salutary influence up-

on the wild tribes, and might be made the instruments of domesticating them as their source of subsistence—the buffalo—disappears, and they are disappearing rapidly. They could also form a kind of barrier, as well link, between the wild Indians and the American and Mexican population. They would be made the means of a better protection in a pacific policy than the U. States troops. Their remarkable integrity of character, chastity, sobriety, ingenuity, native intelligence, docility, and habits of industry, highly recommend them for this purpose. I have never seen one of their men intoxicated; and a prostitute is rarely found among their women, although they have time out of mind been surrounded by the worst of influences. They are said to be the descendants of the old Mexican Indians of Montezuma tradition. They are an interesting people; and their welfare I think is worthy of the consideration of the philanthropist. Under the constitution, Indians who pay tax are entitled to the privilege of voting. Situated as they are we would be compelled to let them vote. Require those who remove to the frontier to pay no tax. Let them have their own internal government. Bestow presents annually in the manner above referred to; and by this course I am well convinced we can make them a very useful people, and greatly improve their condition, and also get rid of the present difficulty of their voting.

There should be laws declaring and perpetuating the Mexican laws in regard to irrigation, mining and herding cattle. These things seem small and unimportant to us; but with a people who cultivate by irrigation, have no fences, and are fond of mining, they are all important. Some of them are deprived of their water, their grounds often run over with impunity, and they are unwilling to open mines, because they have no assurance that they will be protected in the privileges they have been accustomed to in such cases.

The existing contracts between master and servant, should also be confirmed, if consistent with the constitution. Future contracts of peon servitude might be prohibited. If such contracts are not confirmed, masters will lose the money advanced in such cases, and it is a question if the Government would not be responsible for those debts.

The wood in the mountains should be reserved from private appropriation, and declared the common property of the people, for their free use. Such has always been the case, and it is a matter in which they now feel interested. To deprive them of this privilege, would of itself ruin them. Their firewood in many places, is packed from ten to twenty miles. If they were forc-

ed to pay for it also, it would become a burden too heavy to be borne, and the present populated country would have to be abandoned.

The salines also should be declared free to all the citizens of Texas, for they likewise have always been so. These and the wood are perhaps two matters of more importance to them than all others. Those living beyond the Del Norte should be required to pay for those things, particularly the citizens of Mexico. These salines have already fallen into private hands. It was partly to avoid this, and partly because I knew they would be profitable, that I was induced in connection with some gentlemen to apply to the government of Texas for a contract, to be regulated by the legislature, for those salines. I was not apprised at the time of the importance of these salines to those people, and how dear they held the privilege of using them, or that proposition would have been framed so as to secure to our own population the free use of them, taxing only those beyond the Del Norte. Under my present information, I would not have them on any other terms. There is nothing that those people would not rather surrender, than the free use of the wood and salines. I was told by men who had a knowledge of the importance of the salines, that as private property, they would be worth \$100,000, and that the deprivation of their free use would have been sufficient to have raised a revolution in that country under the Mexican dominion.

A printing press in that region would also be a matter of great importance to the State, as well for the purpose of controlling and creating public sentiment, as for the purpose of facilitating the transaction of business and furnishing those people with information, and the necessary forms and instruments in the transaction and execution of business. With these facilities any intelligent Mexican could discharge the duties of many of the offices; and they must necessarily, and from sound policy ought to, hold many of them. If the government would have advanced the money for such a press and materials, I am well assured that men even among the Mexicans can be found, who will take it and refund the money when the government shall no longer need it.

Those people will have a repugnance to paying a direct tax; because they have never been accustomed to that system of collecting a revenue. With a view to satisfy them on that point, (in part) but more as a matter of utility and necessity, I would suggest that the entire revenue collected there, should be appropriated in that region to the erection of public buildings for the different counties, for frontier protection and education.

The subject of education requires attention; English schools should be established among them, (free if practicable,) to the full extent of the means that could be raised for that purpose. Lands should be allowed them in the same proportion as to other counties. They have already some means, the precise character of which I am not well acquainted with; but they have never been brought into requisition so far as I know. That should be attended to. If we make them citizens we must treat them as citizens. And if we allow them to vote, we must endeavor to qualify them to vote. For these reasons it is important that the English language, as it is the language now of their legislation and courts, should also be the language of their future education. If those people are to be incorporated into the body politic of our State, these matters all become more and more important, for there are enough of them to control the whole course of legislation. We should then secure their good will, treat them as friends, for in legislation and politically generally, we will be more dependant than they, really; because we have more to be effected by them.

Ample means should, in my opinion, be placed at the discretion of the Executive, to be employed by him in case of emergency. I will take the liberty to suggest the policy of placing at least one company of rangers, of one hundred men, on that frontier, to co operate to some extent with the troops of the United States, but independent of them in point of command. They should be emphatically rangers. This company should be filled up in part of those accustomed to the ranging service, and partly of mountain men; or if two companies of a smaller or like number be required, one should be mountain men. They would give those people greater protection, than all the regular troops in that region. The ostensible and real object, should be frontier protection. They would also serve as escorts and express bearers for those engaged in the establishment of our laws. They would also aid in executing the laws effectually. Whether there would be a real necessity for their services in these respects or not, they would give our exertions a dignity, earnestness and energy, that would command the respect of those people. Volunteers should be kept mostly on the frontier, out of the towns. Then no prejudice would spring up against them. It is probable the General Government would finally refund the expenses thus incurred. It seems to me, that by this course, we would convince those people that we are in earnest, and that we are their friends instead of their enemies. It would also be virtually taking possession of the country, and would in my humble opinion, create an

influence and public sentiment, that would break down opposition. Without the direct sanction and support of the General Government, it seems to me it would be the cheapest and most effectual policy we could adopt.

I am also of opinion, that an agent on the part of Texas, who speaks and writes Spanish well, apparently having no connection with her affairs, would be useful in such a course of policy.

In all this, I may be mistaken; if so, it remains for those more wise to suggest a plan. All these measures, if approved in regard to the policy, cannot be carried out without the aid of legislation. I submit them as explanatory, and with a view to the future. If they meet with approbation, it remains for others to determine how they can be carried out, and, if not approved what course should be pursued.

The question now presents itself, as to what all this will cost? It seems to me that if successful at all, it could be done without taking anything derived from the revenue of the present tax paying portion of Texas.

You will see from the accompanying letter of resignation, the obstacles alluded to, which present themselves to my mind at this time. This was prepared on a determination, in my own mind, to resign, believing I could be of no service for the reasons therein set forth. I do not present it now as a resignation, but for the purpose of presenting those difficulties to your mind—trusting, however, that you will consider of the matter, and say whether, under the circumstances, I can be of any service to the State.

All of which is respectfully submitted.

I am, with high regard, your obedient servant,

S. M. BAIRD.

Governor P. H. BELL.

P. S.—I shall start to-morrow morning to San Antonio, and be absent some days.

E. No. 4.

EXECUTIVE DEPARTMENT, }
Austin, Texas, June 12, 1850. }

To the Hon. S. M. BAIRD,

Judge of the 11th Judicial District, Santa Fe, Texas.

SIR: Your resignation as Judge of the 11th Judicial District, having been withdrawn, I deem it proper to make some sugges-

tions connected with your official duties, based upon information derived from Major R. S. Neighbors, special Commissioner, etc., who about two weeks since, arrived here from Santa Fe.

