

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF TEXAS.

PROVISIONAL SESSION OF 1870.

BY AUTHORITY.

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JOURNAL

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HOUSE OF REPRESENTATIVES

OF

THE STATE OF TEXAS.

PROVISIONAL SESSION OF 1870.

FIRST DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 8, 1870.

House called to order at twelve o'clock, M., by Hon. J. P. Butler,
Speaker *pro tem.*
Roll called.

First District.

W. P. Simmons.....	Not present.
T. J. Chambers.....	Qualified.
J. G. Smyth.....	Not present.

Second District.

J. A. Abney.....	Not present.
E. L. Robb.....	Not present.
E. L. Smith.....	Not present.

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Third District.

L. W. Cooper.....	Qualified.
M. A. Gaston.....	Qualified.
A. D. Elam.....	Contested by J. R. Burnett.

Fourth District.

W. B. Stirman.....	Not present.
M. Manning.....	Qualified.
J. H. Morrison.....	Qualified.

Fifth District.

A. J. Booty.....	Not present.
C. C. Doyle.....	Not present.
B. B. Lacy.....	Not present.

Sixth District.

W. C. Pierson.....	Qualified.
I. N. Browning.....	Not present.
G. H. Slaughter.....	Qualified.

Seventh District.

Henry Moore.....	Qualified.
Mitchell Kendall.....	Qualified.

Eighth District.

C. D. Morris.....	Qualified.
W. D. Robinson.....	Qualified.
J. W. Johnson.....	Qualified.

Ninth District.

John P. Hill.....	Cannot take the oath.
R. L. Moore.....	Qualified.
W. P. McLean.....	Qualified.

Tenth District.

E. P. Becton.....	Qualified.
H. C. Ellis.....	Qualified.
S. S. Weaver.....	Qualified.

Eleventh District.

J. O. Austin.....	Qualified.
J. R. McKee.....	Qualified.
W. L. Armstrong.....	Contested—referred to Gen. Reynolds.

Twelfth District.

B. R. Plumley.....	Qualified.
Wm. Prissick.....	Not present.
Wm. H. Sinclair.....	Qualified.

Thirteenth District.

J. G. Franks.....	Qualified.
W. Sheriff.....	Contested.
C. L. Abbott.....	Qualified.

Fourteenth District.

Henry R. Allen.....	Qualified.
Richard A. Allen.....	Qualified.
Goldstein Dupr�e.....	Qualified.

Fifteenth District.

Richard Williams.....	Qualified.
C. T. D. Hearn.....	Qualified.
James P. Butler.....	Qualified.

Sixteenth District.

C. J. Stockbridge.....	Qualified.
Wm. Schlotman.....	Qualified.

Seventeenth District.

John Mitchell.....	Not present.
G. F. Haswell.....	Not present.
C. W. Gardner.....	Qualified.

Eighteenth District.

D. W. Burley.....	Contested.
S. Cotton.....	Contested.
S. G. Adams.....	Contested.

Nineteenth District.

S. Mullins.....	Qualified.
Robert Crudup.....	Qualified.
David Medlock.....	Qualified.

Adjourned until to-morrow at ten o'clock A. M.

 SECOND DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, Wednesday, February 9, 1870.

Called to order by Hon. J. P. Butler, Speaker *pro tem*.
Thirty-five members were duly qualified, making an aggregate of sixty-nine, being a quorum.

Twentieth District.

J. Abbott.....	Contested by A. Hanson.
J. E. Hawkins.....	Contested by E. S. Bell.
Hi W. Young.....	Qualified.

Twenty-First District.

John Lane.....	Qualified.
R. S. Shelburne.....	Qualified.
A. F. Leonard.....	Qualified.

Twenty-Second District.

M. A. Elliott.....	Qualified.
A. C. Warren.....	Not present.
J. B. Cole.....	Qualified.

Twenty-Third District.

W. E. Hughes.....	Qualified.
J. C. Weaver.....	Qualified.
F. E. Ross.....	Qualified.

Twenty-Fourth District.

L. B. Camp.....	Qualified.
F. Grothaus.....	Qualified.
J. B. York.....	Not present.

Twenty-Fifth District.

W. T. Wilkinson.....	Qualified.
H. C. Youngkin.....	Qualified.
B. F. Williams.....	Qualified.

Twenty-Sixth District.

R. Zapp.....	Qualified.
J. Schütze.....	Qualified.
J. J. Hamilton.....	Qualified.

Twenty-Seventh District.

J. P. McKee.....	Qualified.
W. W. Davis.....	Qualified.
A. Dorris.....	Qualified.

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Twenty-Eighth District.

F. Kyle.....	Qualified.
J. W. Posey.....	Qualified.
J. H. Miller.....	Qualified.
C. Jenkins.....	Qualified.

Twenty-Ninth District.

A. M. Cox.....	Qualified.
F. Tegener.....	Qualified.
A. Zoeller.....	Qualified.
W. J. Locke.....	Qualified.

Thirtieth District.

Ira H. Evans	Qualified.
George Spencer.....	Not present.
Nelson Plato.....	Contested by F. Schlickum.

E. L. Smith.....	Second District.....	Qualified.
B. B. Lacy.....	Fifth District.....	Qualified.
J. W. Johnson	Eighth District.....	Qualified.
E. L. Robb.....	Second District.....	Qualified.
G. T. Haswell.....	Seventeenth District.....	Qualified.
Wm. Prissick.....	Twelfth District.....	Qualified.

Notice of contest of the seats of J. Abbott and J. E. Hawkins, from Twentieth District, by A. Hanson and E. S. Bell; of Nelson Plato by F. Schlickum, in Thirtieth District.

Adjourned until ten A. M. to-morrow.

 THIRD DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,

AUSTIN, Texas, February 10, 1870.

House called to order at ten o'clock A. M.

Roll called; quorum present.

A communication from General J. J. Reynolds, commanding Fifth Military District, referring to the matter of contested seats, was received and read.

The following named members then came forward and took the oath :

S. B. York, Twenty-Fourth District.

J. A. Abney, Second District.

J. G. Smythe, First District.

Nelson Plato, Thirtieth District.

J. E. Hawkins, Twentieth District.

J. Abbott, Twentieth District.

S. Cotton, Eighteenth District.

D. W. Burley, Eighteenth District.

M. L. Armstrong, Eleventh District.

The House then proceeded to the election of Speaker.

Hon. I. H. Evans was elected by acclamation.

The House then proceeded to the election of officers; result as follows :

Chief Clerk—L. J. Gallant.

First Assistant Clerk—Charles H. Porter.

Second Assistant Clerk—L. W. Collins.

Enrolling Clerk—A. Schutze.

Sergeant-at-Arms—George P. Douglass.

First Assistant Sergeant-at-Arms—N. W. Curry.

Second Assistant Sergeant-at-Arms—E. Creary.

Door-Keeper—E. Carter.

First Assistant Door-Keeper—A. Whipple.

Second Assistant Door-Keeper—J. Dunn.

The Election of Engrossing Clerk was postponed.

It was moved and seconded that the Speaker appoint all other officers required.

It was moved and seconded that the Speaker be authorized to appoint a committee of seven to examine into the matter of contested seats.

The Speaker appointed the following members on said committee : Messrs. Franks, Morrison, Mullins, Gardiner, Gaston, Austin, Locke.

It was moved and seconded that the Speaker appoint a committee of five to draft rules and regulations of the House.

The Speaker appointed the following committee :

Messrs. Plumley, Morris, Schutze, Hearn and Chambers.

The following resolution was then read and adopted :

Resolved, That the Speaker appoint a committee of five to wait upon the Governor, the Commanding General, and the Senate, and inform them that this House has now completed its organization, and is ready to proceed to business.

The Speaker appointed the committee, viz :

Messrs. Slaughter, Butler, Tegener, Hughes and Ross.

Moved and seconded that the House stand adjourned until to-morrow morning at ten o'clock.

Carried.

FOURTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES.

AUSTIN, February 11, 1870.

The House met pursuant to adjournment.

Roll called ; quorum present.

Minutes of yesterday read and adopted.

Hon. W. B. Stirman, representative elect, then came forward and qualified.

Reports of Committees.

Hon. George N. Slaughter, chairman of the committee to wait upon the Commanding General, Governor, and Senate, reported back to the House that they had discharged their duties, and asked to be discharged.

On motion of Hon. F. G. Franks, the committee was discharged.

Communications.

The following communication was then received and read :

EXECUTIVE OFFICE,
AUSTIN, February 10, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives,
Austin, Texas:

SIR: For the purpose of facilitating the dispatch of business now before the Legislature, I take the liberty of transmitting to the honorable body over which you preside, a correct copy of the proposed Fifteenth Amendment to the Constitution, which is taken from the official copy sent to this office from the Department of State of the United States.

The Thirteenth and Fourteenth Amendments, which are to be acted on by the Legislature, may be found in correct form in Paschal's Annotated Constitution, of which a few copies for the use of members may be procured at the State Department.

Respectfully,

your obedient servant,

EDMUND J. DAVIS,
Provisional Governor.

Hon. M. L. Armstrong offered the following resolution:

Resolved, That the Speaker appoint a committee of five, to report by bill, or otherwise, upon the message of the Governor, recommending the passage of the Fourteenth and Fifteenth Amendments to the Constitution of the United States.

Resolution adopted.

The Speaker appointed the following committee:

Messrs. Sinclair, Camp, Williams, Becton and McKee.

Mr. Cooper offered the following report:

Resolved, That the Clerk be authorized to procure for the use of each member a complete copy of all the Reconstruction Acts, to be placed on the desks of members to-morrow.

Resolution adopted.

On motion of W. H. Sinclair, the House proceeded to the election of Engrossing Clerk, in which Mr. J. F. Stokes received a majority of votes, and was declared Engrossing Clerk.

Hon. M. L. Armstrong offered the following resolution:

Resolved, That the clerk number the seats in this House, and the same be destined by ballot at half-past eleven o'clock A. M. to-day.

Carried.

The Hon. B. F. Williams offered the following resolution :

Resolved, That this honorable body proceed to the election of a chaplain, to wait on this body.

Hon. M. L. Armstrong moved to lay the resolution on the table.

Carried.

Resolution by the Hon. T. J. Chambers :

Resolved, That the House proceed to the election of a chaplain for the House of Representatives.

The Speaker ruled the resolution out of order.

The following resolution was offered by Mr. McLean :

Moved, That the vote tabling the resolution be reconsidered, and that this motion be tabled.

Laid on the table.

Mr. Franks offered the following :

Resolved, That the roll be called, and a page appointed by the Speaker, who shall proceed to draw for seats as the names are called.

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

FIFTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 12, 1870.

House met pursuant to adjournment.

Hon. Ira H. Evans in the chair.

Quorum present.

The minutes of yesterday were read and adopted.

Speaker announced that the report of Committee on Rules and Regulations of the House was in order.

Hon. B. R. Plumley offered the following resolution :

Resolved, That the rules of the Legislature of Texas of 1866 shall be the rules of this House, until the same shall have been amended.

Resolution adopted.

Hon. J. W. Johnson, of Marion, offered the following resolution :

Resolved, That a committee of five be appointed to report on the Thirteenth Amendment of the Constitution.

Resolution adopted.

The Speaker appointed the following committee : Johnson of Marion, Young, Kendall, Cole and McLean.

Hon. M. L. Armstrong offered the following resolution :

Resolved, That the clerk have printed one hundred copies of the rules of this House for the use of the members thereof.

Hon. G. H. Slaughter moved to lay the resolution on the table.

Motion of Mr. Slaughter adopted.

