time, and passed to third reading.

On motion of Mr Baxter, rule suspended, bill read third time, and passed by the following vote:


Nay—Messrs. Dickson Francis Franklin Middleton and Wortham—5.

On motion the House adjourned till 9 1-2 o'clock, A. M. tomorrow.

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HOUSE OF REPRESENTATIVES,

Wednesday, February 8th, 1860.

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Lewis of M., chairman of committee on Agriculture, reported, asking to be discharged from further consideration of the petition of the Caldwell Agricultural Society, and the bill to incorporate the Ellis county Agricultural and Mechanical Association.

Messrs. Dale, Wortham, Crooks and Hartley, submitted the following report in relation to Governor's Message on public printing:

To Hon. M. D. K. Taylor,

Speaker of the House of Representatives:

The committee on Public Printing, to which was referred the bids and contract lately entered into by the Commissioners of the State with John Marshall, to do the State printing. Also the bid of the Intelligencer, and the Message of the Governor, calling attention to the public printing, have had the same under consideration, and after a patient and careful examination would report:

1st. The first point to which the Governor directs our attention, is the following:

"That portion of the proposal which specifies the rates at which he (John Marshall) will print reports and documents ordered by the Legislature, is as follows:
"I will print 100 copies of the reports and documents ordered by the Legislature, at one and a half cent per page; one cent per page for second and third hundred; half cent per page for fourth hundred, and 1/4 cent per page for fifth hundred, and for all over that number 1/2 cent per page."

In the opinion of your committee, the 17th section of the law relating to public printing, to which the Governor refers, as fixing the maximum of 1/4 cent per page for messages, &c., does not contemplate the publication of a less number than 500 copies, and would only afford a limit, where a less number than 500 under the bid would exceed in amount the cost of 500 at the maximum.

Your committee do not believe that the Legislature ever intended that the sum of $5 33 cents should be paid for 100 copies of the message, for instance of 16 pages, when it would actually cost the Public Printer fully $12 to have the work done. This is made evident by reference to the 3d section of the law, where it will be found that the bidder is required to state at what price per page he will print one hundred copies of all such other reports and documents, and what price per page the party will furnish each additional hundred copies of such reports that may be ordered. This 3d section invites bids for less than 500 copies of such reports and documents as may be ordered, and says nothing whatever as to a maximum, but on the contrary, the bidder is required to state at what price per page he will print one hundred copies, and at what the party will furnish each additional hundred, thus clearly indicating that the party was to fix the price. In the 17th section the maximum is fixed for 500 copies, but nowhere mentioned a less number, and as we find the third section invites proposals for a less number than 500 and does not fix the maximum.

In alluding to abuses which might grow up under the contract entered into with John Marshall, by the Secretary of State, Comptroller and Treasurer, the Governor states that according to the contract Marshall would be entitled to receive $277.33 for 500 copies of the report of the Superintendent of the State Penitentiary, containing 64 pages, when he should only receive $106.66, by reference to the account on file in the Comptroller's Office, it was found that the Public Printer only claimed $106.66 and according to the ruling of the Comptroller, that was the full amount to which he was entitled, and could not receive any more under the old or the new contract. The Comptroller stated to your committee that when 500 copies of any document of the kind alluded to, were ordered, he would only allow the
maximum of \( \frac{1}{3} \) of a cent per page for the whole number, and
that when a less number were ordered he should confine it within
the maximum, and in no case would allow an account for a less
number than five hundred copies, when the amount charged
would exceed that allowed in the 17th section for the whole
number of 500 copies. In this construction of the law and the
contract, the Public Printer entirely agreed in the presence of your
committee. In the bond of the Public Printer is to be found the
following clause:

"And whereas, it is distinctly understood that should more
than 500 copies of any report or document of any kind be
required (except the laws, journals, bills and Resolutions) that the
first 500 copies are to be charged for at the rate of \( \frac{1}{3} \) of one per
cent, per page."

