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OF THE

TWELFTH LEGISLATURE,

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SENATE JOURNAL.

TWELFTH LEGISLATURE.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, April 26, 1870.

Senate met at 3 o'clock P. M., pursuant to call by proclamation of his Excellency Edmund J. Davis, Governor.

Senate was called to order by the Hon. James P. Newcomb, Secretary of State.

The Secretary of State then cited the Senate to section sixteen, article fourth, of the Constitution, to-wit:

“Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect from its own members a President for the time being. If during the vacancy in the office of Governor the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or if he be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twice the per diem or pay of a Senator, and no more, and while acting Governor the same compensation as a Governor would receive for a like period of service in his office, and no more. The President of the Senate for the time being, if called upon to administer the Government in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President of the Senate for the time being.”

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The Secretary of the Senate was then directed to read the act of Congress admitting the State to representation, followed by the proclamation of his Excellency Governor E. J. Davis convening the Legislature.

The roll of Senators called.

Present—Alford, Baker, Bell, Bowers, Clark, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor—22.

Absent—Broughton, Campbell, Cole, Evans, Pyle, Rawson, Shannon—7.

Judge M. B. Walker, of the Supreme Court of the State, then administered the required oaths to the following Senators :

Alford, Baker, Bell, Bowers, Clark, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor—22.

The Secretary of State then announced the business in order to be the election of a President of the Senate, and that nominations were in order.

Senator Alford moved that the Senate adjourn until twelve o'clock to-morrow.

Adopted.

SENATE CHAMBER,
AUSTIN, TEXAS, April 27, 1870.

Senate met pursuant to adjournment.

Hon. James P. Newcomb, Secretary of State, presiding.

Roll called.

Quorum present.

Minutes of yesterday read and approved.

Secretary of State then directed the Senators who were present that failed to qualify to come forward and do so.

Senators Henry Rawson and Don Campbell then presented their oaths.

Nominations for President of the Senate for the time being was declared in order.

Senator Fountain nominated Senator Don Campbell, of the Eighth District, for President of the Senate for the time being.

The Chair appointed Senators Flanagan, Ruby, Douglas and Pickett as Tellers.

Vote as follows:

Don Campbell, 22; scattering 2: 24 votes.

Senator Campbell having received the majority of the votes cast was declared duly elected President of the Senate for the time being.

The Chair then appointed Senators Parsons, Bowers, Hall, Baker and Clark a committee to conduct Lieutenant Governor Don Campbell to the chair.

On taking the chair, the President addressed the Senate as follows:

SENATORS: Upon assuming the duties of the distinguished position to which, by your kind partiality, I have been chosen from amongst you, permit me, first of all, to render to you some expression of my profound acknowledgment for the high honor you have been pleased to confer upon me. If in after years and amid the vicissitudes of the future, I shall ever have occasion to look back with pride upon any events of my past life, it will be with peculiar gratification, when memory shall recur to this action of yours to-day, in selecting me, the humblest of the Senate, to this, the highest position within your gift. I accept the position, gentlemen, with mingled emotions of diffidence and pride. Diffidence, as to my ability to discharge with satisfaction the various and often complicated duties which will devolve upon me as your chief officer; and pride, that I have been

thought worthy of being made, by those so much more capable than myself, the chief officer of the first Senate of the new State of Texas. This diffidence is much relieved, however, as I assure myself that your ready assistance will always be rendered without reserve where my weakness and inexperience may fail in the embarrassment that may arise; and this pride, which the most honored could not fail to indulge, will be one of the chiefest incentives in me to merit a continuance of your partiality, and by faithful effort, to meet, as far as may be, the just expectations of the Senate in bestowing this honor upon me.

Senators, we have all, in the respective positions in which we are placed, high trusts confided to our keeping. Five years ago the majesty of the United States Government was vindicated, by the final triumph of her arms over the gigantic rebellion of the South, in which our own State took so active a part. Since that event, rendered so illustrious in history by the mighty results which have followed, and are destined yet to proceed from its achievement, it has been the earnest purpose of that Government to restore all the erring States which participated in that rebellion, to their former positions within the folds of the Union.

Whilst the Congress of the United States have illustrated their beneficence, by restoring us to a position of equality with the most favored of the States, let it be our pleasure, as we all deem it our duty, to make such laws as may proceed from the wisest and most prudent deliberation.

I thank you again, gentlemen of the Senate, for the great honor you have conferred upon me.

Senator Flanagan moved to declare the office of Enrolling Clerk of the Senate vacant.

Carried.

Senator Fountain moved to go into the election of Enrolling Clerk.

Carried.

Senator Mills nominated W. H. Baker for the position of Enrolling Clerk of the Senate.

Senators Mills, Saylor, Pridgen and Pettit, were appointed Tellers. Vote as follows :

Baker received 20 votes; Bryant, 2; blank, 1.

W. H. Baker, having received the majority of the votes cast, was declared duly elected Enrolling Clerk of the Senate.

Senator Bowers moved that a committee of three be appointed to inform the House that the Senate is organized and ready to proceed to business.

The Chair appointed Senators Bowers, Baker and Fountain on said committee.

The following resolution was received from the House :

WHEREAS, It hath pleased Almighty God to remove from among us, by the hand of death, the Honorable A. K. Foster, State Senator from the Twenty-Fifth District, who departed this life at Hallettsville, Texas, on the 9th day of March, 1870 ; and

WHEREAS, it is meet and proper that we should express our sense of regret and sorrow at his loss, and pay a tribute of respect to his memory ; Therefore be it

Resolved, That the members of the House of Representatives have learned with unfeigned regret and sorrow of the death of the Honorable A. K. Foster, Senator from the Twenty-Fifth District.

Resolved, That in the death of Senator Foster the State of Texas has lost an able and worthy representative and public servant, society a useful and upright citizen, and his family an affectionate husband and father.

Resolved, That we deeply sympathize with the bereaved widow and children and relatives of the deceased, and that a copy of these resolutions be forwarded by the Speaker of this House to the widow of the deceased.

Senator Pridgen moved to receive House resolutions on death of Hon. A. K. Foster.

Carried.

Senator Parsons said : In speaking briefly of the resolutions just presented, it but gives true expression to the emotions I experienced when first startled at my home by the unlooked for intelligence of the death of the lamented deceased, to say that I was never so fully made conscious that "in the midst of life we are in death."

When, upon our adjournment, but a few weeks since, I grasped for the last time on earth, the hand of Senator Foster, I then thought he was the finest specimen of vigorous, healthy manhood in this body, and gave promise of as prolonged a career of usefulness as any of its members. In the full plenitude of his powers, physical and mental, he bid fair to adorn his position in this chamber, as well as honor his constituency, by his ripe experience, sterling judgment, and unswerving integrity. In common with his associates and colleagues on this floor, I looked forward to his co-operation in laying the foundations and rearing the superstructure of the new State government, the solemn responsibility of which becomes the more

weighty when such counselors and such moral worth is forever taken from our deliberations.

Thou hast all times for thine own, oh Death!
 " But, come when thou wilt,
 In the earthquake's shock ; the ocean's storm ;
 Come in consumption's ghastly form ;
 Come when the heart beats high and warm,
 With buoyant song and dance and wine,
 And thou art terrible."

Its greatest pang is the world's forgetfulness. For

" The gay will laugh when we are gone,
 The solemn brood of care plod on,
 And each one, as before, pursue his favorite phantom."

He only will be remembered, who, after the consignment of all that is mortal to earth, has left " foot-prints on the sands of time," and reared a monument more enduring than brass, in the hearts of his countrymen, for honest purposes, disinterested acts fearlessly performed, and a blameless life.

Not having enjoyed an intimacy with the distinguished deceased at his home, I have been indebted to those, who for years have been his neighbors and friends, for the assurance that, in all the attributes of a man, he was a representative of the best in our State. If not distinguished for high deeds performed on the field, or for extraordinary ability in council, his was

" A combination
 And a form indeed, where ev'ry god
 Did seem to set his seal, to give the world
 Assurance of a man."

The highest measure of a man is integrity of personal character, singleness of purpose, and devotion to principle and the public good. To say of the lamented deceased that he was an honest man, is the highest encomium ; for that constitutes " the noblest work of God." I feel that this honorable body has lost a useful member, his community one of its first ornaments, and the State a noble citizen. A marked tribute is due to his memory ; and I therefore move that the members of this chamber wear the usual badge of mourning for thirty days ; and that we now adjourn until 10 A. M. to-morrow morning.

Carried.

SENATE CHAMBER.
AUSTIN, TEXAS, April 28, 1870.

Senate met pursuant to adjournment.
President Don Campbell presiding.
Roll called.
Quorum present.
Minutes of yesterday read and approved.
Senator Bowers, of the Committee on Rules, reported as follows :

SENATE CHAMBER,
Austin, April 28, 1870.

To the HON. DON CAMPBELL,
President of the Senate :

Your committee appointed to draft and report suitable rules for conducting the business of the Senate have performed that duty and instruct me to report the following and recommend their adoption.

M. H. BOWERS,
Chairman.

Which report was read.
Senator Bowers moved a recess for five minutes.
Which motion was adopted.
Senator Bowers moved to adjourn to Representative Hall.
Adopted.

REPRESENTATIVE HALL,
11 o'clock, A. M.

Senate roll called.
Quorum present.
Prayer by the Rev. Mr. Rogers.
Hon. Ira H. Evans, Speaker of the House of Representatives, then introduced his Excellency Edmund J. Davis, Governor of Texas.

The oath of office was then administered by Chief-Justice Morrill.

The Governor then delivered his inaugural address.

MY FELLOW CITIZENS OF TEXAS: This day the government of your State and the control of your destinies is handed over to you. What may fairly be termed the second annexation of Texas is now consummated; but, a Texas very different from that of 1845 is found assuming her functions as a State. That Texas brought with her single star also her thousands of slaves, this Texas knows no bondmen on her soil. We may differ in our opinion of the manner of bringing about this great change, and the necessity for it. We live too near (in time) the scene of this struggle to ever agree that Providence may have directed the issue as part of the great work of improvement and progress of the human race. But sensible men can even now agree to accept the situation as they find it, and after ten years of war and civil disorganization, take a fresh departure in political affairs.

It may be said that the American revolution, opening in 1776, with the proclamation "that all men are created equal," had its verification, and made its promise good only in 1870. But it is fair to admit that few on either side either calculated or desired the full result when entering this closing struggle. While on the one side, the aid of the God of battles was confidently asked to sustain a structure, of which the very corner-stone was a denial of the truth of this declaration, when applied to those whom habit had divested in our minds of their share of humanity; on the other, the sword was mainly taken to preserve a glorious nationality. We did not see then, and it required those years of misfortune to show us the foundation of our trouble. Let us accept this result as an indication and lesson that there is no safe neutral ground for human judgment between right and wrong—that we cannot afford to be unjust to the weakest of God's creatures. Let us be wholly right.

This struggle has, too, taught us a further lesson in self-government. It had been fondly imagined that our government, in the name and form and as carried out by the general government and the respective States, was perfect; that no human device could improve it. Our education in this belief had been so decided, that we were not even inclined to try to improve it. But we can now see that this, like all other edifices of human creation, had its imperfections, and required repair and improvement. It was designed to, but as time progressed we discovered that it did not "promote the general welfare and secure the blessings of liberty," in all parts of the Union, even to the class which esteemed itself the special object of the provision. While the general government was restrained from all violation of the right of life, liberty and property, it was conceded that the local government had no such restraint, accordingly local despotisms often flourished under the name of State gov-

ernment. There, free speech and thought was limited by the will of the majority, until individual freedom disappeared. It is not so now, and cannot (it is sufficient to say) be so hereafter.

While local self-government still remains, it is within the just bounds that there is a supervisory power over all, far withdrawn from local prejudice and bias, which will temper State action within the limit of security, freedom, and justice to all. This will prove the better government, and under this, freedom at the North or South, on the lakes or on the Pacific, or the Gulf, will be one and the same. Through the length and breadth of the land, free speech and liberty of mind, as well as person, henceforth prevail.

In this faith let us enter upon the great work before us of re-organization, and let us take a survey of the position we are called to occupy. We find that we are about preparing a government for, and shaping the destinies of a territory larger than most of the great earthly powers. Let us realize that we control a part of our globe, large and fertile enough to hold a greater population than the millions now owing allegiance to the National Government. That as it were, we are the advanced guard of this mighty host, and that as we prepare the way for them, so will they find it will be industrious, prosperous, intelligent, law-abiding, temperate; or immoral, lawless, degraded and miserable, as we now plan and devise.

We have it in our hands to place our great State at once among the foremost in wealth, population and civilization, and if we can be made fully sensible of the extent of this, our opportunity and responsibility, we will not fail in the performance of our part. Let us recollect that, in coming years, when time has softened our prejudices and dissipated the memory of the jealousies and party contests of to-day, our reminiscences of this epoch will be pleasant or the contrary, as we now labor for the good of our fellows and the State, or for our own gratification and aggrandizement.

The time has come for us to learn other distinctions than loyal and disloyal. Let us hereafter know no other than that of the good and bad citizen. Let us cultivate a belief that our neighbor who differs in opinion with us, may so differ honestly, and devote ourselves only to emulate him in attachment to the right, and in determination to promote the public good. We must divide into parties, and differ in regard to public policy; and fit and proper is it, in a free country, that this should so be, but let us have this variance with mutual toleration.

Fellow-citizens, the disease under which our political system labored was a severe one, and required a sharp remedy. It unquestionably could only be cured by the application of the national sword. Strange to say, the military, the recognized right arm of

despotism, was here summoned to the aid of liberty, and, against our will, has secured it to us. The day is not distant when we will all assent to this; now the heat of the struggle is too strong with us. In no other land has this phenomenon been seen, and, no where but among people educated from infancy to place the civil superior to the military law, may we expect to see what we now witness—the military coming forward (after tasting for years the seductive sweets of unlimited power) with alacrity, as to an agreeable duty, to surrender into the hands of the people a power always temperately executed. No where else than in a republic, where the military are of and from the people, can they be as here, the defenders of freedom. Let us give them, without stint, the credit and honor which is their due. We must, as fair-minded men, concede so much, though this employment of the military may have been totally against our will.

All, too, can agree that it was an unpleasant necessity which forced upon the Republic the coercion of her citizens; all may grieve that this necessity existed, and all now join in the hope that the same has passed away, never again in our history to return. That with enduring peace, will return the respect for order and the forms and majesty of civil law, which, inherited from our forefathers, has followed the English language to all parts of the world.

(Signed)

EDMUND J. DAVIS,
Governor of Texas.

Senator Bowers moved that the Senators adjourn to the Senate Chamber.

Carried.

SENATE CHAMBER.

Senator Fountain moved the Senate adjourn to ten o'clock tomorrow.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, April 29, 1870.

Senate met pursuant to adjournment.

President Don Campbell presiding.

Roll call.

Quorum present.

Minutes of yesterday read and approved.

Senators Broughton, Cole and Shannon then presented their oaths.

Senator Pridgen arose to a question of privilege.

Granted.

Senator Pridgen then moved that five thousand copies of the Governor's Inaugural Address be printed for distribution by the Senate.

Senator Hertzberg moved to amend the motion by inserting that "one-half of said five thousand copies be printed in German."

Amendment accepted.

Senator Bowers moved to amend by saying "five thousand in English and twenty-five hundred in the German language."

Amendment accepted.

Senator Fountain moved to amend by adding "two hundred and fifty copies in the Spanish language."

Also accepted.

The President then announced the reception of a message from the Governor, and orders the same to be read.

EXECUTIVE OFFICE,
Austin, April 29th, 1870.

GENTLEMEN OF THE SENATE
AND HOUSE OF REPRESENTATIVES OF TEXAS:

So long time has elapsed since the session, within this State, of a body competent to legislate, that your duties must be many, and their performance tedious and laborious. In addition to ordinary matters of legislation, you will find it incumbent upon you to remodel, to a great extent, the General Statutes, and to accommodate them to the new order of things, and to the radical changes engrafted on our institutions by the constitution lately adopted.