Hon. W. E. Hughes offered the following resolution :

Resolved, That the Secretary of State be requested to furnish the House one hundred copies of the rules adopted for the government of the Legislature of 1866.

Resolution adopted.

Hon. Geo. H. Slaughter introduced the following joint resolution :

WHEREAS, It may be some time before Congress shall have acted upon the reception or rejection of our new constitution ; and

Whereas, it is well known that the judges of the Supreme Court now on the bench, are, for reasons best known to themselves, everting their influence to secure an order from the Commanding General for an immediate removal of all Supreme Court records, libraries, etc., and

Whereas, it may be that the State Legislature, after the State becomes one of the Union, may never desire the removal of the libraries ; therefore

Be it resolved by the Legislature of Texas, That the Commanding General is most respectfully, but earnestly petitioned to permit the books, records, papers and libraries of the two branches of the Supreme Court to remain at their respective places—Galveston and Tyler—until by action of Congress it shall become the duty of the Legislature to act in the premises.

Mr. Armstrong moved that the resolution be indefinitely postponed.

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

Yeas.....	81
Nays.....	42

The indefinite postponement of the resolution lost.

The motion then recurred upon the adoption of the resolution offered by Mr. Slaughter, which was lost.

Mr. McLean moved to proceed with the business on the Speaker's table.

Lost.

Hon. Mr. Butler offered the following joint resolution :

Resolved, That we proceed to ballot for United States Senators on Tuesday, February fifteenth, at twelve o'clock, M.

Hon. Geo. H. Slaughter moved to suspend the rules and put the joint resolution offered by Mr. Butler upon its second reading.

Yeas and nays called for :

Yeas.....	88
Nays.....	40

Motion lost.

Hon. W. Hughes moved to proceed with the business on the Speaker's table.

The following communications were received and read :

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY OF CIVIL AFFAIRS,
AUSTIN, Texas, February 12, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives,
Austin, Texas:

SIR: I have the honor to inform you that the question as to whether the Hon. William Sheriff is qualified under the Reconstruction Laws, has been decided in the affirmative.

Upon taking the oath prescribed in General Orders No. 21, current series, from this headquarters, he will be entitled to take his seat.

The contest on the grounds of fraud and error in counting the ballot will be acted upon by the House of Representatives.

The papers referring to this latter contest are herewith enclosed.

Very respectfully,

your obedient servant,

J. J. REYNOLDS,
Brevet Major General U. S. A., commanding.

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY OF CIVIL AFFAIRS,
AUSTIN, Texas, February 12, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives,
Austin, Texas:

SIR: I have the honor to inform you that the question as to whether the Hon. John P. Hill, member elect from the Ninth District, and the Hon. A. C. Warren, member elect from the Twenty-second District, are qualified, under the Reconstruction Laws, has been decided in the affirmative.

Upon taking the oath prescribed in General Orders No. 21, current series, from this headquarters, they will be entitled to their seats.

Very respectfully,

your obedient servant,

J. J. REYNOLDS,
Brevet Major General U. S. A., commanding.

HEADQUARTERS FIFTH MILITARY DISTRICT,
 (STATE OF TEXAS.)
 OFFICE OF SECRETARY OF CIVIL AFFAIRS,
 AUSTIN, Texas, February 12, 1870.

Hon. IRA. H. EVANS,
 Speaker of House of Representatives,
 Austin, Texas:

SIR: I have the honor to inform you that the question whether the Hon. S. J. Adams is qualified, under the Reconstruction Laws, has been decided in the affirmative.

Upon taking the oath prescribed in General Order No. 21, current series, from this headquarters, he will be entitled to take his seat.

The contest on the ground of fraud and intimidation will be acted upon by the House of Representatives.

The papers referring to the latter contest are herewith enclosed.

Very respectfully,
 your obedient servant,

J. J. REYNOLDS,
 Brevet Major General U. S. A., commanding.

Whereupon the following members came forward and qualified:

Hon. J. P. Hill, Ninth District.

Hon. A. C. Warren, Twenty-second District.

Hon. William Sheriff, Thirteenth District.

Hon. J. T. Adams, Eighteenth District.

The following communication was received from his Excellency the Governor, which was read.

EXECUTIVE OFFICE,

AUSTIN, February 10, 1870.

SIR: I have to acknowledge the receipt of a communication from the body over which you preside, presented me by the Hon. Messrs. Slaughter, Butler, Tegener, Ross and Hughes, committee for the purpose, informing me of the complete organization of the House, and a readiness to receive any communication I might wish to make to the same.

While I thank your House for the courtesy thus extended me, I deem it my duty to say that under the circumstances of the present organization of the Legislature, it would not, in my opinion, be proper for me to assume to direct their deliberations by sending any formal official message to the Houses.

It will give me pleasure, however, to facilitate your body in the

transaction of the business now before it, in any way within my control, by furnishing information or otherwise.

I have the honor to be,

very respectfully,

your obedient servant,

EDMUND J. DAVIS,

Provisional Governor.

Hon. C. D. Morris offered the following resolution :

Resolved, That all the papers which have been acted upon by General Reynolds, and referred by him to this House, be referred to the Committee on Privileges and Elections.

Resolution adopted.

Hon. M. L. Armstrong offered the following resolution :

Resolved, That one hundred copies of the report of the committee and the amendments proposed to the Constitution of the United States, be procured for the use of the House.

Resolution adopted.

Hon. J. P. Butler, of Walker, introduced the following resolution :

Resolved, That that portion of the rules requiring a four-fifths majority to suspend the rules be repealed, and that the vote of the majority be sufficient to suspend the rules for the second and third reading of any bill or resolution.

Resolution ruled out of order by the Speaker on the ground that it required one day's notice before making any change in the rules governing the House.

Hon. J. P. Butler then gave notice that he would offer a resolution to repeal that part requiring a four-fifths majority to suspend the rules on the second and third reading of any bill or resolution, on Monday next.

On motion of Hon. F. G. Franks, the House adjourned until Monday, fourteenth, ten o'clock, A. M.

SIXTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES.

AUSTIN, February 14, 1870.

House met pursuant to adjournment.

Hon. Ira H. Evans, Speaker, in the chair.

Roll called; quorum present.

Proceedings of Saturday, the 12th, read and adopted.

The Speaker then announced the following standing committees:

On Printing and Contingent Expenses.

C. L. Abbott
C. D. Morris
R. Zapp

C. W. Gardiner
R. Allen

J. W. Lane
J. R. McKee

On Engrossed Bills.

Stockbridge
Grothaus

J. F. McKee
Hughes

Lacy

On Enrolled Bills.

Robinson
Haswell

Cox
Smith

McLean

The Speaker announced the next business of the House to be the reports of committees.

Report of Committee on Privileges and Elections.

COMMITTEE ROOM,

AUSTIN, February 14, 1870.

Hon. I. M. EVANS,

Speaker of House of Representatives:

SIR: The Committee on Elections, to whom was referred a contest between Ferdinand Schlickum and Nelson Plato, as to the right to a seat in the House of Representatives as a Representative from the Thirtieth District, have had the same under consideration, and ask leave to report the following:

From the evidence before the committee it appears that on the 19th day of November, 1869, a special term of the County Court of Cameron county, in said Thirtieth District, was called by the county judge of Cameron county, for the purpose of naturalization, and that at said special term, the county commissioners not being present, the county judge illegally naturalized one hundred and forty-four persons who were, at the time, citizens of and residents in the Republic of Mexico, and that subsequently said Mexican citizens were permitted to register and vote at the election for Representatives in Cameron county.

It also appears in evidence before your committee, that permanent residents of Matamoras, in the Republic of Mexico, who were casually at Brownsville, in Cameron county, were allowed to register and vote.

It is also shown by the sworn statements of the challengers at said registration and election, that many applicants for registration, who were known to the challengers as not being citizens of the United States, were challenged, and that notwithstanding evidence was furnished to the board to that effect, said applicants were registered upon their own application, unsupported by evidence, and were allowed to vote at said election; that applicants were registered and voted, notwithstanding they made oath of ineligibility, and in some instances the oath prescribed by the Reconstruction Acts was modified to suit peculiar cases.

Also, that applicants for naturalization were allowed to make oath by proxy, and were illegally naturalized on said oath, and afterwards voted.

Your committee find that the vote of the Thirtieth District, as shown by General Order No. 19, from Military Headquarters, gives Nelson Plato fourteen votes majority over Ferdinand Schlickum; if the vote of Cameron county, be thrown out, Ferdinand Schlickum will have a majority of one hundred and twenty-six over Nelson Plato.

In view of the fraud and illegality practised at the election in Cameron county, as shown by the evidence before your committee, they feel that they cannot do otherwise than recommend that the vote of Cameron county be not counted, and in consideration of these facts your committee ask leave to submit the following resolution, and recommend its adoption:

Resolved, That Ferdinand Schlickum is entitled to the seat now held by Nelson Plato in the House of Representatives, as Representative from the Thirtieth District.

F. G. FRANKS,
Chairman.

Mr. Morris moved that the resolution and report offered by the Committee on Privileges and Elections be adopted.

Motion seconded.

Mr. Austin moved that time be granted for the presentation of a minority report of the Committee on Privileges and Elections.

The Speaker ruled the motion of Mr. Austin out of order.

Mr. Adams moved that the report and resolution of the committee be indefinitely postponed.

Lost.

Mr. Locke moved the previous question.

Previous question seconded.

The question recurred "Shall the main question be now put?"

Main question ordered.

The question being upon the adoption of the majority report, the yeas and nays were demanded, and resulted as follows:

Yeas.....	39
Nays.....	32

Those voting in the affirmative are:

Mr. H. R. Allen	Mr. F. E. Grothaus	Mr. G. H. Slaughter
R. A. Allen	C. T. D. Harn	W. H. Sinclair
J. P. Butler	J. J. Hamilton	W. Sheriff
D. W. Burley	G. T. Haswell	W. Schlotman
S. Cotton	W. J. Locke	C. J. Stockbridge
L. B. Camp	M. Manning	J. Schutze
A. M. Cox	J. H. Morrison	F. Tegener
G. Dupree	J. F. McKee	W. T. Wilkinson
W. W. Davis	J. Mullins	R. Williams
A. Dorris	D. Medlock	B. F. Williams
I. M. Evans	B. R. Plumley	H. C. Youngkin
F. G. Franks	W. Prissick	R. Zapp
C. W. Gardiner	W. G. Robinson	A. Zoeller

Those voting in the negative are:

Mr. J. O. Austin	Mr. J. P. Hill	Mr. W. C. Pierson
M. L. Armstrong	J. E. Hawkins	E. L. Robb
S. J. Adams	C. Jenkins	T. E. Ross
J. Abbott	F. Kyle	J. G. Smith
E. J. Becton	B. B. Lacy	W. B. Stirman
T. J. Chambers	J. W. Lane	E. L. Smith
L. W. Cooper	A. F. Leonard	B. S. Shelburne

R. Crudup	J. B. McKee	S. S. Weaver
H. C. Ellis	J. H. Miller	A. C. Warren
W. A. Gaston	R. L. Moore	J. B. York
W. E. Hughes	J. W. Posey	

Resolution and report of committee adopted.

Mr. Schutze moved that the vote adopting the report and resolution of Committee on Privileges and Elections be reconsidered, and that the motion to reconsider be laid on the table.

Motion adopted.

Mr. Schlickum then came forward, qualified and took his seat.

Mr. Stockbridge then offered the following resolution :

Resolved, That this House elect a phonographic reporter, to discharge the ordinary duties of a reporter in legislative bodies.

