

**JOURNAL**

**OF THE**

**HOUSE OF REPRESENTATIVES**

**OF THE**

**TWELFTH LEGISLATURE.**

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**PART FIRST.**

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**AUSTIN:**  
**J. G. TRACY, STATE PRINTER,**  
**1871.**

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, Wednesday, May 10, 1871. }

House met pursuant to adjournment; Speaker Evans in the Chair.

Roll called; quorum present.

Absent—Messrs. Becton, Bonner, Cole, J. R. McKee, Miller, Smyth, Tinsley and S. S. Weaver.

Excused—Messrs. Becton, Cole, J. R. McKee, Smyth, Tinsley and S. S. Weaver.

Prayer by the Chaplain.

On motion of Mr. Grothaus, the reading of yesterday's journal was dispensed with.

As a matter of privilege, Mr. Butler offered the following resolution:

*Resolved*, That the office of Speaker of this House be now declared vacant.

Resolution read first and second times.

[Mr. Robertson in the Chair.]

Mr. Chambers moved to reject the resolution, upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Jo. Abbott, Camp, Chambers, Davis, Ellis, Franks, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, J. F. McKee, McLean, R. L. Moore, Prissick, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman, J. C. Weaver, Zapp—28.

Nays—Messrs. C. L. Abbott, H. R. Allen, R. Allen, Burley, Butler, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, Mullens, Patten, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Slaughter, Stockbridge, Tegener, Van Noy, B. F. Williams, R. Williams, York, Young, Youngkin, Zoeller—45.

So the House refused to reject the resolution.

Mr. Harn moved the adoption of the resolution.

Mr. Robb moved a call of the House. Call sustained.

Absent—not excused—Messrs. Austin, Bonner, Gaxton and Miller.

Mr. Burley moved a suspension of the call of the House, upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. C. L. Abbott, H. R. Allen, R. Allen, Burley,

Butler, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, Mullens, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Slaughter, Stockbridge, Tegener, Van Noy, B. F. Williams, R. Williams, York, Young, Youngkin, Zoeller—43.

Nays—Messrs. Jo. Abbott, Camp, Chambers, Davis, Ellis, Franks, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, J. F. McKee, McLean, R. L. Moore, Patten, Posey, Prissick, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman, J. C. Weaver, Zapp—31.

So the call of the House was suspended.

Mr. Butler moved the previous question.

Previous question seconded.

The following message was received from the Governor by Mr. Frank L. Britton, his private Secretary :

GOVERNOR'S OFFICE,  
AUSTIN, May 8, 1871.

To the honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN: I have the honor to inform your honorable body that the following named bills have been received by me and approved, to-wit:

Senate bill No. 94, "An act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871.

House bill No. 153, "An act to provide for the obtaining and transcribing of the several acts or charters founding the towns of Reynosa, Camargo, Mier and Guerrero, in the Republic of Mexico, and of Laredo in Texas, and making an appropriation for that purpose," approved April 24, 1871.

Senate bill No. 166, "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

Senate bill No. 368, "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," approved April 25, 1871.

Senate bill No. 31, "An act to incorporate Douglassville College," approved April 26, 1871.

Senate bill No. 216, "An act to incorporate the town of Socorro, in El Paso county," approved April 26, 1871.

House bill No. 82, "An act for the relief of T. F. Stendeback, late sheriff of Kendall county," approved April 26, 1871.

House bill No. 277, "An act to amend an act entitled 'an act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas,' approved July 8, 1870," approved April 26, 1871.

House bill No. 137, "An act to incorporate the town of Palestine, in the county of Anderson," approved April 26, 1871.

House bill No. 553, "An act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs," approved April 26, 1871.

Senate bill No. 228, "An act for the relief of Thomas G. Davidson," approved April 26, 1871.

Senate bill No. 22, "An act to incorporate the Johnson's Point Male and Female Seminary," approved April 26, 1871.

Senate bill No. 214, "An act to incorporate the Jamestown High School," approved April 26, 1871.

Senate bill No. 157, "An act to incorporate the Dallas Gas Company," approved April 26, 1871.

House bill No. 494, "An act to incorporate the Galveston Bank and Trust Company," approved April 26, 1871.

Senate bill No. 230, "An act to incorporate the officers and members of the Grapevine Lodge No. 288, Free and Accepted Masons," approved April 26, 1871.