The existing State of things in that quarter, so hostile to the jurisdiction and rights of the State, as also, the action taken by Colonel Munroe, (the United States officer commanding there,) in reference to the holding of a Convention for the purpose of forming a State constitution, has been fully reported to me by Major Neighbors. Unless that officer has acted without authority, (which cannot be supposed,) it is now evident that the administration is exerting an influence unfriendly to the rights of the State, by encouraging the people of Santa Fe in their scheme of forming a separate government.

But, whether this movement be the act of the citizens of Santa Fe, alone, or they be encouraged and aided therein by the government, or officials of the United States, is immaterial. Its effect is alike injurious to the just claims of Texas, and I cannot believe that her people will tamely permit it to proceed. For myself, as the Chief Executive officer of the State, I am determined to maintain her honor and rights in this matter, by a prompt use of all the means afforded to me, under the constitution and laws.

In the meantime it is evident that your presence at Santa Fe can be of no service to the State. You cannot hold a court there, nor is there any one act appertaining to your official duties which you can there perform. Your longer stay there, clothed, as you are, with a high official character which is neither recognized nor respected, is only calculated to render contemptible the State which you represent.

I therefore urge upon you the propriety of at once leaving Santa Fe, and taking up your residence at El Paso, until the State can enforce her jurisdiction over the former. You were, doubtless, informed by Major Neighbors, of his success in organizing the county of El Paso. This organization took place without any opposition on the part of the people there. The various county officers were duly elected, and a full set of the laws of the State, and of the Republic, have been sent on from the State Department for their use.

But, although the people of El Paso county came thus cheerfully under the jurisdiction of the State, there is some danger that their allegiance may be shaken by attempts made from Santa Fe, or other quarters. They are widely separated from the American portion of the State, and their communication with it is as yet, very uncertain, and can only take place occasionally. All their

associations and ties are with their own countrymen in Santa Fe and New Mexico, with whom they are directly connected, and it is but natural to suppose that influences may be exerted from those quarters which will render them discontented and averse to the position which they now occupy as an organized portion of the State.

It is for these reasons, as well as others which your good sense will readily suggest to you, that I earnestly desire you to be located for the present at El Paso, and request that you will proceed there with as little delay as possible. I am informed by Major Neighbors, that many of the citizens of El Paso county were desirous that terms of the District Court should be holden there without delay, as there were many matters of interest requiring some judicial action. Although a law has been passed by the Legislature appointing a time for holding a court there, I see no impropriety in your doing so, after giving due notice of the same. Should you hold a court, (which I would be glad you would do,) I will endeavor to have the same duly legalized at the next meeting of the Legislature. In this I do not conceive that there will be the least difficulty.

Your presence at El Paso, with your official character, will give to the people of that county confidence in the State Government. It will enable you to discover and counteract any efforts which may be made in opposition to the rights of the State, to control the lawless by means of your judicial authority, and to encourage the desponding by representing to the Executive any causes of complaint which they may have, and so far as practicable, by removing the same yourself. Whatever means will tend to the preservation of good order in the county, the content of its citizens, and their fidelity to our Government, you will please employ, as your discretion may approve. You will be enabled to ascertain, at an early day, every movement which may be made at Santa Fe calculated to affect the rights or interests of the State; and I wish you to keep me advised of them, by every opportunity that offers.

Let me know as soon as possible the result of the action taken in Santa Fe for the holding of a convention to form a State government.

Very respectfully, your obedient servant,

P. H. BELL.

Speech of Gen. Thomas J. Rusk, of Texas, in reply to Mr. Benton, in relation to the Boundary of the State of Texas; delivered in the Senate of the United States, July 16, 1850.

The Senate having under consideration the bill for the admission of California into the Union, the establishment of Territorial Governments for Utah and New Mexico, and making proposals to Texas for the settlement of her northern and western boundaries; and the pending question being on Mr. Benton's amendment relating to the boundaries of Texas and New Mexico—Mr. Rusk said :

Mr. President : I desire very briefly to answer a few of the observations made by the Senator from Missouri (Mr. Benton) on this amendment—not upon the general subject of the bill, but with reference to that part of it which provides for a proposition to be made to the State of Texas. I have investigated this subject of title frequently during the last two or three years, because it has been a matter of great importance to the State which I in part represent. And with the fullest examination which I have been able to give it. I have come to the conclusion that the title is clearly and conclusively in the State of Texas, and that the United States have no title which they can set up as against that State. Had I entertained any doubt on the subject, that doubt would have been removed by the production of the "close and conclusive" evidence which the honorable Senator from Missouri drew "from the bowels of the case" on yesterday. When a gentleman of his known ability is driven, in support of the claim of the United States to this territory, to such testimony as has been produced, and designates it as "close" and "conclusive," it seems to me that the claim of the U. States must be entirely hopeless.

In the first place, as evidence to show that the territory on this side of the Rio Grande down to the mouth of the Rio Puerco belongs to the United States, the Senator takes the bill reported by the Committee of Thirteen. Now, what authority is there in this evidence? What does it amount to? It is the *report of a committee*. It has not been acted upon by the Senate. There is no authority in it, one way or the other, for or against Texas. It has not even received the sanction of the Senate. It is not a law—and, if the honorable Senator can prevent it, I imagine it never will become a law. The Senator takes this as "conclusive" evidence to show that the bill proposes to convey to the State of Texas a part of the territory belonging to the United

States. But I might show that he himself did not rely on this, for after showing and proving by the bill, as he said he did, that this was "cutting off New Mexico below the hips," at the close of his remarks, he used the bill for a purpose directly opposite, and says that if the bill passes it proves the title of Texas to the territory on this side of the Rio Grande, and raises "the slavery question." Now, this is singular "evidence," that can operate "conclusively" in favor of both sides. This land belongs either to Texas or the United States—it cannot belong to both.

The next piece of evidence which the honorable Senator produces is equally unfortunate, and even more so than the other for his case. This piece of evidence is what he terms "an authentic map of the State of Texas," certified to by Thomas J. Rusk, Sam Houston, the representatives and Governor of the State, &c. Here is the map, (holding it up,) which can be seen by any gentleman, and I desire that it may be examined. For what is this map introduced? As "conclusive evidence, drawn from the bowels of the case," to prove that the United States owns the land on the east bank of the Rio Grande, down to the mouth of the Puerco river.

Now, if my colleague or I could make evidence for or against Texas by any signatures that we might annex, there might be some plausibility in the production of the map, if it proved any title. But, suppose we were to certify a thousand times, it would make no evidence, confer no title, give no claim to Texas nor to the United States, for we do not own the land. It belongs to our State. We have set up no individual claim to it; and, therefore, whatever we might certify would amount to nothing as evidence. But I am willing to take this map—I will certify to it again.—Allow me, sir, to read the law of the Legislature of the State of Texas, the passage of which immediately preceded the making of this map:

An Act to create and organize the County of Santa Fe.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That all that territory included in the following boundaries; to wit: Beginning at the junction of the Rio Puerco with the Rio Grande, and running up the principal stream of the said Rio Grande to its source, and thence due north to the forty second degree of north latitude; thence along the boundary line as defined in the treaty between the United States and Spain, to the point where the hundredth degree of longitude west of Greenwich intersects Red River; thence up the principal stream of said Red River to its source; thence in a direct line to the source

of the principal stream of the Rio Puerco, and down the said Rio Puerco to the place of beginning, is hereby created into a new county, to be called the county of Santa Fe.