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

Mr. Abbott offered the following resolution :

WHEREAS, We, as a body, acknowledge Almighty God as the Ruler of the Universe, and desiring to invoke His aid in our speedy reconstruction as a State in the Union ; therefore,

Be it resolved, That we invite the clergy of the several denominations in this city to officiate daily, and offer prayer at the opening of the House each morning .

Mr. Camp moved that the resolution be adopted.

Mr. Slaughter offered the following amendment :

Strike out all after city, and make it read thus : To offer prayer for this body, both in the pulpit and in their family worship.

Mr. Tegener moved that the amendment of Mr. Slaughter be adopted.

Lost.

The resolution as offered by Mr. Abbott was adopted.

Mr. Weaver offered the following resolution :

Resolved, That this House now proceed to the election of a phonographic reporter for the House of Representatives.

Resolution adopted.

Mr. Stockbridge nominated Mr. Geo. W. Schobeg, who was elected by acclamation.

By permission of the House, Mr. Johnson made the following

report from the Committee on the Thirteenth Amendment to the Constitution of the United States :

Joint Resolution.

WHEREAS, On the first day of February, 1865, an amendment to the Constitution of the United States, being the Thirteenth Amendment, was approved, and which is as follows :

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“SEC. 2. Congress shall have power to enforce this article by appropriate legislation.”

And whereas, this amendment was declared a part of the Constitution of the United States on the 18th of December, 1865, and is submitted to the Legislature of the State of Texas for ratification ; therefore,

Be it resolved, I. That the House of Representatives of the Legislature of Texas (the Senate concurring) do ratify said Thirteenth Article of the Amendments to the Constitution of the United States.

II. That a copy of this preamble and resolutions be transmitted to the Secretary of State, President of the Senate, and Speaker of the House of Representatives of the United States.

J. W. JOHNSON,
Chairman.

Mr. Sinclair offered the following resolution :

Resolved, That on all questions of contested elections no member of this body shall be permitted to vote whose own seat is contested.

Mr. Harn moved the adoption of the resolution.

Carried.

Mr. Slaughter asked leave to change the reading of the preamble to the joint resolution offered by him on Saturday.

Ruled out of order.

Mr. Slaughter appealed from the decision of the Chair.

Decision of the Chair sustained.

Mr. Armstrong moved the business on the Speaker's table be now proceeded with.

Carried.

The Speaker then announced that the business first in order was the second reading of the report of the Committee on the Fourteenth and Fifteenth Amendments.

Mr. Butler moved that the reading of the amendments be omitted in reading the reports and resolution.

Adopted.

The yeas and nays were called upon the question of the engrossment of the Fifteenth Amendment, and stood thus :

Yeas.....	70
Nays.....	8

Those voting in the affirmative are :

Mr. Austin	Mr. Grothaus	Mr. Plumley
Abbott, C. S.	Harn	Prissick
Armstrong	Hill	Schlickum
Allen, H. R.	Hamilton	Robinson
Allen	Hazwell	Slaughter
Adams	Hawkins	Sinclair
Abbott, J. A.	Johnson	Sheriff
Becton	Kendall	Stirman
Butler	Lane	Stockbridge
Burley	Leonard	Shelburne
Chambers	Locke	Schutze
Cooper	Manning	Tegener
Cotton	Morrison	Weaver, S. S.
Crudup	Moore, H.	Wilkinson
Cox	McLean	Williams, R.
Cole	McKee, J. R.	Warren
Camp	McKee, J. F.	Weaver, J. E.
Dupree	Mullins	Williams, B. F.
Davis	Medlock	Young
Dorris	Miller	York
Ellis	Moore, R. L.	Youngkin
Evans	Posey	Zapp
Franks	Pierson	Zoeller
Gardiner		

Those voting in the negative are :

Mr. Gaston	Mr. Kyle	Mr. Ross
Hughes	Lacy	Smith
Perkins	Robb	

Joint resolution ordered to be engrossed.

Mr. Armstrong moved that the rules be suspended, and that the joint resolution be put on its third reading.

Mr. Schutze moved a call of the House.

Call sustained.

Absent, Mr. Morris and Mr. Elliott.

Mr. Schutze moved that the excuses of Mr. Morris and Mr. Elliott be accepted.

Motion adopted.

Mr. Abney moved that the call of the House be suspended.

Call suspended.

The question then recurred on the suspension of the rules.

Rules not suspended.

Mr. Stockbridge moved to adjourn until to-morrow morning, at ten o'clock.

By permission of the House, the motion to adjourn was withdrawn.

The Speaker announced that the next business in order was the second reading of the joint resolution ratifying the Fourteenth Amendment to the Constitution of the United States.

Joint resolution read second time.

Mr. Butler moved the engrossment of the joint resolution ratifying the Fourteenth Amendment to the Constitution of the United States, upon which the yeas and nays were demanded and resulted as follows:

Yeas	72
Nays	1

Those voting in the affirmative are:

Mr. Austin	Mr. Grothaus	Mr. Robinson
Abney	Hughes	Ross
Abbott, C. L.	Harn	Schlickum
Armstrong	Hill	Slaughter
Allen, H. R.	Hamilton	Sinclair
Allen, R. A.	Hazwell	Sheriff
Adams	Johnson	Stirman
Abbott, J.	Kyle	Smith, E. L.
Becton	Kendall	Schlotman
Butler	Lane	Stockbridge
Burley	Leonard	Shelburne
Chambers	Locke	Schutze
Cooper	Manning	Tegener

Cole	Morrison	Weaver, S. S.
Camp	Moore, H.	Wilkinson
Cox	McKee, J. R.	Williams, R.
Dupree	McKee, J. F.	Warren
Davis	Mullins	Weaver, J. C.
Dorris	Medlock	Williams, B. F.
Ellis	Miller	Young
Evans	Moore, R. L.	York
Franks	Pierson	Youngkin
Gaston	Plumley	Zapp
Gardiner	Prissick	Zoeller

Voting in the negative :

Mr. McLean, W. P.

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

SEVENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, Tuesday, February 15, 1870.

House met pursuant to adjournment.

Roll called; quorum present.

Journal of yesterday read and adopted.

Mr. Franks offered the following report from the Committee on Privileges and Elections :

COMMITTEE ROOM,
AUSTIN, February 15, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Elections, to whom was referred a contest between W. W. Mills as contestant, and I. H. Evans and George Spencer, as to the right to a seat in the House of Representatives from the Thirtieth District, beg leave to submit the following report :

The contestant charges, that fraud was committed in the counting of the vote of El Paso county, by which fraudulent count two hundred votes that should have been counted for the contestant were counted for I. H. Evans and George Spencer. An examination of the tabular statement of the vote of El Paso county, as exhibited in General Orders No. 19, from military headquarters, shows that in El Paso county I. H. Evans received one hundred and fifty-nine votes, and George Spencer sixteen votes, and W. W. Mills one hundred and five votes. This statement of facts refutes the charge of the contestant. No evidence was adduced before your committee showing the commission of fraud in El Paso county. On the contrary, all the evidence adduced shows that each party exerted itself to have the election conducted fairly and impartially, and that no opportunity was allowed for fraud. Your committee, therefore, report that the charge of fraud in the election in El Paso county is without foundation in fact. They submit the following resolution and recommend its adoption :

Resolved, That I. H. Evans and George Spencer are entitled to the seats now held by them in the House of Representatives, and that W. W. Mills is not entitled to a seat in this House.

F. G. FRANKS,
Chairman of Committee on Privileges and Elections

Mr. Tegener moved the adoption of the report and resolution of the committee.

Adopted.

Mr. Butler introduced the following resolution :

Resolved, That this body proceed to the election of a State Printer at one o'clock this afternoon.

Mr. Tegener moved the adoption of the resolution.

Adopted.

Mr. Butler moved that the Speaker notify the Senate that the House will proceed to the election of a State Printer at one o'clock this afternoon.

Adopted.

Mr. Butler offered the following resolution :

Resolved, That we proceed to ballot for United States Senators on Wednesday, February 16, 1870, at twelve M.

Adopted.

Mr. Butler moved that a committee of conference be appointed to

confer with the Senate in regard to the election of United States Senators.

Adopted.

The Speaker appointed the following committee: Butler, Robinson, and Hughes.

Mr. Abbott offered the following resolution :

Resolved, That the Chairman of the Committee on Printing and Contingent Expenses be allowed to employ a clerk for said committee.

Mr. Armstrong moved that resolution be adopted.

The yeas and nays being called,

It was decided in the negative.

Yeas.....	4
Nays.....	66

Those who voted in the affirmative are—

Mr. Abbott, C L	Mr. Sinclair	Mr. Zapp
Harn		

Those who voted in the negative are—

Mr. Speaker	Mr. Hamilton	Mr. Plumley
Austin	Haswell	Prissick
Abney	Hawkins	Robb
Armstrong	Johnson	Ross
Allen, R A	Jenkins	Schlickum
Adams	Kyle	Smith, J G
Abbott, J	Kendall	Sheriff
Becton,	Lacy	Stirman
Chambers	Lane	Smith, E L
Cooper	Leonard	Stockbridge
Cole	Locke	Shelburne
Camp	Manning	Schutze
Cox	Morrison	Tegener
Dupree	Moore	Weaver, S S
Davis	McLean	Williams, R
Dorris	McKee, J R	Warren
Ellis	McKee, J F	Weaver, J C
Franks	Mullins	Williams, B F
Gaston	Medlock	Young

Gardiner
Grothaus
Hill

Miller
Moore, R L
Pierson

York
Youngkin
Zoeller

Mr. Pierson offered the following resolution :

Resolved, That the Chairman of the Committee on Elections be and is hereby authorized and required to swear all witnesses brought before his committee ; and upon the request of the party or parties interested, to issue process for witnesses, and commissions to take depositions, in conformity, as nearly as practicable, to the laws of this State in relation to the taking and returning evidence in cases of contested elections in the Legislature.

Mr. Sinclair moved that the resolution be laid on the table.

Carried.

Mr. McLean moved to reconsider the vote laying the resolution upon the table.

The yeas and nays being called for,

It was decided in the negative.

Yeas.....	37
Nays.....	38

Those who voted in the affirmative are—

Mr. Austin	Mr. Hill	Mr. Pierson
Abney	Hawkins	Robb
Armstrong	Jenkins	Ross
Adams	Kyle	Smith
Abbott, J	Lacy	Sheriff
Becton	Lane	Stirman
Burley	Leonard	Smith
Chambers	McLean	Shelburne
Cooper	McKee, J R	Weaver, S S
Cole	Miller	Warren
Ellis	Moore, R L	Weaver, J C
Gaston	Posey	Young
Hughes		

Those who voted in the negative are—

Mr. Speaker	Mr. Hamilton	Mr. Prissick
Abbott, C L	Haswell	Robinson

Allen, H R	Johnson	Schlickum
Allen, R A	Kendall	Sinclair
Butler	Locke	Stockbridge
Cotton	Manning	Schutze
Cox	Morrison	Tegener
Dupree	Moore	Williams, R
Davis	McKee, J F	Williams, B F
Franks	Mullins, S	Youngkin
Gardiner	Medlock	Zapp
Grothaus	Plumley	Zoeller
Harn		

Mr. Cooper moved to proceed with the business on the Speaker's table.

Carried.

Whereupon,

The Speaker announced the reception of General Orders No. 28, from Headquarters Fifth Military District, which was read and received, and made a part of the proceedings, viz. :

HEADQUARTERS FIFTH MILITARY DISTRICT,
(STATE OF TEXAS,
AUSTIN, TEXAS, February 14, 1870.