Senate bill No. 51, "An act amendatory of article 263 of the Code of Criminal Procedure," approved April 26, 1871.

House bill No. 25, "An act to incorporate a Gymnastic Association at New Braunfels, under the name and style of Turnverein, New Braunfels," approved April 26, 1871.

House bill No. 432, "An act to amend sections one and four of 'an act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces,' passed July 26, 1870," approved April 26, 1871.

House bill No. 463, "An act to incorporate the Galveston Hibernian Society," approved April 26, 1871.

House bill No. 378, "An act to incorporate the city of Waco," approved April 26, 1871.

House bill No. 433, "An act for the relief of S. B. Reid," approved April 26, 1871.

Senate bill No. 130, "An act to prohibit the sale of intoxicating or spirituous liquors in the immediate vicinity of the town of Circleville, Williamson county, Texas," approved April 26, 1871.

House bill No. 13, "An act to incorporate the Gymnastic Association of Yorktown," approved April 27, 1871.

Senate bill No. 218, "An act to amend an act entitled 'an act to consolidate in one act and amend the several acts incorporating the

city of Houston, in Harris county,' passed August 2, 1870," approved April 27, 1871.

Senate bill No. 121, "An act providing that all fees or costs of peace officers shall be taxed and payable in United States currency," approved April 27, 1871.

Senate bill No. 35, "An act to amend an act entitled 'an act to incorporate the city of Columbus, and for other purposes,' approved August 5, 1870," approved April 27, 1871.

Senate bill No. 318, "An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company," approved April 27, 1871.

Senate bill No. 287, "An act to authorize the Governor to order a special election in the county of Grimes to settle permanently the county seat of said county," approved April 27, 1871.

Senate bill No. 10, "An act for the relief of James E. Carlton, sheriff of Jasper county," approved April 27, 1871.

House bill No. 135, "An act to incorporate the town of Linden, Davis county," approved April 27, 1871.

House bill No. 518, "An act to incorporate the town of Ledbetter, county of Fayette," approved April 27, 1871.

House bill No. 379, "An act to incorporate the Waco Insurance Company," approved April 27, 1871.

House bill No. 198, "An act appropriating money for furnishing the Comptroller's building," approved April 28, 1871.

Senate bill No. 42, "An act to incorporate the Merchants' and Planters' Savings Bank of Texas," approved April 28, 1871.

House bill No. 264, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," approved April 28, 1871.

House bill No. 37, "An act to amend an act entitled 'an act to establish a State police and provide for the regulation of the same,' approved July 1, 1870," approved May 2, 1871.

Senate joint resolution No. 33, "Joint resolution authorizing and requiring the Governor to call a special election to fill certain vacancies," approved May 2, 1871.

House bill No. 502, "An act to incorporate the French Benevolent and Mutual Assistance Society of Galveston, Texas," approved May 2, 1871.

Senate bill No. 33, "An act to incorporate the Jefferson Insurance Company," approved May 2, 1871.

House bill No. 415, "An act to incorporate the city of Marshall and to grant a new charter to said city," approved May 2, 1871.

House bill No. 217, "An act to incorporate the town of Dangerfield, in Titus county," approved May 2, 1871.

Senate bill No. 137, "An act to incorporate the Sabine and Neches Mutual Insurance Company," approved May 2, 1871.

Senate bill No. 126, "An act to incorporate the town of Marlin, in Falls county," approved May 2, 1871.

Senate bill No. 211, "An act to amend the third section of an act entitled 'an act creating the counties of Presidio, El Paso and Worth,' approved January 3, 1850," approved May 2, 1871.

Senate bill No. 241, "An act to incorporate the Mansfield Male and Female College, in Tarrant county," approved May 2, 1871.

House bill 584, "An act to amend an act entitled 'an act to incorporate the Galveston City Railroad Company,' approved October 8, 1866," approved May 2, 1871.

Senate bill No. 131, "An act to incorporate the San Antonio and Sherman Bridge Company," approved May 2, 1871.

House bill No. 215, "An act to provide for the payment of the public debt of the State of Texas," approved May 2, 1871.

House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county," approved May 2, 1871.

House bill No. 60, "An act to incorporate the town of Cleburne, in Johnson county," approved May 3, 1871.

Senate bill No. 198, "An act to organize the county of Pecos," approved May 3, 1871.

House bill No. 269, "An act for the protection of poor persons in cases of appeal in civil suits," approved May 3, 1871.