SEC. 2. *Be it further enacted*, That the town of Santa Fe, shall be the county seat of the county of Santa Fe.

SEC. 3. *Be it further enacted*, That the citizens of the county of Santa Fe are hereby entitled to the same officers and courts to which the other counties of this State are entitled ; *provided*, that nothing in this act shall be so construed as to give said county of Santa Fe a separate land district, or to authorize the county court of said county to issue land certificates.

SEC. 4. *Be it further enacted*, That the District Judge of the eleventh Judicial District of the State of Texas shall designate the places at which elections shall be held for county officers, on the first Monday in August next, or at such other time as he may think proper and shall give thirty day's notice of the same, and appoint the presiding officers to hold the elections and make returns to him, and he shall examine the returns and declare those receiving the highest number of votes for the respective offices duly elected, and make return thereof to the Secretary of State.

SEC. 5. *Be it further enacted*, That this act take effect from its passage.

Approved, March 15, 1848.

This is the act of the Legislature of Texas, passed and approved March 15, 1848. This map was made out immediately afterwards, and the map adopts precisely the boundaries marked out for the county of Santa Fe, showing the western boundary of Texas to be the Rio Grande, and its northern boundary the 42d degree of north latitude. It was certified to on the 12th day of August, 1848. Now, if this map be evidence, it proves that every foot of land up to the Rio Grande belongs to Texas. And there is an end of the case at once.

But, sir, I have a proposition to make to the Senator from Missouri, as he seems to rely on this map to prove his position. The Texas question is one of the principal difficulties in the controversy, which at present creates so much sectional agitation. It is, I regret to say, in its present position, one of the most irritating and the first in which any unpleasant action is likely to take place. Now, I propose to the honorable Senator, that if he will introduce a bill or resolution and cause it to be passed into a law, and sanctioned by the President, declaring that the boundaries of Texas shall be as laid down on the map of De Cordova, certified by Thomas J. Rusk and Sam Houston, this controversy will be ended forever, and not a dollar will be needed out of the pub-

lic treasury. Texas will be satisfied, amply satisfied with it, if the United States and the Senator will be so; and there will be an end of this entire controversy, nobody grumbling, except perhaps a few that want some capital for agitation. Texas will accept it, for it will give her her rightful boundary—the Rio Grande from its mouth to its source.

I have now, I think, successfully disposed of all the “conclusive” testimony which the honorable Senator has brought forward in support of the claim of the United States. But some other observations fell from the honorable Senator in relation to this matter, to which I feel it my duty to reply briefly. One of these observations was that the possession of this country was in the United States, adverse to Texas, and that it was their duty, if it was necessary, by force to maintain that possession against Texas. I regretted exceedingly some months since to hear this declaration fall from the distinguished Senator from Missouri.—I regretted it more when, in a communication from the late lamented Executive, the same ground was again taken; because, to my apprehension, this view of the subject brings about a collision in which one party or the other will have to recede.

Now, I deny that possession of the territory was held adversely to Texas previously to the beginning of this session of Congress. Never, until the commencement of this session of Congress, was the possession of Santa Fe held adversely to the State of Texas—and I will not stop at the bare assertion, but will prove the fact. I could refer to many official documents on the subject, but I shall content myself with adverting to but a few. I shall have occasion hereafter to prove that the President of the United States, when he ordered possession to be taken of Santa Fe, did so under the title of Texas. He set up no other, and asserted at the time that he recognized the title of Texas as valid.

Some weight has been attached to a proclamation of General Kearny, promising the people of Santa Fe, when he took possession of their town, certain political rights. It has been read once or twice very triumphantly—once by the Senator from Massachusetts, (Mr. Davis,) and again by the Senator from New Jersey, (Mr. Dayton;) I will not read that proclamation, but here is what was said, not only to the people of Santa Fe, but repeated to Congress, in an Executive communication to this body. It is from a letter of the Secretary of War (Mr. Marcy) of the 11th of January, 1847:

“It is proper to remark that the provisions of the laws which have been established for the government of the Territory of New Mexico go, in some few respects, beyond the line designa-

ted by the President, and propose to confer upon the people of the Territory political rights under the Constitution of the United States. Such rights can only be acquired by the action of Congress. So far as the code of laws established in New Mexico, by your authority, attempts to confer such rights, it is not approved by the President, and he directs me to instruct you not to carry such parts into effect."

The President himself is more full on that subject than even the instructions of the Secretary of War, and says that "no department of this Government can confer political rights except the Congress of the United States."

There was, sir, another order given the commander at Santa Fe. I read from a letter of the Secretary of War, (Mr. Marcy,) October 12, 1848 :

"In regard to that part of what the Mexicans called New Mexico, lying east of the Rio Grande, the civil authority which Texas has established or may establish there is to be respected, and in no manner whatever interfered with by the military force in that department, otherwise than to lend aid on proper occasions in sustaining it."

These, then, were the instructions given October 12, 1848, under which the commanding officer at Santa Fe was acting at the time the late lamented President took his seat. They were, to some extent, continued by an order of the Secretary of War, (Mr. Crawford,) of March 26, 1849 :

"It is presumed that the instructions from this Department of October 12, 1848, forwarded by the hands of Midshipman Beall, of the navy, have been received by you some time since : nevertheless, I herewith furnish copies of the same.

"With respect to that portion of the instructions which is in the following words : 'In regard to that part of what the Mexicans called New Mexico, lying east of the Rio Grande, the civil authority which Texas has established or may establish there is to be respected, and in no manner interfered with by the military force in that department, otherwise than to lend aid on proper occasions in sustaining it,' I have to remark, that it is not expected Texas will undertake to extend her civil government over the remote region designated ; but should she do so, you will confine your action, under the clause above cited, to arranging your command in such manner as not to come into conflict with the authorities so constituted. On the claim of Texas to any or the whole of New Mexico east of the Rio Grande, it is not necessary to give an opinion, as Congress and that State alone have the power of adjusting it."

This only repeats so much of the former instructions as required the commanding officer to *aid the authorities of TEXAS* in extending her jurisdiction. Thus things remained until the 19th day of November, 1849, less than a month before the meeting of Congress. I read now from a letter of the Secretary of War, Mr. Crawford :

“ WAR DEPARTMENT, Washington, Nov. 19, 1849.

“ *Sir* : As you are about to join your regiment, now on duty in New Mexico, it has occurred to me as proper to make some observations on the peculiar condition of that and another Territory of the United States.

“ Since their annexation, these Territories, in respect to their civil governments, have in a great measure depended on the officers of the army there in command ; a duty it is considered falling beyond their appropriate spheres of action, and to be relieved from which cannot be more desired by them than by this Department. This condition has arisen from the omission of Congress to provide suitable governments, and in regard to the future there is reason to believe that the difficulties of the past are still to be encountered. In every possible aspect it is important, both to New Mexico and the United States, that these embarrassments should be quickly removed.

“ It is not doubted that the people of New Mexico desire and want a government organized with all proper functions for the protection and security of their persons and property.

“ The question readily occurs, How can that government be supplied ? I have already adverted to past and still existing difficulties that have retarded and may continue to retard, the action of the United States in respect to this necessary and first want. To remove it may in some degree be the part of the duty of officers of the army, on whom, under the necessities of the case, has been devolved a partial participation in their civil affairs. It is, therefore, deemed proper that I should say, that it is not believed that the people of New Mexico are required to await the movements of the Federal Government in relation to a plan of government proper for the regulation of their own internal concerns.