General Orders }
No. 28. }

The cases of persons claiming seats in the Legislature, involving their eligibility under the Reconstruction Laws, have been inquired into by the Board of Officers convened by General Orders No. 24, current series, from this Headquarters.

The following persons are declared by the board eligible :

Senators.

John G. Bell.....Thirteenth District.
William H. Pyle.....Twentieth District.

Representatives.

John P. Hill..... Ninth District.
William Stieriff..... Thirteenth District.
S. J. Adams..... Eighteenth District.
A. C. Warren..... Twenty-Second District.

The following persons are declared by the board ineligible :

Senate.

M. Priest..... Third District.

House of Representatives.

A. D. Elam..... Third District.

The findings of the board are approved and confirmed. The persons declared eligible are entitled to seats, so far as the question of eligibility under the Reconstruction Laws is involved. If other causes of contest exist they will be determined by the House to which the parties claim to belong.

By Command of Brevet Major-General J. J. REYNOLDS:
 H. CLAY WOOD,
 Assistant Adjutant-General.

Official:

CHAS. E. MORSE,
 Aide-de-Camp.

The following communication from the Commanding General of the Fifth Military District was then read:

HEADQUARTERS FIFTH MILITARY DISTRICT,
 (STATE OF TEXAS.)
 OFFICE OF CIVIL AFFAIRS,
 AUSTIN, February, 15, 1870.

Hon. IRA H. EVANS,
 Speaker of House of Representatives,
 Austin, Texas:

SIR: I have the honor to inform you, that it has been decided that the Hon. A. D. Elam is ineligible to a seat in the House of Representatives, State Legislature, State of Texas.

Very respectfully,
 your obedient servant,

J. J. REYNOLDS,
 Brevet Major-General U. S. A.,
 Commanding.

The Speaker announced, that in connection with the above communication, he had received a number of papers in reference to the claim of J. R. Burnett to the seat of A. D. Elam.

Mr. Butler moved the reference of the papers to Committee on Privileges and Elections.

Carried.

Mr. Butler, by leave of the House, introduced the following resolution :

WHEREAS, A. D. Elam, Esq., who received a certificate of election as one of the Representatives elect from the Third Senatorial District, has been declared by the Commanding General ineligible to a seat in this body; and

Whereas, J. R. Burnett received the next highest number of votes for said position in said district;

Therefore, be it

Resolved, That J. R. Burnett be, and he is hereby declared, entitled to a seat in this body as Representative from the Third Senatorial District, in the place of A. D. Elam, who is disqualified.

Mr. Butler moved that said resolution be referred to the Committee on Privileges and Elections.

Which motion was, by leave of the House, withdrawn.

Mr. Butler moved the adoption of the resolution giving J. R. Burnett the seat made vacant by the ineligibility of A. D. Elam.

Carried.

Mr. Burnett then came forward, qualified, and took his seat.

The joint resolution ratifying the Fifteenth Amendment to the Constitution of the United States, read third time.

Mr. Schutze moved a call of the House.

Call sustained.

Absent—

Mr. Crudup.
Schlotman

Mr. Elliott
Wilkinson

Mr. Morris

Mr. Schutze moved that the Sergeant-at-Arms cause all absentees to appear in the Hall, unless confined to their rooms.

Mr. Butler moved to lay the motion of Mr. Schutze on the table.

Carried.

Mr. Butler moved that the call be suspended.

Carried.

The question now recurred upon the joint resolution ratifying the Fifteenth Amendment to the Constitution of the United States.

The yeas and nays being called for,

It was decided in the affirmative.

Yeas.....	69
Nays.....	10

Those who voted in the affirmative are—

Mr. Austin	Mr. Grothaus	Mr. Plumley
Abney	Harn	Prissick
Abbott of Austin	Hill	Robinson
Armstrong	Hamilton	Schlickum
Allen, H R	Haswell	Slaughter
Allen, R	Hawkins	Sinclair
Abbott of Hill	Johnson	Sheriff
Burnett	Jenkins	Stirman
Becton	Kendall	Smith
Butler	Lane	Stockbridge
Burley	Leonard	Shelburne
Chambers	Locke	Schutze
Cooper	Manning	Tegener
Cotton	Morrison	Weaver, S S
Cole	Moore	Weaver, J C
Camp	McLean	Williams, R
Cox	McKee, J F	Williams, B F
Dupree	McKee, J R	Warren
Davis	Mullins	Young
Dorris	Medlock	York
Evans, I H	Moore, H.	Youngkin
Franks	Posey	Zapp
Gardiner	Pierson	Zoeller

Those who voted in the negative are—

Mr. Adams	Mr. Kyle	Mr. Robb
Ellis	Lacy	Ross
Gaston	Miller	Smith
Hughes		

Mr. Adams asked leave to explain his vote.

On motion of Mr. Sinclair, Mr. Adams was allowed to explain his vote.

Mr. Plumley moved that Mr. Hughes have permission to explain his vote.

Carried.

Mr. Hughes asked permission to have his reasons spread on the journal for not voting in the affirmative, on the ratification

of the Fifteenth Amendment to the Constitution of the United States.

Lost.

Mr. Franks moved to reconsider the vote of the House, and to allow Mr. Hughes permission to have his reasons for voting in the negative spread upon the journal.

Carried.

I dissent from the ratification of this Fifteenth Amendment, because I oppose it on principle, as it robs my State of the last vestige of State sovereignty, and gives to the Federal Government (by implication, at least,) control of that priceless jewel of democratic government—individual suffrage; and because, I believe, a majority of the people whom I represent are not *voluntarily* in favor of its ratification.

I cast my vote against it for the further reason, that the political sentiment of this body is such as to insure its ratification, thereby in effect reducing my deliberations to the simple question of *principle*.

W. E. HUGHES.

Joint resolution ratifying the Fourteenth Amendment to the Constitution of the United States, read third time.

Mr. Butler moved the adoption of the joint resolution.

Carried.

Joint resolution relative to the removal of the records of the Supreme Court from Tyler and Galveston, read second time.

Mr. Slaughter then offered the following amendment:

In second preamble, strike out "for reasons best known to themselves."

Carried.

Mr. Butler moved the engrossment of the said joint resolution.

Carried.

A message was received from the Senate, informing the House that the Senate refused to concur with the House in its resolution to proceed to the election of United States Senators at twelve M., February 16, 1870.

Mr. Butler moved that this body take a recess until one o'clock P. M.

Carried.

ONE O'CLOCK, P. M.

House called to order.

Senate entered the Hall.

Roll called; quorum not present.

The Sergeant-at-Arms was instructed to bring absent members into the House.

Quorum present.

The Speaker announced that nominations for State Printer were in order.

Mr. Robinson nominated Mr. C. T. Garland.

Mr. Morrison nominated Mr. J. G. Tracy.

Mr. Chambers nominated Mr. Hamilton Stuart.

Mr. Grothaus nominated Mr. W. R. Davis.

Before the vote was taken, Mr. Grothaus withdrew the name of Mr. W. R. Davis.

The result of the joint vote was as follows :

J. G. Tracy.....	57	votes.
Tracy and Siemering.....	6	"
Charles D. Morse.....	22	"
C. T. Garland.....	1	vote.
Hamilton Stuart.....	1	"

Mr. J. G. Tracy having received a majority of all the votes cast, was declared duly elected State Printer.

The Senate retired to its chamber.

Mr. Grothaus moved that the House adjourn until to-morrow at ten o'clock, A. M.

Carried.

EIGHTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES, AUSTIN, Tuesday, February 16, 1870.

House met pursuant to adjournment.

Roll called; quorum present.

Journal of yesterday read and adopted.

Mr. Crudup asked leave to record his vote in favor of the ratification of the Fifteenth Amendment to the Constitution of the United States.

Mr. Slaughter moved that Mr. Crudup be permitted to record his vote.

Permission granted.

Mr. Schlotman asked leave to record his vote in favor of the rati-

fication of the Fifteenth Amendment to the Constitution of the United States.

Mr. Slaughter moved that Mr. Schlotman be permitted to record his vote.

Permission granted.

Mr. Morris asked leave to record his vote in favor of the ratification of the Fifteenth Amendment to the Constitution of the United States.

Mr. Cooper moved that leave be granted Mr. Morris to record his vote.

Leave granted.

Mr. Wilkinson asked leave to record his vote in favor of the ratification of the Fifteenth Amendment to the Constitution of the United States.

Mr. Cooper moved that leave be granted Mr. Wilkinson to record his vote.

Leave granted.

Mr. Young asked leave to record his vote in favor of the ratification of the Fifteenth Amendment to the Constitution of the United States.

Mr. Chambers moved that leave be granted Mr. Young to record his vote.

Leave granted.

Mr. Chambers moved that A. D. Tinsley and W. T. Simmons be allowed to qualify as members of this House without their certificates of election.

Carried.

Messrs. Tinsley and Simmons came forward, qualified and took their seats.

The Speaker then announced that the question as to whether the members brought in by the Sergeant-at-Arms after recess yesterday should be compelled to pay the fine prescribed by rules governing the House.

Mr. Hughes moved that the members brought into the House by the Sergeant-at-Arms be excused from paying the fine.

Carried.

Mr. Austin asked leave to offer a minority report of the Committee on Privileges and Elections.

Mr. Morris moved that leave be granted.

Carried.

Mr. Schutze moved that the minority of the Committee on Privileges and Elections be allowed to withdraw their report.

Carried.

Mr. Austin offered a protest against the action of the House in the rejection of Nelson Plato, and the seating of Ferdinand Schlickum.

The Speaker ruled that the protest could not be received without leave of the House.

Mr. McLean appealed from the decision of the Chair.

The appeal was withdrawn by leave of the House.

Mr. Sinclair moved that the further consideration of the protest of the minority of the Committee on Privileges and Elections be postponed until to-morrow, at eleven o'clock A. M.

Carried.

Mr. Armstrong gave notice that he would move a reconsideration of the vote in regard to the election of United States Senators.

Mr. Butler offered the following resolution :

WHEREAS, The Hon. M. L. Armstrong, a member of this House, was a member of one of the Legislatures of this State prior to the rebellion, and subsequently engaged in rebellion against the United States as a member of the Eighth Legislature, and as a member of such Legislature took an oath to support and sustain the Government of the so-called Confederate States of America; therefore be it

Resolved by this House, That the Commanding General of this Military District is requested to at once inquire into the right of the said M. L. Armstrong to hold a seat in this House.

Be it further resolved, That the Speaker of this House at once forward a copy of this resolution to the Commanding General of this Military District.

Mr. Schutze moved that the resolution be referred to the Committee on Privileges and Elections.

By leave of the House the resolution was withdrawn.

Mr. Robinson moved the adoption of the resolution.

Mr. McLean offered the following amendment :

Amend by adding: "The Hon. J. R. Burnett, holding a seat in this House of Representatives without having received a certificate of election from the Major-General, that the House submit the question to the consideration of General Reynolds, and that he be requested to issue a certificate of election to said member, or take such other action in the premises as the facts and the law may warrant."

Mr. Slaughter moved the rejection of the amendment.

Carried.

The question recurring on the adoption of the resolution of Mr. Butler, it was adopted.

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

NINTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, February 17, 1870.

The House met pursuant to adjournment.

Roll called; quorum present.

Journal of yesterday read and adopted.

Mr. Hughes asked permission of the House to offer a protest against the action of the House in giving Mr. Burnett the seat made vacant by the ineligibility of Mr. A. D. Elam.