In obedience to that section of the constitution which requires the Governor to recommend to the Legislature "such measures as he may deem expedient," I now propose to call to your attention such of these matters as seem to me of especial importance.

At the outset, I give precedence to a subject which is believed to

be of primary importance in the minds of the great mass of our people, by asking your attention to the consideration of measures to establish law and order throughout the State, and the punishment or repression of crime. I esteem this matter of first importance, because, having peace and security for life and property, everything else will follow, of course. I recommend the passage of a law for efficient organization of the militia, embracing all able-bodied males, between the ages of eighteen and forty-five. It has been found, in some States, a good arrangement to embody a smaller force of such of the militia as may be willing to volunteer into a National Guard, and to aid the latter in arms and equipments, by a levy of a tax on all persons liable to militia duty, who may, by paying the same, avoid enrollment. This policy is recommended to your consideration, as I believe we can thereby secure a more effective and easily handled force, disciplined, armed and equipped, sufficient in numbers for all probable necessity, with little or no cost to the State treasury.

The militia, or military, should, however, only be looked to in extreme emergencies, to aid in sustaining the laws. There is no great reason to apprehend resistance to the law by organized bodies of men; it is generally with individuals, acting independently, that the conservators of law have to deal. It is necessary, therefore, to provide a police system that will enable the officers of the law to follow up and arrest offenders, and that will reach efficiently to all parts of the State. Heretofore, while in some counties or cities the laws are enforced, in other counties the authorities are too weak to enforce respect, or indisposed to do so. These parts of the State furnish a sort of neutral ground, where offenders congregate. I recommend that a police system be adopted, embracing the whole State under one head, and that the police of the different cities, the sheriffs and their deputies and constables, be made a part of that general police, to act in concert with it, and to be subject to the orders of the chief. This officer might also conveniently serve as adjutant general of the militia, or military force, to be authorized by you. A system thus organized can be made without great expense, very efficient in pursuing and bringing to justice offenders, and in destroying lawless organizations.

In connection with matters of public justice, I must invite your attention to the want of safe jails in most of the counties. The means appropriated to this purpose by the local authorities has, in many counties, been insufficient to secure good buildings, and has also often been misspent. It would be good economy for the State to take upon itself the burden of building, on an approved plan, jails and court houses where necessary, and provide for expense of same by a special tax on the people of the county.

The practice, which has become common, of mobs of lawless men assembling and operating in disguise, for the carrying out of some unlawful purpose, must receive your attention. The operations of this class of criminals are generally directed against the recently enfranchised, and where repeated instances have occurred in the same neighborhood, without arrest of the offenders, color is given to the charge that the offenders are protected or encouraged by the majority of the people. There is no offense equalling this in danger to the public security, and I recommend such modification of the criminal code as will provide for punishing it with special severity. These measures will not be complete without such powers are conferred on the Executive as will enable him in any emergency to act with authority of law. We may trust that no combinations of lawless men can be made in any part of the State in sufficient numbers or force to be able to resist the local civil authorities, but as long as such a condition is possible, due caution advises me to be prepared for it. It may also happen that the local authorities would be bound in sympathy with the disturbers of the peace. The question of making some provision for the temporary establishment of martial law under certain contingencies, and within limited districts, is therefore submitted to your judgment. The mere knowledge of the fact that such power is given the Executive, and that he will not hesitate to exercise it when the case warrants, will go far toward obviating the necessity for its exercise.

These are measures which I consider necessary to the intimidation of the lawless, and the punishment of offenders, it being, in my opinion, the duty of the State government to see to it that crime is quelled at once. But while the punishment of crime is one of the various objects of human government, the best government, after all, is one that looks rather to the prevention of it.

The establishment of a good system of schools that will secure education to all, will, no doubt, in process of time, operate here, as elsewhere, to the diminishing of offences. But of this I speak hereafter. I would, in this respect of prevention of crimes, call your attention to the provisions of section thirteen of the Bill of Rights, on the subject of bearing arms. The Legislature is there given a control over the privilege of the citizen, in this respect, which was not in the old constitution. There is no doubt that to the universal habit of carrying arms is largely to be attributed the frequency of homicides in this State. I recommend that this privilege be placed under such restrictions as may seem to your wisdom best calculated to prevent the abuse of it. Other than in a few of the frontier counties there is no good reason why deadly weapons should be permitted to be carried on the person.

Next in importance to the measures necessary to the establishment of law and order, you will find the question of providing for the education of the children of the State. No better civilizer has been found than a liberal system of education. Aside from the provisions of our constitution, which make it "the imperative duty" of your body to provide for the education of all children of the scholastic age, experience will hereafter prove that, from any point of view, no money discreetly expended in promotion of universal public education can be considered lost in an economical point of view. It has been found as serviceable to the farmer and artizan as to the professional man.

I have already noticed its effects in abating the catalogue of crimes, but there is a special necessity for education in our country, where the government depends upon the people themselves. The success of Republican institutions and universal suffrage is assured by universal education. The expenditures for this purpose must necessarily be heavy at the outset, in organizing, building school-houses, providing books, apparatus, etc., etc. The perpetual school fund provided in article nine of constitution, sections six and eight, is as follows :

1. All funds, lands and other property heretofore set apart, or that may be hereafter set apart for the support of Public Schools.

2. All sums of money that may come to this State from sale of any portion of the public domain, or sales of public lands.

3. One-fourth of the annual revenue from general taxation, and an annual poll tax of one dollar on all male persons between the ages of twenty-one and sixty years.

4. The public lands heretofore given to counties, to be sold under such regulations as the Legislature may prescribe.

In addition to this "perpetual fund," the Legislature is authorized in Section seven, to provide for the raising of such amount, by taxation, in the several school districts in the State, as will provide the necessary school houses, and insure the education of all. The powers thus given to the Legislature are ample. The summary of means now disposable, which may be considered as included in this "perpetual fund, is :

1. Cash, in specie, \$58,979 31; currency, \$543 19; total, \$59,522 50.

2. State 5 per cent. bonds, under act of November 12, 1866, \$82,168 82 (assuming that this act of the Legislature of 1866 is to be respected). In addition to this sum, the act mentioned provided for placing other similar bonds to credit of school fund, to make up such part of the \$634,000 "indemnity bonds," with the unpaid coupons or their proceeds, as might be recovered from the parties to

whom they had passed from the "Military Board" during the late war. These indemnity bonds and coupons were taken from the school fund, to which they belonged, by an act of the revolutionary government of January 11, 1862, and the act of 1866, was intended to replace them, as far as recovered, by 5 per cent. State bonds. The system of support of schools is now, by the constitution, so fully provided for, that this arrangement seems unnecessary. I, therefore, suggest that in lieu thereof, the amount collected of those bonds and coupons be turned over to the school fund.

3. Principal and interest, \$2,742,198 27, due to the school fund from railroad companies. Included in this amount is the sum of \$320,367 13, pretended to have been paid during 1864 and 1865, in State warrants, for which the 6 per cent. manuscript State bonds (see Comptroller's report, table II), were issued. I assume that this \$320,367 13 is still a legal claim against the roads pretending to have paid the same. I suppose upwards of two millions of the total due by the railroads could be realized with certainty, and perhaps the whole may be eventually saved by the adoption of the proper measures.

In addition to the above, the University fund and lands may, I suppose, properly be considered as part of the Common School fund, though not directly included therein by the constitution. In regard to that part of the school fund in the possession of the railroads, it will be recollected that, by the act of the thirteenth of August, 1856, under which this fund was loaned to the roads, it was provided that the Governor should cause a sale to be made of the roads failing to pay any installment of the interest due on their bonds, or of the two per cent. sinking fund. No part of the sinking fund has been paid by any road since 1860, and of interest the only payments made since that date are by the H. & T. C. R. R., \$38,280, in the years 1866 and 1867, and by the B. B. B. & C. R. R., \$6,120, in 1867. This condition of affairs would warrant a sale at once for the benefit of the School Fund of all the roads indebted to it; but it is suggested, in view of the disturbed state of the country during this period, that these roads be relieved of the forfeiture legally resulting from their default, on payment of the interest now due, and of regular payment hereafter of interest and sinking fund coming due. If this suggestion is not adopted by your body, I will proceed to sell in accordance with the above cited act.

The question of internal improvements will come before you very prominently, and in a variety of ways. There is no doubt that the people of Texas desire the encouragement, in a judicious manner, of such public works as will afford them means of intercommunication, and of connection with the railroad system of the more Eastern

States. In deference to what I believe to be their wishes I recommend your careful development of some system that will secure this desirable end.

But, while the universal desire in this particular will, I have no doubt, be met in your body by a corresponding effort, I am led to believe that great caution will be necessary to avoid encumbering our State with a weighty debt, created in furtherance of the many schemes for private advantage, but calling for State aid, that will be forced upon you in the name of internal improvements. It has become the habit of speculators proposing to invest in internal improvements to come to the State or General Government for aid, and it has now got to be a settled, popular understanding that the State is to be called upon to aid all private schemes of this nature. This sentiment is, I believe, the growth in this country of less than a quarter of a century, and is a very unhealthy indication, and not at all stimulative of legitimate enterprise.

The absolute necessity for State aid (beyond a liberal charter and the right of way) is not apparent to me as a necessity, to insure the success of any honest and feasible enterprise. It is not believed that a road could be planned through any settled part of the State that would not return large interest on the capital honestly invested, and where parties present themselves asking for no special aid or exclusive privileges they should, where evidence is shown that they will be able in good faith to comply with their promises, receive from you the appropriate encouragement; but that even a simple charter should not be granted without this evidence is made apparent by the vast number of schemes of the sort that have never progressed further than to encumber our statute books, and obstruct the ground to other more responsible companies.

The experience of Texas in subsidizing public works has not been very satisfactory. We have invested in this way (including principal and interest due thereon,) near two and three-fourths millions of specie, or its equivalent, and upwards of five millions of acres of our best lands, (worth fully ten millions more in specie,) and we have somewhat less than five hundred miles of railroad, which the State has mainly built, (but does not own or control,) to show for it. But this is not all. Every Legislature, and every convention of the people since these works received subsidies, has been beset by applications, (sometimes not unaccompanied by the odor of corruption,) for relief from the force and effect of the contracts under which the grants were made, while the restrictions placed upon the beneficiaries of these grants to secure the safety and convenience of the people, and moderate rates of fare and freight, have been wholly disregarded. This experience, as well as the danger of incurring

oppressive obligations, from which our State is happily now free, should make us cautious in the future in regard to subsidies, or State aid of any description. If, however, notwithstanding our experience in this respect, it should be deemed advisable by your body to satisfy the general desire, by lending the aid of the State to the opening of Railroad communication, then I recommend that this aid be limited to a work which seems of the most pressing necessity, crossing the State from Red River to the Rio Grande, and which may be of use to the State in general by furnishing a line of communication with the populous States, and the Railroad system north and east of us. One trunk road of that sort is all that ought to be attempted. This is as much as our finances will safely bear, and is all that is immediately of consequence to the people, it being pretty certain that the necessary taps and connections with the coast will be finished by private enterprise as rapidly as the main trunk. If such a work should be determined upon, the location of it, and the time within which it should be constructed, as well as the manner in which State aid may be given it, with other details, are matters to be determined by your body. In the charter of this road and of all others receiving State aid, or enjoying exclusive privileges in any shape, provision should be made, in decisive terms, giving the State government such control and supervision as will secure the safety and good treatment of passengers and reasonable charges for passage and freight. The existing laws, to a large extent, give the Legislature this control over railroads built with subsidies from the State, and I suggest that justice to the people doing business on these roads requires an immediate exercise of that control, and the establishment by you of a fair and moderate tariff of charges.

From the question of internal improvements, in looking to measures for the development of our State, we naturally pass to the subject of immigration. It is to be hoped that when we are understood to have established here such respect for law and order as will relieve new comers of all apprehensions for their personal safety, our extensive territory, sufficient in itself to embrace the whole population of the United States, our very cheap and fertile lands and delightful climate will, of themselves, attract the attention of persons in countries more densely populated. It is necessary, however, as we wish *at once* to turn the tide of immigration in this direction that the Bureau, authorized by the Constitution for this purpose, should be organized on a liberal basis.

A great deal can be accomplished in an economical way by providing for the collection and publication of statistics which will show the price of lands, description of and capabilities of soil, arti-

cles produced and cost of living in different parts of the State, means and cost of transportation, and minerals there found, and the facilities for working and transportation of same. The collection and publication of these statistics, with agencies in this and other States and in Europe to distribute information and direct and take charge of immigrants, and the appropriation of a moderate sum to pay, in part or in full, the transportation of persons who are too poor to pay their own passage to a home with us, are all within the powers given you by the Constitution, and a liberal provision for the support of this Bureau will not, I believe, in any event be bad economy.

Every industrious, able-bodied adult added to our population may be considered an addition of fifteen hundred dollars to the wealth of the State. A system may, too, be devised which in time may be self-paying, even to the extent of returning to the State the amount advanced to pay transportation of immigrants. Your earnest attention to this subject is asked.

In this connection, and as necessary to a full understanding of the capacity of the State, a complete geological survey is advisable. There has already been some work done in this way, with a very favorable result. Enough was ascertained to make clear that the mineral wealth of Texas is not far behind the agricultural. But the practical benefit of what was done has been mostly lost by the confused state of the specimens in the geological cabinet of the State, and it is difficult now to ascertain where most of these came from. Provision should be made for a large collection of the minerals to be found by this survey, so as to enable the proper department to distribute to the national and other geological cabinets duplicates of them, which are frequently called for. I suggest that this survey and the State collection of specimens be made under the control and direction of the Commissioner of the General Land Office, where it can probably be systematized in a better and cheaper way, in connection with surveys of the public lands.

The condition of the asylums and public buildings and grounds at the capital, and of the Penitentiary, at Huntsville, will merit your consideration. The capacity of the asylums for the accommodation of the class of sufferers, to the care of which they are respectfully designed, is entirely inadequate to the present and probable immediate increase of the population of the State. There is no good reason why these unfortunates should not be considered the wards of the State, and taken care of out of the common fund. By proper care the deaf and dumb and blind can, in most cases, be educated during a short term of years to become useful members of society, and take care of themselves. This should be done by the

State, without regard to the willingness or ability of relations to pay a part or all of the cost; though, where pecuniarily able, the parents or guardians, or the patients themselves, might be required to contribute; and accommodations should be provided for all persons not too old for education, and laboring under these defects, who may be bona fide residents of the State.

In the Lunatic Asylum, even such patients as come within the limited requirements of the present law must be denied admittance, because the institution is full to overflowing. This institution is clearly one of as much necessity, on the ground of safety to the public, as the Penitentiary, and a due regard for this safety would require the confinement therein of many unfortunates whose liberty is now a constant menace to the lives of themselves and friends. However, as at the present conducted, not only are the resources of the institution too limited, but the law under which patients are admitted excludes the great mass of the insane. Whether it will be more advantageous to extend the building we now have, in conformity with the original plan, or to seek another locality, where a better supply of water may be had, is open to discussion. The views of the Board of Managers on this subject, and the general condition of the institution presented in their report of April 21, 1870, are worthy of your consideration, but it is submitted that liberal provision be made, either here or elsewhere, and without delay, for the increased wants of the State in this respect.

The Penitentiary has, until lately, been quite an expense to the State, but this is believed to have been largely the consequence of bad management. The total excess of expenditures over receipts in support of that institution (not including the salaries mentioned in Comptroller's report, page 77, table xxxviii,) since the inauguration of the Provisional State Government up to 16th November, 1869, when the present Superintendent took charge, was \$107,645 30. Under the present Superintendent it is self-sustaining. The number of convicts confined within its walls at date of Superintendent's report (10th February last) was four hundred and eighty-nine. Outside of the Penitentiary one hundred and eighty-one convicts were, on the 16th of the present month, laboring on the railroad from Brenham to Austin, under contract with the H. & T. C. R. R. Company, made under orders of General Reynolds.

