of Goliad county, together with the report of the committee on counties and county boundaries theron, proposing amendments, was read; report adopted, and bill passed to a third reading.

A bill to be entitled an act to authorize the sale of lots in the city of Austin; and the tract adjoining; read.

Mr. Wallace offered a substitute for the bill, which on motion of Mr. Jewett was adopted.

Mr. Wallace moved to fill the blank in the bill with "Texas Democrat."

Carried.

Bill was then ordered to be engrossed.

A bill to be entitled an act to provide for the collection of Taxes due the late Republic and present State of Texas, together with the report of the committee on Finance thereon, was read.

And, on motion of Mr. Phillips; re-referred to the committee on Finance.

Joint Resolution authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin for the use of the Executive of the State, together with the report of the committee on Finance thereon, proposing amendments was read; report adopted, and bill passed to a third reading.

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

Friday, 10 o'clock, a. m.
February 4th, 1848.

The Senate was called to order by the President.

The followi g Senators answered to their names.

Messrs. Abbott, Bourland, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, McRea, Navarro, Perkins, Phillips, Wallace, Williams, Williamson and Wootten; quorum present.

The Journal of the preceding day was read and adopted.

Mr. Wallace presented the petition of B. J. Thompson praying for relief for the heirs of Patsey Lewis, which,

On motion of Mr. Wallace was referred to the committee on Private Land Claims.

Mr. Perkins made the following reports.

Committee Room,
February 4th, 1848.

Hon. J. A, Greer,
President of the Senate:

The committee on Private Land Claims, to whom was referred a Joint Resolution, originating in the House of Representatives, requiring the Commissioner of the General Land Office to issue a patent in the name of the heirs of William P. Nunn, deceased, have directed me to offer the accompanying amendment and recommend the passage of the resolution.

S. W. PERKINS, Chairman.

—

Committee Room,
February 4th, 1848.

Hon. J. A. Greer,
President of the Senate:

The Committee on Private Land Claims to whom was referred a bill originating in the House of Representatives, entitled "an act for the relief of the heirs of Jeremiah Bowlen," being satisfied of the facts set forth in the preamble to the bill, have directed me to return the bill and respectfully recommend its passage.

S. W. PERKINS, Chairman.

Committee Room,
February 4th, 1848.

Hon. J. A. Greer,
President of the Senate:

The Committee on Private Land Claims to whom was referred the petition of Jesse H. Cartwright, after investigating the matters therein contained have directed me to make the following report.

The headright certificate of Robert F. Roberts for one league and one labor of land, granted to Jesse H. Cartwright assignee of said Roberts on the 5th day of July, 1838, by the Board of Land Commissioners for Fort Bend county, was recorded on the books of the Clerk of said board as having been granted for one third of a league, upon which record the investigating board of commissioners acted, and recommended the said certificate for one third of a league, instead of a league and labor, which had been granted to the said Cartwright, assignee of Robert F. Roberts who was a married man, and under the law, entitled to the last mentioned amount, presuming the Clerk made the record through mistake, as the certificate itself calls for a league and labor, it is but just to the parties to carry out the intention of the Commissioners for Fort Bend county (who had the evidence before them when they granted the certificate,) and to correct the mistake of the Clerk. There is another good reason why the Legislature should interfere: under the Constitution of the State, the Courts were open to the first of July last only to claims which had not been acted upon, or which were rejected by the Travelling Board. This certificate having been acted upon and recommended only in part, was therefore was excluded, and no remedy has ever been open to the petitioner, except through the Legislature, they would therefore return to the Senate the petition accompanied by a bill for the relief of the petitioner, and recommend its passage.

S. W. PEKKINS, Chairman.

Mr. Gage made the following report.

Committee Room,
February 4th, 1848.

Hon. J. A. Greer,
President of the Senate.

The committee on counties and county boundaries have had under consideration a bill to be entitled an act to create the county of Gillespie, and have instructed me to return it to the Senate, and recommend its passage, with the following amendment.

Strike out "Pierdenales" and insert in place thereof, the word "Pedernales" in the 8th line.

D. GAGE, Chairman.

Mr. Clark made the following reports.

Hon. John A. Greer,
President of the Senate:

Committee Room,
February 4th, 1848.

The committee on the Judiciary to whom was referred "an act concerning the forfeiture of certain neat cattle, hogs or sheep," propose as an amendment to said bill, that the words "or farm" be inserted after the word "plantation" wherever it occurs, and thus amended, a majority of said committee recommend its passage.

EDWARD CLARK, Chairman.

Committee Room,
February 4th, 1848.

Hon. John A. Greer,
President of the Senate:

The Judiciary committee have instructed me to return to the Senate for such action as may seem proper and expedient

"A bill to be entitled an act to vest in the county of Austin. for county purposes, the property of the corporation of the town of San Felipe."

EDWARD CLARK,
Chairman.

—

Committee Room,
February 2d, 1848.