Mr. Burnett moved that leave be granted Mr. Hughes to present the protest; upon which the yeas and nays were demanded, and resulted thus:

Yeas.....	35
Nays.....	41

Those who voted in the affirmative are—

Mr. Austin	Mr. Lacy	Mr. Ross
Burnett	Lane	Simmons
Chambers	Leonard	Smith
Cooper	McLean	Stirman
Crudup	McKee	Smith
Cole	McKee	Shelburne
Ellis	Moore	Weaver
Hughes	Pierson	Warren
Hamilton	Plumley	Weaver
Haswell	Prissick	Young
Jenkins	Robb	York
Kyle	Robinson	

Those who voted in the negative are—

Mr. Speaker	Mr. Grothaus	Mr. Sinclair
Abney	Harn	Sheriff
Abbott	Hill	Schlotman
Allen	Johnson	Stockbridge
Allen	Kendall	Schutze
Burley	Locke	Tegener

Mr. Cotton	Mr. Manning	Mr. Tinsley
Camp	Morrison	Wilkinson
Cox	Moore	Williams
Dupree	Morris	Williams
Davis	Mullins	Youngkin
Dorris	Medlock	Zapp
Franks	Miller	Zoeller
Gardiner	Schlickum	

So the House refused to receive the protest.

Reports.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, offered the following report :

COMMITTEE ROOM,
AUSTIN, February 17, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the joint resolutions ratifying the Fourteenth and Fifteenth Amendments to the Constitution of the United States, and find them to be correctly enrolled

W. G. ROBINSON,
Chairman.

Mr. Morrison offered the following resolution.

WHEREAS, Hon. A. F. Leonard is now a member of this House, representing the Twenty-First District, and believed to be ineligible for the position he holds, from the fact that he held office prior to the late rebellion, and afterwards engaged in the war against the United States Government, holding the office of lieutenant in the Confederate Army;

Therefore

Be it resolved, That the Committee on Contested Elections be instructed to make inquiry as to the facts in the case, and report as soon as practicable.

Mr. Robinson moved the adoption of the resolution.

Mr. Sinclair offered the following amendment :

Amend by referring the resolution to Brevet Major-General J. J. Reynolds, commanding Fifth Military District.

Mr. Allen moved that the amendment be adopted.

Carried.

The question recurring upon the adoption of the resolution as amended, it was carried.

Mr. Plumley offered a resolution relative to internal improvements, which was read, and on motion of Mr. Burnett laid upon the table.

Mr. McLean moved that the House now proceed with the business on the Speaker's table.

Carried.

The Speaker then announced that the first business in order was the third reading of a joint resolution offered by Mr. Slaughter in regard to the removal of the records of the Supreme Court.

Joint resolution read.

The question then recurring upon the adoption of the resolution.

It was adopted.

The following special order from Headquarters Fifth Military District was then read:

HEADQUARTERS FIFTH MILITARY DISTRICT,
(STATE OF TEXAS.)
AUSTIN, TEXAS, February 14, 1870.

Special Orders }
No. 34. }

(Extract.)

* * * * *

2. The sum of thirty-five thousand dollars, currency, or so much thereof as may be necessary, is hereby appropriated from the treasury of the State of Texas, to pay per diem and mileage of the members of the present session of the Legislature, and also to pay the officers and employes, and to defray the printing and contingent expenses of the Legislature. The certificate of the Secretary of the Senate and Clerk of the House of Representatives, approved by the presiding officers of their respective bodies, shall be a sufficient voucher for the Comptroller of the State to draw his warrants on said appropriation; but no greater sum than five thousand dollars shall be expended from this appropriation for printing and contingent expenses of the present session of the Legislature. The mileage and per diem of members shall be as established by the late Convention.

By command of
Official:

J. J. REYNOLDS,
Brevet Major-General.

(Signed.)

H. CLAY WOOD,
Assistant Adjutant General.

(Signed.)

CHARLES P. MORSE,
Acting Assistant Adjutant General.

The Speaker then announced that the hour had arrived for the consideration of the protest of the minority of the Committee on Privileges and Elections relative to the action of the House unseating Mr. Plato and seating Mr. Schlickum.

On motion of Mr. Burnett the protest was received and read.

Mr. Morrison moved that the protest be laid upon the table.

Carried.

The Speaker then announced that the next business in order was the reading of the joint resolution ratifying the Thirteenth Amendment to the Constitution of the United States.

Mr. Cooper moved the joint resolution be engrossed.

Carried.

Mr. Butler moved the rules be suspended to put the resolution on its third reading.

Carried.

Mr. Chambers moved the adoption of the joint resolution; upon which the yeas and nays were called, and stood:

Yeas.....	80
Nays.....	1

Those who voted in the affirmative are—

Mr. Speaker	Mr. Harn	Mr. Robinson
Austin	Hill	Ross
Abney	Hamilton	Schlickum
Abbott	Hazwell	Simmons
Allen, H R	Hawkins	Smith, J C
Allen, R A	Johnson	Sinclair
Adams	Jenkins	Sheriff
Abbott	Kyle	Stirman
Burnett	Kendall	Smith, E L
Becton	Lacy	Schlotman
Butler	Lane	Stockbridge
Burley	Leonard	Shelburne
Chambers	Locke	Schutzze
Cooper	Manning	Tegener
Cotton	Morrison	Tinsley
Crudup	Mocre	Weaver, S S
Cole	Morris	Wilkinson
Camp	McLean	Williams R
Cox	McKee, J R	Warren
Dupree	McKee, J F	Weaver, J C
Davis	Mullins	Williams, B F

Mr. Dorris	Mr. Medlock	Mr. Young
Ellis	Moore	York
Franks	Posey	Youngkin
Gardiner	Pierson	Zapp
Grothaus	Plumley	Zoeller
Hughes	Prissick	

Those who voted in the negative are—

Mr. J. H. Miller.

The result being eighty in favor of and one against, it was decided by the Chair that said joint resolution ratifying the Thirteenth Amendment to the Constitution of the United States was adopted.

On motion of Mr. Tegener the House adjourned until ten o'clock A. M. to-morrow.

TENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, Friday, February 18, 1870.

House met pursuant to adjournment.

Roll called; quorum present.

Journal of yesterday read and adopted.

Mr. York was excused on account of sickness.

Mr. Miller asked leave to have his reasons for voting against the ratification of the Thirteenth Amendment to the Constitution of the United States spread upon the journal.

Mr. Pierson moved that leave be granted.

Carried.

The reasons are as follows:

Because this is a provisional body only, assembled for specific purposes, and no others, deriving all its authority from the Reconstruction Laws of Congress, and because the Thirteenth Amendment is a part of the Constitution, we have sworn to support, and could not be affected by our action even if we had authority to act. I believe our consideration of the question unauthorized, illtimed,

improper under the circumstances, and of no validity, not only useless, but reprehensible as encouraging a loose construction of our powers. As an expression of this opinion and my dissent from any action on the matter by this body at this time, I vote no.

Mr. Robinson made the following report, as Chairman of the Committee on Enrolled Bills, viz :

COMMITTEE ROOM,
AUSTIN, February 18, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Enrolled Bills, having carefully examined the joint resolution ratifying the Fifteenth Amendment to the Constitution of the United States, beg leave to report that they find the same to be correctly enrolled.

W. C. ROBINSON,
Chairman.

Mr. Stockbridge made the following report as Chairman of the Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, February 18, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined and compared the joint resolution ratifying the Thirteenth Amendment to the Constitution of the United States, and find it correctly engrossed.

Very respectfully,
your obedient servant,

C. J. STOCKBRIDGE,
Chairman of Committee.

Mr. Franks made the following report :

COMMITTEE ROOM,
AUSTIN, February 17, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Privileges and Elections, to whom was referred a contest between W. E. Horne and W. Sheriff and C. L. Abbott, as to the right to a seat in the House of Representatives as Representative for the Thirteenth District, have had the same under consideration, and beg leave to submit the following report :

The contestant charges that there was fraud in the election and counting of votes in Fort Bend county. Your committee fully investigated this matter, and were unable to find that fraud had been committed as charged, and therefore submit the following resolution, and recommend its adoption :

Resolved, That William Sheriff and C. L. Abbott are entitled to the seats now held by them as Representatives from the Thirteenth District, and that W. E. Horne is not entitled to a seat in this House.

F. G. FRANKS,
Chairman.

Mr. Cooper moved that the report be adopted.

Carried.

Mr. Sinclair offered a resolution relative to the establishment of a postal telegraph system throughout the United States, and praying Congress to pass the bill now before it, or a bill embodying provisions for the object contemplated by said bill.

Mr. Morrison moved that the resolution be adopted.

Mr. Butler moved to lay the resolution on the table.

The yeas and nays were demanded and stood :

Yeas.....	57
Nays.....	24

Those who voted in the affirmative are—

Mr. Speaker	Mr. Hughes	Mr. Moore, R. L.,
Abney	Harn	Posey
Armstrong	Hamilton	Robb
Allen	Hawkins	Ross
Adams	Johnson	Schlickum
Abbott, C. L.,	Jenkins	Simmons
Becton	Kyle	Smith
Butler	Kendall	Sheriff
Burley	Lacy	Stirman
Cotton	Lane	Schlotman
Crudup	Leonard	Stockbridge
Cox	Locke	Shelburn
Dupree	Manning	Tinsley
Davis	Moore	Weaver, S. S.,
Dorris	Morris	Weaver, J. C.,
Franks	McKee, J. R.,	Williams

Mr. Gaston	Mr. McKee, J. F.,	Mr. Youngkin
Gardiner	Mullins	Zoeller
Grothaus	Medlock	

Those who voted in the negative are—

Mr. Austin	Mr. Hill	Mr. Slaughter
Allen, H. R.,	Morrison	Sinclair
Burnett	McLean	Smith
Chambers	Miller	Schutze
Cooper	Pierson	Tegener
Cole	Plumley	Wilkinson
Camp	Prissick	Young
Ellis	Robinson	Zapp

Resolution laid on the table.

On motion of Mr. Adams, Mr. Plumley was allowed to explain his reasons for voting in the negative.

Mr. Slaughter moved to reconsider the vote adopting the report and resolution offered by the Committee on Privileges and Elections, that W. E. Horne was not entitled to the seat held by either Mr. Sheriff or Mr. C. L. Abbott.

Lost.

Mr. Johnson moved to adjourn until Monday, at ten o'clock.

By leave of the House, the motion was withdrawn.

Mr. Franks rose to a question of privilege and explained an error in a letter written by him which appeared in the Daily State Journal of to-day.

On motion of Mr. Johnson, the House adjourned until Monday at ten o'clock, A. M.

ELEVENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 21, 1870.

House met pursuant to adjournment.

Roll called; quorum present.

Journal of Saturday read and adopted.

Mr. Booty came forward, qualified, and took his seat as a Representative of the Fifth District.

The Speaker announced the receipt of General Orders No. 30 from the Brevet Major General commanding the Fifth Military District, which was read.

HEADQUARTERS FIFTH MILITARY DISTRICT,

(STATE OF TEXAS.)

AUSTIN, Texas, February 19, 1870.

General Orders }
No. 30. }

In compliance with request embraced in resolutions of the House of Representatives, under date of the sixteenth and seventeenth instant, the question as to the eligibility, under the Reconstruction Laws, of the following named persons, holding seats in the House of Representatives, has been inquired into by the Board of Officers convened by General Orders No. 24, current series, from this Headquarters, viz :

M. L. Armstrong Eleventh District.
A. F. Leonard Twenty-first District.

The Board has declared that M. L. Armstrong "is not eligible" to a seat in the House of Representatives, and that A. F. Leonard, Representative from the Twenty-first District, "is eligible" to his seat under the Reconstruction Laws.

