ing the President to appoint a standing committee on Federal Relations, was read; and on motion of Mr. Wallace, was laid on the table and made the special order of the day for Friday the 9th inst.

The resolution offered by Mr. Taylor on yesterday, instructing the committee on Contingent Expenses to contract for copies of the Texas State Gazette, &c., was read.

Mr. Robertson moved to amend the resolution by filling the blank with "15" and striking out after the word "copies" the words "of each publication" and inserting after the word "Austin" the words "for the use of the President and each member of the Senate, three times a week;" adopted.

The yeas and nays being called on the adoption of the resolution as amended, stood thus:

Yeas: Messrs. Brashear, Cooke, Jones, Moffett, McRae, Portis, Robertson, Taylor, Truit and Walker; 10.

Nays: Messrs. Grimes, Gage, Hart, Latimer, Parker, Van Derlip and Wallace; 7.

So the resolution was adopted.

Mr. Wallace offered the following resolution:

Resolved, That the committee on Contingent Expenses be instructed to confer with the corresponding committee of the House of Representatives, for the purpose of ascertaining the number and cost of the newspapers proposed to be taken weekly at the expense of the State by the Legislature thereof, during its present biennial session, and report accordingly as early as practicable;" adopted.

On motion of Mr. Wallace, the Senate adjourned until half-past 9 o'clock, to-morrow morning.

THURSDAY, half-past 9 A. M., November 8, 1849.

The Senate was called to order by the President. The following Senators answered to their names:

Messrs. Brashear, Gage, Grimes, Hart, Jones, Latimer, McRae, Moffett, Parker, Portis, Taylor, Truit, Van Derlip, Walker and Wallace.

The journals of the preceding day were read and adopted.

Mr. Walker presented the petition of sundry citizens of Dallas county, which was, on motion of Mr. Walker, referred to the committee on Private Land Claims, without reading.

Mr. Gage, Chairman of the committee on Privileges and Elections, made the following report:

To the Hon. JOHN A. GREER,
President of the Senate:

A majority of the committee on Privileges and Elections, to whom was referred the petition of E. M. Pease and the accompanying documents, herewith report, that after a patient and laborious investigation of the subject committed to them, they have arrived at the conclusion expressed in the resolution accompanying this report.

The majority of the committee find that at the recent election held in the counties of Galveston and Brazoria for the election, among other officers, of a Senator to represent the 11th Senatorial District, that the whole number of votes polled at said election for the office of Senator, in both counties, was 769; that of said number E. M. Pease received 393 votes, and John B. Jones received 376 votes. The number of votes polled in the county of Galveston for E. M. Pease, was 175, and for John B. Jones, 288. In the county of Brazoria, E. M. Pease received 218 votes, and J. B. Jones 88 votes.

The Chief Justice of Brazoria county being absent from the State upon the return day of said election, two of the county commissioners of Brazoria county opened the returns of the various precincts, estimated or ascertained the result, and certified the same to the Chief Justice of Galveston county within the time prescribed by law.

It is admitted by both claimants that the Chief Justice of Galveston county rejected the returns of Brazoria, upon the ground that they were not certified by the proper officer, and that he granted the certificate of election to John B. Jones, upon the returns of Galveston county, with the exception of the returns of one precinct of said county, rejected for informality.

It appears that after the return of the Chief Justice of Brazoria county to the State, he proceeded, on the 25th day of September, 1849, to examine the returns, and ascertain the result of the polls in his county, and certified the same under his hand and official seal to the Chief Justice of Galveston county, his estimate of the result agreeing precisely with the former returns of the county commissioners. The question then arises whether the returns from Brazoria county should be excluded from the calculation in estimating the whole result of the election for Senator of the 11th District for the reasons assigned by the officers granting the certificate? We think not. Nor do we think that the neglect of

managers of one precinct in Galveston county to return a list of the votes of that precinct should have excluded that return.—Other and separate objections have been urged to informalities of the returns of two of the precincts in Brazoria county; but as there is no evidence to excite the most remote suspicions of fraud or unfairness in conducting the election at any precinct, your committee feel authorized to regard them as informalities only, or rather as mere omissions of unimportant directory provisions of the election law.