“ The constitution of the United States and the late treaty with Mexico guaranty their admission into the Union of our States, subject only to the judgment of Congress. Should the people of New Mexico wish to take any steps towards this object, so important and necessary to themselves, it will be your duty, and the duty of others, with whom you are associated, not to thwart but advance their wishes. It is their right to appear before Congress and ask for admission into the Union.

"Other and complicated questions may arise, which are considered as merged in this essential right of these people, and for the decision of which we must look beyond the authority of the Executive.

"It will be instructive, and probably necessary, information, when the people of New Mexico form a constitution and seek admission into the Confederacy of the States, to have your observations and views on their probable numbers, habits, customs and pursuits of life.

"I have the honor to be, very respectfully, your ob't servant,
 "GEO. W. CRAWFORD,
 "Secretary of War.

"Brevèt Lieut.-Col. GEORGE A. M'CALL,
 "Philadelphia, Pennsylvania."

In military phrase, the words used are equivalent to a command to advance the wishes of the people of New Mexico, who are told in this communication, for the first time, that they are entitled to certain political rights as a community, and to admission into the Union as a State. This order was issued on the 19th of November last, less than a month before the meeting of Congress,

This entirely changes the whole aspect of the question. Texas, prior to that time, with the knowledge and approval of the Government of the United States, had been making the necessary arrangements for the purpose of extending her civil jurisdiction in that quarter. The officers of the United States were, in the first instance, ordered *not to interfere in, but aid* any efforts Texas might make for the accomplishment of her purpose. Some time afterwards they were directed *not to interfere at all*. And, on the 19th of November last, they were directly told *to interfere*. Texas, some two or three years ago, passed a law for the purpose of organizing that territory. She sent a judge out there for that purpose, who went out and came back and reported that he failed in effecting an organization of the territory, not on account of the citizens there, but *on account of the interference of the officers of the army* and temporary officers appointed by Gen. Kearny, and certain individuals who had no identity with the country.

Texas has not been hasty in this matter. She would then have been perfectly justifiable had she sent an armed force there. She would have come in conflict with no law, and subjected herself to no imputation of seeking to raise any difficulty, if she had sent a sufficient force to require obedience from these people on her territory. She did not do so. She appointed a commissioner. When he arrives at El Paso he finds the order of March,

1849, in force. The United States officer tells him that he shall not interfere: and the moment he says so, the people of that section of the territory organize into a county and elect their officers. When he arrives at Santa Fe according to his report, and in fact, the report of the United States officer himself, it was owing to the interference of that officer that he was prevented from organizing the county of Santa Fe. A gentleman there, invested with a little brief authority, denounced Texas, and threatened to imprison her commissioner, who had gone there by himself, peaceably and quietly, a distance of five hundred miles, translated this order into Spanish, and circulated it among the people, and a thousand stories were circulated to alarm and discontent the people. Here, within a few days, the commissioner of Texas and the people of Texas know for the first time that the Government of the United States assumes to hold possession of this territory under an adverse claim, and means to maintain that possession by the sword. Now, what is Texas to do under such circumstances? The honorable Senator says, "submit to the law." And he gives us an instance of the advice he gave, as a sort of example for me to follow—to advise "submission to the law." Well, I will advise "submission to the law," but it must be to "*the law*." The President, in his annual communication, says that he cannot determine the question of right between Texas and the United States. There is no *law* of the United States authorizing the establishment of a Territorial Government there; no *law* of the *United States* authorizing the establishment of a *State Government there*; no *action of Congress whatever*. Where is "*the law*?" There is none, unless the order of the Secretary of War of the 19th of November, 1849, be designated as such. Does the honorable Senator from Missouri ask me to submit to a law of that description? Has the Secretary of War a right to make "*the law*?" Has he the right, after making it, to enforce it by the power of the sword of the United States? If that be "*law*," it is such law as the people of Texas will not submit to without a struggle, which will only end with their power to continue it.

I regret these circumstances as much as any man in the Senate, for I do not know what sacrifice I would not make to see quiet and harmony restored to the country. I scarcely know what sacrifice I would not make to avoid the necessity that Texas should be compelled to be the first to move in a manner which may end God only knows where. But, sir, we have no choice left but to submit to the order, which may be changed to-morrow; or, by the best means in our power, to assert our right. This we must do. We may be compelled to submit to the force of the

United States. This is a controversy between the United States and Texas. I throw New Mexico out of the way. We have no controversy with New Mexico. There is no such organized community. Our controversy is with this Government, goaded on by fanatics, fatally bent upon mischief.

Sir, I hope Texas will proceed with caution. I hope she will wait a reasonable time for justice to be done to her, but when the choice is between submission to the military power of the United States, in regard to this possession, and the enforcement of her jurisdiction by all the means in her power, there will be but one course left for her to pursue, consistently with her rights her honor, and her self respect. A weak power cannot abandon what she knows belongs to her, with credit. The Government of the United States could, if it would, alter their course and act with magnanimity, because they have the power to enforce. Texas cannot do it, and I am sure will not do it. I should regret to see the day when this collision shall take place; I believe it will be the darkest which this country ever saw; but if it should occur, I have as clear and conscientious a conviction as I have that I am standing on the floor of the Senate of the United States, that Texas will be right, and the Government of the United States will have been urged on by factious clamor to do a palpable wrong.— So far as I am concerned, cost what it will, I shall assume my full share of the responsibility which may attach to me as a citizen of Texas, in enforcing her jurisdiction over this territory.

But gentlemen say, "you have no title: it is a mere pretext;" and it has been asserted recently, officially, that Texas has only lately advanced a claim to this territory. Now, sir, it is just the reverse; the Government of the United States has *recently advanced* a claim to this territory. It is not yet a year old in any official form. Texas has claimed this territory since 1835. After her first victory over her enemy for reasons of a substantial nature, which I will not now stop to inquire into and state to the Senate, Texas designated the Rio Grande as her boundary. After the capture of Santa Anna, with arms in her hands, and in presence of an *uncaptured* force, numbering four times the number of soldiers that she had in the field, she again asserted this boundary. In 1836 she asserted it upon her statute-book, and when the Government of the United States made an overture to Texas, repeating it twice, and asked her to become part and parcel of the Union, she was claiming this very boundary. It was the subject of discussion here, and the Senator from Missouri (Mr. Benton) himself, in a speech which he delivered on that occasion, said that "if you go on in this way, and annex Texas