The findings of the Board are approved and confirmed.

By command of Brevet Major General J. J. REYNOLDS:

H. CLAY WOOD,
Assistant Adjutant General.

(Official :)

CHARLES E. MORSE,
Aide-de Camp,
Acting Assistant Adjutant General.

Mr. Robinson, Chairman of Committee on Enrolled Bills, offered the following report :

COMMITTEE ROOM,
AUSTIN, February 19, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Enrolled Bills having carefully compared and examined the "Joint Resolution relative to the records of

the two branches of the Supreme Court, namely: Galveston and Tyler," instruct me to report the same as correctly enrolled.

WILLIS G. ROBINSON,
Chairman of Committee.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, offered the following report:

COMMITTEE ROOM,
AUSTIN, February 18, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the joint resolutions ratifying the Fourteenth and Fifteenth Amendments to the Constitution of the United States, and also the joint resolution requesting the Commanding General to allow the records, libraries etc., pertaining to the two branches of the Supreme Court at Galveston and Tyler, to remain at their respective places until after action taken by Congress on the new Constitution, and find them to be correctly engrossed.

Very respectfully,
your obedient servant,
C. J. STOCKBRIDGE,
Chairman of Committee.

Mr. Robinson offered the following resolution:

WHEREAS, The ineligibility of M. L. Armstrong, to a seat in this body has been declared by the Commanding General; and,

Whereas, H. H. Van Noy received the next highest number of votes for Representative from the Eleventh Senatorial District;

Therefore be it Resolved, That H. H. Van Noy be and hereby is entitled to a seat in this House as a Representative from the Eleventh Senatorial District, *vice* M. L. Armstrong, disqualified.

Resolved, That a copy of these resolutions be transmitted to H. H. Van Noy for his information, with a request for him to appear and qualify at the opening of the next regular session.

Mr. Franks moved that the resolution be adopted.

Carried.

Mr. Weaver announced the death of Hon. M. A. Elliott, and moved that a committee be appointed to draft resolutions expressing the sympathy of this House with the family and friends of the deceased.

Carried.

The Speaker appointed Messrs. S. S. Weaver, Hughes and Robinson.

Mr. Morris offered the following concurrent resolution :

WHEREAS, The people of Texas have adopted a republican Constitution ; and,

Whereas, the Legislature of the State of Texas, duly assembled by virtue of said instrument, has ratified the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution of the United States, thus in good faith complying with the conditions precedent to the admission of Texas into the Federal Union ; and,

Whereas, the signal triumph of republican principles in the late election, has resulted in the installation of the entire republican State candidates, and has secured the balance of power in both houses of the General Assembly ; and,

Whereas, the State of Texas is sorely pressed for appropriate relief for her weak, crippled and almost impoverished condition, incident to the long absence of remedial legislation ;

Therefore be it

Resolved, By the Senate and House of Representatives of the State of Texas, that the Legislature, in order to speedily commence the work of advancing the material wealth and civil liberty of Texas, shall meet thirty days after the admission of the State by Congress.

Be it further

Resolved, That a copy of this preamble and these resolutions be forwarded to the Speaker of the House of Representatives and the President of the Senate of the United States.

Mr. Morrison offered the following resolution :

WHEREAS, It appears from the tabular statement of election returns, as published in General Orders No. 19, Headquarters Fifth Military District, that Hon. E. L. Smith, member of this House from the Second Senatorial District, received at the late election seven hundred and ninety-five votes ; that W. H. Bonner received seven hundred and eighty-four votes, while Robert Bonner received forty-seven votes for the seat now held by said Smith ; and,

Whereas, it is claimed that the votes so shown to have been cast for said Robert Bonner were, in fact, cast for W. H. Bonner ; there being but one man named Bonner living in said district, and that the mistake arose from a misunderstanding of the christian name of said Bonner ; and that the votes so really cast for said Bonner were

a majority of the votes cast in said district at said election, thereby entitling said Bonner to the seat;

Therefore be it

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the facts of this case, and report accordingly.

Mr. Sinclair moved that the resolution be referred to the Committee on Privileges and Elections.

Carried.

Mr. Johnson offered the following resolution :

WHEREAS, J. Webster, the Second Assistant Sergeant-at-Arms elect, has failed to present himself before this body and assume the duties of said office;

Therefore be it

Resolved, That said office of Second Assistant Sergeant-at-Arms be and the same is hereby declared vacant; and move that E. Creary, the present acting Assistant Sergeant-at Arms, be declared Second Assistant Sergeant-at-Arms of this House.

Mr. Morrison moved the adoption of the resolution.

Carried.

Mr. Pierson offered a resolution giving Mr. Young permission to lecture to-morrow night on the subject of temperance in this Hall.

On motion of Mr. Schutze the resolution was laid on the table.

Mr. Weaver, chairman of the committee to draft resolutions in regard to the death of the Hon. M. A. Elliott, offered the following :

WHEREAS, It has pleased Almighty God to withdraw from our body, by death, Hon. M. A. Elliott, of Cook county; and,

Whereas, it seems proper that there should be some action of this House expressive of their sentiments;

Therefore be it

Resolved, That in the death of the Hon. M. A. Elliott, this body has lost one of its most efficient members; the State a good citizen, and his family a kind and indulgent friend and guardian.

Resolved, That this House tender their condolence and kind feeling to the family of Hon. M. A. Elliott, and the widow be furnished with a copy of these resolutions; and further,

Resolved, That in consideration of the respect we have for the memory of Hon. W. A. Elliott, a copy of these resolutions be

spread on the journal of this House, and we adjourn until ten o'clock to-morrow morning, and the Senate be informed of the action of this House.

S. S. WEAVER,
Chairman of Committee.

Mr Adams moved the adoption of the resolution.

Carried.

The House therefore stood adjourned until ten o'clock, to-morrow morning.

TWELFTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, Friday, February 22, 1870.

House met pursuant to adjournment.

Roll called; quorum present.

Journal of yesterday read and adopted.

Mr. Sinclair offered the following resolution:

WHEREAS, Brevet Major General J. J. Reynolds, commander of this the Fifth Military District, has exercised the duties of his position with ability, honesty and patriotism;

And whereas, by his persistent refusal to accept of civil promotion at the hands of the Legislature of Texas, he has deprived us of any opportunity of giving his distinguished services to the country a substantial and honorable recognition, and of evincing, by such promotion, our confidence in his statesmanship, patriotism and integrity; therefore,

Resolved, That we, the members of the House of Representatives of Texas, for ourselves and in behalf of our constituents, do hereby tender to Brevet Major General Reynolds our sincere thanks for the ability, honesty and patriotism with which he has discharged the laborious and important but delicate duties of commander of this military district.

Resolved, That in Major General Reynolds the United States government and army have an able, honest and faithful public servant and officer, and that, by his just and faithful administration in

this district of the vast powers confided to him by the laws of Congress, he has added laurels to those so justly earned by him in the active military service of the country.

Resolved, That a copy of this preamble and resolution be forwarded, by the Speaker of this House, to General Reynolds, and to his Excellency Governor Davis, and that Governor Davis be requested to forward a copy to his Excellency President Grant, and the General of the Army, General W. T. Sherman.

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

Mr. Morris offered the following resolution :

Resolved, That this house proceed to the election of United States Senators at twelve o'clock, M., this day, in the following order, to-wit: first, for the term ending March 4th, 1877; second, for the term ending March 4th, 1875, and third, for the term ending March 4th, 1871.

Mr. Tegener moved the adoption of the resolution.

Mr. Adams offered the following amendment :

Resolved, That this house will proceed to elect United States Senators to fill the two unexpired terms now existing, and none others, to-wit: for the one expiring on the fourth of March, 1871, and one for the term expiring March 4th, 1875.

Mr. Slaughter moved that the amendment be laid on the table.

Yeas and nays were called for and stood :

Yeas	48
Nays	31

Those voting in the affirmative are:

Mr. Speaker	Mr. Hill	Mr. Schlickum
Abney	Hamilton	Slaughter
Allen	Kendall	Sinclair
Allen	Locke	Sheriff
Burnett	Manning	Stirman
Butler	Morrison	Schlotman
Cooper	Moore	Stockbridge
Camp	Morris	Tegener
Cox	McKee	Tinsley
Dupree	Mullins	Wilkinson

Mr. Davis	Mr. Medlock	Mr. Williams
Dorris	Moore	Williams
Franks	Pierson	Young
Gardiner	Plumley	York
Grothaus	Prissick	Youngkin
Harn	Robinson	Zoeller

Those who voted in the negative are—

Mr. Austria	Mr. Gaston	Mr. Miller
Adams	Hughes	Posey
Abbott	Hawkins	Robb
Becton	Jenkins	Ross
Burley	Kyle	Simmons
Booty	Lacy	Smith
Chambers	Lane	Shelburne
Cotton	Leonard	Weaver
Crudup	McLean	Warren
Cole	McKee	Weaver
Ellis		

The resolution was then passed.

Mr. Robinson offered the following resolution :

Resolved, That the Senate is invited to meet the House in this hall at twelve, M., to-morrow, for the purpose of announcing the votes of both houses for senators, or for the election of senators, if such action be necessary.

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

Mr. Spencer then came forward, qualified and took his seat.

Mr. Abney moved a reconsideration of the vote removing Mr. J. Webster from the position of Second Assistant Sergeant-at-Arms, and electing E. Crary in his place.

Lost.

Mr. Tegener offered the following resolution :

Resolved, That the contestants of seats of this House, who have been declared entitled to their seats, and who have accordingly qualified and taken their seats in this body, be and they are hereby declared to be entitled to mileage and *per diem*, as other members.

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

Mr. Butler offered the following resolution :

Resolved, That the Commanding General be requested to order the Comptroller to pay the mileage of the members of this Legislature by the nearest public traveled route.

Mr. Sinclair moved the adoption of the resolution.

Mr. Slaughter offered the following amendment :

Strike out "public traveled route," and insert "stage route."

Mr. Sinclair moved the previous question, which was seconded.

Main question ordered.

The question recurring upon the adoption of the resolution, was carried in the affirmative.

Mr. Butler offered the following resolution :

Resolved, That this resolution be forwarded immediately to the Commanding General through his Excellency E. J. Davis.

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

Mr. Lane offered the following resolution :

WHEREAS, Under the provisions of the new Constitution of the State of Texas, the business of the District, Probate and County Courts is consolidated, and the whole to be transacted in the District Court, the labors of the court being thus greatly augmented, will render it necessary that the State be re-districted, and with a view to an equal division of labor;

Be it resolved, That the clerks of the District and County Courts throughout the State be requested to make out and transmit to the Secretary of State, immediately, a correct statement, under seal of their respective courts, of the number of cases and their character now upon their respective dockets, and of the number of successions in the Probate Court now unclosed.

Resolved, That the Secretary of State be requested to address a copy of these resolutions to the clerks of the State.

Mr. Franks moved that the resolution be laid upon the table.

Lost.

Mr. Chambers moved the adoption of the resolution.

Carried.

Mr. Slaughter offered a resolution relative to the sending of a committee of three for the purpose of presenting the Constitution of the State of Texas to the Congress of the United States.

Mr. McLean moved that the consideration of the resolution be indefinitely postponed.

Motion ruled out of order.

Mr. Morrison moved to lay the resolution on the table.
Motion ruled out of order.

