

TWELFTH DAY'S PROCEEDINGS.

SENATE CHAMBER,
AUSTIN, Tuesday, February 22, 1870.

Senate met pursuant to adjournment.
Lieutenant-Governor J. W. Flanagan presiding.
Roll called; quorum present.
Minutes of yesterday read and approved.
Communication from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 21, 1870.

Hon. J. W. FLANAGAN,

President of the Senate:

SIR: I have the honor to transmit herewith a resolution adopted by the House this forenoon, in regard to the death of the Hon. M. A. Elliott, and to state that in pursuance of said resolution the House stands adjourned until to-morrow at ten o'clock A. M.

Very respectfully,

your obedient servant,

IRA H. EVANS,
Speaker of the House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 21, 1870.

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 by this House expressive of their sentiment; 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.

(Signed)

S. S. WEAVER,
Chairman of Committee.

Senator Ruby moved that the resolution be received and spread upon the journals of the body.

Carried.

Report of Committee on Elections.

COMMITTEE ROOM.

Hon. J. W. FLANAGAN,

President of the Senate:

SIR: In the matter of contest for seat in your honorable body between J. H. Lippard vs. W. H. Pyle, of the Twentieth Senatorial District, your committee would respectfully report that contestant appeared before the committee and charged that the election of W. H. Pyle as Senator from the Twentieth Senatorial District was procured through intimidation and fraud on the part of said W. H. Pyle or his friends.

After an impartial hearing of all the evidence in the case, your committee decide that the testimony does not sustain the charge of the contestant, and therefore recommend that your honorable body permit W. H. Pyle, senator elect, to retain his seat as Senator from the Twentieth Senatorial District.

Respectfully submitted,

THOS. H. BAKER,

Chairman.

Minority report of Committee on Elections, in matter of Lippard vs. Pyle, was presented by Senators Hertzberg and Gaines.

Senator Flanagan moved the adoption of the majority report, which was carried by the following vote:

Yeas.....	18
Nays.....	9

Those voting in the affirmative are:

Mr. Baker
Bell
Bowers
Broughton
Campbell
Clark
Cole
Dohoney
Douglas

Mr. Evans
Flanagan
Foster
Latimer
Mills
Pickett
Pridgen
Rawson
Shannon

Those voting in the negative are :

Mr. Alford
Ford
Fountain
Gaines
Hall

Mr. Hertzberg
Parsons
Ruby
Saylor

Senator Cole offered the following resolution :

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

Whereas, J. E. Dilliard, Esq., received the next highest number of votes for Senator from the Third Senatorial District; therefore,

Be it resolved, That J. E. Dilliard be and is hereby entitled to a seat in this house as Senator from the Third Senatorial District *vice* M. Priest, disqualified.

Resolved, That a copy of these resolutions be transmitted to J. E. Dilliard, Esq., for his information, with a request for him to appear and qualify at the opening of the next regular session.

Senator Parsons moved to table the resolution, which was carried by the following vote :

Yeas.....	17
Nays	9

Those voting in the affirmative are :

Mr. Alford
Baker
Bell
Campbell
Ford
Flanagan
Foster
Fountain
Gaines

Mr. Hall
Hertzberg
Mills
Parsons
Pridgen
Rawson
Ruby
Saylor

Those voting in the negative are :

Mr. Bowers
Broughton
Clark
Cole
Douglas

Mr. Evans
Latimer
Pickett
Shannon

Senator Hall offered the following resolution :

Resolved, That all persons contesting seats be allowed mileage and per diem up to date of decision of their cases and that the Secretary be authorized to issue warrants for the same.

Senator Campbell moved to amend as follows :

Resolved, That mileage be allowed to all senators holding certificates of elections and all successful contestants ; and

Resolved, further, That all elected officers be allowed mileage in addition to their per diem.

Carried.

Senator Campbell moved to take a recess until twelve o'clock, M.

Carried.

Senate met at twelve, M., appointed time.

Roll called.

Call of the Senate taken and Sergeant-at-Arms ordered to bring in absentees.

Quorum present.

The Chair announced nominations were in order for United States Senators.

Senator Mills nominated Morgan C. Hamilton for the term commencing March 4, 1871, and ending March 4, 1877.

Senator Douglas nominated Horace Broughton for the same term.

Vote stood as follows :

M. C. Hamilton...	17
Horace Broughton.....	11

Senator Fountain nominated Lieutenant-Governor J. W. Flanagan for the term commencing March 4, 1870, and ending March 4, 1873.

Whereupon Lieutenant-Governor J. W. Flanagan vacated his chair as presiding officer, appointing Senator Fountain to the Chair.

Senator Broughton nominated Hon. Nelson Plato for the same term.

Senator Dohoney nominated L. D. Evans for the same term.

Vote stood as follows :

Lieutenant-Governor Flanagan.....	18
Nelson Plato.....	9
L. D. Evans.....	1

Senator Baker nominated M. C. Hamilton for term ending March 4, 1871.

Senator Bowers nominated Hon. A. H. Latimer for the same term.

Vote stood as follows :

Hon. M. C. Hamilton.....	17
Hon. A. H. Latimer.....	11

Senator Bowers moved to reconsider the motion of Senator Campbell's amendment, allowing mileage to the officers of the Senate.

Carried.

Senator Bowers offered the following amendment :

Amend by striking out the words "further, that all elected officers be allowed mileage in addition to their per diem."

Senator Parsons moved to amend the amendment, as follows :

Resolved, That the subordinate officers of this Senate be allowed mileage going from this adjournment and coming to the regular session.

The Chair ruled the whole subject matter out of order.

Senator Dohoney moved the Senate adjourn until to-morrow morning at ten o'clock.

Carried.

THIRTEENTH DAY'S PROCEEDINGS.

SENATE CHAMBER,
AUSTIN, Wednesday, February 23, 1870.

Senate met pursuant to adjournment.

Lieutenant-Governor J. W. Flanagan presiding.

Roll called ; quorum present.

Minutes of yesterday read and approved.

Senator Ruby offered the following :

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 an opportunity of giving his distinguished services to the country a