The convicts at work on the railroad are not an expense to the State, but the system is considered demoralizing to the convicts, and it clearly does not tend to that improvement of their mental and moral capacity which (after the protection of the public) is the main object of the Penitentiary system. An undue proportion (28 out of a total of 259) of the convicts employed on the railroad have

managed to escape, and this because of the difficulty, under the circumstances, of maintaining that complete control and discipline necessary to their restraint.

It is recommended that these convicts be returned to the Penitentiary, and that provision be made for enlarging the capacity of that institution, and for supplying such improvements and new machinery and fixtures as will develop its usefulness to the highest capacity.

This extension and improvement of the Penitentiary will, of course, cause considerable outlay, and perhaps it may now be well to divide the convicts, and have more Penitentiaries than one. Water power (of which there is none at Huntsville, though of great importance,) and equally healthy localities can be had elsewhere. After such additions are made and fairly in use, there is reason to hope that all convicts may be made to sustain themselves within its walls. Touching these points and the general condition of the Penitentiary your attention is called to the accompanying report of Colonel N. A. M. Dudley, the present Superintendent, and the exhibits attached.

The public buildings at the capital are in need of very extensive repairs and enlargement. The Bureaus of Education and Immigration will have to be provided with suitable offices, while the other departments of the government are straightened in their accommodations (built when the public service was on a much smaller scale), and cannot make place for them.

The public grounds around the Capitol should also be improved and ornamented in a style consistent with that originally intended. They are now only public wastes.

In consideration of the possibility that the Capitol may be removed from Austin, at the election to be held in accordance with the 37th section, article III. of the Constitution, it may not be thought advisable to incur any expense of this sort until the seat of government is permanently fixed. But even in this event, or in case of division of the State, all the buildings at Austin can be made use of as a university, or high schools, or as asylums, or for other public purposes not essentially requiring location at the new capital. The report of the Chairman of Commissioners of Public Buildings and Grounds (Secretary of State), will present this subject in a more detailed form, and I recommend that his suggestions be adopted.

I would not be faithful to the trust confided in me, nor to my own sentiments, were I to omit to bring before you the matter of the sufferings of our frontier settlers on account of Indian depredations. Philanthropic people, throughout those parts of the nation where Indian reminiscences exist only in romantic story, are apt to answer all complaints of Indian atrocities by the recrimination that

these are only savage ways of redressing wrongs previously inflicted by the whites. It is not so here. The Indian tribes, which so grievously wound our frontier, travel many hundred leagues across the desert to reach us. They could originally have had no oppression or grievance to avenge, because neither the Texan settlers nor their Mexican or Spanish predecessors ever approached the native haunts of these tribes, unless in pursuit of some flying, predatory band. From time immemorial they have afflicted this country with their murderous visits. No treaty or concession can appease them, or stay their hands, and peace seems absolutely hopeless as long as one of them lives or roams at large. When annexation took place, it was anticipated that the powerful arm of the National Government would soon bring permanent relief, and that this was not the result before the late civil war is, no doubt, largely to be attributed to that same philanthropic spirit which always restrained the hand short of the only result that could be permanently effectual—extermination, or total conquest and submission. But the continuance of this war after twenty-five years of annexation, and the circumstance that the frontier settlements—for the first time in American history—are surrendered and abandoned, are facts that seem now likely to induce some decisive action on the part of the authorities having this matter especially in charge. The present efficient military commander of this department made every effort possible, with the limited resources at his command, to protect the frontier. He has urged on his superiors the establishment of a military telegraph along the frontier, and asked authority to embody, arm and equip the frontiersmen in minute companies, and to pay them when employed in scouting, or on other duty against the Indians. Short of the only remedy that can be effectual—total conquest and submission of these tribes, and their colonization on reserves far from the frontier—these arrangements seem the best calculated for protection; and it is suggested that as there may be delay in adopting them on the part of the general government, it would be well to provide for putting the plan in practice by the State government. There is no doubt that the expense of it will be a considerable addition to the burdens we must prepare to carry, but I am sure that you will agree with me that the settlers must be protected at any cost.

Incidental to this question of the frontier is presented that of a proposition to sell to the United States a part of the north-western unsettled domain, to the end that the same be appropriated as a reserve whereon to colonize the Indians of Texas and the neighboring territories. The attention of the Government of the United States to such arrangement might be asked if your body deems it expedient

to adopt this suggestion, and it is believed that a satisfactory and permanent settlement of our Indian troubles will thereby be soon effected.

You will, without doubt, esteem it within your powers and duty to encourage in every reasonable way, and with a due regard to economy, the growth of every species of manufacture and industry. Much can generally be done in this way without expenditures of the public money, or the grant of exclusive or exceptional privileges, by the passage of general laws affording adequate protection to property. Manufacturers, I believe, can be stimulated by relief from taxation for a short term of years, and the State's income not unfavorably affected thereby; and our broad and treeless prairies invite the experiment here of State encouragement to the planting of trees, which seems to have succeeded well in States similarly conditioned.

Among the most important interests in our State and one to which this necessity for protection more especially applies is that of stock raising. It is estimated that Texas can supply at this time a million of beeves for consumption beyond the State, besides other stock, and under proper encouragement the supply can be largely increased. There has been some unfriendly discrimination against Texas cattle on the part of the authorities of neighboring States, on the charge that our cattle, healthy at home, introduce contagious diseases when driven abroad. However, it is believed that the real motive for this pretence is beginning to be understood, and that the intelligence of those States will soon remove these obstacles to the freedom of commerce. But while the prospects of the stock-raiser are thus improving abroad, the laws for the protection of his property at home are very defective. During the disturbances of late years practices have become common in regard to herding, branding, killing and selling cattle which well nigh destroy all safety for this kind of property. The laws now on the statute books do not provide an adequate remedy for this grievance, and a thorough revision and adaptation of these laws to existing wants is respectfully urged.

Other subjects must receive your immediate attention as essential to the complete re-organization of the State government, and among those which are of sufficient importance to require special notice, I will refer to the organization and appointment of boards of registry of voters, and of judges of elections; the appointment of officers to fill vacancies where the law or constitution does not now provide therefor; to provide for removals and appointments to municipal offices until elections can be held in the respective cities and towns; to provide for and fix time and manner of elections for such officers as are made elective; to provide for the "trial, punish-

ment and removal from office" of the class of officers referred to in section 6, article VIII, and to divide the State into convenient judicial districts, so that the appointment of district judges may be made. Some of these matters are partially provided for in existing laws, which are defective, and should be revised. I here also refer you to the report of the Attorney General, touching especially some suggestions made in regard to suits and prosecutions on behalf of the State, and modifications or amendments to the criminal code.

I have reserved, to the closing of my message, the discussion of the question of finance, as we can better understand what has to be done in this respect, after a review of the various demands that must be provided for. It is not possible, under the circumstances, to make even a fair approximation to an estimate of the expenses of our State government in the future, but it is safe to look to a very large increase of expenditure, even with the greatest care and economy. The population of the State is thought to be near double that of 1860, and the expense of government seems to increase in geometrical proportion to the addition of population of a State. Without more than the school system, the increased judiciary, and the Immigration Bureau provided in the new Constitution, and the necessary police and militia organization, an expense of near \$1,500,000 must be expected, and provision must be made to procure the necessary funds for these purposes by taxation. The amount necessary for each purpose will altogether depend upon the plan adopted respectively. It is not likely, however, that, on the whole, the ordinary expenditures will be less than the sum indicated.

If it is concluded to give the State aid to any work of internal improvement, then a corresponding addition to expenditure may be looked for; it being made by the Constitution the duty of your body in providing for any such work to also enact a law creating adequate means for payment of interest, and two per cent. of principal, annually.

The amount of cash on hand on the third of September, 1867, (when the late provisional government took charge) was \$20,232 26; receipts from that date to sixteenth inst., inclusive, were \$1,384,191 80; total expenditures from the third of September, 1867, to sixteenth inst., \$1,024,851 31. The amount of cash in the treasury, including balance of Convention fund, but exclusive of school and other special funds, on the sixteenth day of the current month, was \$2952 97 in specie, and \$413,746 92 in currency. Of this amount there is covered by appropriations made under military order since March 1, 1870, the sum of \$37,127 14 currency, which, with the sum of \$8193 03 not accounted for by Mr.

J. T. Allan, late State Treasurer, should be deducted from above total, thus leaving \$2,952 97 specie, and \$368,426 75 in the Treasury subject to appropriation for support of the State Government.

The debt of the State is small. Under the act of November 12, 1866, above alluded to, 5 per cent. State bonds, to amount of \$82,168 82 were issued to the School Fund, and \$134,472 26 of same bonds to the University Fund. If this act is to be respected the State is so much indebted to the School Fund. The only other indebtedness is that of the ten per cent. warrants issued before the late war, and not excluded under the 34th Sec., Act XII, General Provisions. It will require some investigation to ascertain what amount of these warrants are valid claims against the State, but this cannot be considerable.

Texas may therefore, substantially, be said to be out of debt.

It will be noticed that in the Comptroller's report of assets the accounts bear from year to year the items "Special School Fund," \$79,409 50, "University Land Sale," \$10,300 41," and "6 per cent. manuscript State bonds" for School Fund, \$320,367 13. These items represent State warrants or State bonds issued during the war, and representing obligations which are now void, should no longer be borne on the Comptroller's reports. But the Comptroller considers it his duty to continue them until the Legislature directs otherwise.

The whole system of collection of revenue must be revised and made more effective. The Constitution has made considerable change in respect to the manner of collecting the land tax, and it is to be hoped that a system may be devised that will secure a larger share of collections from the taxes on this class of property than has heretofore been the case. Under Section 22, Article XII, you are required at once to provide for the condemnation and sale of all lands or taxes due. On this particular question, as well as the general regulation of the manner of collecting the taxes, I recommend favorably to your examination the suggestions contained in the two communications to me from Hon. A. Bledsoe, the Comptroller, of 20th inst., copies of which are herewith placed before you. Your attention is also called to the biennial report of the late Comptroller of August 31, 1869, with appendices, and the annual report of the late Treasurer, Hon. John T. Allan, now laid before you. Therein the condition of the finances, school and other special funds, and of the railroads is more fully presented.

This report from the Comptroller, and similar reports from all other officers, should hereafter be made annually, in conformity with the Constitutional provision for annual sessions of the Legislature.

Finally, gentlemen, I trust that in these and other matters that will come before you, your deliberations will result in the establishment of security and harmony within our State, and the general prosperity and happiness of our fellow-citizens.

EDMUND J. DAVIS,
Governor.

Senator Fountain offered the following as a substitute to motion of Senator Pridgen:

Resolved, That the Committee on Printing be instructed to have printed ——— copies of the Governor's Inaugural, Message and accompanying documents for the use of the Senate, and ——— copies printed in English, German and Spanish.

Senator Parsons moved to fill the blanks as follows:

“Ten thousand copies; seven thousand copies in English, twenty-five hundred copies in German, and five hundred copies in Spanish.
Carried.

Senator Priest offered the following amendment proviso:

Provided, That one-half of the above number shall be reserved for the use of the Bureau of Immigration.

Senator Douglas offered the following substitute:

Resolved, That (3000) three thousand copies of the Governor's message and accompanying documents be printed for the use of the Senate.

Senator Parsons moved to reconsider amendment by striking out after inaugural address and message the words “accompanying documents and (500) five hundred copies accompanying documents.

Yeas and nays called for.

Vote as follows:

Yeas—Messrs. Flanagan, Fountain, Hall, Hertzberg, Parsons, Rawson, Ruby—7.

Nays—Alford, Bacon, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Ford, Gaines, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Saylor, Shannon—19.

Resolution lost.

Senator Fountain moved to reconsider the vote filling blanks:

Carried.

Senator Baker offered the following:

To fill the blank by inserting (3000) three thousand printed in

English, (1500) fifteen hundred printed in German, and (500) five hundred printed in Spanish.

Yeas and nays called for.

Result as follows :

Yeas—Messrs. Baker, Bowers, Clark, Flanagan, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor—20.

Nays—Messrs. Alford, Bell, Broughton, Dohoney, Douglas, Shannon—6.

Resolution carried.

Senator Fountain moved to amend original resolution by striking out the words accompanying documents.

Carried.

Original resolution as follows was then carried :

Resolved, That the Committee on Printing be instructed to have printed five thousand (5,000) copies of the Inaugural Address and Message of His Excellency, the Governor.

3,000 copies to be printed in English,

1,500 copies to be printed in German,

500 copies to be printed in Spanish.

Senator Ruben offered the following :

Moved, that the report of Committee on Rules be printed and laid on the member's desks to-morrow, as the special order of business at 1 o'clock, P. M.

Which motion was lost.

Senator Fountain offered the following :

Resolved, That the President of the Senate be and he is hereby authorized to appoint pages and porters whenever he shall deem such appointment necessary.

Carried.

Senator Priest offered the following resolution :

WHEREAS, It has to some extent prevailed, as a custom in legislative assemblies, to elect Chaplains, as a demonstration of reverence and dependence on the Great Ruler and Lawgiver of the Universe, and

WHEREAS, In making such elections, some are necessarily preferred, to the exclusion of others, and thus, to some extent, exciting denominational rivalry, and perhaps jealousy, and this in connection with the officers of the State. And

WHEREAS, Such demonstrations are more formal than is consistent with deep and fervent piety, and often made the subject of light remarks, to the prejudice of religion, therefore

Resolved, That the Senate dispense with this formality, and as a body, at the beginning of the responsible and arduous duties devolving

upon us, we fully realize and recognize our dependence on God as the Great Ruler of nations, and look to him for aid, support, wisdom and guidance, toward us individually, and as a Senate, that we may be enabled so to act that he may be glorified, and the best interest of all the citizens of the Great State we represent, may be promoted and secured.

Senator Parsons offered the following substitute :

Resolved, That the clergy of this city be invited in routine, as adjusted by the Secretary of this Senate, to officiate in the position of chaplain of this body.

Senator Priest moved to lay the substitute upon the table.

Yeas and nays called for.

Result as follows :

Yeas—Messrs. Alford, Baker, Bell, Bowers, Clark, Cole, Douglas, Fountain, Gaines, Hertzberg, Mills, Priest, Saylor, Shannon—14.

Nays—Messrs. Broughton, Dohoney, Flanagan, Ford, Hall, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby—11.

Senator Flanagan moved to lay the original resolution by Senator Priest upon the table.

Carried.

Senator Saylor offered the following resolution :

Resolved, That the Senate will, at eleven o'clock, A. M., on Saturday, the thirtieth day of April, 1870, proceed to the election of a chaplain.

Senator Alford moved to lay the resolution upon the table.

Yeas and nays called for.

Result as follows :

Yeas—Alford, Baker, Bell, Broughton, Clark, Fountain, Gaines, Hertzberg, Priest, Shannon—10.

Nays—Bowers, Cole, Dohoney, Douglas, Flanagan, Ford, Hall, Mills, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor—15.

Motion to table resolution lost.

Senator Bowers moved to adopt the resolution.

Yeas and nays called for.

Result as follows :

Yeas—Messrs. Bowers, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Pridgen, Ruby, Saylor—15.

Nays—Alford, Baker, Bell, Broughton, Clark, Fountain, Hertzberg, Priest, Rawson, Shannon—10.

Resolution was carried.

The President announced the reception of a communication from the House as follows, by chief clerk :

Resolved, That a joint committee of two senators and three representatives be appointed from the Senate and House of Representatives to fix and report the distances by which the mileage of members of both Houses shall be computed.

Senator Priest moved to concur with House resolution, and a committee of two be appointed.

Carried.

The Chair appointed Senators Fountain and Mills on said committee.

Senator Parsons requested that for the information of the Senate the following telegraphic dispatch be read from the Mayor and other citizens of Houston :

Houston, April 28, 1870.

HON. W. H. PARSONS :

A telegram appears in the Galveston News stating that the Legislature is disposed to remove to Houston for the session. Is this true? If so we can guarantee all necessary buildings and accommodations, and will be in all respects as liberal as can be asked.

J. R. MORRIS,
A. B. HALL,
J. C. C. WINCH, and others.

Senator Bowers moved to adjourn until four o'clock this P. M.
Carried.

SENATE CHAMBER,
Four o'clock, P. M., April 29, 1870.