On motion of Mr. Morrison, the resolution was rejected.
Mr. Burnett offered the following joint resolution :

Resolved, (The Senate concurring) that when this Legislature adjourn, it adjourn to reconvene on the call, by proclamation, of his Excellency Provisional Governor Davis, on the admission of this State into the councils of the Union by the Congress of the United States.

Mr. Slaughter moved the rejection of the resolution.

Lost.

Resolution read the first time.

Mr. Plumley offered the following resolution :

Resolved, That the officers of this House are entitled to mileage, homeward, and the Commanding General is respectfully requested to order the payment of the same.

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

Mr. Sinclair moved that the House proceed to the transaction of the business on the Speaker's table.

Carried.

The Speaker announced that the first business in order was a resolution introduced by Mr. Sinclair.

Resolution read, and is as follows :

Resolution asking Congress to establish a general postal telegraph system.

WHEREAS, There is pending in the Congress of the United States a bill to provide for the establishment of a postal telegraph throughout the United States; and,

Whereas, the passage of said bill and the establishment of said system of postal telegraph is of vital importance, and an urgent necessity to the people of this State, more especially so because of the fact that we are at so great a distance from the commercial, political and social centres, thereby involving upon us greater expense in the transaction of our business; and,

Whereas, the present telegraphic system of the United States is a vast monopoly, and holds within its grasp the entire business of the country, which must, of necessity, be transacted through that

medium, and dictates its own terms for the transaction of the same; therefore,

Resolved, That we, the Legislature of the State of Texas, do most earnestly pray that the Congress of the United States will pass the bill now under consideration, or some other in words and effect embodying in its provisions the objects contemplated by said bill.

Resolved, That the Speaker of this House be directed to forward a certified copy of this resolution to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Mr. Morrison moved that the resolution be adopted.

Carried.

The concurrent resolution introduced by Mr. Morris on the twenty-first instant, relative to the admission of the State into the Union and the adjournment of the Legislature, was then read.

Mr. Robinson offered the following amendment :

Amend by striking out the words "thirty days," and substituting therefor "twenty days."

Mr. Adams moved to amend the amendment as follows :

"That this House adjourn until the fifteenth day of May next."

The amendment to the amendment was lost.

Mr. Cooper offered the following substitute for the amendment of Mr. Robinson :

Amend by striking out, in the first resolution, "thirty days after the admission of the State by Congress," and insert "at such time as the Governor may direct by proclamation."

Mr. Franks moved the adoption of the substitute.

Carried.

The question then recurred upon the adoption of the amendment.

Carried.

The question recurring upon the adoption of the resolution as amended, was carried in the affirmative.

Mr. Butler moved to take a recess until 11:55 A. M., this day.

Carried.

11:55 O'CLOCK, A. M.

House called to order.

The Speaker announced that the business now before the House was nominations for United States Senators for the term ending March 4, 1877.

Mr. Butler nominated Mr. M. C. Hamilton.

Mr. Slaughter moved a call of the House.

Call sustained.

Absentees—Messrs. Sheriff and Manning.

Messrs. J. Abbott and Hazwell were excused on account of sickness.

Mr. Robinson moved that the absentees who were not absent through sickness, be brought into the House by the Sergeant-at-Arms.

Carried.

On motion of Mr. Schutze the call of the House was suspended.

Mr. Hughes nominated Mr. Horace Boughton.

Mr. Franks moved that each member rise to his feet upon giving his vote.

Carried.

The result of the vote was as follows :

Morgan C. Hamilton.....	54
Horace Boughton.....	28
A. B. Norton.....	1

The Speaker announced that nominations for United States Senator for the term ending March 4, 1875, were now in order.

Mr. Burnett nominated J. W. Flanagan.

Mr. Adams nominated Nelson Plato.

Mr. Stirman nominated S. D. Wood.

The result of the vote was as follows :

J. W. Flanagan.....	56
Nelson Plato.....	23
S. D. Wood.....	3
A. B. Norton.....	1

The Speaker announced that nominations for United States Senator for the term ending March 4, 1871, were in order.

Mr. Locke nominated M. C. Hamilton.

Mr. McLean nominated A. H. Latimer.

Mr. Miller nominated X. B. Saunders.

Mr. Ellis nominated J. J. Jarvis.

The result of the vote was as follows :

M. C. Hamilton.....	52
A. H. Latimer.....	24
X. B. Saunders.....	1
J. J. Jarvis.....	4
Nelson Plato.....	1
J. W. Glenn.....	1

Mr. Adams asked for leave of absence for the balance of the session.

Leave granted.

Mr. Butler moved that Mr. Manning be excused from paying the fees prescribed by the rules of the House, he having been brought in by the Sergeant-at-Arms.

Motion carried.

Mr. Slaughter moved that the House stand adjourned until tomorrow at ten o'clock, A. M.

Carried.

THIRTEENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1870.

House met pursuant to adjournment.

Roll called; quorum present.

Journal of yesterday read and adopted.

Mr. Stockbridge made the following report as Chairman of the Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, February 23, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the concurrent resolution offered by Mr. Morris, in regard to the meeting of the Legislature after the State shall have been

admitted into the Federal Union, and find the same to be correctly engrossed.

Very respectfully,

your obedient servant,

C. J. STOCKBRIDGE,

Chairman of Committee.

Mr. Abbott made the following report :

COMMITTEE ROOM.

AUSTIN, February 23, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives.

SIR: Your Committee on Contingent Expenses have found, upon investigation, that all of the contingent expenses of the Legislature have been provided for in the order of the commander of this district, making the appropriations to defray the expenses of the Legislature, in which the amount allowed for printing and contingent expenses is stated, and also the manner of the approval of all bills, etc.

The following resolution will cover the matter of newspapers furnished the Legislature :

Resolved, That ten cents, currency, be allowed all newspapers publishing the journals furnished the members of the Legislature.

C. L. ABBOTT,

Chairman of Committee on Printing and Contingent Expenses.

Mr. Schutze offered the following amendment to the resolution offered by the Committee on Printing and Contingent Expenses :

Between "all" and "newspapers," insert "Republican."

By leave of the House, Mr. Schutze withdrew his amendment.

Mr. Butler offered the following amendment :

Read "allowed the State Journal," in place of "all newspapers."

On motion of Mr. Slaughter, the report and resolution of the Committee on Printing and Contingent Expenses, and the amendment of Mr. Butler, were laid on the table.

Mr. Franks, Chairman of the Committee on Privileges and Elections, offered the following report :

COMMITTEE ROOM,

AUSTIN, February 21, 1870.

Hon. IRA H. EVANS.

Speaker of House of Representatives :

SIR: Your Committee on Privileges and Elections, to which

was referred the contest between E. S. Bell, J. E. Hawkins, A. Hanson and J. Abbott, as to the right to a seat in the House of Representatives as Representative for the Twentieth District, have had the same under much consideration, and beg leave to submit the following :

Contestants charge fraud and intimidation during the late election in the counties of Kaufman and Ellis. Your committee carefully examined into the matters and things herein set forth, and were unable to find that fraud or intimidation was practiced in Ellis county. But it appears from evidence in this case that intimidation and fraud was practiced in Kaufman county to such an extent that a fair expression at the polls was not had, as contemplated by the Reconstruction Laws of the Congress of the United States, therefore submit the following resolutions and recommend their adoption :

Resolved, That Kaufman county votes be not counted in the election.

2. That said J. Abbott and J. E. Hawkins be and are entitled to the seats now held by them as representatives from the Twentieth District, and that said E. S. Bell and A. Hanson are not entitled to seats in this body.

F. G. FRANKS,
Chairman.

On motion of Mr. Cooper, the report and resolution was adopted.

Mr. Franks, Chirman of the Committee on Privileges and Elections, made the following report :

COMMITTEE ROOM,
AUSTIN, February 23, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Privileges and Elections, to which was referred a contest between W. H. Bonner and E. L. Smith, as to the right to a seat in the House of Representatives as Representative for the Second District, have had the same under consideration, and from evidence before said committee, beg leave to submit the following, and recommend its adoption :

By reference to the tabular statement, it appears that W. H. Bonner received in said district for representative, 784 votes, E. L. Smith 795 votes, and Robert Bonner 47 votes; and it further appears from evidence that no such a man as Robert Bonner lives in said district, nor was any person by that name a candidate for said representation; that the tickets were printed and intended

for W. H. Bonner, but by mistake of the printer were struck as Robert Bonner; that the mistake was not ascertained in time to have the change made in all the counties in said district, consequently Robert Bonner received forty-seven votes which were intended positively for W. H. Bonner; the voters not being personally acquainted with said W. H. Bonner, and were under the impression that they were voting for said W. H. Bonner, and now desire said forty-seven votes to be counted for him, making a majority over E. L. Smith, as representative, thirty-six votes;

Therefore be it

Resolved, That E. L. Smith is not legally entitled to the seat now held by him in the House of Representatives, and that W. H. Bonner is justly entitled to the seat as Representative from the Second District, now held by said E. L. Smith.

F. G. FRANKS,
Chairman.

On motion of Mr. Sinclair, the report and resolution were adopted.

On motion of Mr. Franks, it was ordered that the Speaker forward a copy of the resolution to Mr. Bonner.

Mr. Robinson, Chairman of Committee on Enrolled Bills, made the following report :

COMMITTEE ROOM,
AUSTIN, February 23, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives :

SIR: Your Committee on Enrolled Bills, having carefully examined the concurrent resolution in regard to the time for the meeting of the Legislature after the admission by Congress of the State of Texas, ask leave to report that it is correctly enrolled.

W. G. ROBINSON,
Chairman of Committee.

Mr. Allen offered the following resolution :

WHEREAS, It is probable that mail matter will be sent to the honorable members of this body after its adjournment;

Therefore be it

Resolved, That the members of this body require the postoffice to be kept open for two weeks after the House stands adjourned, and further, that the Speaker of the House instruct said postmaster to forward all mail matter directed to any of the members of this House, to their respective postoffices.

Mr. Harn moved to lay the resolution upon the table.

Lost.

Mr. Hill offered the following amendment :

That " ten days " be inserted in the place of " two weeks. "

On motion of Mr. Butler, the amendment was adopted.

The question recurring upon the adoption of the resolution as amended, it was adopted.

Mr. Morrison offered the following resolution :

Resolved, That five thousand copies of the speech of the Hon. W. H. Parsons, delivered in the Senate Chamber on the occasion of taking the vote on the Fifteenth Amendment to the Constitution of the United States, be printed for the use of the members of this House.

On motion of Mr. Harn, the resolution was rejected.

Mr. Johnson offered the following resolution :

WHEREAS, The fifth, sixth and seventh sections of article ten of the Constitution of the State, are liable to be construed as an effort upon the part of the State to interfere with rights which are claimed to be vested by virtue of past legislation, and thus retard and embarrass railroads now in the course of construction, and to lock up the public domain, comprising as it does a large part of the public resources, and thereby greatly impede the prosperity of the State ; and

Whereas, it is desirable that every doubt should be removed as early as possible,

Therefore be it

Resolved by the Legislature of the State of Texas, That Congress be and is hereby requested in accepting the constitution, to except from the same the said sections, and to authorize their submission to a vote of the people for acceptance or rejection, before they become a part of the constitution.

Be it further resolved, That our senators be instructed, and representatives in Congress be requested, to use their influence to get Congress to grant this request, and that the Governor be directed to forward copies of these resolutions to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each of the senators and representatives from this State in Congress.

On motion of Mr. J. F. McKee, the resolution was laid upon the table.

On motion of Mr. Slaughter, Mr. Harn was granted leave of absence for the balance of this session.

Mr. Shelburne offered the following resolution :

Resolved, That each member of this House give to the clerk, before the adjournment of this House, his name, age, occupation, county and postoffice.