House bill No. 216, "An act to incorporate the town of Mount Pleasant, in Titus county," approved May 3, 1871.

House bill No. 260, "An act amendatory of section thirty-one of an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," approved May 3, 1871.

House bill No. 280, "An act to incorporate the West Fork Male and Female College," approved May 4, 1871.

House bill No. 435, "An act to incorporate the city of Huntsville, in Walker county, Texas," approved May 4, 1871.

House bill No. 283, "An act to incorporate Waco Lodge No. 92, Ancient, Free and Accepted Masons," approved May 4, 1871.

House bill No. 501, "An act to incorporate the Germania Club of the city of Galveston," approved May 4, 1871.

House bill No. 583, "An act supplementary to an act entitled 'an act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier,' approved August 5, 1870," approved May 4, 1871.

House bill No. 348, "An act to incorporate the Hope Independent

Fire Company No. 4, of Galveston, Texas," approved May 6, 1871.  
 • House bill No. 88, "An act providing for the completion and control of the Supreme Court building, library, etc.," approved May 6, 1871.

Senate bill No. 197, "An act to require the clerk of the District Court of Lamar county to index the records in his office and providing for his payment therefor," approved May 6, 1871.

Senate bill No. 195, "An act to incorporate the Hempstead and West Liberty Air Line Railway Company," approved May 6, 1871.

Senate bill No. 102, "An act to further amend the eleventh section of 'an act to provide for the registration of deeds and other instruments of writing,' approved May 12, 1846," approved May 6, 1871.

House bill No. 385, "An act to incorporate the town of Lexington, in Burleson county," approved May 6, 1871.

House bill No. 409, "An act to incorporate the city of Brenham and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter," approved May 6, 1871.

House bill No. 14, "An act to incorporate the Casino Society of Victoria," approved May 6, 1871.

House bill No. 588, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Mansfield College, Tarrant county," approved May 6, 1871.

House bill No. 466, "An act to incorporate the Blufton Male and Female Academy," approved May 6, 1871.

House bill No. 618, "An act supplemental to an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,' approved April 12, 1871," approved May 6, 1871.

House bill No. 525, "An act to incorporate the Union Coal, Iron and Copper Mining and Manufacturing Company," approved May 6, 1871.

Very respectfully,

EDMUND J. DAVIS,

Governor.

The question recurring "Shall the main question now be put?" the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. C. L. Abbott, H. R. Allen, R. Allen, Burley, Butler, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grot-haus, Hamilton, Harn, Haswell, Johnson, Kendall, Lane, Locke, Lorange, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, Mullens, Patten, Pierson, Plumley, Prissick, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Slaughter, Stock-

bridge, Tegener, Van Noy, B. F. Williams, R. Williams, York, Young, Youngkin, Zoeller—48.

Nays—Messrs. Jo. Abbott, Booty, Chambers, Davis, Ellis, Franks, Gaston, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lyons, J. F. McKee, McLean, R. L. Moore, Posey, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman, J. C. Weaver, Zapp—28.

So the main question was ordered.

The main question being on the adoption of the resolution offered by Mr. Butler, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. C. L. Abbott, H. R. Allen, R. Allen, Burley, Butler, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, R. L. Moore, Mullens, Patten, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Slaughter, Stockbridge, Tegener, Van Noy, B. F. Williams, R. Williams, York, Young, Youngkin, Zoeller—47.

Nays—Messrs. Jo. Abbott, Booty, Chambers, Davis, Ellis, Franks, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, J. F. McKee, McLean, Posey, Prissick, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman, J. C. Weaver, Zapp—29.

So the resolution was adopted.

Mr. R. L. Moore moved to reconsider the vote just taken.

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

Yeas—Messrs. C. L. Abbott, H. R. Allen, R. Allen, Butler, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, Mullens, Patten, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Slaughter, Stockbridge, Tegener, Van Noy, B. F. Williams, R. Williams, York, Young, Youngkin, Zoeller—45.

Nays—Messrs. Jo. Abbott, Booty, Chambers, Davis, Ellis, Franks, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, J. F. McKee, McLean, R. L. Moore, Posey, Prissick, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman, J. C. Weaver, Zapp—30.

So the motion to reconsider was laid on the table.

Mr. Butler moved that Mr. George H. Slaughter be appointed Speaker *pro tem*.