Senate met pursuant to adjournment.

Roll call.

Quorum present.

Senator Fountain moved that the Senate take a recess until five o'clock, P. M.

SENATE CHAMBER,
Five o'clock, P. M.

Senate met at five o'clock.

Roll call.

No quorum present.

Senator Bell moved to adjourn until to-morrow at ten o'clock.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, April 30, 1870.

Senate met pursuant to adjournment.

President, Don Campbell, presiding.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The President announced that members who have not qualified come forward and file their oaths.

Senator Pyle then filed his oath.

Senator Priest moved that Judge J. H. Latimer be invited to a seat on the Senate floor.

Senator Priest withdrew his motion.

Senator Bell moved that the rules regulating the Senate, as reported, be taken up.

Carried.

Senator Clark moved the Senate go into a Committee of the Whole.

Carried.

Senate went into committee of the whole.

[Senator Fountain in the chair.]

Committee arose, reported progress, and asked to sit at 11 30 A. M

The hour set, on motion of Senator Saylor, to go into an election for a Chaplain of the Senate having arrived, the President announced nominations in order.

Senator Fountain nominated Rev. J. W. Tays.

Senator Alford nominated Rev. Antonio Barajo.

Senator Clark nominated Rev. Mr. Rodgers.

Senator Bowers nominated Rev. Mr. Buffington.

Senator Dohoney nominated Rev. Mr. Thomas.

The Chair appointed Senators Saylor and Flanagan tellers.

Vote as follows :

Rev. J. W. Tays received	17	votes
Rev. Mr. Buffington "	4	"
Mr. Barajo "	1	"
Rev. Mr. Rodgers "	3	"
Rev. Mr. Thomas "	2	"

Rev. Mr. Tays having received the majority of the votes cast was declared duly elected Chaplain of the Senate.

Senator Douglas offered the following resolution :

Resolved, That the Senate dispense with the office of Assistant Post Master during the current session.

Which resolution was withdrawn.

Senator Bowers offered the following resolution :

Resolved, That the President of the Senate be requested to furnish the Senate with a list of officers now serving in the Senate, whether elected or appointed.

Which resolution was withdrawn.

Senator Parsons offered the following resolution :

Resolved, That the Hon. T. V. Coupland, a member of the Senate of the Legislature of our sister State of Louisiana, now in this city, be extended the courtesy of an invitation within the bar of the Senate chamber of Texas.

Senator Saylor moved the adoption of the resolution.

Senator Bowers moved to a point of order.

The Chair decided the motion in order, and the resolution was adopted.

Senator Priest moved that as the hour had arrived as fixed, the Senate go into a committee of the whole.

The Senate then went into committee of the whole.

Message from the Governor announced.

President took the chair.

Message read.

The President announced the reception of communications from the Governor, as follows :

EXECUTIVE OFFICE,
Austin, April 30, 1870.

TO THE HON. SENATE
of the State of Texas:

Gentlemen :

I respectfully ask your advice and consent to the following appointment, to-wit :

James P. Newcomb, Secretary of State.

Respectfully, EDMUND J. DAVIS, Governor.

EXECUTIVE OFFICE,
Austin, April 30, 1870.

TO THE HON. SENATE
of the State of Texas :

Gentlemen :

I respectfully ask your advice and consent to the following appointment :

Joseph W. Talbot, Superintendent of Public Instruction.

Respectfully, EDMUND J. DAVIS, Governor.

Senator Flanagan moved the communications be laid over until they can be referred to the Committee on Nominations.

Carried.

Senate went into Committee of the Whole.

Committee rose, reported progress, and asked leave to sit on Monday at 11 A. M.

Carried.

Senator Bowers moved that the following rules be adopted :

RULE 79.—All committees shall be appointed by the presiding officer, unless otherwise directed by the Senate.

RULE 80.—The following standing committees shall be appointed at the commencement of each session :

A Committee on Judiciary.

A Committee on Internal Improvements.

A Committee on Penitentiary.

A Committee on Private Land Claims.

A Committee on Education.

A Committee on Immigration.

A Committee on Finance.

A Committee on Militia.

A Committee on Public Lands.

A Committee on State Affairs.

[To consist of not less than five members.]

A Committee on Privileges and Elections.

A Committee on Counties and County Boundaries.

A Committee on Roads, Bridges and Ferries.

A Committee on Claims and Accounts.

A Committee on Contingent Expenses.

A Committee on Nominations by the Governor.

A Committee on Printing.

[To consist of not less than three members.]

A Committee on Federal Relations.

[To consist of not less than five members.]

A Committee on Public Buildings.

A Committee on Public Debt.

A Committee on Land Office.

A Committee on Indian Affairs and Frontier Protection.

A Committee on Stock and Stock Raising.

A Committee on Retrenchment and Reform.

A Committee on Agricultural Affairs.

A Committee on Engrossed Bills.

A Committee on Enrolled Bills.

[To consist of not less than three members.]

A Committee to examine Comptroller's and Treasurer's offices, and that no such committee shall consist of more than nine members.

RULE 81—Any member may excuse himself from serving on a committee at the time of his appointment if he is already a member of three standing committees.

Senator Alford moved the Senate adjourn until ten o'clock, A. M., Monday.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 2, 1870.

Senate met pursuant to adjournment.

President Don Campbell presiding.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted

Senator Flanagan moved to reconsider rule 81.

Carried.

Senator Flanagan then moved to strike out rule 81.

Carried.

By instructions from the President the Secretary announced the following committees :

COMMITTEE ON JUDICIARY.

Priest.....	Chairman
Parsons	Member
Bowers.....	Member
Dohoney,.....	Member
Alford	Member
Ruby	Member
Pickett.....	Member

INTERNAL IMPROVEMENTS.

Flanagan.....	Chairman
Parsons	Member
Mills.....	Member
Cole.....	Member
Bell.....	Member
Douglas.....	Member
Baker.....	Member
Saylor.....	Member
Pyle.....	Member

PENITENTIARY.

Hall.....	Chairman
Ford.....	Member
Gaines	Member
Clark.....	Member
Latimer.....	Member

PRIVATE LAND CLAIMS.

Pridgen.....	Chairman
Clark.....	Member
Ford.....	Member
Bowers.....	Member
Rawson.....	Member

EDUCATION.

Pettit.....	Chairman
Hertzberg.....	Member
Rawson.....	Member
Broughton.....	Member
Pridgeon.....	Member
Dohoney.....	Member
Cole.....	Member

IMMIGRATION.

Parsons.....	Chairman
Pickett.....	Member
Hertzberg.....	Member
Pettit.....	Member
Evans.....	Member
Rawson.....	Member
Pyle.....	Member

FINANCE.

Mills.....	Chairman
Ford.....	Member
Evans.....	Member
Saylor.....	Member
Dohoney.....	Member

MILITIA.

Hertzberg.....	Chairman
Ruby.....	Member
Rawson.....	Member
Shannon.....	Member
Hall.....	Member
Clark.....	Member
Mills.....	Member

PUBLIC LANDS.

Alford.....	Chairman
Evans.....	Member

Fountain	Member
Ruby	Member
Broughton	Member

STATE AFFAIRS.

Parsons	Chairman
Priest	Member
Pickett	Member
Pettit	Member
Douglas	Member

PRIVILEGES AND ELECTIONS.

Baker	Chairman
Hertzberg	Member
Cole	Member
Gaines	Member
Clark	Member

COUNTIES AND COUNTY BOUNDARIES.

Bell	Chairman
Latimer	Member
Gaines	Member

ROADS, BRIDGES AND FERRIES.

Bell	Chairman
Cole	Member
Flanagan	Member

CLAIMS AND ACCOUNTS.

Rawson	Chairman
Pyle	Member
Priest	Member

CONTINGENT EXPENSES.

Mills	Chairman
Priest	Member
Pickett	Member
Ruby	Member
Shannon	Member

NOMINATIONS BY THE GOVERNOR.

Parsons	Chairman
Broughton	Member
Fountain	Member

PRINTING.

Fountain.....	Chairman
Douglas.....	Member
Saylor.....	Member

FEDERAL RELATIONS.

Alford ..	Chairman
Flanagan.....	Member
Latimer.....	Member
Ford.....	Member
Bowers.....	Member

PUBLIC BUILDINGS.

Saylor.....	Chairman
Bowers.....	Member
Fountain.....	Member

PUBLIC DEBT.

Pettit.....	Chairman
Douglas.....	Member
Baker. . .	Member

LAND OFFICE.

Ford.....	Chairman
Alford.....	Member
Evans.....	Member

INDIAN AFFAIRS AND FRONTIER PROTECTION.

Fountain	Chairman
Hertzberg	Member
Gaines	Member
Pyle.....	Member
Shannon	Member
Bowers.....	Member
Broughton	Member

STOCK AND STOCK RAISING.

Flanagan	Chairman
Bell	Member
Shannon	Member
Baker ..	Member
Latimer	Member

RETRENCHMENT AND REFORM.

Saylor	Chairman
Pickett	Member
Pettit	Member

AGRICULTURAL AFFAIRS.

Baker	Chairman
Shannon	Member
Pridgen	Member

ENGROSSED BILLS.

Ruby	Chairman
Dohoney	Member
Hall	Member

ENROLLED BILLS.

Pridgen	Chairman
Douglas	Member
Priest	Member

EXAMINE COMPTROLLER'S AND TREASURER'S ACCOUNTS.

Hall	Chairman
Bowers	Member
Broughton	Member
Pyle	Member
Mills	Member
Pridgen	Member
Alford	Member

Senator Fountain moved that the Committee on Printing be requested to have the names of the several committees printed on slips of paper, and placed upon the desks of the members.

Carried.

Senator Pettit moved that the question of seats be settled.

Senator Cole moved that the Senators retain the seats they now occupy.

Carried.

Senator Latimer offered the following resolution :

1. *Resolved*, That the Senate do now proceed, in accordance with the provisions of article three, section eight of the Constitution, to classify the terms of office of the respective members.

2. *Resolved*, That the drawing be by districts, and that the roll

for this purpose be called accordingly, beginning at the first and following up the calling in regular order.

Which motion was carried.

Senator Flanagan offered the following:

That the Sergeant-at-Arms be instructed to procure thirty white marbles, numbered 2, 4 and 6, equally divided.

Senator Douglas offered as an amendment that one of the pages draw for the members.

Accepted and carried.

Senator Parsons moved that the same be the special order of the day for 12 M. to-day.

Which motion was carried.

Senator Priest offered a bill as follows:

“An act for the benefit of freedmen and freedwomen.”

Which was read first time.

Senator Parsons moved that the Senate go into a committee of the whole.

Carried.

[Senator Fountain in the Chair.]

Committee of the whole arose and reported the adoption of rules under consideration, and asked to be discharged.

The hour having arrived of special order of business.

Senator Fountain moved the special order be postponed until 12½ o'clock P. M.

Senator Pickett moved to amend rules as reported by Committee of the Whole, by inserting as rule 76 the following:

A bill or resolution having been indefinitely postponed shall not be acted on during the same session, nor shall any other bill or resolution containing the same substance be passed into law during the same session.

Carried.

Senator M. Priest moved to reject rule 52 as reported by the Committee, and adopt the old rule, with the comma between the words “Senate” and “to” stricken out.

Which motion was lost.

Senator Bowers moved that the rules as amended be adopted.

Carried.

R U L E S , E T C .

QUORUM.

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. [Con., Art. 3, Sec. 15.]

2. In case a less number than a quorum shall convene, the members present may send the Sergeant-at-Arms, or any other person or persons, for any or all absent members.

ABSENTEES.

3. No member shall absent himself from the services of the Senate without leave unless he be sick or unable to attend.

4. A call of the Senate may be demanded by five members; and if there be any absent, the names of the absentees shall be called again; if they do not answer, the Sergeant-at-Arms, or a special messenger, may be sent for them; and the question pending shall be, without a motion, laid on the table until the absentees appear, or the call be suspended.

OFFICERS OF THE SENATE.

5. The Lieutenant-Governor of the State shall, by virtue of his office, be President of the Senate. [Constitution, Article 4, Section 15.]

6. When the Lieutenant-Governor does not attend to preside, the Senate shall elect one of their own members as President for the time being. [Con., Art. 4, Sec. 15.]

7. The Lieutenant-Governor, or President for the time being, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

8. The presiding officer shall have control of such parts of the Capitol as have been, or may be, set apart for the use of the Senate and its officers.

9. A Secretary, Assistant Secretary, Sergeant-at-Arms, Door-keeper, and Enrolling and Engrossing Clerks, and such other officers as a majority vote may determine to be necessary, shall be elected the first session of the Legislature, to continue in office until discharged by order of the Senate.

OPEN DOORS.

10. The doors of the Senate shall be kept open, except upon a call of the house, and when there is an executive session. [Constitution, article 3, section 22.]

ORDER OF BUSINESS.

11. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

12. The names of the Senators shall be called alphabetically; should a quorum not be in attendance, a majority of those present

shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum assembled, the journal of the preceding day shall be read, and corrected if necessary. [Constitution, article 3, section 15.]

13. The presiding officer shall then call—

- 1st. For Petitions and Memorials;
- 2d. For Reports from Standing Committees;
- 3d. For Reports from Select Committees;
- 4th. For Bills and Resolutions;

which shall be disposed of in the order in which they were presented, unless otherwise directed by the Senate.

14. The unfinished business in which the Senate was engaged at its last preceding adjournment, if any there be, shall then be disposed of.

15. The Special Orders of the Day shall then be taken up and disposed of; after which the Senate shall proceed with the business on the table.

DECORUM AND DEBATE.

16. When a Senator is about to speak in debate, or to communicate any matter to the Senate, he shall address the presiding officer, standing in his place; and when he has finished shall sit down.

17. When two or more members rise at the same time, the presiding officer shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

18. No member shall speak more than once in any one debate until every member designing to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

19. When a member shall be called to order by the presiding officer, or by a Senator, he shall sit down until the question of order be decided; if the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

20. If a member be called to order for using exceptionable words, they shall be immediately taken down in writing, that the presiding officer may be better enabled to judge of them.

21. Every question of order shall, in the first instance, be decided by the presiding officer, from whose decision any member may appeal to the Senate.

22. The presiding officer may call for the opinion of the Senate on any question of order.

23. While the presiding officer is putting a question, or addressing the Senate, he shall not be interrupted.

24. While a member is speaking, no other member shall interrupt

him, except by leave, to explain; nor shall a member speak to any one, or walk across the floor, or otherwise interrupt the business of the Senate. No smoking shall be allowed in the Senate Chamber during the session of the Senate.

25. When a question is under debate, no motion shall be received except—

- 1st. To adjourn;
- 2d. To reconsider;
- 3d. For the previous question;
- 4th. To lay on the table;
- 5th. To postpone indefinitely;
- 6th. To postpone to a time certain;
- 7th. To commit; or
- 8th. To amend;

which several motions shall have precedence in the order in which they stand arranged.

26. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn.

27. The Senate may punish any member for disorderly conduct, and, with the consent of two-thirds, may expel a member; but not a second time for the same offense. [Constitution, article 3, section 16.]

28. The Senate, during its session, may imprison for forty-eight hours any person not a member for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. [Constitution, article 3, section 21.]

29. Any member who shall receive or offer a bribe, or who shall suffer his vote influenced by promise of preferment or reward, shall, on conviction, be expelled. [Constitution, article 3, section 22.]

BILLS.

30. Every bill shall be read in the Senate on three several days, and free discussion allowed thereon, before it shall have the force of a law: unless, in case of great emergency, four-fifths of the members present may deem it expedient to dispense with this rule. [Constitution, article 3, section 24.]

31. The presiding officer shall, at each reading, announce whether the bill originated in the Senate or in the House of Representatives; and whether it be the first, second, or third reading.

32. The first reading of the bill shall be for information, but it may then be rejected; if no motion be made to reject, it shall then be read by its caption and referred.