with her present claim of boundary, you annex her with all that she claims as her territory," or words to that effect. At the time of the annexation, sir, there was an unsettled question between Texas and Mexico. War had existed between them, and we had designated different boundaries. The boundary designated by Texas was the Rio Grande; the boundary designated by Mexico was the Sabine. All of the territory between these two rivers was staked upon the issue of the war which existed between them. The United States made her proposition, and we accepted it, taking upon themselves, in express terms, the power to settle this question of boundary: taking the power out of the hands of Texas "to settle with foreign Governments" (which must have meant Mexico, and nothing else) "questions of boundary." Now, suppose that the United States had entered into a treaty with Mexico to establish this boundary. Gentlemen tell me "the Government of the United States were not acting as your agent, or in the capacity of judges:" but I ask any reasonable man if the United States were in a condition, after having sought, and asked, and begged Texas to come into the Union, and promised to settle the boundary, whether they were in a condition to go with clean hands into the market, and purchase any part of this territory from Mexico, adversely to the claim of Texas? If they could purchase one foot of it, if they could purchase Santa Fe, they could, on the same principle, purchase all the territory in dispute. If they could do that, they had a perfect right to purchase out all claim that Mexico had, and they could have purchased the State of Texas out of existence, buying up to the Sabine. The principle follows, and you cannot escape from it. Once admit the principle, and the consequence follows clearly. We thought, when coming into the Union, that we were receiving certain solemn guaranties, and making a compact; but if this be your principle, our guaranties are but the mercy of this Government, limited only by its discretion over our very existence; because, if it could purchase any part of the disputed territory from Mexico, it could purchase the whole. Such is the claim advanced at present to this territory! Such is the claim, just after the fourth of July, when there have been twenty thousand orations pronounced, declaring that we are the greatest, the most magnanimous, and the most honest nation on the face of the earth. A claim bottomed on such a principle is now set up, and attempted to be enforced against a weak and exhausted State of the Union. But, say gentlemen, "you ought to settle this question." It is not for us to settle it; we have never seen your claim, until within a year past, and you tell us now that the Supreme Court can settle it. I do

not believe this assertion; I differ with gentlemen who have expressed such an opinion, and I think that upon a review of that opinion they will modify it themselves. The Supreme Court, in my opinion, has no jurisdiction over this question of boundary. By express stipulation in the joint resolutions of annexation, authority was given to the Government of the United States to settle the question, and every body understood that there was no power through which it could exercise that authority and settle the question except the treaty making power of the Government.— There was a clear and unmistakable agreement that the United States should settle this question of boundary, through the treaty-making power, and the United States cannot transfer that power to another department without the consent of Texas. This is not one of the cases that was contemplated by the article of the Constitution; it is not one of the cases confided to the Supreme Court. Here was a controversy between Mexico on the one side, and Texas on the other; and the United States at her own request was selected to determine it. The United States, after they had annexed Texas, were bound, and they so regarded it themselves, to settle this controversy between Mexico and Texas, as soon as they conveniently could. Allow me to read upon this subject, a short extract from the annual message of President Polk to Congress, in December 1845:

“The jurisdiction of the United States, which, at the formation of the Federal Constitution, was bounded by St. Mary’s on the Atlantic, has passed the capes of Florida, and been peacefully extended to the Del Norte.”

Gentlemen smile, and they may say that this was the mere opinion of the President. That is true, but it is the opinion of the President expressed to Congress, and expressed at a time of high excitement, under an apprehension that war would take place, and it has the endorsement and sanction of the silent assent of Congress. I might refer to more extracts from the message, but I will proceed. On the 11th May, 1846, the President says:

“The strong desire to establish peace with Mexico on liberal and honorable terms, and the readiness of this Government to regulate and adjust our boundary, and other causes of difference with that Power, on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me, in September last, to seek the re opening of diplomatic relations between the two countries. Every measure adopted on our part had for its object the furtherance of these desired results. In communicating to Congress a succinct statement of the injuries which we had suffered from Mexico, and which have been accu-

mulating during a period of more than twenty years, every expression that could tend to inflame the people of Mexico, or defeat or delay a pacific result, was carefully avoided. An envoy of the United States repaired to Mexico, with full powers to adjust every existing difference. But, though present on the Mexican soil by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly disposition, his mission has been unavailing. The Mexican Government not only refused to receive him, or listen to his propositions, but, after a long continued series of menaces, have at last invaded our territory, and shed the blood of our fellow-citizens on our own soil.

* * * * "On the 10th of November, 1845, Mr. John Shedd, of Louisiana, was commissioned by me as an envoy extraordinary and minister plenipotentiary of the United States to Mexico, and was entrusted with full powers to adjust both the questions of the Texas boundary and of indemnification to our citizens. The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary.

* * * * *
 "In my message at the commencement of the present session, I informed you that, upon the earnest appeal, both of the Congress and Convention of Texas, I had ordered an efficient military force to take a position 'between the Nueces and the Del Norte.' This had become necessary, to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union; and, under these circumstances, it was plainly our duty to extend our protection over her citizens and soil.

"Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the Convention of Texas; had thus taken part in the act of annexation itself; and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory, by including it, within our own revenue system; and a revenue officer, to reside within that district, has been appointed,

by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defence of that portion of our country. Accordingly, on the 13th of January last, instructions were issued to the General in command of these troops to occupy the left bank of the Del Norte. This river, which is the southwestern boundary of the State of Texas, is an exposed frontier; from this quarter invasion was threatened; upon it, and in its immediate vicinity, in the judgement of high military experience, are the proper stations for the protecting forces of the Government. * * *

"[Mexico] upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, has affected to believe that we have severed her rightful territory, and in official proclamations and manifestoes has repeatedly threatened to make war upon us, for the purpose of reconquering Texas. In the meantime, we have tried every effort at reconciliation. The cup of forbearance had been exhausted, even before the recent information from the frontier of the Del Norte; but now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

"As war exists, and notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country.

"War actually existing, and our territory having been invaded, Gen. Taylor, pursuant to authority vested in him by my directions, has called on the Governor of Texas for four regiments of State troops—two to be mounted, and two to serve on foot; and on the Governor of Louisiana for four regiments of infantry, to be sent to him as soon as practicable.

"In further vindication of our rights, and defence of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end, I recommend that authority should be given to call into the public service a large body of volunteers to serve for not less than six or twelve months, unless sooner discharged."

Upon this message most authoritative action took place; the declaration of war and the appropriation of men and money. I could dwell upon the action of Congress, but I will not weary the

Senate. I could multiply extracts from the annual and special messages of the President, but I will content myself with reading a few only. In the annual message of 1847, the President says:

"The commissioner of the United States was authorised to agree to the establishment of the Rio Grande as the boundary, from its entrance into the gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the Provinces of New Mexico and the Californias, and the privilege of the right of way across the Isthmus of Tehuantepec. The boundary of the Rio Grande and the cession to the United States of New Mexico and Upper California, constituted an ultimatum which our commissioner was under no circumstances to yield.

* * * * *

"The terms of a treaty proposed by the Mexican commissioners were wholly inadmissible. They negotiated as if Mexico were the victorious and not the vanquished party. They must have known that their ultimatum could never be accepted. It required the United States to dismember Texas by surrendering to Mexico that part of the territory of Texas lying between the Nueces and the Rio Grande, included within her limits by her laws when she was an independent Republic, and when she was annexed to the United States and admitted by congress as one of the States of our Union.

* * * * *

"New Mexico is a frontier Province, and has never been of any considerable value to Mexico. From its locality it is naturally connected with our western settlements. The territorial limits of the State of Texas, too, as defined by her laws, before her admission into our Union, embrace all that portion of New Mexico lying east of the Rio Grande, while Mexico still claims to hold this territory as a part of her dominions. The adjustment of this question of boundary is important."

In his message transmitting to the Senate the treaty with Mexico, President Polk said:

"To the Xth article of the treaty there are serious objections, and no instructions given to Mr. Trist contemplated or authorised its insertion. The public lands within the limits of Texas belong to that State, and this Government has no power to dispose of them, or to change the condition of grants already made. All valid titles to land within the other territories ceded to the United States will remain unaffected by the change of sovereignty; and I therefore submit that this article should not be ratified as a part of the treaty."