This clause in the bond places the matter beyond cavil, and
your committee deem it wholly unnecessary to enter into an argu-
ment to enforce so plain and self-evident a proposition.

2d. The second proposition to which the Governor calls at-
tention, is in reference to the bills and resolutions, and your
committee would state that there exists an apparent inconsisten-
cy in this bid from the fact that the 3d section of the law invites
proposals for one hundred copies of bills and resolutions, and
the 17th section fixes a maximum for two hundred copies, leaving
it an open question as to how much shall be charged for one
hundred copies when only that number are ordered. The atten-
tion of the Comptroller was called to these alleged inconsisten-
cies by the Governor, who requested the Comptroller to can-
cell the contract, which he declined to do, or attempt to do, on the
ground that such objections were fully removed by a proper con-
struction of the contract which construction had precisely been
made and fully concurred in by the contracting parties.

The only other bid made was by the proprietors of the Inte-
ligencer, which in the opinion of your committee was very ob-
jectionable. The 4th section of the law required that such pro-
posals shall be accompanied by an offer in writing of two more
responsible persons to become the security of the party propos-
ing to do the public printing for the faithful performance of
his duty, in case the contract should be awarded to him. The
bid of the Intelligencer was accompanied by no such offer as
was required by the above recited section. It was merely stated
that Geo. W. Paschal and E. M. Pease would become security
for the parties; Consequently their bid under the law, could not
be considered. But supposing this palpable informality to have
been waived by the Commissioners, your committee find the fol-
lowing facts to exist:
John Marshall's bid was as follows:

For 5,000 copies of the General laws at 1-10 per cent. per page, supposing there was 300 pages, $1,500.00
For 800 copies special laws, 183 pages at 1-6 cent per page, 244.00
For 500 copies of the House journals, 945 pages, at 1-5 cent per page, 787.50
For 500 copies Senate journals, at 1-5 cent per page, 734.00

Making a total, $3,265.50

The bid of the Intelligencer was as follows:
For 5,000 copies General laws, 300 pages, at 1-4 cent per page, $2,500.00
For 800 copies Special laws, 183 pages, at 1-6 cent per page, 244.00
For 500 copies House journals, 945 pages, at 1-4 cent per page, 1,131.25
For 500 copies Senate journals 734 pages, at 1-4 cent per page, 917.50

Making a total of, $4,842.75

Deduct Marshall's bid for same work, 3,265.50

makes a difference against the bid of the Intelligencer of, 1,577.25

The bid of John Marshall was considered much better than that of the Intelligencer in every state of the case.

All of which is respectfully submitted.

MATT DALE,
W. A. WORTHAM,
THOS. J. CROOKS,
R. K. HARTLEY,

Mr. McKnight gave notice that a minority report would be submitted.

A message was received from the Senate informing the House that the Senate had passed, House bill to incorporate the Trustees of Baptist State Convention.

House bill granting R. B. Francis, the right to build a bridge. And had amended and passed House bill to authorize the County Court of Fayette county, to levy a special tax.

Also had passed Senate bill supplemental to an act to incorporate Houston Trinity and Tyler Railroad Company, and the act amending or of thereof, passed at present session of the Legislature.
Mr. Perry offered the following resolution:

*Resolved, That in consequence of a most faithful discharge of duty by Jos. Mangum, during the present session of the Legislature, the House donate to him an additional sum of $1 per day for the time he has been in service, the same to be paid out of the contingent fund.*

Mr. Baxter proposed to amend by adding Adrian after Mangum. Adopted, and resolution adopted by the following vote:


**NAYS.—Messrs. Barnard Caddell Davis of H. Elliott Empe-son Malby McCutchan Munson Norton Ross Smith and Whitmore—12.**

Mr. Dale offered the following resolution:

*Resolved, That the Public Printer be allowed five days to complete the House journals, after the clerk shall have read the last proof. Adopted.*

Mr. Short, chairman of committee on Military Affairs, reported, recommending the passage of Senate's bill to provide for the organization of militia of State of Texas.