On motion of Mr. Morrison, the resolution was laid upon the table.

Mr. Hughes offered the following resolution :

Resolved, That all persons holding certificates of election, whose seats in this House have been successfully contested, be allowed per diem up to the date of the decisions of their cases, and mileage.

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

On motion of Mr. Morrison, the House took a recess until 11:55 this morning.

AUSTIN, February 23, 1870.

11:55 A. M.

House called to order.

Roll called ; quorum present.

The Sergeant-at-Arms announced the Senate in waiting.

The Senate, headed by their presiding officer, entered the hall.

The Speaker announced the following as the result of the vote of both Houses for United States Senators :

FOR THE TERM ENDING MARCH 4, 1877.

	<i>Votes.</i>
M. C. Hamilton.....	71
Horace Boughton.....	39
A. B. Norton.....	1

Mr. M. C. Hamilton having received a majority of all votes cast in each house, was declared duly elected United States Senator for the term ending March 4, 1877.

The Speaker announced the following as the result of the vote of both houses for United States Senator for the unexpired portion of the term ending March 4, 1875 :

	<i>Votes</i>
J. W. Flanagan.....	74
N. Plato.....	32
S. D. Wood.....	2
A. B. Norton.....	1

Mr. J. W. Flanagan having received a majority of all the votes cast in each house, was declared duly elected United States Senator for the unexpired portion of the term ending March 4, 1875.

The Speaker announced the following as the result of the vote of both houses for United States Senator for the unexpired portion of the term ending March 4, 1871.

	<i>Votes.</i>
M. C. Hamilton.....	69
A. H. Latimer.....	35
H. B. Saunders.....	1
J. J. Jarvis.....	4
N. Plato.....	1
J. W. Glenn.....	1

Mr. M. C. Hamilton having received a majority of all the votes cast in both houses was duly declared elected United States Senator for the unexpired portion of the term ending March 4, 1871.

Mr. Schutze moved that the United States Senators elect be invited to address the General Assembly.

Carried.

On motion of Mr. Morrison a committee of five was appointed to wait on the senators elect, and notify them of the action of the General Assembly.

Committee appointed by the Speaker, viz: Senators Parsons and Fountain, Representatives Morrison, Robinson and Schutze.

Senator Parsons moved that the House take a recess for fifteen minutes.

Motion withdrawn by permission.

On motion of Senator Bowers the Senate retired to their Chamber.

Mr. McLean offered the following resolution :

Resolved by the House of Representatives of the Legislature of Texas, That the thanks of this body are due to the Hon. Ira H. Evans, Speaker of the present session of the Legislature for the impartial, upright and intelligent manner in which he has discharged the responsible and difficult duties of presiding officer.

On motion of Mr. Franks the resolution was adopted.

On motion of Mr. Abney, Mr. Crudup was excused for the balance of the session.

On motion of Mr. Butler, Mr. R. Allen was excused the balance of the session.

Mr. Robinson offered the following resolution :

WHEREAS, Strenuous efforts are now being made to induce the Congress of the United States to strike from article ten of the new Constitution of the State of Texas, sections five, six and seven, before accepting the same; and

Whereas, Such amendment would be prejudicial to the best interests of the State at large; therefore be it

Resolved, That the House of Representatives of the State of Texas, by a large majority, disapprove of any such action being taken, and respectfully ask that the State may be admitted under the new Constitution as it now stands.

Resolved, That a copy of these resolutions be transmitted to the President of the Senate and Speaker of House of Representatives of the United States.

On motion of Mr. Slaughter the resolution was laid upon the table.

On motion of Mr. Slaughter, Mr. H. R. Allen was granted leave of absence for the balance of this session.

On motion of Mr. Williams, Mr. Dupree was granted leave of absence for the balance of this session.

On motion of Mr. Cooper leave of absence was granted Mr. Youngkin for the balance of this session.

Mr. Harn offered the following resolution :

Resolved, That the elected officers of this House be entitled to the same per diem as members, and the per diem of porters and pages be four (\$4) dollars.

On motion of Mr. Hughes the resolution was laid on the table.

Mr. Slaughter moved to adjourn until seven o'clock P. M.

Motion withdrawn by leave of the House.

Mr. Morrison offered the following resolution :

Resolved, That those parties who have appeared before the Committee on Privileges and Elections as contestants, and whose claims have been rejected by this House, be allowed per diem and mileage, they having attended in good faith.

Mr. McLean moved to lay the resolution on the table.

Lost.

Mr. Franks moved the adoption of the resolution.

Mr. Hughes moved that the House adjourn *sine die*.

The yeas and nays were demanded, and stood :

Yeas.....	13
Nays.....	68

Those who voted in the affirmative are---

Mr. Abney	Mr. Haswell	Mr. McKee
Abbott, C L	Jenkins	Smith
Abbott, J	Kyle	Spencer
Hughes	Lacy	Warren
Harn		

Those who voted in the negative are---

Mr. Speaker	Mr. Hamilton	Mr. Schlickum
Austin	Hawkins	Simmons
Allen	Johnson	Slaughter
Burnett	Kendall	Sinclair
Becton	Lane	Sheriff
Butler	Leonard	Stirman
Burley	Locke	Schlotman
Booty	Manning	Stockbridge
Chambers	Moore	Shelburne
Cooper	Morris	Schutz
Cotton	McLean	Tegener
Cole	McKee	Tinsley
Camp	Mullins	Weaver, S S
Cox	Medlock	Wilkinson
Dupree	Miller	Williams, R
Davis	Posey	Weaver, J C
Dorris	Pierson	Williams, B F
Ellis	Plumley	Young
Franks	Prissick	York
Gaston	Robb	Youngkin
Gardiner	Robinson	Zapp
Grothaus	Ross	Zoeller
Hill		

On motion of Mr. Slaughter the House adjourned until half-past seven o'clock this evening.

AUSTIN, February 23, 1870.
7:30 P. M.

Roll called; quorum present.

Mr. Cooper offered the following resolution:

Resolved, That the Hon. M. C. Hamilton and J. W. Flanagan be invited to seats upon the Speaker's stand, and that a committee of three be appointed to conduct them to the same.

Resolution adopted.

The Speaker appointed the following committee to conduct Messrs. M. C. Hamilton and J. W. Flanagan to the stand:

Senator Fountain, and Representatives Cooper and Robinson.

The Speaker then introduced the Hon. M. C. Hamilton, senator elect, who addressed the assembly.

The Speaker then introduced the Hon. J. W. Flanagan, senator elect, who addressed the assembly.

By request of the assembly, Senator Parsons and Representative Plumley delivered addresses.

After which,

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

FOURTEENTH DAY'S PROCEEDINGS.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 24, 1870.

House met pursuant to adjournment.

Roll called; quorum present.

Journal of yesterday read and adopted.

The Sergeant-at-Arms announced a committee from the Senate.

The committee from the Senate reported that the Senate had agreed to adjourn to-day, at twelve o'clock M., and asked the House to concur in the action of the Senate.

Mr. Schutze offered the following resolution :

Resolved, That successful contestants of seats in this House, who have qualified and taken their seats, are entitled to per diem pay from the time of their contesting the same.

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

Mr. Hughes offered the following resolution :

WHEREAS, This body having now proceeded to ratify the several amendments to the Constitution of the United States, as required by the laws of Congress, known as the Reconstruction Laws; and having elected to the United States Senate men of known loyalty to the Government of the United States, in the past as well as in the present; and having, as we believe, fully exercised all the powers that, under the Reconstruction Laws, properly belong to this as a provisional body :

Therefore be it

Resolved, That this body do adjourn this day, at twelve o'clock, M., the Senate concurring, to stand adjourned until the same shall be regularly convened as the Legislature proper of the State of Texas.

With leave of the House, the resolution was withdrawn.

Mr. Burnett offered the following resolution :

Resolved, That this House hereby concur in the resolution adopted by the Senate, that the Legislature adjourn this day, at twelve o'clock, M.

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

On motion of Mr. Burnett, a committee of three was appointed to inform the Senate of the action of the House in regard to the adjournment of the House, at twelve o'clock, M.; viz.:

Mr. J. R. Burnett, Mr. W. J. Locke, Mr. W. P. McLean.

Mr. Gardiner offered the following resolution:

Resolved, That the Sergeant-at-Arms of this House be ordered to come to the city of Austin, Texas, ten days prior to the assembling of this honorable body, to place the House in order for its occupancy.

Lost.

Mr. Burnett announced that the committee had discharged their duty, by informing the Senate of the action of the House in regard to the adjournment at twelve o'clock this day.

Mr. Cooper offered the following resolution:

Resolved, That the Sergeant-at-Arms be required to come to Austin five days before the convening of the Legislature, for the purpose of putting the House in order for the meeting of said Legislature.

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

On motion of Mr. Cooper, the House proceeded to the transaction of the business on the Speaker's table.

The following communications were read, from the Commander of Fifth Military District; viz.:

HEADQUARTERS FIFTH MILITARY DISTRICT,

OFFICE OF SECRETARY FOR CIVIL AFFAIRS,

AUSTIN, February 23, 1870.

Hon. IRA H. EVANS,

Speaker of House of Representatives,

Austin, Texas:

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, adopted February 22, 1870, requesting that I "order the Comptroller to pay the mileage of the members of the Legislature by the nearest public traveled routes."

I decline to issue the order requested, but have ordered the Comptroller to pay mileage of the members of the Legislature according

to the distances laid down and adopted by the Post Office Department.

Very respectfully,
 your obedient servant,
 J. J. REYNOLDS,
 Brevet Major-General, U. S. A.,
 Commanding.

HEADQUARTERS FIFTH MILITARY DISTRICT.
 OFFICE OF SECRETARY FOR CIVIL AFFAIRS,
 AUSTIN, TEXAS, February 23, 1870.

Hon. IRA H. EVANS,
 Speaker of House of Representatives,
 Austin, Texas:

SIR: I have the honor to acknowledge the receipt of a resolution passed by the House of Representatives on the twenty-second of February, 1870, stating that the officers of this House are entitled to mileage homeward, and the Commanding General is respectfully requested to order the payment of the same.

I herewith return the resolution; the same is not favorably considered.

Very respectfully,
 your obedient servant,
 J. J. REYNOLDS,
 Brevet Major-General, U. S. A.
 Commanding.

On motion of Mr. Jenkins, the House took a recess until fifty-five minutes past eleven o'clock, this A. M.

11:55 o'clock A. M.

House called to order.

Mr. Johnson offered the following resolution:

WHEREAS, The administration of Brevet Brigadier-General Geo. P. Buell, commanding the post at Jefferson, under the Reconstruction Laws of Congress, has been signalized by great ability in the maintainance of order and the suppression of crime within the bounds of his jurisdiction; and

Whereas, it is always becoming in those upon whom great benefits have been conferred to unite in some appropriate method of exhibiting a just appreciation of the efforts of their benefactors;

Therefore, be it

Resolved by the Legislature of the State of Texas, That the thanks of the people of the State are due, and are hereby tendered, to Gen. Geo. P. Buell, for the prompt, faithful, and satisfactory manner in which he has discharged the varied and responsible duties of his position, succeeding, as he has, in a most eminent degree, in the protection of the people against lawlessness, and the restoration of peace and quiet to a large portion of the country.

Resolved, That the Governor be directed to transmit to Gen. Buell, and the General of the United States Army, immediately upon their passage, a copy of this preamble and resolutions.

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

The Speaker announced that the hour for adjournment had arrived, and accordingly declared the House adjourned.

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