Again: In his message of July, 1848, he says:

"The war with Mexico having terminated, the power of the Executive to establish, or to continue, temporary civil governments over these territories, which existed under the laws of nations, whilst they were regarded as conquered provinces, in our military occupation, has ceased. By their cession to the United States, Mexico has no longer any power over them, and till Congress shall act, the inhabitants will be without any organized government. Should they be left in this condition, confusion and anarchy will be likely to prevail.

* * * * *

"New Mexico and Upper California have been ceded by Mexico to the United States, and now constitute a part of our country. Embracing nearly ten degrees of latitude, lying adjacent to the Oregon Territory, and extending from the Pacific ocean to the Rio Grande, a mean distance of nearly a thousand miles, it would be difficult to estimate the value of these possessions to the United States."

In a special message in answer to a resolution of the House of Representatives, on the 24th of July, 1848, Mr. Polk said:

"In answer to the resolutions of the House of Representatives of the 10th instant, requesting information in relation to New Mexico and California, I communicate herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, with the documents accompanying the same. These reports and documents contain information upon the several points of inquiry embraced by the resolutions. 'The proper limits and boundaries of New Mexico and California' are delineated on the map referred to in the late treaty with Mexico, an authentic copy of which is herewith transmitted, and all the additional information upon that subject; and also the most reliable information in respect to the population of these respective provinces, which is in the possession of the Executive, will be found in the accompanying report of the Secretary of State.

* * * * *

The boundary in dispute was the line between the two countries engaged in actual war, and the settlement of it of necessity depended on a treaty of peace. Finding the Mexican authorities and people in possession, our forces conquered them, and extended military rule over them and the territory which they actually occupied, in lieu of the sovereignty which was displaced. It was not possible to disturb or to change the practical boundary line, in the midst of the war, when no negotiation for its adjustment could be opened, and when Texas was not present by her consti-

tuted authorities to establish and maintain government over a hostile Mexican population, who acknowledged no allegiance to her. There was therefore no alternative left but to establish and maintain military rule during the war over the conquered people in the disputed territory who had submitted to our arms, or to forbear the exercise of our belligerent rights, and leave them in a state of anarchy and without control. * * *

"By the joint resolution of Congress of March 1, 1845, 'for annexing Texas to the United States,' 'the adjustment of all questions of boundary which may arise with other governments' was reserved to this government. When the conquest of New Mexico was consummated by our arms, the question of boundary remained still unadjusted. Until the exchange of the ratifications of the late treaty, New Mexico never became an undisputed portion of the United States, and it therefore would have been premature to deliver over to Texas that portion of it on the east side of the Rio Grande, to which she has asserted her claim. However just the right of Texas may have been to it, that right had never been reduced into her possession, and it was contested by Mexico. * * *

"Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the rights of Texas to that portion of it which she claimed to be within her limits. In answer to a letter from the Governor of Texas, dated on the 4th of January, 1847, the Secretary of State by my direction informed him, in a letter of the 12th of February, 1847, that in the President's annual message of December, 1846, 'you have already perceived, that New Mexico is, at present, in the temporary occupation of the troops of the United States, and the government over it is military in its character. It is merely such a government as must exist under the laws of nations and of war, to preserve order and to protect the rights of the inhabitants, and will cease on the conclusion of a treaty of peace with Mexico. Nothing, therefore can be more certain than that this temporary government, resulting from necessity, can never injuriously affect the right which the President believes to be justly asserted by Texas to the whole territory on this side of the Rio Grande, whenever the Mexican claim to it shall have been extinguished by treaty. But this is a subject more properly belonging to the legislative than the executive branch of the government.'

"The result of the whole is, that Texas had asserted a right to that part of New Mexico east of the Rio Grande which is believed, under the acts of Congress for the annexation and admis-

sion of Texas into the Union as a State, and under the constitution and laws of Texas, to be well founded : but this right had never been reduced to her actual possession and occupancy.— The General Government, possessing exclusively the war-making power, had the right to take military possession of this disputed territory, and till the title to it was perfected by a treaty of peace, it was their duty to hold it, and to establish a temporary military government over it, for the preservation of the conquest itself, the safety of our army, and the security of the conquered inhabitants.”

In the last annual message of President Polk, dated the 5th of December, 1848, he further says :

“ The acquisition of California and New Mexico, the settlement of the Oregon boundary, and the annexation of Texas extending to the Rio Grande, are results which, combined, are of greater consequence, and will add more to the strength and the wealth of the nation, than any which have preceded them since the adoption of the constitution.”

From page twelve of the same message :

“ But to effect these great results, not only California, but New Mexico, must be brought under the control of regularly organized governments. The existing condition of California, and of that part of New Mexico lying west of the Rio Grande and without the limits of Texas, imperiously demand that Congress should, at its present session, organize territorial governments over them.

“ Upon great emergency, however, and under menacing dangers to the Union, the Missouri compromise line in respect to slavery was adopted. The same line was extended further west in the acquisition of Texas. After an acquiescence of nearly thirty years in the principle of compromise recognized and established by these acts, and to avoid the danger to the Union which might follow if it were now disregarded, I have heretofore expressed the opinion that that line of compromise should be extended on the parallel of thirty-six degrees thirty minutes from the western boundary of Texas, where it now terminates, to the Pacific ocean. This is the middle ground of compromise, upon which the different sections of the country may meet, as they have heretofore met. If this be done, it is confidently believed that a large majority of the people of every section of the country, however widely their abstract opinions upon the subject of slavery may differ, would cheerfully and patriotically acquiesce in it, and peace and harmony would again fill our borders.

“ The restriction north of the line was only yielded to in the case of Missouri and Texas upon a principle of compromise,

made necessary for the sake of preserving the harmony, and, possibly, the existence of the Union."

The claim of Texas to the Rio Grande was asserted by the President, never denied by Congress, inserted in the treaty and for more than two years acquiesced in by the Government of the United States. Texas had no right to sue the Government of the United States. It has been contended that the United States had the right to sue Texas; why, then, in the name of common sense, when the dispute first occurred, did they not at once bring suit! As soon as the treaty was made was the time to have brought the suit, but there was then no claim to this territory, and the right of Texas was again and again acknowledged. Under such circumstances, what pretence what shadow of a pretence, has the United States to any title in this territory? And it must be a very strong and indisputable title that will justify recourse to means different from those resorted to heretofore, and entirely new in our practice, to array the military force against the citizens. It ought to be a much stronger title than any which depends upon mere assertion. Sir, I hope some adjustment will take place upon this subject. I have remained silent with regard to the general provisions of this bill. I care not how this controversy is settled, so that the semblance of justice is kept up towards all parts of the country. If we can get clear of this eternal turmoil, I feel, so far as I am concerned, willing to make almost any sacrifices. I know that the State of Texas is willing to make great sacrifices. She will assent to anything that is at all fair. Withdraw your claim; give her the boundaries which properly belong to her; settle this question forever, and do not keep it open as the point on which sectional divisions may be made. Withdraw your claim to her territory, and so far as she is concerned, she will be quiet and contented. I know that she stands charged by a Senator from New York (Mr. Seward) with "knowing how to coin money out of the United States by means of the admiration which she had excited." That was an unkind remark towards Texas, particularly as coming from a Senator, some of whose constituents, without ever looking at a map, without ever examining the treaty, have been pronouncing judgement against Texas in this controversy, for the purpose of keeping open this interminable agitation on the slave question. And we are charged with wanting money from the treasury of the United States. Sir, Texas has been modest upon this and all other subjects. This is not the time to allude to subjects which may excite feeling; but under these taunts, I must allude to one or two of them.