**Senate's bill in relation to the Galveston and Brazos Navigation Company. Read first time.**

On motion of Mr. Hartley, rule was suspended, bill read second time and passed to third reading.

On motion of Mr. Hartley, rule further suspended, bill read third time and passed.

**Senate's bill for the relief of heirs of W. H. Settle, taken up, read first time.**

On motion of Mr. Parker, rule suspended, bill read second time and passed to third reading.

On motion of Mr. Parker, rule further suspended, bill read third time and passed.

**Senate's bill for the relief of heirs of Sam'l Everett, read first time, and on motion of Mr. Waddler, rule suspended, read second time and passed to third reading.**

On motion of Mr. Waddler, rule further suspended, bill read third time and passed.

**Message from Senate informing the House that the Senate had passed, Bill to create county of Wilson.**
And a bill to incorporate Marcelona Manufacturing Company.
Senate's bill to amend an act to incorporate the city of Corpus Christi. Read first time.
On motion of Mr. Dougherty, rule suspended, bill read second time and passed to third reading.
On motion of Mr. Dougherty, rule further suspended, bill read third time and passed.
Senate's bill to adjust western boundary line of Uvalde and Dawson, and eastern boundary of Karnes counties, with report from committee recommending the indefinite postponement of the bill was taken up.
Mr. Walder moved to lay the report on the table. Lost, and report adopted.
Senate's bill supplemental to the act to incorporate the Houston, Trinity and Tyler Railroad Company, and the act amendatory thereof, passed at present session of the Legislature, taken up, read first time and,
On motion of Mr. Lewis of M. rule suspended bill read second time and passed to third reading.
On motion of Mr. Lewis of M., rule further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Speaker Anderson Branch Crooks Clark Dale Daniels Dennis Dougherty Epperson Francis Franklin Fosse
Harrison of C. Harrison of V. Z. Hartley Houghton Hubert
Lewis of M. Lewis of B. Lynch Martin Maverick McClarty
McCutchan McKnight Nelson Owens Parker Perry Pitney Red-
gate Robinson Stewart Townes Walder Walworth Whitfield
and Wrede—49.

NAYS—Messrs. Barnard Baxter Bryan Cumby Davis of B.
Davis of H. Elliott Manly Mundine Mansin Norton Ross Shan-
non Shelton Smith Speights Warfield Whitmore and Wortham
—20.

Senate's bill for the relief of Jacob Laux, read second time and passed to third reading.
Mr. Shannon moved to suspend rule and place bill on third reading. Lost
Senate's bill to authorize the Governor to appoint three persons to examine the State Penitentiary, read second time and passed to third reading.
On motion of Mr. Branch, the rule was suspended, bill read third time.
A message was received from the Senate informing the House that the Senate had passed.
House bill to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers.

Also had passed a substitute for the House's bill to regulate Factories and Warehousemen.

Mr. Murly, one of the committee on Engrossed Bills, reported, correctly engrossed,

- Bill for relief of heirs of James Bontler, deceased.
- Bill to incorporate the Dialectic Society of McKenzie Institute.

Mr. Nelson moved the previous question.

On motion of Mr. Harrison of V. Z., a call of the House was ordered.


Mr. Davis of B., one of the committee on Enrolled Bills, reported as follows:

Hon. M. D. K. Taylor,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the following bills, to-wit:

A bill to restore lands sold for taxes and purchased by the State, to former owners on certain conditions.

A bill to authorize the County Court of Comal county to levy a special tax.

A bill to incorporate the Sulphur and White Oak Bridge and Plank Road Company.

A bill for the relief of the Buffalo Bayou Brazos and Colorado Railway Company.

A bill to incorporate the Palestine Tap Railway Company.

A bill to incorporate the Texas Telegraph Company.

A bill to incorporate the Masonic and Odd Fellows' Male and Female Academy.