33. No bill shall be committed, or amended, until it shall have been twice read.

34. Upon the second reading of a bill it shall be subject to commitment or amendment.

35. The final question upon the second reading of a bill originating in the Senate shall be, "*Whether it shall be engrossed and read a third time.*"

36. The final question upon the second reading of a bill that originated in the House of Representatives shall be, "*Whether it shall pass to a third reading.*"

37. No amendment shall be received at the third reading of a bill without the consent of two-thirds of the members present.

38. It shall be in order, at the third reading of a bill, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill shall be considered as on its second reading.

BILLS THAT HAVE PASSED THE SENATE AND BEEN AMENDED IN THE HOUSE OF REPRESENTATIVES.

39. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate, and been sent to the House, said substitute shall be acted on by the Senate, in the same manner as a bill that originated in the House of Representatives.

40. When a bill that originated in the Senate shall be returned by the House of Representatives, with amendments, said bill shall be subject to commitment, and the same rules that govern bills on a second reading.

RESOLUTIONS.

41. Every resolution that requires the approval of the Governor, shall be subject to the rules that govern the proceedings on bills.

42. All resolutions except those named in the 41st and 68th rules, shall be acted on, upon their introduction.

AMENDMENTS TO THE CONSTITUTION.

43. All amendments proposed to the Constitution shall be subject to the rules that govern the proceedings on bills, except that they shall, in all cases, be read on three several days, and shall only be passed by a vote of two-thirds of the Senate. [Con. Art. 12, Sec. 50.]

44. When a proposed amendment to the Constitution may be under consideration, the votes of the majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question short of the final question.

MOTIONS.

45. No motion shall be debated until it shall have been seconded.
46. All motions shall be reduced to writing and read by the secretary, if desired by the presiding officer or any Senator present.
47. After a motion has been stated by the presiding officer, or read by the secretary, it shall be deemed to be in the possession of the Senate; but it may be withdrawn at any time before it has been amended or decided.
48. On motion to fill a blank, the largest sum and the longest time shall have precedence.
49. Any member may have the question before the Senate divided, if it be susceptible of a division into distinct questions.
50. A motion to strike out being lost, shall not preclude a motion to amend or to strike out and insert.
51. No motion to postpone, or to commit, having been once decided, shall be again allowed on the same day, at the same stage of a bill or other questions before the Senate.
52. No motion to admit any person whomsoever within the bar of the Senate shall be in order.

PETITIONS AND MEMORIALS.

53. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief verbal statement of its contents shall be made by the person presenting it.

PROTESTS.

54. Any member shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for dissent entered on the journals. [Con. Art. 3. Sec. 18.]

REPORTS.

55. All reports shall be in writing.
56. It shall be in order for the committees on Engrossed and Enrolled Bills to report at any time.
57. All reports, except reports from the committees on Engrossed and Enrolled Bills, shall, after being read, lie on the table one day for consideration, unless committed.
58. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the secretary as having been read the first time.

COMMITMENT.

59. Motions in writing, reports, and all resolutions, except such

as require the approval of the Governor, may be committed at the pleasure of the Senate.

60. When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order :

- 1st. To a committee of the whole Senate.
- 2d. To a standing committee.
- 3d. To a select committee.

RECONSIDERATION.

61. After a question shall have been decided in the affirmative or negative, any member who voted with the majority may, on the day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof, unless the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have passed out of the possession of the Senate.

62. In all cases, a motion to reconsider shall be decided by a majority of the votes.

READING OF PAPERS.

63. When the reading of a paper is called for by a member, it shall be read, unless the Senate object.

QUESTIONS—MODE OF STATING AND VOTING ON.

64. All questions shall be distinctly put by the presiding officer, and the members shall signify their assent or dissent by answering "yea" or "nay."

EQUAL DIVISION OF THE SENATE.

65. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. [Con. Art. 4, Sec. 15.]

66. The President of the Senate for the time being shall not, by virtue of his office, be entitled to give the casting vote in any case.

67. If the Senate be equally divided on any question or motion when the Lieutenant Governor is not present, such question or motion shall be lost.

YEAS AND NAYS.

68. On the call of three members for the yeas and nays on any question, they shall be taken; and each member, upon his name being called, unless excused by the Senate, shall, without debate, answer "yea" or "nay." [Con., Art. 3, Sec. 14.]

69. Upon the final passage of all amendments proposed to the

Constitution; of all bills or joint resolutions appropriating money or lands for any purpose; and of all other questions that require a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the journal. [Con., Art. 3, Sec. 24.]

70. At the desire of any three members present, the yeas and nays shall be entered on the journal; and the names of the members not voting shall be recorded immediately after those voting in the affirmative and negative. [Con., Art. 3, Sec. 17.]

TWO-THIRDS VOTE—ON WHAT QUESTIONS REQUIRED.

71. A vote of two-thirds of the Senate shall be required for the final passage of amendments to the Constitution. [Con., Art. 12, Sec. 50.]

Bills making appropriation for private or individual purposes, or for purposes of internal improvement. [Con., Art. 12, Sec. 6.]

Bills exempting property from taxation. [Con., Art. 12, Sec. 29.]

Bills creating private corporations.

Bills to revoke or repeal private corporations.

Bills to authorize the State to borrow money.

Bills that have been returned by the Governor with his objections. [Con., Art. 4, Sec. 25.]

Bills to reduce a county to a less area than nine hundred square miles. [Con., Art. 12, Sec. 24.]

An address to the Governor for the removal of a Judge of the Supreme or District Court, or any other civil officer. [Con., Art. 12, Sec. 41.]

In cases of impeachment, a vote of two-thirds shall be required to convict. [Con., Art. 8, Sec. 3.]

No amendment shall be received at the third reading of a bill without the consent of two-thirds present. [Sec R. 37.]

Order of business shall not be postponed or changed without a two-third vote. [Sec R. 73.]

No rule of the Senate shall be suspended unless by a vote of two-thirds. [Sec R. 72.]

A two-thirds vote is necessary for the expulsion of a member. [Con., Art. 3, Sec. 16.]

SUSPENSION AND REVISION OF THE RULES.

72. It shall require a vote of four-fifths of the Senate to suspend the rule requiring bills to be read on three several days; and no other rule of the Senate shall be suspended, unless by the votes of two-thirds of the members present. [Con., Art. 3, Sec. 24.]

73. The order of business, as established by the rules of the Senate; shall not be postponed or changed, except by a vote of two-thirds of the members present.

74. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

REJECTION OF BILLS, RESOLUTIONS AND MOTIONS.

75. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session. [Con., Art. 3, Sec. 26.]

76. A bill or resolution having been indefinitely postponed shall not be acted on during the same session; nor shall any other bill or resolution containing the same substance be passed into law during the same session.

ELECTIONS.

77. In all elections by the Senate the vote shall be given *viva voce*, except in the election of officers of the Senate. [Con., Art. 11, Sec. 4.]

78. A majority of the whole number of votes shall be necessary for a choice in all elections by the Senate.

COMMITTEES.

79. All committees shall be appointed by the presiding officer, unless otherwise directed by the Senate.

80. The following standing committees shall be appointed at the commencement of each session :

1. A Committee on the Judiciary.
2. A Committee on Internal Improvements.
3. A Committee on Penitentiary.
4. A Committee on Private Land Claims.
5. A Committee on Education.
6. A Committee on Immigration.
7. A Committee on Finance.
8. A Committee on the Militia.
9. A Committee on Public Lands.
10. A Committee on State Affairs.
[To consist of not less than five members.]
11. A Committee on Privileges and Elections.
13. A Committee on Roads, Bridges and Ferries.
12. A Committee on Counties and County Boundaries.
14. A Committee on Claims and Accounts.
15. A Committee on Contingent Expenses.

16. A Committee on Nomination by the Governor.

17. A Committee on Printing.

[To consist of not less than three members.]

18. A Committee on Federal Relations.

[To consist of not less than five members.]

19. A Committee on Public Buildings.

20. A Committee on Public Debt.

21. A Committee on Land Office.

22. A Committee on Indian Affairs and Frontier Protection.

23. A Committee on Stock and Stock-raising.

24. A Committee on Retrenchment and Reform.

25. A Committee on Agricultural Affairs.

26. A Committee on Engrossed Bills.

27. A Committee on Enrolled Bills.

[To consist of not less than three members.]

28. A Committee to examine Comptroller's and Treasurer's Accounts, and that no such committee shall consist of more than nine members.

COMMITTEE OF THE WHOLE.

81. It shall be in order for the Senate, at any time after bills and resolutions have been called for, to resolve itself into committee of the whole.

82. In forming a committee of the whole Senate, the presiding officer shall leave the Chair, and shall appoint a chairman to preside in committee.

83. When in committee of the whole, the Lieutenant-Governor shall have a right to debate and vote on all questions. [Con. Art. 4, Sec. 5.]

84. The rules of the Senate, as far as applicable, shall be observed in committee of the whole.

85. Upon bills committed to a committee of the whole Senate, the bill shall be first read throughout by the Secretary, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined: but all amendments, noting the page or line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report, the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

NOMINATIONS BY THE GOVERNOR.

86. When nominations shall be sent to the Senate by the Governor, the same shall be referred to the Committee on Nominations by the Governor, a future day shall be assigned for hearing the report

and acting thereon, unless the Senate unanimously direct otherwise.

87. Nominations shall only be acted on in executive session.

88. All nominations approved, or definitely acted on by the Senate, shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

EXECUTIVE SESSION.

89. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons, except the secretaries, Door-keeper and Assistant Door-keeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms; who shall keep secret the proceedings of such session, until the injunction of secrecy is removed by a unanimous vote of the Senate.

90. All information or remarks touching the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

91. Any officer or member convicted of violating any provision of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate; and if a member, to expulsion.

MESSAGES.

92. Messages, bills, resolutions, and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

93. Messages may be received at any time except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

JOURNAL OF THE SENATE.

94. The proceedings of the Senate when not in committee of the whole or in executive session, shall be entered on the Journal as concisely as possible—care being taken to detail a true and accurate account of the proceedings; the titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals; every report of a committee and vote of the Senate; and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted on the Journal.

95. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the Journals. [Con. Art. 4, Sec. 25.]

96. The proceedings of the Senate when in executive session, acting upon nominations made by the Governor, shall be kept in a separate and distinct book.

ADJOURNMENT.

97. A motion to adjourn shall always be in order, and shall be decided without debate.

98. The Senate shall not adjourn for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. [Con. Art. 3, Sec. 23.]

ADMISSION OF PERSONS WITHIN THE BAR OF THE SENATE CHAMBER.

99. The Governor and ex-Governor of the State, the ex-Presidents of the Republic of Texas, the members of the House of Representatives, and such other persons as the presiding officer, or any member of the Senate, may invite within the bar of the Senate Chamber, shall be supplied with seats therein.

100 The presiding officer of the Senate shall decide all questions not provided for by the standing rules and orders of the Senate, and joint rules and orders of both branches of the Legislature, according to parliamentary practice as laid down by modern approved authors, subject to appeal to the Senate, as in other cases.

Senator Saylor offered the following resolution:

Resolved, That one hundred and fifty copies of the Senate rules be printed for the use of the Senate, and that the Committee on Rules be requested to superintend the printing thereof.

Carried.

President announced the hour had arrived for special order.

Senate then proceeded to the drawing of terms of office, with the following result:

DISTRICT.	NAME.	NO. OF YEARS.
First	E. B. Pickett	Four years
Second	Amos Clark.	Four years
Third	M. Priest	Two years
Fourth	E. Pettit	Two years
Fifth	Webster Flanagan	Four years
Sixth	J. P. Douglas	Two years
Seventh	Henry Rawson	Six years
Eighth	Don Campbell	Six years
Ninth	H. R. Latimer	Six years
Tenth.	D. W. Cole	Four years
Eleventh	E. L. Dohoney	Four years
Twelfth	G. T. Ruby	Six years
Thirteenth	John G. Bell	Two years
Fourteenth	W. H. Parsons	Two years
Fifteenth	J. S. Mills	Two years

DISTRICT.	NAME.	NO. OF YEARS.
Sixteenth	Matthew Gaines	Six years
Seventeenth	W. A. Saylor	Six years
Eighteenth	P. W. Hall	Six years
Nineteenth	S. W. Ford	Four years
Twentieth	W. H. Pyle	Four years
Twenty-first	Samuel Evans	Six years
Twenty-second	E. T. Broughton	Six years
Twenty-third	G. R. Shannon	Two years
Twenty-fourth	B. J. Pridgen	Two years
Twenty-fifth	Vacant.	Four years
Twenty-sixth	E. L. Alford	Two years
Twenty-seventh	Thomas H. Baker	Six years
Twenty-eighth	M. H. Bowers	Two years
Twenty-ninth	Theodore Hertzberg	Four years
Thirtieth	A. J. Fountain	Four years

Senator Flanagan moved to adjourn until ten o'clock to-morrow.
Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 3, 1870.

Senate met pursuant to adjournment.

President Don Campbell in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Bowers offered a memorial in behalf of the heirs of General Sam Houston, and asked that it be referred to the Judiciary Committee.

Which was granted.

Senator Bowers presented the petition of W. B. Price, applying for headright land certificate.

On motion, it was referred to Committee on Private Land Claims.

Senator Ruby moved that all bills, memorials, petitions and resolutions on their first reading be read by caption, unless by special request of some member.

Carried.

Senator Alford moved that the Senate go into executive session as soon as they get through the business of the morning.

Carried.

Senator Flanagan presented a bill to incorporate the Jefferson and Shreveport Railroad.

Referred to the Committee on Internal Improvements.

Senator Baker presented a bill to construct and build a bridge across the Guadalupe river.

Referred to Committee on Roads, Bridges and Ferries.

Senator Bell presented a bill to authorize District Judges to grant corporations.

Referred to the Judiciary Committee.

Senator Baker presented a bill authorizing certain parties to build a bridge across the Guadalupe river at Seguin.

Referred to Committee on Roads, Bridges and Ferries.

Senator Priest offered the following resolution :

Resolved, The Committee on the Judiciary, Internal Improvements, Education and Immigration, be each authorized to employ a clerk at five dollars per day whenever a majority of said Committee shall consider it necessary.

Senator Fountain moved to amend said resolution by inserting Committees on Indian Affairs and Frontier Protection.

Carried.

Senator Ruby offered the following resolution :

Resolved, That the Committee on Public Buildings be instructed to confer with similar House Committee with a view to plans and estimates for the immediate erection of a building, or buildings, within the capitol grounds, suitable for the location of fifteen (15) committee rooms, now demanded by the necessities of labor of the present Legislature.

Senator Bowers offered the following amendment :

Provided, nothing in this resolution contained shall be construed to authorize the building of any room, or rooms, until the same shall be provided for hereafter.

Yeas and Nays called for.

Result as follows :

Yeas—Bowers, Flanagan, Ford, Fountain, Hall, Pettit, Rawson, Ruby, Saylor—9.

Nays—Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Gaines, Hertzberg, Latimer, Mills, Parsons, Pickett, Priest, Pridgen, Pyle, Shannon—18.

Senator Bowers offered the following resolution :

Resolved, That the Judiciary Committee be instructed to inquire into the authority of the officers under the late Provisional Government to continue their action as officers under the State Government, and to report by bill or otherwise.

Adopted.

Senator Priest presented a joint resolution to authorize officers elect to act under existing laws till further legislation.

Referred to Committee on Judiciary.

Senator Bowers offered a bill entitled an act to establish a code of civil procedure for the State of Texas.

Referred to the Judiciary Committee.

Senator Flanagan offered a bill to incorporate Hallsville, Harris county, Texas.

Referred to the Committee on Counties and County Boundaries.

Senator Clark moved that two hundred copies of the bill introduced by Senator Bowers, entitled "an act to establish a code of civil procedure for the State of Texas," be printed for the use of the Senate.

Senator Parsons moved to amend by inserting five hundred in the place of two hundred.

Carried as amended.

The President announced the reception of a communication from J. M. Gibbs, Sergeant-at-Arms of the Senate, and ordered the same to be read, as follows :

AUSTIN, May 3, 1870.

To HON. DON CAMPBELL,

President of the Senate :

The undersigned, Sergeant-at-Arms of the Senate, respectfully represents that at the election of November, 1869, he was elected Sheriff of Grimes county. That to enable him to execute the necessary bond as such sheriff it is important for him to visit the said county of Grimes. He therefore respectfully asks for leave of absence for fifteen days for that purpose.