We feel further justified in regarding them in this light, for if they were excluded from the calculation entirely, the result would only be varied a single vote. The legality of a number of votes has also been attacked, and a mass of evidence introduced to establish their illegality. The evidence is entirely unsatisfactory to a majority of your committee. Out of the number attacked for this cause not more than four can be considered doubtful, and if thrown out would not change the result. A majority of the committee have no hesitation in declaring that the will of the electors of the 11th district, is plainly and undoubtedly expressed in favor of E. M. Pease, for Senator of said district. A separate credential of John B. Jones as Senator elect, from a district composed of Galveston county alone, was also urged upon the committee; but as the same was not referred to them by the Senate, it was not regarded as before them for consideration.

This being the opinion of the majority of the committee, it is unnecessary to express any opinion upon that subject; particularly as an examination and opinion might render your committee liable to censure for assuming power vested by the constitution exclusively in a co-ordinate branch of our State Government.

D. GAGE, Chairman.

Resolved, That E. M. Pease, having received the majority of all the votes polled in the Senatorial District, composed of the counties of Galveston and Brazoria, at the election for Senator held therein on the sixth day August, 1849, was then elected, and is now entitled to a seat as Senator elect from said district.

Mr. Robertson gave notice that he would present a counter report.

Mr. McRae, Chairman of the committee on Contingent Expenses, made the following report:

The committee on Contingent Expenses to whom was referred a resolution to contract for fifteen copies of the Texas State Gazette, tri-weekly, for the President and each member of the Senate, have

performed said duty, and report that the number of papers referred to can be had for three cents a-piece.

Mr. Portis, from the Judiciary committee, made the following report:

COMMITTEE ROOM, November 8, 1849.

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

The Judiciary committee, to whom was referred that portion of the Governor's message relating to the proposed amendment of the Constitution already submitted to the people, with instructions to report a Joint Resolution proposing an amendment to the Constitution of the State of Texas, have had the same under consideration, and have instructed me to report the accompanying two sections of a bill, which they have denominated Amendment to the Constitution of the State.

The committee have deemed it proper that they should be governed by the spirit and meaning of the resolution and instructions referred to them, rather than the exact phraseology of the resolution. The object of the Senate was to take speedy action upon the amendment to the Constitution already submitted to the people, instead of proposing an amendment at this time. The initiatory steps to amend the Constitution have already been taken. The amendment was proposed by the last Legislature. The question was submitted to the people at the last general election, and the votes of the people thereon have been returned to the Secretary of State, who reports to the Legislature that a majority of the people have voted in favor of the proposed amendment. The committee then consider it only necessary that the proposed amendment to the Constitution should be submitted to the two Houses of the Legislature, after having been read on three several days in each House, shall then be voted upon in the manner required by the Constitution; all of which the committee recommend to the Senate.

The committee have also instructed me, that a number of Senators and Representatives being desirous to inspect the returns of the votes upon the proposed amendment to the Constitution of the State, which have been returned to the Secretary of State, to report a resolution requiring the Secretary of State immediately to lay before the Legislature the returns of the votes which have been received by him from each of the counties of this State, and which were polled at the last general election, for and against the proposed amendment to the Constitution of the State of Texas, together with the whole number of those voting for representatives, and recommend its passage. This will enable

Senators and Representatives to examine for themselves the accuracy of the Report of the Secretary of State, and will, perhaps, be more perfectly satisfactory to the public at large.

DAVID Y. PORTIS,
Chairman.

Joint Resolution of the Senate and House of Representatives of the Legislature.

Amendment to the Constitution.

Mr. McRae, chairman of the committee on Contingent Expenses, made the following report:

The committee on Contingent Expenses who were instructed to make arrangements to pay the Post Master out of the Contingent fund for the use of the Senate the postage on any and all newspapers and public documents on which postage is required by law to be paid, which may be sent through the post office by the members of the Senate during the present session, report duty performed.

Mr. Grimes introduced a bill to be entitled an act to provide for the payment of jurors; read first time.

Mr. Grimes offered the following resolution:

Resolved, That a committee of five on the part of the Senate be appointed to act with such committee as shall be appointed on the part of the House of Representatives, who shall be required to report a bill as early as practicable, providing for the apportionment of Senators and Representatives in the Legislature, under the census taken in the year 1848.

Mr. Van Derlip moved to lay the resolution on the table; lost.

On motion of Mr. Taylor it was laid on the table for one day.