And a joint resolution to permit the withdrawal of certificate No. 127, issued by Board of Land Commissioners of Houston county, to Finnes Robertson.

And a bill to incorporate the Clarksville and Red River Insurance Company; and find the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his signature and approval.

On motion of Mr. Haynes, the call was suspended.

The motion for the previous question was rescinded and the main question ordered, which being on the final passage of the
bill, the yeas and nays were ordered on motion of Mr. Dickson, and the bill passed by the following vote:


Mr. Franklin moved to reconsider the vote.

Mr. Whitmore moved to lay the motion on the table. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Dickson:


Mr. Lewis of M., moved to suspend rule and take up bill relative to Wardensmen. Lost.

Senate's bill for relief of heirs of Thos. Blanton deceased, was read second time and passed to third reading.

On motion of Mr. Shannon, rule suspended, bill read third time and passed.

Senate's bill to amend 34th section of act to regulate proceedings in District Court, with report from committee recommending its indefinite postponement, was taken up and report adopted.

Senate's bill for the relief of heirs of Charles Inloc deceased, read second time and passed to third reading.

Senate's bill to incorporate the Mystic Club Society in Tyler county, taken up read second time.

Bill passed to third reading.

On motion of Mr. Crawford, rule was suspended bill read third time and passed by the following vote:


Senate's bill to incorporate Franklin College, with report from committee, recommending amendments, was taken up, read second time, amendments adopted, and bill passed to a third reading.

On motion of Mr. Townes, the rule was suspended, bill read third time, and passed by the following vote:


On motion, the House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met—roll called—no quorum.

On motion, the House adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met—roll called—quorum present.

The special order of the hour, to-wit: the majority and minority report on the South Carolina Resolutions, were taken up.

On motion of Mr. Dickson, the resolutions were postponed, and made the special order for Friday night next.

Mr. Dickson, chairman of committee on Public Debt, reported a substitute for Senate's bill for the relief of James W. Parker, et al., and recommended its passage.

Mr. Dennis, chairman of committee on State Affairs, reported, recommending the indefinite postponement of the Senate's bill
supplemental to the act to permit the county of Brazoria to levy a special tax for the purposes of internal improvements.

Mr. Shannon, chairman of committee on Private Land Claims, reported, recommending the passage of Senate's bill for the relief of Edward Hall.

House's bill to authorize the County Court of Fayette county to levy a special tax, with amendments by the Senate, was taken up, and amendments concurred in.

Senate's bill to grant certain privileges to the Company carrying the Overland Mail from St. Louis through Texas, to San Francisco, and to the Company carrying the Overland Mail from San Antonio to El Paso, with report from committee, recommending the indefinite postponement of the bill, was taken up, and report adopted.

Mr. Fosco, by permission, introduced a bill supplemental to the act, and to consolidate into one act the several acts incorporating the city of Galveston. Read first time.

Mr. Hartley moved to suspend the rule, and place bill on second reading.

Mr. Haynes moved to commit the bill to committee on Internal Improvements. Lost.

And Mr. Hartley withdrew his motion.

Mr. Armstrong moved to take up bill to organize an American Agency. Lost.

Mr. Stewart moved to suspend the rule, and take up bill to authorize the Governor to raise means for the support of the government, and make it the special order for to-morrow.—Carried.

Senate's bill supplemental to an act concerning vendor's lien, with report from committee, recommending its indefinite postponement, was taken up, and report adopted.

Senate's bill supplemental to the act to incorporate the town of Waco, was taken up, read second time, and passed to a third reading.

On motion of Mr. Ross, the rule was suspended, bill read third time and passed.

Senate's bill amendatory of the act to regulate proceedings in case of forcible entry and detainer, with report from committee, recommending indefinite postponement, was taken up, and report adopted.

Senate's bill for the relief of Benj. Bacchus was taken up, read second time, and passed to a third reading.