Should the Senate deem it improper to hold the position of Sergeant-at-Arms while holding the office of Sheriff of Grimes county, then he hereby tenders this his resignation of the position of Sergeant-at-Arms of the Senate.

Very respectfully,

Your obedient servant,

J. M. GIBBS,

Sergeant-at-Arms Senate.

Senator Flanagan moved that a leave of absence be granted him.

Senator Douglas moved to refer it to the Judiciary Committee.

The President called Senator Alford to the Chair.

Motion of Senator Douglas lost.

Senator Flanagan's motion carried, and leave of absence granted

J. M. Gibbs, Sergeant-at-Arms.

Senator Hertzberg offered the following resolution :

Resolved, That the Committee on Militia be authorized to employ a clerk for such length of time as it may deem necessary, at a rate of five dollars per day.

Carried.

Senator Mills moved to amend by adding Contingent Expenses and Finances.

Carried.

Senator Parsons moved to add Committee on State Affairs.

Carried.

Senator Latimer moved to add Committee on Roads, Bridges and Ferries.

Carried.

Senator Baker offered the following as a substitute for the whole

Resolved, That each of the standing committees be and they are hereby authorized to employ a clerk, at a salary of five dollars per day, when, in the opinion of a majority of any one committee, a necessity for a clerk exists, the same to be reported by the committees to the Senate.

Carried.

Senator Fountain moved to adopt the substitute.

Carried.

Senator Ruby moved to adopt the resolution as substituted.

Yeas and nays called for.

Vote as follows :

Yeas, 11.

Nays, 16.

Yeas—Baker, Bell, Bowers, Ford, Fountain, Gaines, Hertzberg, Mills, Pettit, Ruby, Saylor—11.

Nays—Alford, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Hall, Latimer, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Shannon—16.

Senator Parsons moved a recess of five minutes.

Carried.

IN SENATE, 12:30 M.

Senate went into executive session.

Senator Priest requested that the bill introduced by him yesterday, in regard to Freedmen and women be referred to the Judiciary Committee.

Granted.

Senator Saylor offered the following resolution:

Resolved, That the Committee on Rules be authorized and requested to confer with a similar committee of the House for the purpose of drafting and reporting joint rules for the two Houses.

Carried.

Senator Ruby moved to adjourn until 12 M., to-morrow.

Carried

SENATE CHAMBER,
AUSTIN, TEXAS, May 4, 1870.

Senate met pursuant to adjournment.

Senator Parsons in the Chair, *pro tem.*

Roll call.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected and adopted.

Senator Priest presented a petition of B. J. Riddle and others, asking for a charter to build a bridge across the Neches river.

Referred to Committee on Roads, Bridges and Ferries.

Senator Dohoney presented a petition of George W. Wright, asking for special relief.

Referred to Committee on Private Land Claims.

Senator Alford presented a petition of D. W. Hancock for relief.

Referred to Committee on Claims and Accounts.

Senator Priest, Chairman of Committee on Judiciary, offered the following report :

COMMITTEE ROOM,
May 4, 1870.

Hon. DON CAMPBELL,

President of the Senate :

The Judiciary Committee, to whom was referred "Joint Resolution, No. 6," to authorize officers elect to act under existing laws, etc., have had the same under consideration, and instruct me to report the same back and recommend its passage, with the accompanying amendment :

Amend by adding "And that this resolution take effect and be in force from and after its passage."

Report received.

On motion Joint Resolution, No. 6, was placed on first reading.

Senator Bowers moved the suspension of the rules, to bring the resolution to a second reading.

Carried.

On motion of Senator Flanagan it was ordered to be engrossed.

Senator Latimer moved to strike out the word constables.

Lost.

Rules suspended, read third time and passed.

Under direction of the President *pro tem.* the Secretary carried the same to the House of Representatives, and informed them the Senate had passed the same and request their concurrence.

Senator Alford presented a joint resolution instructing Senators and Representatives in Congress to urge a sixteenth amendment to the Constitution of the United States, granting the right of suffrage to all persons without regard to sex, race or color.

Referred to Committee on Federal Relations.

Senator Bell offered the following resolution :

Resolved, That the President, as our Sergeant-at-Arms has leave of absence for fifteen days, be authorized to appoint a second-assistant Sergeant-at-Arms for the same period.

Carried.

Senator Ruby introduced a bill entitled an act to provide for the Geological and Agricultural survey of the State.

Referred to Committee on Public Lands.

Senator Flanagan introduced a bill entitled an act for the relief of the Eastern Texas Railroad Company.

Referred to Committee on Internal Improvements.

Senator Baker introduced a bill entitled an act repealing all laws passed from and after February 1st, 1861.

Referred to Committee on Judiciary.

Senator Gaines introduced a joint resolution to prevent lawlessness and crime in the State of Texas.

Referred to Committee on Judiciary.

Senator Parsons introduced a bill entitled an act to incorporate Jefferson, Marshall and Big Cypress Bayou Bridge Company.

Referred to Committee on Internal Improvements.

Senator Parsons introduced a bill entitled an act to incorporate the Germania Land and Improvement Association.

Referred to Committee on Judiciary.

Senator Parsons introduced a bill entitled an act to incorporate the Germania Savings, Trust and Exchange Company.

Referred to Committee on Judiciary.

Senator Parsons introduced a bill entitled an act to incorporate the City Bank of Houston.

Referred to Committee on Judiciary.

Senator Bell introduced a bill entitled an act to incorporate the Dallas Bridge Company.

Referred to Committee on Roads, Bridges and Ferries.

Senator Bell introduced a bill entitled an act to incorporate the Cedar Creek Bridge Company.

Referred to Committee on Roads, Bridges and Ferries.

Communication from Camillus Jones, first assistant secretary of the Senate :

AUSTIN, May 4, 1870.

To the President and

Gentlemen of the Senate :

Thanking you for the honor conferred in electing me to the position as first assistant secretary of this body, I have to request of you the acceptance of my resignation herewith tendered, as the duties of the office to which I have been elected in Colorado county require my immediate attention.

Very respectfully,
CAMILLUS JONES,

First Assistant Secretary of the Senate.

Senator Fountain moved the resignation be received and accepted.
Carried.

Senator Flanagan moved that the Senate go into the election of first assistant secretary of the Senate to-morrow at one o'clock, P. M.

Carried.

Senator Ruby offered the following resolution :

Resolved, That the Committee on Printing be and are hereby authorized to make all necessary arrangements for the reporting and printing of the debates of this body.

Carried.

Senator Flanagan moved to add Senators Broughton and Bowers to Committee on Indian Affairs and Frontier Protection.

Carried.

Senator Cole moved that the Senate adjourn until to-morrow at twelve o'clock, M.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 5th, 1870.

Senate met pursuant to adjournment.

Senator Parsons informed the Senate that President Don Campbell was sick and would very likely be unable to be present for several days, and asked that the Senate choose a President *pro tem.*, when, upon motion, Senator Parsons was called to the chair, *ad interim.*
[Senator Parsons in the chair.]

Roll call.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Petitions and memorials.

Senator Douglas offered a memorial from J. H. Hallonquist.

Referred to the Committee on Claims and Accounts.

Senator Priest, Chairman of Judiciary Committee, offered the following report:

SENATE CHAMBER,
Austin, May 5th, 1870.

To HON. DON CAMPBELL,

President of Senate:

The Judiciary Committee, to whom was referred Senate bill No. 1, "a bill to be entitled an act for the benefit of freedmen and freedwomen," have had the same under consideration, and have instructed me to report the accompanying substitute for said bill and recommend its passage.

Respectfully submitted,

M. PRIEST,
Chairman.

Report of committee received.

Substitute for Senate bill No. 1 read first time and placed on general file.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

To THE HON. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having carefully examined and compared Senate Joint Resolution No. 6, "To authorize officers elect to act under existing laws until further legislation," find the same to be correctly engrossed.

Respectfully,

G. T. RUBY,
P. W. HALL,
For Committee.

Senator Priest offered the following resolution:

Resolved, That the Secretary of State be requested to furnish,

for the use of the Judiciary Committee, seven copies of the following books:

Paschal's Digest of the Laws of Texas,
 Paschal's Annotated Constitution,
 Constitution of the State of Texas,
 Declarations and Ordinances of the Conventions of 1868 and 1869.

Also a copy of the statutes of various States of the Union, and a copy of all the general and special laws of the State of Texas, so far as they are now in his office. If copies of Paschal's Digest and Annotated Constitution are not in the State Department, then the Secretary of State is requested to purchase the number above mentioned.

Adopted.

Senator Bell offered a resolution relative to the re-districting of the State.

Referred to Committee on Judiciary.

Senator Priest introduced a bill entitled "An act to suppress the practice of carrying fire-arms and other deadly weapons about the person."

Read and referred to Committee on Judiciary.

Senator Hall introduced a bill entitled "An act to authorize the Governor to fill vacant offices by appointment."

Read and referred to Committee on Judiciary.

Senator Baker introduced a bill entitled "An act to promote home industry."

Referred to Committee on State Affairs.

Senator Bowers introduced a bill entitled "An act to carry into execution the judgments and decrees of the late County Courts, and to perfect the unfinished business thereof."

Referred to Judiciary Committee.

The President *pro tem.* called Senator Fountain to the Chair.

Senator Priest introduced a bill entitled "An act to make valid the official acts of certain surveyors."

Referred to Judiciary Committee.

Senator Baker introduced a bill entitled "An act regulating the sale and inspection of animals and the inspection of hides."

Referred to Committee on Stock and Stock-raising.

Senator Bowers introduced a bill entitled an act to incorporate the Texas Military Institute.

Referred to Committee on Education.

Senator Priest introduced a bill to be entitled an act relative to the New Orleans, Mobile and Chattanooga Railroad Company.

Referred to Committee on Internal Improvements.

Senator Parsons introduced the following bills :

A bill entitled an act for the relief of the heirs of James S. Holman, deceased.

Referred to Committee on Private Land Claims.

A bill entitled an act to incorporate the Stonewall Fire Company of the city of Houston.

Referred to Judiciary Committee.

A bill entitled an act to incorporate the Home Insurance Company of Houston, Texas.

Referred to Judiciary Committee.

A bill entitled an act to amend an act to provide the mode of trying titles to lands, etc., and for the benefit of settlers in good faith.

Referred to Judiciary Committee.

A bill entitled an act to incorporate Houston Hook and Ladder Company.

Referred to Judiciary Committee.

Senator Dohoney offered the following resolution :

Resolved, That the Secretary of State be respectfully requested to furnish each member of the Senate with a copy of Oldham & White's Digest.

Senator Bowers moved to amend by adding, " and a copy of all the general laws of the State passed since the publication of Oldham & White's Digest.

Accepted and carried.

Senator Ruby moved a recess until one o'clock, P. M.

Carried.

ONE O'CLOCK, P. M.

The hour having arrived for the election of a first assistant secretary of the Senate, the President *pro tem.* announced nominations in order.

Senator Hall nominated W. E. Horne.

Chair appointed Senators Alford and Rawson tellers.

Vote as follows :

W. E. Horn, seventeen votes.

Stocker, one.

Blank, one.

W. E. Horn having received the majority of the votes cast, was declared duly elected first assistant secretary of the Senate.

Senator Flanagan moved that the Senate adjourn until tomorrow at twelve o'clock.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 6, 1870.

Senate met pursuant to adjournment.

Senator Parsons in the Chair, *pro tem*.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Alford introduced a petition for the relief of N. W. Faison.

Referred to Committee on Claims and Accounts.

Senator Flanagan introduced a petition for the relief of A. H. Cook.

Referred to Committee on Claims and Accounts.

Senator Hertzberg introduced a bill entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense.

Pending its reference to a committee, Senator Flanagan moved to adjourn until to-morrow at twelve o'clock, M.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 7, 1870.

Senate met pursuant to adjournment.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and adopted

PETITIONS AND MEMORIALS.

Senator Bowers presented a petition for the relief of the estate of Thomas Carothers, deceased.

Referred to Committee on Claims and Accounts.

Senator Bowers presented a petition for the relief of Jeremiah Morton.

Referred to Committee on Claims and Accounts.

Senator Hall presented a petition from the citizens of Robertson county, asking the Legislature to remove the county seat from Owensville to Calvert.

Referred to Committee on Counties and County Boundaries.

Senator Hall presented a communication from Geo. W. Honey, State Treasurer, asking for further legislation regarding trust funds in his hands.

Referred to Committee to examine Comptroller's and Treasurer's accounts.

REPORT OF JOINT SELECT COMMITTEE ON MILEAGE.

COMMITTEE ROOM,
May 6, 1870.

To the Hon. DON CAMPBELL,

President of the Senate:

Your select joint committee, to whom was referred the resolution to prepare a schedule of mileage to govern the payment of members of the Legislature, respectfully report the accompanying schedule, and recommend its adoption, together with the following concurrent resolution:

Resolved by the Senate, the House concurring, That the Comptroller be instructed to audit all mileage accounts in conformity with the subjoined schedule; that for every fraction of mileage under twenty-five miles, one day's pay be additionally computed; and such members who may have received less mileage at the provisional session of this Legislature than is allowed in conformity with

this resolution, are hereby authorized to demand and collect any balance that may be due and unpaid by the State Treasurer.

A. J. FOUNTAIN,
Chairman Committee
On part of the Senate.

Report read and received.

Senator Fountain moved a suspension of the rules, and it be placed on its second reading.

Carried.

Senator Latimer moved to amend by striking out "800 miles from Red river." and inserting "760."

Lost.

Senator Fountain moved suspension of the rules, and that the report be put upon its third and final reading.

Carried.

Report read third time and passed.

SCHEDULE OF DISTANCES TO AUSTIN AND RETURN.