J. A. GREER,
President of the Senate:

The Judiciary committee to whom was referred "a Joint Resolution relative to a digest of all the laws of the late Republic of Texas and of such of the laws of Coahuila and Texas as relate to the landed interests of Texas, and of all the laws of the past and present sessions of the Legislature," together with a substitute therefor, have after considering the same, agreed upon the enclosed substitute, the adoption and passage of which they recommend.

EDWARD CLARK, Chairman.

—

Mr. Perkins Chairman of the committee on engrossed bills reported "a bill to be entitled an act to dispose of the unsold and forfeited lots in the city of Austin and of the tract adjoining" correctly engrossed.

Mr. Williams made the following report:

Committee Room,
Austin, February 2d, 1848.

Hon. J. A. GREER,
President of the Senate:

The majority of the committee on Affairs of State, to which was referred a bill to be entitled an act for the relief of McKin-

ney & Williams, have considered the same, and believing as they do, that there may arise similar cases, can see no good and valid reason for the passage of special acts, when a general law will not only mete justice to McKinney & Williams, as well as provide for others who may be entitled to similar relief. The majority of the committee have examined the question of allowing set offs in all its bearings, and when they find the principles involved in this case fully settled and established by the decisions of the SupremeCourt of the U. States, for which we all have the utmost reverence, cannot for a moment wish to act in contravention thereto, when the dictates of reason and justice fully sustain such decisions. Therefore the majority of the committee have instructed me to report a substitute for the bill referred, and recommend its passage.

WM. M. WILLIAMS,
One of the Committee.

Mr. Dancy submitted the following counter report:

Committee Room,
Feb. 4, 1848.

J. A. Greer,
President of the Senate:

The majority of the committee on Affairs of State, to whom was referred "an act for the relief of McKinney & Williams," have concluded to report a substitute for the *special bill*, and it becomes my duty to give my reasons for not assenting to that report.

The object of the *general bill* is evidently to provide for the special case, but as it would look like partiality to pass a special law, and not provide for other cases equally meritorious, the majority of the committee have thought it but just to recommend the passage of a law which will extend relief to all persons similarly situated. I do not deny, that the parties applying for relief in this case, have good and valid claims against the State. I am willing to admit that they were actuated in their dealings with the Republic by feelings of generosity and patriotism; it nevertheless seems to me that under all the cir-

cumstances of the case, it would be bad policy to pass such a bill as the one recommended by the majority of the committee. In the case of McKinney & Williams, Gail Borden, jr., the Collector of Customs at Galveston, (after the government had refused to settle with him upon principles which he considered just and equitable,) handed over to his securities a large amount of the public funds, which he had received for the government. Those funds should have been held by him for the government until they were paid into the Treasury according to law. Those funds should not have been appropriated by the Collector or his securities to their own use. Independent of the effect which the re-issuing of the Exchequer Bills had upon the finances of the country at the time, it would be a dangerous precedent for a Legislature to set, to say that any one might appropriate the public funds to his own use, for a debt which the State owed him, whenever the funds of the State might fall into his hands. It would be equally dangerous to say that an officer might hand over the public funds to his securities whenever the State should be indebted to them, and that they might appropriate the funds so handed over to the payment of the liabilities which they might hold against the State. Every officer of the State should be held to a strict accountability, and if we abandon this cardinal principle of government, we may bid farewell to all hope of ever collecting our revenues. There are many defaulters to the late Republic, and we cannot now tell to what extent this law may affect our finances. If the money which was handed over to McKinney & Williams had been deposited in the Treasury by them they would have been blameless: they should not have used for their private purposes the public funds which were handed over to them by the Collector contrary to law. The officer who collects the public funds, holds them in trust for the government, and his securities are responsible for his misconduct. McKinney & Williams were therefore liable for the misconduct of the Collector.

I have no desire to see the State oppress the applicants for relief, but it must be admitted that they are brought into their present situation in part at least, by their own acts. I am willing to see the judgment reduced to the most perfect equity, as far as this suit is concerned, and still allow all credits that ought to have been allowed by the Republic, when the suit was brought. I am willing to see the collection of the judgment postponed, rather than to see the parties oppressed, but I am

not willing to vote for the passage of a law, which may materially affect the finances of the State, and at the same time set a bad example to our successors, and hold out inducements to our public officers to act in violation of the laws of the country. Whatever reduces our finances, will compel us to increase our taxes, which are already as high as the citizens of the State can bear without oppression.

The effect of the law proposed will be, to admit that a person can, by applying the public funds to his own use contrary to law, rightly ask the Legislature to make an appropriation to pay his debt, which would not be made but for the consequences of his own illegal act. I consider the law proposed in the nature of an act making appropriations to pay debts of a certain character.

Any legislation which is calculated to render our revenue officers less punctual in the discharge of their duties, is a positive evil to the State, and will be very apt to produce an empty Treasury. With due respect for the opinions of a majority of the committee, this report is submitted to the Senate.

JON W. DANCY, Chairman.

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Mr. Wallace introduced a bill to be entitled an act for the relief of the purchasers of lots in the city of Austin, and of lots of the tract of land adjoining said city.

Read first time.

Senate proceeded to the Orders of the Day.

A bill to be entitled an act to create the county of Cameron.