When Texas, with less than thirty thousand inhabitants, was struggling against a nation of eight millions of people, that were overrunning the country and threatening extermination without regard to age or sex, the Indians belonging to the United States, who had been driven to our borders, were in our territory, in violation of the solemn treaty to which the United States had agreed, warring upon our wives and children. On the day I was engaged in the battle of San Jacinto, my wife and children had to take refuge with Gen. Gaines, on this side of the Sabine, to avoid being scalped by the Indians of the United States, from whom this Government was bound by solemn treaty to protect them.

Mr. Houston. And whose annuities were paid in ammunition and arms.

Mr. Rusk. With one tribe of Indians (the Caddoes) the United States made a treaty requiring them to go into Texas and never return within the limits of the United States, and under that treaty they were supplied with \$10,000 worth of powder, lead, and arms, which were used in war upon our defenceless wives and children. When pursued they would retreat into the territory of the United States. It was my duty to pursue them to the town of Strevestport, within the jurisdiction of the United States, for which I was rebuked by the Governor of Louisiana, and which afforded an opportunity for a display in the House of Representatives. There I had to take out of their hands the arms and ammunition furnished to them by this Government. Sir, this state of things has not ceased even now. While you are seeking to take our territory from us, while you are raising armies in this country to force our land out of our possession, four or five hundred of your Indians, driven out of Florida and other States, are upon the soil of Texas, and engaged at this moment in hostilities and in depredations upon the property and lives of our citizens, without regard to age, sex, or condition. Such, sir, is the true state of the facts, but we have not complained; we are not willing to complain; but when, in addition to this, you ask us to submit to the sword that ought to be drawn in our defence, and to march on and off the territory as the Executive Government may direct, I hope you will not believe that we will tamely submit to such wrong and degradation.

EXECUTIVE DEPARTMENT, }
Austin, August 22, 1850. }

Gentlemen: I herewith transmit, for the consideration and action of the Honorable Legislature, a report of one of the Commissioners appointed to investigate the land titles west of the Nueces river; so far as they have progressed up to the present time.

The report embraces all the cases presented in the county of Webb.

Although the law under which these Commissioners were empowered to act seems not to have contemplated any report from them on the subject of their duties until the next regular session of the Legislature, yet, looking to the influence which their action, when rightly understood, is likely to exercise on the minds of our citizens on the Rio Grande, of Mexican origin, I have thought it advisable to present to you at this time, as auxiliary to other measures now in progress for the perfect organization of the counties on that river, and to ask for it your favorable consideration.

The law passed at the last session for the investigation of land titles west of the Nueces, although well devised, and intended for the benefit of the honest landholders in that portion of the State, and eminently, calculated to protect their just rights, even in cases which could not have borne the rigid test of judicial scrutiny, seems to have been greatly misunderstood by a large portion of the population. This misunderstanding had its origin mainly in the misrepresentations of a few designing men, whose object evidently was to create distrust and disaffection on the part of our Mexican citizens with the Government and authorities of the State. These men, acting on minds but little acquainted with our government and laws, have induced a belief with many, otherwise well-meaning and good citizens, that your attempts to serve them, as evinced in the beneficial provisions of the law of the last session, was only a covert design to rob them of their lands and throw them into the hands of speculators. It is not difficult to imagine the effect of such an impression on a people who had little else to rely upon.

The true and correct report of the Commissioners; however, in reference to these titles, so far as they have proceeded in their investigations, will have a most salutary influence in convincing these heretofore deceived people of the impositions that have been and are still sought to be practised upon them, and if that report is now carried out by the action of the Legislature, so that those whose claims are honest and just can have them confirmed and settled without further delay, I have an abiding conviction that it

will be the means of restoring confidence in the Government, and quiet to that much disturbed section.

Your favorable action upon this report may, in another point of view, be greatly important. Our object is to organize the whole of the frontier counties on the Rio Grande, and nothing it is believed will exercise a better influence in attaining this object than to convince those who are brought under the jurisdiction of our laws, that they have nothing to apprehend from injustice in the establishment of their claim, and the security which will be afforded to their rights of person and property. I present the subject, therefore, to you, in aid of the important measures which you now have under consideration.

P. H. BELL.

AUSTIN, August 24th. 1850.

To his Excellency, P. H. BELL,

Governor of Texas:

The undersigned, one of the commissioners appointed in accordance with an act of the Legislature entitled "an act to provide for the investigation of land titles in certain counties therein mentioned," approved 8th February, 1850, beg leave to make the following report:

That he qualified in accordance with the 2d and 16th sections of said act, and repaired to San Antonio in due time to have reached Eagle Pass, and open the commission for Kinney county, as directed by law, but not being met by the other commissioner, or receiving any intelligence from him, did not deem it necessary to go alone as it could have availed nothing; consequently I returned to the Seat of Government and there remained subject to your directions, until the arrival of R. J. Rivers, Esq., Attorney on the part of the State for the said commission, when we immediately set out for Laredo, the county seat of Webb county, and arrived there on the 10th of June last: the time specified by law for the commencement of our investigations in that county. Notices were given as the law directed, bearing date 10th of June, 1850. On the 15th of July last, Dr. James B. Miller, the other commissioner, joined us at Laredo, when we immediately announced the commission fully opened, and prepared for business. In a few days thereafter the citizens of said county submitted fifteen applications embracing thirty-one "sitios" or "porciones" each, containing 30,000,000 square varas, 20 hof whic have been examined and are herewith reported in doc-

ument marked "A," also, two leagues to the citizens of Laredo, which are also reported in said document A. We carefully wrote down all the evidence, with the intention of examining the same at a more convenient period, having under the law at least twelve months to make our report, and adjourned on the 8th inst. But on my arrival at this place, being requested by the delegation from that district, to report upon such claims as the commissioners when together regarded as meritorious, and knowing the many erroneous constructions that many are disposed to put upon the law and the intention of the Legislature in the passage of the same, and also the misrepresentations which have been circulated relative to the course pursued by the commissioners, I deem it advisable, and in fact indispensably necessary for the good of the State, as well as for the innocent claimants, to make this report at the present time. Hoping your Excellency may regard it as necessary, and report the same to the Legislature now in session for their examination and confirmation.

I have the honor to be,

Very respectfully, your ob't servant,

WM. H. BOURLAND, *Commissioner*.

[* * * The tabular statement accompanying the report of Mr. Bourland, was withdrawn from the printing office by some member of the Legislature, and never returned. It cannot be found in the archives of either House]

COMPTROLLER'S OFFICE, }
Austin, August 29. 1850. }

Hon. C. G. KENNAN,

Speaker of the House of Representatives :

In compliance with a resolution of the House of Representatives, adopted on the 24th inst. requiring the Comptroller "to inform the House, what amount of the Debt due by the late Republic of Texas is secured by a pledge of the revenue from Customs, and also what amount of the same species of debt has been adjudicated under the law classifying the Public Debt" I herewith transmit a statement of the different classes of debt, and the par value of the same, which has been filed and receipted for by the Auditor and Comptroller to the first of the present month, under the provisions of the act approved March 20th, 1848, and a similar statement of the amount which had not been filed at that date, which are believed to contain the information asked for by said resolution.