COUNTY.	MILES.	COUNTY SEAT.
Anderson.....	550.....	Palestine
Angelina.....	640.....	Homer
Archer.....		
Atascosa.....	270.....	Pleasanton
Austin.....	260.....	Bellville
Bandera.....	260.....	Bandera
Bastrop.....	80.....	Bastrop
Baylor.....		
Bee.....	340.....	Beeville
Bell.....	120.....	Belton
Bexar.....	170.....	San Antonio
Blanco.....	100.....	Blanco
Bosque.....	250.....	Meridian
Bowie.....	96.....	Boston
Brazoria.....	400.....	Brazoria
Brazos.....	376.....	Boonville
Brown.....	300.....	Brownwood
Burleson.....	400.....	Caldwell
Burnet.....	120.....	Burnet
Caldwell.....	60.....	Lockhart
Calhoun.....	300.....	Indianola
Callahan.....		
Cameron.....	970.....	Brownsville
Chambers.....	620.....	Waller'sville

COUNTY.	MILES.	COUNTY SEAT.
Cherokee	540	Rusk
Clay		
Collin	500	McKinney
Colorado	210	Columbus
Coleman	360	Camp Colorado
Comal	100	New Braunfels
Comanche	280	Cora
Concho		
Cooke	600	Gainesville
Coryell	200	Gatesville
Dallas	400	Dallas
Davis	800	Linden
Dawson		
Denton	500	Denton
De Witt	208	Clinton
Dimmitt		
Duval		
Eastland		
Edwards		
Ellis	400	Waxahachie
El Paso	1700	San Elisario
Encinal		
Erath	400	Stephensville
Falls	234	Marlin
Fannin	600	Bonham
Fayette	176	Lagrange
Fort Bend	350	Richmond
Freestone	330	Fairfield
Frio		
Galveston	476	Galveston
Gillespie	310	Fredericksburg
Goliad	240	Goliad
Gonzales	180	Gonzales
Grayson	622	Sherman
Grimes	330	Anderson
Guadalupe	126	Seguin
Hamilton	220	Hamilton
Hardeman		
Hardin	600	Hardin
Harris	376	Houston
Harrison	830	Marshall
Haskell		
Hays	60	San Marcos

COUNTY.	MILES.	COUNTY SEAT.
Henderson	630	Athens
Hidalgo	800	Edinburgh
Hill	300	Hillsboro
Hood	430	Stockton
Hopkins	650	Tarrant
Houston	490	Crockett
Hunt	550	Greenville
Jack	550	Jacksboro
Jackson	300	Texana
Jasper	864	Jasper
Jefferson	790	Beaumont
Johnson	400	Buchanan
Jones		
Karnes	240	Helena
Kaufman	400	Kaufman
Kendall	230	Boerne
Kerr	200	Kerrville
Kimble		
Kimney		
Knox		
Lamar	700	Paris
Lampasas	130	Lampasas
La Salle		
Lavaca	200	Hallettsville
Leon	300	Coutreville
Liberty	692	Liberty
Limestone	300	Springfield
Live Oak	300	Oakville
Llano	180	Llano
McCulloch		
McLennan	200	Waco
McMullen		
Madison	300	Madisonville
Marion	850	Jefferson
Mason	250	Mason
Matagorda	400	Matagorda
Maverick		
Medina	210	Castroville
Menard		
Milam	240	Cameron
Montague	600	Montague
Montgomery	450	Montgomery
Nacogdoches	560	Nacogdoches

COUNTY.	MILES.	COUNTY SEAT.
Navarro	340	Corsicana
Newton	700	Newton
Nueces	560	Corpus Christi
Orange	600	Orange
Palo Pinto	500	Palo Pinto
Panola	756	Carthage
Parker	480	Weatherford
Polk	460	Livingston
Presidio		
Red River	800	Clarksville
Refugio	350	Refugio
Robertson	430	Owensville
Runnels		
Rusk	700	Henderson
Sabine	742	Milam
San Augustine	650	San Augustine
San Patricio	400	San Patricio
San Saba	200	San Saba
Shackelford		
Shelby	600	Canton
Smith	800	Tyler
Starr	1000	Rio Grande City
Stephens		
Tarrant	470	Fort Worth
Taylor		
Throckmorton		
Titus	800	Mount Pleasant
Travis		Austin
Trinity	40	Sumpter
Tyler	600	Woodville
Upshur	790	Gilmer
Uvalde	460	Uvalde
Van Zandt	526	Canton
Victoria	260	Victoria
Walker	410	Huntsville
Washington	220	Brenham
Webb	700	Laredo
Wharton	320	Wharton
Wichita		
Wilbarger		
Williamson	52	Georgetown
Wilson	160	Sutherland Springs
Wise	600	Decatur

COUNTY.	MILES.	COUNTY SEAT.
Wood	714	
Young		
Zapata	800.	Carivo
Zavalla		

Senator Rawson, Chairman of Committee on Claims and Accounts, reports action of committee on petition of D. W. Hancock, and recommends its rejection.

Read first time and placed on file.

Senator Bowers, Chairman Select Committee on Joint Rules for both Houses, made the following report:

SENATE CHAMBER,
AUSTIN, May 7, 1870.

TO THE HON. DON CAMPBELL,
President of Senate:

The committee appointed to prepare and report joint rules of the two Houses, having performed that duty, instruct me to report the accompanying, and to recommend their adoption.

M. H. BOWERS,
On part of Senate committee.

JOINT RULES OF THE TWO HOUSES.

DISAGREEMENTS BETWEEN THE TWO HOUSES.

1. In every case of an amendment in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. After each House shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

COMMUNICATION BETWEEN THE TWO HOUSES.

4. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Door-keeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

5. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

6. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

7. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

8. Each House transmits to the other all papers on which any bill or resolution may be founded.

ENROLLING AND SIGNING OF BILLS AND RESOLUTIONS, AND THEIR PRESENTATION TO THE GOVERNOR.

9. After a bill shall have passed both Houses, it shall be duly enrolled on paper by the Clerk of the House of Representatives, or of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

10. When bills are enrolled, they shall be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

11. After examination and report, each bill shall be signed in the respective Houses—first, by the Speaker of the House of Representatives, then by the President of the Senate.

12. After a bill shall have been thus signed in each House, it shall be presented by said committees to the Governor, for his approbation—it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the journal of each House. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of each House.

13. All orders, resolutions, and votes which are to be presented to the Governor of the State for his approbation, shall, also in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

ELECTIONS BY JOINT VOTE OF THE TWO HOUSES.

14. In all elections by joint vote of the two Houses of the Legislature, the Senate will, upon invitation, meet the House in the Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats

in front of the Speaker's desk. The Speaker of the House shall preside. The names of the Senators shall then be alphabetically called; after which the names of the Representatives shall be called in like manner: and if a quorum of both houses answer to their names, the two Houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by their Secretary, and their votes recorded by him; the names of the Representatives shall then be called by their Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receive a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two Houses have met in joint session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered on the Journal of each House.

15. If a quorum of either House shall fail to attend a joint session, or absent themselves therefrom, without the permission of such House, the members of the House so wanting a quorum, if ten in number, shall have the right to compel the attendance of the absentees, in accordance with its own rules; and after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either House; which vote shall be taken by the presiding officer of either House, on the motion of any one of its members, without debate.

16. If no choice shall have been made on the first ballot or vote, at any time thereafter, the joint session may be adjourned with or without naming another day for meeting, by the vote of a majority of either House, which vote shall be taken by the presiding officer of either House, on the motion of any one of its members, without debate.

Report of committee received, read, and, on motion of Senator Bowers, adopted and ordered to be printed.

Senator Hertzberg introduced a bill entitled an act to incorporate the Western Texas Life, Fire and Marine Insurance Company of San Antonio.

Read first time and referred to Committee on Judiciary.

Also, a bill entitled an act to incorporate the officers and members of San Antonio Harmonia Lodge No 1, O. D. H. S.

Read first time and referred to Judiciary Committee.

Senator Rawson introduced a bill entitled an act to establish a ferry across the Sabine river at or near Red Rock, Upshur county..

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Baker introduced a bill entitled an act for the support and employment of the poor.

Read first time and referred to Committee on State Affairs.

Also, a bill entitled an act to incorporate Belton Male and Female Academy.

Read first time and referred to Committee on Education.

Also, a bill entitled an act to amend articles 698, 699 and 700 of the Code of Criminal Procedure.

Read first time and referred to Committee on Judiciary.

Senator Hall introduced a bill entitled an act to remove the county seat of Robertson county from Owensville to Calvert.

Read first time and referred to Committee on Counties and County Boundaries.

Senator Ruby introduced a bill entitled an act to confirm the compromise and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company and the Galveston Wharf Company.

Read first time and referred to Committee on Judiciary.

Senator Gains introduced a joint resolution referring to the same person holding two offices in this State.

Read first time and referred to Committee on Judiciary.

Senator Pettit introduced a bill entitled an act for the erection of a monument to the late General Sam Houston.

Read first time and referred to Committee on Public Buildings.

Also a bill entitled an act for the suppression of malpractice in medicine.

Read first time and referred to Judiciary Committee.

Also a bill entitled "An act to incorporate the Butler Male and Female College."

Read first time and referred to Committee on Education.

Also a bill entitled "An act to repeal an act, approved January 14, 1860, entitled 'An act to authorize and require the clerks of the District Courts of Cherokee, Smith, Anderson, Panola and Angelina counties, to apportion the causes on the dockets of said courts.'"

Read first time and referred to Committee on Judiciary.

Senator Priest introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Houston and Great Northern Railroad Company.'"

Read first time and referred to Committee on Internal Improvements.

Also an act concerning insolvent estates, and to regulate administrations thereon.

Read first time and referred to Committee on Judiciary.

Senator Bowers introduced a bill entitled "An act to incorporate Lampasas College."

Read first time and referred to Committee on Education.

Also a bill entitled "An act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Read first time and referred to Judiciary Committee.

Also a bill entitled "An act providing for the geological survey of the State."

Read first time and referred to Committee on Public Lands.

Senator Pettit offered a resolution changing county boundaries so as to conform to the cardinal points of the compass.

Referred to Committee on Counties and County Boundaries.

Also a resolution that so much of the Governor's message establishing asylums be referred to the Committee on Public Buildings, with instructions to inquire into the eligibility of Eastern Texas for the location of one or more of said institutions.

Senator Priest offered the following resolution:

Resolved, That the Committee on Education be instructed to inquire into the expediency of organizing a public school system in this State, in accordance with the requirements of the Constitution, so as to ensure an equal distribution of the school fund to all citizens, without distinction, who are entitled to the same, under such rules and regulations as will make the system a success, by enlisting in its support all classes interested, embracing therein the following provisions; and that said Committee report by bill or otherwise:

1. The Superintendent to have supervisory control over the schools of the State.

2. That each organized county shall constitute a school district, and the Police Court, composed of the five Justices of the Peace of each county, to constitute a Board of School Directors of the county.

3. That said Police Court shall appoint, in each justice's precinct, two Boards of School Trustees, one of said Boards to be composed of the recently enfranchised citizens. These Boards each to engage suitable teachers, and to make schools at such points as may seem to the best interest of students of their precincts, respectively.

4. That the Police Court shall appoint a board of competent persons to examine teachers, and none but competent and sober persons shall be recommended as teachers, having reference in regard to competency, to special localities, and none but teachers thus recommended to be employed.

5. No teacher shall be employed at a greater price per month than two dollars.

Said committee, also, to require, in their bill, all parents and guar-

dians to send their children and wards, of proper age, to school, under the penalty of forfeiting their rights, *pro rata*, to the school fund, for the time they thus fail or refuse to send.

Referred to Committee on Education.

The question recurring upon the ruling of Senator Parsons, President *pro tem.*, that a bill, when read by caption and referred without a call for the reading of the same, was in pursuance of parliamentary usage, deemed a first reading.

Appeal having been taken from the decision of the chair, the decision was sustained.

On question of reference of bill to Committee on Militia, entitled "an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense," introduced by Senator Hertzberg, Senator Pickett moved to refer to Committee on State Affairs.

Senator Fountain moved previous question.

Motion sustained.

Senator Bowers moved to adjourn.

Motion lost.

The question recurring upon the previous question, the main question was put, "Shall the bill be referred to the Committee on Militia?"

Yeas and nays called for: vote as follows:

Yeas—Messrs. Alford, Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Nays—Messrs. Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Latimer, Pickett, Pridgen, Pyle, Shannon—11.

Referred to Committee on Militia.

The President directed the Secretary to read the following dispatch:

HOUSTON, May 3d, 1870.

His Excellency Gov. E. J. DAVIS:

The Agricultural, Mechanical and Blood Stock Association of Texas cordially invites your Excellency, Gen. J. J. Reynolds and staff, the Judges of the Supreme Court, the members of the Senate and House of Representatives, and heads of Departments, to attend the first grand State Fair to be held in Houston, commencing May 17th. Arrangements will be made for free passes over the railroads. Be pleased to communicate this invitation to the parties named.

JNO. T. BRADY,
President.

Senator Bowers moved to adjourn till Monday 12 M.
Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 9, 1870.

Senate met pursuant to adjournment.

Roll called.

Quorum present.

[Senator Parsons in the chair, *pro tem.*]

Journal of Saturday read and, on motion of Senator Bowers, the resolution of Senator Baker, omitted in Saturday's minutes, was made a part of the Journal.

Resolved, That the various standing committees to whom petitions, memorials or bills are referred, be requested to notify the Senator introducing such petition, memorial or bill, of the time when the same will be acted on; and that the Secretary furnish the chairman of each standing committee with a copy of this resolution.

Resolution adopted.

Senator Latimer moved correction of minutes of Saturday by inserting the resolution of Senator Ruby.

Resolved, That the Senate disallow the correspondent of the Houston Times the privilege of a seat as reporter on this floor, because of indecorous and abusive language of the State administration and members of the present Legislature.

Resolution withdrawn by consent of the Senate.

Minutes adopted as corrected.

Senator Alford presented a memorial from the citizens of La Grange, asking for power to elect municipal officers.

Referred to Committee on Judiciary.

Senator Herzberg presented a petition from Bexar county, protesting against cutting off from Bexar county precinct number twenty-seven, or any part thereof.

Referred to Committee on Counties and County Boundaries.

Senator Dohony presented a memorial of Professor W. C. Hurley, asking an appropriation to enable him to publish a book on Practical Pirenology, Physiology, and Hygiene.

Referred to Committee on Education.

Senator Fountain offered concurrent resolution amending schedule of distances by which the Comptroller is to be governed in auditing the payment of mileage accounts of members of the Twelfth Legislature. Amend by inserting distance from Nacogdoches to Austin, 320 miles; distance from Kaufman to Austin, 240 miles.

Senator Douglas moved to amend, "From Smith county to Austin, three hundred and twenty-five miles."

Amendment accepted.

Concurrent resolution as amended read first time, and on motion of Senator Fountain rules suspended and placed on second reading.

Resolution engrossed.

Senator Fountain moved further suspension.

Resolution put on its third reading and final passage.

Read third time and passed.

Under direction of President pro tem. the Secretary carried the same to the House.

Senator Mills introduced a bill entitled "An act appropriating seventy-five thousand dollars (\$75,000) for pay of mileage and per diem of members of Twelfth Legislature, and per diem of officers of same."

Read first time.

On motion of Senator Pickett rules suspended.

Read second time and ordered to be engrossed.

On motion of Senator Cole placed on third reading and final passage.

Bill read third time and passed by the following vote:

Yeas—Messrs. Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—Latimer—1.

Under direction of President pro tem. the Secretary carried the same to the House for concurrence.

Senator Alford introduced a bill authorizing county courts to sell the public school lands belonging to their respective counties.

Read first time and referred to Committee on Education.

Also, a bill entitled "An act requiring supreme and district judges and district attorneys to be citizens of Texas."

Read first time and referred to Committee on Judiciary.

By Senator Ruby:

A bill entitled "An act to define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

Read first time and referred to Committee on Judiciary.

By Senator Parsons,

A bill to be entitled an act to prevent cessation of judicial functions, and to avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts.

Read first time and referred to Committee on Judiciary.

By Senator Dohoney,

A bill entitled an act to amend the Penal Code of the State of Texas by inserting chapter 4 under title XI of said Code in reference to the use of deadly weapons.

Read first time and referred to Committee on Judiciary.

By Senator Ruby,

A bill entitled an act to incorporate the Galveston Horticultural Society.

Read first time and referred to Committee on Judiciary.

By Senator Pickett,

A bill to incorporate the Sabine and Neches Mutual Insurance Company.

Read first time and referred to Committee on Judiciary.

Also, a bill entitled an act to incorporate the city of Sabine Pass.

Read first time and referred to Committee on Judiciary.

By Senator Priest,

A bill to be entitled an act to amend article 271, Code of Criminal Procedure, and other purposes.

Read first time and referred to Committee on Judiciary.

Also a bill entitled an act to amend articles 379 and 380 of the Code of Criminal Procedure.

Read first time, and referred to Committee on Judiciary.

Also a bill entitled an act concerning judgments and mortgage liens upon real estate.

Read first time and referred to Committee on Judiciary.

Also a bill to be entitled an act to regulate the lien of mechanics and artizans.

Read first time, and referred to Committee on Judiciary.

Senator Hertzberg offered the following resolution :

Resolved, That the Committee on Public Buildings is hereby authorized and requested to furnish suitable rooms for the several Senate committees, now urgently needing the same.

On motion of Senator Ruby, adopted.

Senator Baker offered the following resolution :

Resolved, That the Clerk on the Committee on Elections be required to act also for the Committees on Public Debt, Agriculture and on Stock and Stock Raising, at a salary of one clerk.

Adopted.

Senator Bell offered the following resolution :

Resolved, That the Chairman of Committee on Counties and County Boundaries be authorized to employ a clerk.

Carried.

Senator Douglas offered the following resolution :

Resolved, That the Committee on State Affairs be required to inquire fully into the condition of the State with reference to the

peace and order of its inhabitants, and report upon the necessity or non-necessity of providing by law for the organization of an active military force for the preservation of order, or for other purposes.

Senator Priest moved to refer the resolution to the Committee on Militia.

Senator Bowers made the point of order that the resolution could not be referred.

The chair ruled the reference of the resolution to the Committee on Militia to be in order.