Read third time and passed.

Joint resolution authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin for the use of the Governor of the State.

Read third time and passed.

The report of the committee on Private Land Claims on the petition of Nathan Thomas, was read and adopted.

A bill to be entitled an act to repeal the 12th section of an act entitled an act regulating Estrays, approved December 22d, 1836, together with the report of the committee on State Affairs thereon, was read, and bill ordered to be engrossed.

The report of the committee on Finance, on the petition of Reuben A. Carter, was read, and

On motion of Mr. Williamson, laid upon the table.

A bill to be entitled an act to authorize a special tax to be collected in the county of Guadalupe.

Read first time.

Joint resolution for the relief of William Plucker.

Read first time.

A bill to be entitled an act supplementary to an act entitled "an act to create the county of Smith," approved April 11th, 1846.

Read first time.

A bill to be entitled an act to incorporate the town of Springfield.

Read first time.

A bill to be entitled an act to establish a State Penitentiary.

Read first time.

A bill to be entitlid an act to authorize Sarah Ann Kelton, wife of Oliver P. Kelton, a lunatic, to make valid conveyances of her real estate and negroes.

Read 1st time.

A bill to be entitled an act to incorporate the town of Montgomery.

Read first time.

A bill to be entitled an act to create the county of Kaufman.

Read first time.

A message was received from the House of Representatives, informing the Senate that the House had adopted the following resolution:

"*Be it resolved*, That the House, with the concurrence of the Senate, go into the election of District Attorneys for the first, second, third and seventh Judicial Districts, on Monday next, 7th day of February."

A bill to be entitled an act authorizing Charles Covington, and his associates, to establish a ferry across the river Yegua, and construct a causeway across the bottom lands thereof, together with the report of the committee on Internal Improvements thereon, was read, and

Bill ordered to be engrossed.

The report of the committee on Counties and County Boundaries, on the memorial of a portion of the citizens of the coun-

ties of Nacogdoches, Houston and Cherokee, was read and adopted.

A bill to be entitled an act to regulate proceedings by certiorari and supersedeas, in civil causes, together with the report of the committee on the Judiciary, proposing amendments, was read.

The first amendment proposed by the committee was adopted.

Mr. Jewett moved to amend the second amendment of the committee by striking out "six," and inserting "three," before "months."

Carried.

The bill was then ordered to be engrossed.

A bill to be entitled an act to create the county of Starr;

Read third time and passed.

A bill to be entitled an act better defining the boundaries of Nueces county.

Read third time and passed.

A bill to be entiled an act to dispose of the unsold and forfeited lots in the city of Austin, and of the tract of land adjoining, was read, and

On motion of Mr. Jewett, laid upon the table.

A bill to be entitled an act for the relief of John Kizer.

Read third time and passed,

A bill to be entitled an act to define the county boundaries of Goliad county.

Read third time.

A bill to be entitled an act to fix the time of holding elections for the several State and County officers, and for Representatives to the United States' Congress, together with the report of the committee on Apportionment and Privileges and Elections thereon, proposing an amendment, was read, and report adopted.

Mr. Williamson moved to amend by inserting in the 1st section, after the word "Legislature," the words "Commissioner of the General Land Office of the State of Texas."

Upon which the yeas and nays were called, and stood thus:

Yeas—Messrs. Bourland, Brashear, Burleson, Clark, Cuny, Dancy, Gage, Jewett, McRae, Williams Williamson and Wootten—12.

Nays—Messrs. Abbott, Bache, Grimes, Navarro, Perkins, Phillips and Wallace—7.

So the amendment was adopted.

Mr. Clark offered the following amendment.

"Provided, that the changes made by this act, in the existing election laws shall not preclude persons now in office from exercising the functions of their offices until their successors are duly qualified."

Mr. Wallace offered the following amendment.

"And that this act shall go into effect on the first day of August next."

On motion of Mr. Williamson, the bill and amendments were re-committed to the committee on Apportionment, Privileges and Elections.

A bill to be entitled an act providing for the sale of the property belonging to the State of Texas, formerly used by the late Government for Custom purposes, together with the report of the committee on State affairs, thereon, proposing amendments, was read; and report adopted.

Mr. Wallace moved to amend by inserting after the word "specie" in second line, second section, the following, "or Texas Promissory Notes or Audited Paper against the late Republic of Texas, which shall be received at the rate of eight dollars thereof, for one dollar in gold or silver."

Lost.

On motion of Mr. Jewett, the bill was referred to the committee on the Judiciary.

A bill to be entitled an act to repeal certain sections of an act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27th, 1842, together with the report of the committee on the Judiciary thereon, offering a substitute therefor, was read,

And, on motion of Mr Williamson made the special order of the day for to-morrow.

Mr. Clark, by leave; introduced a bill to be entitled an act to provide for the enumeration of the inhabitants of the State of Texas for the year 1848; read first time.

Mr. Williams, by leave, introduced a bill to be entitled an act to amend the second section of "an act for the incorporation of the town of Paris, the county seat of Lamar county" approved February 3d, 1845; read first time.

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