Mr. Franks moved that the House adjourn until 9 o'clock A. M. to-morrow, upon which motion the yeas and nays were called for, and resulted as follows:

Yeas---Messrs. Jo. Abbott, Austin, Booty, Chambers, Davis, Ellis, Evans, Franks, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, J. F. McKee, McLean, R. L. Moore, Posey, Prissick, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman, J. C. Weaver, Zapp---31.

Nays---Messrs. C. L. Abbott, H. R. Allen, R. Allen, Burley, Butler, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorance, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, Mullens, Patten, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Slaughter, Stockbridge, Tegener, Van Noy, B. F. Williams, R. Williams, York, Young, Youngkin, Zoeller---46.

So the House refused to adjourn.

The question recurring on the motion of Mr. Butler to appoint Mr. Slaughter, Speaker *pro tem.*, the yeas and nays were called for and resulted as follows:

Yeas---Messrs. C. L. Abbott, H. R. Allen, R. Allen, Burley, Butler, Camp, Cotton, Cox, Dorris, Dupree, Ellis, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorance, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, Mullens, Patten, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Spencer, Stockbridge, Tegener, Van Noy, B. F. Williams, R. Williams, York, Young, Youngkin, Zoeller---46.

Nays---Messrs. Austin, Booty, Chambers, Davis, Evans, Franks, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, J. F. McKee, McLean, Posey, Robb, Robertson, Ross, Shelburne, Schlotman, Self, Simmons, Stirman, J. C. Weaver, Zapp---27.

So Mr. Slaughter was appointed Speaker *pro tem.*

Mr. Slaughter then took the chair.

Mr. Butler moved that the House now proceed to make nominations for Speaker, upon which motion the yeas and nays were called for and resulted as follows:

Yeas---Messrs. C. L. Abbott, H. R. Allen, R. Allen, Burley, Butler, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorance, Manning, Medlock, Mitchell, Morris, Morrison, Henry Moore, Mullens, Patten, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Sinclair, Slaughter, Stockbridge,

Tegener, Van Noy, R. Williams, York, Young, Youngkin, Zoel-  
er--45.

Nays--Messrs. Jo. Abbott, Austin, Chambers, Davis, Ellis,  
Evans, Franks, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons,  
J. F. McKee, McLean, R. L. Moore, Posey, Prissick, Robb, Robert-  
son, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman,  
J. C. Weaver, Zapp--30.

So the motion was carried.

### NOMINATIONS FOR SPEAKER.

Mr. Plumley nominated Hon. William H. Sinclair.

Mr. Franks nominated Hon. Ira H. Evans.

Mr. Camp nominated Hon. George H. Slaughter.

Mr. Chambers nominated Hon. W. P. McLean.

Mr. Zapp nominated Hon. Julius Schutze.

Mr. R. L. Moore nominated Hon. B. F. Williams.

Mr. Posey nominated Hon. A. Dorris.

Mr. Franks nominated Hon. L. B. Camp.

Messrs. Evans, Slaughter, McLean and Schutze declined the  
nomination.

On motion of Mr. Schutze, nominations were closed.

The Speaker *pro tem.* appointed Messrs. Franks, McLean and  
Kendall tellers.

Mr. Butler moved that two additional tellers be appointed. Car-  
ried.

The Speaker *pro tem.* appointed Messrs. Butler and Plumley  
additional tellers.

### RESULT OF THE BALLOT.

Hon. William H. Sinclair received	42 votes.
Hon. B. F. Williams received	10 votes.
Hon. L. B. Camp received	12 votes.
Hon. A. Dorris received	3 votes.
Scattering	5 votes.

Hon. William H. Sinclair having received a majority of all the  
votes cast was declared duly elected Speaker.

The Speaker *pro tem.* appointed Messrs. Camp, Butler and Rich-  
ard Allen a committee to conduct the Speaker elect to the chair.

Upon taking the chair, the Speaker said:

Fellow Representatives: Grateful as I should be, and grateful  
as I am for the honor you have conferred upon me in electing me  
presiding officer of this House, I assume the duties of Speaker with

mingled feelings of sorrow and regret for reasons known to the most of you. The honorable gentleman whom I am elected to succeed is and has long been my personal friend. As soldiers we served together in the United States army, during the late war, in the same corps and on the same staff. In civil life our relations have been the same as in the army, and the friendship there formed has continued since. I accept the trust with which you have honored me, relying upon you to bear with and aid me in the discharge of its duties.

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