Mr. Robertson moved that a committee be appointed to inform the House of Representatives that the Senate accept their invitation to meet them in the Representative Hall at 10 o'clock to-day, for the purpose of counting the votes for Governor and Lieut. Governor; carried.

Messrs. Robertson, Moffett and Gage were appointed said committee, who retired and performed said duty.

Mr. Jones presented a communication from Memucan Hunt, in relation to his claims against the Government, which was read and on motion of Mr. Jones referred to the committee on Claims and Accounts.

On motion of Mr. Taylor, the Senate took recess for five minutes, preparatory to meeting the House for the purpose of counting the votes for Governor and Lieutenant-Governor.

Senate called to order, quorum present.

Senate repaired to the Representative Hall; roll called, quorum present.

Mr. Portis was appointed teller on the part of the Senate.

The two Houses then proceeded to count the votes; whereupon the Speaker announced that for Governor, P. H. Bell received ten thousand three hundred and nineteen votes, (10,319,) Geo. T. Wood received eight thousand seven hundred and sixty-four votes, (8,764,) and John T. Mills received two thousand, six hundred and thirty-two votes, (2,632.)

For Lieutenant-Governor, John A. Greer received ten thousand five hundred and ninety-nine votes, (10,599,) and James W. Henderson received six thousand nine hundred and thirteen votes, (6,913,) and M. T. Johnson received one thousand two hundred and eighty-nine votes, (1,289.)

P. H. Bell having received the greatest number of votes, was declared by the Speaker duly and constitutionally elected Governor for the term of two years from the regular time of installation.

The Senate returned to their chamber, and on motion of Mr. Robertson, adjourned until 3 o'clock, p. m.

3 O'CLOCK, P. M.

Senate met, roll called, quorum present.

A bill to be entitled an act to change permanently the name of Daniel Richardson Kaufman to Daniel Kaufman Richardson;

A bill to be entitled an act to incorporate the Austin College, together with the report of the committee on Education, offering an amendment to the 6th section was read, and the report adopted.

Mr. Van Derlip offered the following as a substitute for the 6th section.

SEC. 6. *Be it further enacted*, That a site not exceeding 320 acres of land and the College buildings and library are hereby declared exempt from taxation; upon the adoption of which the yeas and nays were called, and stood thus:

Yeas: Messrs. Brashear, Cooke, Gage, Grimes, Hart, Jones, Latimer, McRae, Moffett, Parker, Taylor, Truit, Van Derlip, Walker and Wallace; 15.

Nays: Messrs. Robertson and Portis; 2; adopted.

Mr. Grimes offered the following amendment to the 12th section:

Provided, That if any trustee who may be present at the making of any contract, shall protest in writing against the making of such contract, or not being present, shall within thirty days next thereafter, make such protest he shall not be liable in any manner for or on account of such contract.

The report of the committee on Privileges and Elections, relative to the election returns for Senator of 22d Senatorial District, was read and adopted.

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

FRIDAY, 10 O'CLOCK, A. M. November, 9th, 1849.

The Senate was called to order by the President.

Mr. A. H. Phillips, Senator from the 18th district, appeared, presented his credentials and took the oath of office. On calling the roll the following Senators answered to their names:

Messrs. Brashear, Gage, Grimes, Hart, Jones, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Walker and Wallace. Quorum present.

The journal of the preceding day was read and adopted.

Mr. McRae presented the petition of Robert Gilletly which was read, and, on motion of Mr. McRae, referred to the committee on Private Land Claims.

Mr. Latimer presented the petition of Edward West, late Sheriff of Red River county, which was read, and, on motion of Mr. Latimer, referred to the committee on Finance.

Mr. Walker presented a petition from the citizens of Dallas county, which was, on motion of Mr. Walker, laid on the table without reading.

Mr. Robertson, from the committee on Privileges and Elections, made the following counter report:

To the HON. JOHN A. GREER,

President of the Senate:

The undersigned, a minority of the committee on Privileges and Elections, to whom was referred the petition of E. M. Pease, (with accompanying documents,) contesting the seat of the Hon. John B. Jones in your body, would respectfully report, that he does not differ in opinion with the report of a majority of said committee, if the positions assumed by them are admitted to be correct, which he cannot do conscientiously, entertaining the ideas he does of the duty imposed upon him by his sworn obligation to support the Constitution. The report of the majority assumes the position that the committee could not take into considera-