On examination of the various laws authorizing the issuing of

the different Bonds and Notes, I do not find the revenue from customs *especially* pledged for any of the debt, except for the interest on the consolidated fund created by act of June 7th. 1837, the ostensible value of which is eight hundred and sixty-eight thousand dollars. (\$868,000,) and when reduced to par funds, or to what the Government actually realized for it, amounts to six hundred and eleven thousand, seven hundred and eighty-four dollars and fifty cents (\$611,784 50); unless such pledge is contained in the term "public faith and revenues," which is the language used in the several statutes under which the securities were issued. Therefore, the statement accompanying has been prepared without any reference being made to what portion of the debt is specially secured by this pledge.

Very respectfully, your obedient servant,

JAMES B. SHAW, Compt.

Statement of the class and amounts of debt of the late Republic of Texas, filed and receipted for by the Auditor and Comptroller to the 1st of August, 1850, under the provisions 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 act of June 7th, 1837	564,482 69	70c.	395,037 88
10 per cent. Bonds issued by Commissioners under the five million loan acts,	653,287 00	various	497,953 50
10 per cent. Consolidated fund issued to Swartwout and others	6,363 50	100c	6 363 50
10 per cent stock issued under act of February 5th, 1840	696,300 00	30c.	208,890 00
5 per cent. stock issued under act of February 5th, 1840	23,780 00	30c.	7,134 00
5 per cent Treasury Bonds issued under act of February 5th, 1840	653 200 00	20c	130 640 00
10 per cent Treasury Notes, first issue	53 020 00	10c.	33,020 00
10 per cent " " second issue	303 289 00	50c	151,644 50
Treasury Notes, third issue (not bearing interest)	1,598,542 00	25c.	399,635 50
Audited Paper.	56,906 34	various	52,309 71
Miscellaneous,	34 157 86	100c	34,157 86
	<u>\$1,623,328 39</u>		<u>1,916,786 45</u>
Interest to the 1st July, 1850, on such of the above liabilities as were issued to bear interest	2 372,230 78		1,212,544 56
Total ostensible and par value of principal and interest of liabilities filed,	<u>\$6,995 559 17</u>		<u>3,129,331 01</u>
Amount of Civil, Military and Naval claims audited, (known as the 2d and 3d class claims)	643,985 54		583,094 54
Total ostensible and par value of principal and interest of all claims receipted for to the 1st August, 1850	<u>\$7,639,544 71</u>		<u>3,712,425 55</u>

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 which the same was available on a par basis

<i>Bonds issued under the Five Million Loan act</i>	<i>Ostensible Value of unfiled Debt</i>	<i>Rate</i>	<i>Par Value of unfiled Debt</i>
Amount claimed by F Dawson and others for Naval Vessels furnished,	560,000 00		.
Interest on the above to 1st July, 1850,	651,000 00		
Total principal and interest,	\$1,211,000 00	50c	605 500 00
Balance of interest to 1st July, 1850, due 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	87½c.	40,000 00
Balance of interest to 1st July, 1850, on the Bonds issued to James Holford and associates for Steamship, which Bonds have been already filed and included in preceding statement of claims filed,	19,590 70	50c	9,795 35
Total ostensible and par value of principal and interest outstanding of the Bonds issued under the Five Million Loan act,	\$1,276,328 70		\$655,295 35
<i>Ostensible and Par Value of Treasury Notes, Stock Bonds, etc., which have not been filed under the provisions of the act of March, 1848</i>			
10 per cent Consolidated fund created by act of June 7th, 1837	247,361 00	70c	173,151 80
10 per cent Consolidated fund issued to Swartwout and others,	7 584 82	100c.	7,584 82
10 per cent Treasury Notes, 1st issue,	16 980 00	100c.	16 980 00
10 per cent " 2d "	66,711 00	50c	33 355 50
Treasury Notes, 3d issue (not bearing int.)	179,004 00	25c.	119,751 00
8 and 10 per cent stock issued under act of February 5th, 1840,	96,920 00	30c	29,076 00
9 per cent. Treasury Bonds, issued under the act of February 5th, 1840	183,680 00	20c.	36 736 00
Audited Paper,	274,747 36	100c	274,747 36
Total ostensible and par value of the above liabilities outstanding,	\$1,372,991 18		\$691,385 48
Amount of interest on the above liabilities issued to bear interest, to 1st July 1850	533 578 45	100c	259,692 02
Total ostensible and par value of principal and int of above liabilities outstanding	\$1 906 569 63		\$951,077 50
<i>Unaudited Claims</i>			
Probable amount of Civil Military and Naval claims to be yet audited,	\$1 500 000 00	100c.	\$1,500 000 00

Recapitulation of Outstanding Debt.

Bonds issued under the Five Million Loan acts, principal and interest,	1,276,328 70	various	655,295 35
Treasury Notes, Stock Bonds, etc , princi- pal and interest,	1,906,569 63	various	951,077 5
Unaudited claims,	1,500,000 00	100c	1,500,000 00
Total outstanding of principal and interest of all classes of Debt,	\$4,682,898 33		\$3,116 372 85

General Recapitulation of the entire Debt, filed and unfiled.

Debt filed of all descriptions as above shown principal and interest,	7,639,514 71	various	3,712,425 55
do Outstanding, principal and interest,	4,682 898 33	various	3,106,372 85
Total ostensible and par value of Debt of all descriptions filed and unfiled,	\$12,322,443 04		\$6,818,798 40

JAMES B SHAW Comptroller.

COMMITTEE ROOM, August 22, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The Finance committee were instructed by a resolution of the House adopted a few days since, to ascertain and report the estimated balance in the Treasury at the end of the quarters, respectively, ending 31st of October 1850, and 31st of January 1851. They have applied to the proper department for the desired information, and have been furnished the following statement, viz :

COMPTROLLER'S OFFICE, {
Austin, August 20, 1850. }

To the Committee on Finance Ho. of Reps. :

In compliance with a resolution of the House of Representatives adopted the 13th instant, I herewith submit an estimate of the probable receipts and expenditures of the State for the quarter ending January 31, 1851, estimating the balance in the Treasury on the 31st of October next, as shown by my report to the

Governor of the 10th of the current month. to be	- - \$	4,970
Amount of license taxes for the year ending		
Oct. 31, 1850, remaining unpaid, about	- - -	12,500
Miscellaneous sources	- - -	2,500
Austin lots, if sold, estimating $\frac{1}{3}$ cash	- - -	5,000
		<hr/>
		\$24,970

EXPENDITURES.

Estimated expenditures of the State for the		
quarter ending Jan. 31, 1851, according		
to appropriations	- - -	18,325

Probable balance in the Treasury 31st Jan'y, 1851 - \$ 6,645

This estimate is independent of the revenue accruing from the ad valorem or property tax of 1850, which is not due at the Treasury until after the date of the preceding calculation; nor has any allowance been made for the funds advanced the United States for the support of two companies of troops—say \$12,114 76—as there is no certainty at what time the same may be returned to the State

I will remark, that the foregoing calculation is based on the presumption that the funds will be paid into the Treasury as they become due: should they not, of course the result as above shown, will vary to the extent to which the payments may be deficient.

Very respectfully, your ob't serv't,

JAMES B. SHAW,
Comptroller.

The object of the resolution has been attained. The committee therefore ask to be discharged from the further consideration thereof.—All of which is respectfully submitted.

WILLIAM FIELDS,
Chairman