Senate's bill for the relief of the heirs of Caldwell Canon, doc'd, with report from committee, recommending amendments,
was taken up, and amendments adopted, bill read second time, and passed to a third reading.

On motion of Mr. Anderson, the rule was suspended, bill read third time and passed.

Senate's bill concerning return of certificate's in Fisher & Miller's Colony, was taken up, read second time, and passed to a third reading.

On motion of Mr. Walder, the rule was suspended, bill read third time and passed.

Senate's bill for the relief of Andres Manchaca, with report from committee, recommending amendments, was taken up, and amendments adopted, bill read second time, and passed to a third reading.

On motion of Mr. Walder, the rule was suspended, bill read third time and passed.

Senate's bill for relief of Jose Leonardo de la Garza Trudo, with report from committee, recommending amendment, taken up, and amendment adopted. Bill read second time, and passed to third reading.

On motion of Mr. Walder, rule suspended, bill read third time, and passed by the following vote, the yeas and nays being ordered on motion of Mr. Whitmore:


Senate's bill for relief of Washington county Railroad Company, taken up, read second time, and passed to third reading.

On motion of Mr. Dennis, the rule suspended, bill read third time and passed.

Senate's bill to incorporate Planter's Danolian Society of Gonzales county, taken up, read second time, and passed to third reading.

On motion of Mr. Stewart, rule suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Speaker Anderson Armstrong Baxter Benedites Billingsley Branch Bryan Caddell Camp Craig Crawford Crooks Clark Daniels Davis of B. Davis of H. Dennis Dickson

42—H


Senate's bill for relief of S. Pangburn, we've of C. L. Wood, taken up, read second time, and Mr. Pirkey moved to strike out “as amended.” Lost.

Mr. Crooks moved to indefinitely postpone the bill. Lost, and bill passed to third reading.

Senate's bill for relief of heirs of Ellen M. Gibbs, taken up, read second time, and passed to third reading.

Mr. Townes moved to suspend rule, and place the bill on its final reading. Carried by the following vote, the yeas and nays being ordered on motion of Mr. Pirkey:


And the bill passed.

Senate's bill to incorporate Houston Gas Company, taken up, read second time, and passed to third reading.

On motion of Mr. Manly, rule suspended, bill read third time, and passed by the following vote:


NAYS—Mr. Harrison of V. Z.—1.
Senate's bill for relief of W. P. Tendall, taken up, read second time, and passed to third reading.
On motion of Mr. Townes, rule suspended, bill read third time and passed.
Senate's bill for the relief of John Smith, read second time, and passed to third reading.
On motion of Mr. Haynes, rule suspended, and the bill read third time and passed.
A message was received from the Senate, informing the House that the Senate had passed House's
Bill for relief of Wilson Woods, and
Bill for relief of Leslie Combs, and had amended and passed House's
Bill to incorporate the Metropolitan Railroad Company.
Also, had concurred in House's amendments to Senate's bill to incorporate Franklin College.
Also, had passed Senate bill for relief of T. F. White.
And a bill to incorporate the Texas Cotton Seed Oil and Manufacturing Company.
Mr. McClarty moved to suspend rule and take up House's bill to incorporate Metropolitan Railroad Company, with amendments by Senate. Lost.
Senate's bill to incorporate Corpus Christi Brazos St. Iago Canal Company, taken up, read second time.
On motion, the House adjourned till 10 o'clock, A. M., to-morrow.

House of Representatives,  
Thursday, February 9th, 1860.

House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.
On motion of Mr. Wehler, the vote refusing to pass the Senate's bill to change the boundary lines of Uvalde, Dawson, and Kinney counties, was reconsidered.
House's bill to incorporate the Metropolitan Railroad Company, with amendments by the Senate, was taken up, and amendments concurred in.
A message was received from the Senate, informing the House that the Senate had passed the following named House bills, to-wit:
Bill to incorporate West Fork Bridge Company.
Bill for relief of heirs of John E. Ross.