Senator Alford appealed from the decision of the chair.

Pending the appeal, Senator Hall moved to lay on the table.

Yeas and nays called for.

Yeas—Messrs. Baker, Bell, Ford, Fountain, Gaines, Hall, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Nays—Messrs. Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Hertzberg, Latimer, Mills, Pickett, Pyle, Shaamon—14.

Motion to lay on table lost.

Senator Pettit asked that Senator Pridgen be excused, absent on account of sickness.

Granted.

Senator Bowers moved the adoption of the resolution.

Pending discussion, on motion of Senator Pyle, Senate adjourned till to-morrow morning 11 o'clock.

SENATE CHAMBER,
AUSTIN, TEXAS, May 10, 1870.

Senate met pursuant to adjournment.

Senator Parsons in the chair presiding.

Roll call.

On suggestion of Senator Priest, Senator Flanagan was excused.

Minutes of yesterday read.

Senator Parsons moved correction of minutes so as to show the ruling of the Chair upon the question of reference to the Militia Committee of the resolution referred to, to have been a division of the resolution, and reference of only a part thereof to the committee.

Minutes approved.

Senator Bowers introduced a bill to be entitled "An act to incorporate the Austin City Ice Company."

Read first time and referred to Committee on Judiciary.

Senator Priest introduced a bill to be entitled "An act to exempt certain property therein named from forced sale."

Read first time and referred to Committee on Judiciary.

Senator Priest introduced a bill to be entitled "An act to amend an act better defining the marital rights of parties."

Read first time and referred to Judiciary Committee.

Senator Gaines introduced a bill entitled "An act authorizing the Police Court of Washington county to levy a special tax for the support of the lunatics in said county."

Read first time and referred to Committee on Judiciary.

Senator Pyle introduced a bill to be entitled "An act to incorporate the Kaufman County Bridge Company."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Dohoney introduced a bill to be entitled "An act to repeal part of an act entitled an act to levy taxes, approved November 6, 1866."

Read first time and referred to Judiciary Committee.

Senator Baker introduced a bill to be entitled "An act to further the agricultural development of the State of Texas."

Read first time.

Referred to Committee on Agricultural Affairs.

Senator Ruby offered the following resolution:

Resolved, That one hundred copies each of the bills now before the Committee on Public Lands, relative to the Geological Survey of the State, be printed for the use of members of this Senate.

Adopted.

Senator Hertzberg presented the report of the Committee on Militia, recommending the passage of Senate bill No. 33, entitled an act to provide for the enrollment of the militia, etc.

Laid over under the rules.

Senator Priest offered the following:

Resolved, That all general bills reported favorably by committees shall be printed one hundred copies each for the use of the Senate. Bills of special character to be printed when ordered by the Senate.

Adopted.

Senator Alford offered a resolution to allow a member of the Senate to have his vote, when in executive session, recorded by the Secretary.

Referred to Committee on Rules.

Senator Ruby presented the following:

To the Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having carefully examined and compared concurrent resolution amending schedule of distances, by which the Comptroller is to be governed in auditing the payment of mileage accounts of members of the 12th Legislature, and an act making an appropriation for the mileage and per diem pay of the officers and employes of the 12th Legislature of the State of Texas, find the same to be correctly engrossed.

Respectfully,

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY,

Committee.

Communication from the House from the hands of the chief clerk.

Concurrent resolution in regard to the distances of members, and how the same shall be computed, laid over under the rules.

Senator Douglas offered the following:

Resolved, That the Secretary of the Senate be required to procure from the Secretary of State one copy of Oldham & White's Digest of the Laws of Texas, and one copy of the general and special laws of the Legislature of 1866, and one copy of the ordinances of the Constitutional Convention of 1868, for the use of each member of the Senate.

Adopted.

Senator Latimer offered the following:

Resolved, That a committee of three be appointed to wait on Mrs. Dr. Mary Walker and extend to her the use of the Senate chamber for lecturing purposes, at any time when the Senate is not in session.

Adopted.

Chair appointed on committee Senators Latimer, Priest and Clark.

The hour having arrived, the Senate, after a recess of five minutes, went into executive session.

In Senate—Senator Bowers moved that the Senate adjourn till to-morrow at 11:45 A. M.

Adjourned.

SENATE CHAMBER,

AUSTIN, TEXAS, May 11, 1870.

President Don Campbell in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senator Douglas presented a memorial of certain citizens of Smith county, asking charter for ferries at King's Crossing, on Sabine river.

Read and referred to Committee on Roads, Bridges and Ferries.

Senator Douglas presented a bill to be entitled "An Act granting the right of way to John W. King to establish and operate a ferry at King's Crossing, on Sabine River.

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Ruby called the attention of the Chair to the fact that the hour had arrived for the executive session of the Senate.

Senate went into executive session.

In the Senate.

Senator Bowers moved that the Secretary be instructed to inform His Excellency, the Governor, that the Senate respectfully declines to advise and consent to the appointment of Joseph W. Talbot as Superintendent of Public Instruction.

Senator Baker made a point of order that the motion was not in order under the rules.

Senator Bowers moved a suspension of the rules to consider the motion.

Rules suspended, and motion carried.

Communication from the House, by the Chief Clerk, transmitting House Joint Resolution, No. 3, asking the Congress of the United States to prevent the republic of Mexico from harboring certain bands of hostile Indians, who devastate the south-western frontier of Texas.

Also, House Joint Resolution, No. 4, asking the government of the United States to improve the bars at Galveston, Pass Cavallo, Aransas Pass, Sabine Pass, and Brazos Santiago.

Laid over under the rules.

Senator Baker presented the report of Committee on Election, in case of Peterson vs. Dohoney.

Senator Parsons moved the report be made the special order of the day to-morrow at 12:30 P. M. Adopted.

The special committee of Senators Latimer, Priest and Clark reported the acceptance of the Senate Chamber by Mrs. Dr. Walker, who returned thanks to the Senate for the compliment paid to woman and her cause, and stated that she would be pleased to lecture on Thursday evening at 8 o'clock.

Senator Fountain moved that the House concurrent resolution upon schedule of mileage be taken from the file, and the Senate concur in the same.

Carried; resolution read first time.

On motion of Senator Fountain, the rules were suspended and the resolution placed on its second reading and engrossment.

Senator Fountain moved a further suspension of the rules and the resolution be placed on its third reading and final passage.

Read third time and passed.

Under direction of the President the Secretary carried the same to the House, with the action of the Senate.

Communication from the Governor by the hands of his private Secretary, transmitting communication of J. T. Allen, late State Treasurer.

Senator Fountain moved the communication be referred to Committee on Finance.

So referred.

Senator Fountain introduced a bill entitled an act to appropriate fifteen thousand dollars to defray the contingent expenses of the 12th Legislature.

Read first time.

Senator Fountain moved suspension of rules; bill passed to engrossment, and further suspension of rules, and the bill passed to its third reading and final passage.

Read third time and passed.

The yeas and nays were as follows:

Yeas—Messrs. Alford, Bell, Baker, Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Senator Bowers introduced a bill entitled an act to incorporate the Austin Joint Stock Building Company.

Read first time, referred to Committee on Judiciary.

Senator Hall moved adjournment till to-morrow at 11 A. M.

Carried.

SENATE CHAMBER.
AUSTIN, TEXAS, May 12, 1870.

Senate met pursuant to adjournment.

President Don Campbell in the Chair

Roll called.

SIC

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Alford, for Committee on Judiciary, reported back a substitute for Senate Bill No. 54, and recommended its passage.

Read first time and laid over under the rules.

Senator Priest, from same committee, introduced a minority report by leave of the Senate.

Read and laid over under rules.

Senator Ruby presented report from the Committee on Judiciary recommending the passage of Senate Bill No. 53, entitled "An act to incorporate the Galveston Horticultural Society."

Laid over under the rules.

Senator Bell presented report from Committee on Counties and County Boundaries, recommending the passage of a bill entitled "An act to incorporate the town of Hubbardville, Harrison county, Texas," with the exception of this clause in section six:

"And that the citizens who reside in said corporation shall be exempt from road duty, except such as may be employed on them by the board of aldermen."

Read and laid over under the rules.

Senator Priest presented report of Judiciary Committee on memorial of the heirs of General Sam Houston, recommending a bill for the relief of the heirs of General Sam Houston.

Read first time and laid over.

A message was received from the House informing the Senate that the House had passed Senate Bill No. 52, "An act appropriating seventy-five thousand dollars for pay and per diem of members of the Twelfth Legislature, and per diem pay of officers of the same."

Senator Pridgen, Chairman of the Committee on Enrolled Bills, reported on Senate Bill No. 52, entitled "An act making an appropriation for the mileage and per diem pay of members and the per diem pay of officers and employes of the Twelfth Legislature of the State of Texas," and that the same had been correctly enrolled.

Senator Ruby, for the Committee on Engrossed Bills, reported that the Senate Bill No. 74, entitled "An act to appropriate fifteen

thousand dollars for the payment of contingent expenses of the Twelfth Legislature," had been correctly engrossed.

Senator Parsons presented report for Judiciary Committee, recommending the passage of Senate bill No. 56, "entitled an act to prevent cessation of judicial functions and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and courts," with amendments.

Bill read as amended.

Senator Parsons moved suspension of rules.

Rules suspended.

Senator Bowers moved adoption of amendments.

Amendments adopted.

Bill as amended read second time, and passed to its engrossment.

Senator Flanagan moved further suspension of rules.

Rules suspended, and bill as amended put on its third reading and final passage.

Senator Alford moved to strike out 2d Section. Motion lost.

Read third time and passed.

Senator Mills offered the following :

SENATE CHAMBER,
AUSTIN, TEXAS, May 10, 1870.

Resolved, That the Comptroller, the State Treasurer, the Commissioner of the Land Office, the Secretary of State and the Judges of the Supreme Court, be requested to furnish the Senate with a list of the employes of their respective departments, whose salaries are drawn from the public treasury, together with nationality, age, and length of residence in Texas; whether they are respectively registered voters, and by whom appointed, and also the number of vacancies.

Senator Pickett moved adoption of resolution. Adopted.

Senator Fountain offered the following :

Resolved by the Senate, That the Secretary be authorized to employ a journal and a calendar clerk.

Adopted.

Senator Gaines introduced a bill to be entitled An Act to authorize the police court of Washington county to levy a special tax to build a jail at the county seat.

Read first time.

Referred to the Committee on Judiciary.

[Senator Fountain called to the Chair.]

Senator Hall introduced a bill entitled "An Act to establish a State Police, and provide for the regulation and government of the same."

Read first time, and referred to Committee on Militia.

[President resumed the Chair.]

Senator Ruby called attention to special order of yesterday, on the report of Committee on Elections, in case of Peterson vs. Dohoney.

Majority report read.

Minority report read.

Senator Baker moved a suspension of the rules, and adoption of majority report.

Lost.

Senator Fountain moved that the Senate go into a Committee of the Whole to-morrow, at twelve o'clock, M., and take up the whole matter of contest.

Carried.

Senator Bowers presented a petition from Mayor and Aldermen of the city of Austin.

Referred to Committee on Judiciary.

Senator Shannon presented petition of E. M. Heath for relief.

Referred to Committee on Judiciary.

Senator Hertzberg introduced a bill entitled "An Act concerning the Levy of Taxes for Bexar County."

Read first time.

Referred to Committee on Judiciary.

Also a petition from the members of the County Court of Gillespie county, to authorize said court to levy a special tax.

Referred to Committee on Judiciary.

Senator Alford introduced a bill entitled An Act to amend article two hundred and thirty of the penal code.

Read first time.

Referred to Committee on Judiciary.

Also a bill entitled An Act to amend third section, act of 1846, in respect of the jurisdiction of the Supreme Court, being article 562 of Paschal's Digest.

Read first time.

Referred to Committee on Judiciary.

Senator Ford introduced the following bills :

A bill entitled An Act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties.

Read first time.

Referred to Committee on Finance.

A bill entitled An Act to amend sections one, two, three, five, six,

twelve, thirteen, nineteen and twenty of an act to incorporate the Waco Tap Railroad Company.

Read first time.

Referred to Committee on Internal Improvements.

Senator Bell introduced a bill to be entitled An Act to incorporate the Cat Springs Social Turn Verein.

Read first time.

Referred to Committee on Judiciary.

Senator Priest introduced a bill to be entitled An Act concerning juries, and in relation to jury certificates.

Read first time.

Referred to Committee on Judiciary.

Senator Priest introduced a bill entitled An Act to amend an act entitled an act to regulate juries, and concerning challenges.

Read first time.

Referred to Committee on Judiciary.

On motion of Senator Pridgen, the Senate adjourned till tomorrow at eleven o'clock, A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, May 13, 1870.

Senate met pursuant to adjournment.

Roll call.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senator Baker offered an additional report of Committee on Privileges and Elections.

Read and laid over under the rules.

Senator Cole informed the Senate that he, as a member of the committee, had not been notified of their action.

Senator Baker offered report of Committee on Agricultural Affairs.

Read and laid over under the rules.

Senator Pettit offered a report of Committee on Education relative to memorial of Professor W. C. Hurley.

Read and laid over under the rules.

Senator Pettit offered a report of Committee on Education relative to bill incorporating the Texas Military Institute.

Read and laid over under the rules.

Senator Dohoney introduced a bill entitled "An Act to regulate the punishment of misdemeanors and the manner of enforcing the laws." Read first time.

Referred to Committee on Judiciary.

Senator Baker introduced a bill, entitled "An Act to provide for the payment of district attorneys pro. tem. Read first time.

Referred to Committee on Judiciary.

Senator Dohoney introduced a bill to be entitled "An Act to provide for a manual labor system in each county in the State." Read first time.

Referred to Committee on Judiciary.

Senator Pettit introduced a bill entitled "An Act to exempt undertakers from serving on juries." Read first time.

Referred to Committee on Judiciary.

Senator Baker, Chairman of the Committee on Agricultural Affairs, reported back to the Senate, Senate Bill, No. 71, entitled "An Act to further the agricultural development of the State of Texas," with a recommendation that it do not pass.

Laid over under the rules.

Senator Alford, Chairman of Committee on Public Lands, presented the following report :

To the Hon. DON CAMPBELL,

President of Senate :

The Committee on Public Lands, to whom was referred the bills of Senators Ruby and Bowers, to provide for the geological survey of the State, have instructed me to report the bill of Senator Bowers back to the Senate, with the following amendments, and recommend its adoption :

Amend by striking out all after the word " necessary," in Section 2, line five, and the sixth and seventh lines in same section, and amend by striking out the word " twelve" and insert " twenty," in Section 7, line thirteen, and filling the blank in eighth line, 1st Section, with " five thousand."

E. L. ALFORD,
Chairman.

Laid over under the rules.

Senator Priest moved that the Senate take up the unfinished business on the President's table. Carried.

From President's table :

Substitute for Senate Bill, No. 1.

A bill entitled " An Act for the relief of freedmen and freedwomen." Read second time

Senator Bowers moved the engrossment of the bill.

Senator Douglas moved that the second section be stricken out.

Pending motion, a message from the Governor was announced by the President. Message read.

Senator Ruby moved the message be referred to Committee on Judiciary. Carried.

The following bills were announced from the House by the chief clerk :

House Bill No. 1—" An Act making an appropriation of (\$10,000) ten thousand dollars to pay contingent expenses of 12th Legislature."

Joint resolution in regard to instructing our Senators and requesting our Representatives to urge the passage of the bill for the protection of the frontier of Texas.

Laid over under the rules.

Senate Joint Resolution No. 6--Authorizing officers elect to act under existing laws until further legislation.

Laid over under the rules.

House Bill No. 7—" An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases.

Laid over under the rules.

The question then recurred upon the motion of Senator Douglas to strike out 2d section of substitute for Senate Bill No. 1.

Motion to strike out lost.

Bill passed to its engrossment.

The hour having arrived under the special order of yesterday, the Senate went into a committee of the whole:

[In Senate, President Don Campbell, presiding.]

Senator Fountain, Chairman of the Committee of the Whole, reported progress, and asked leave to sit again.

Senator Bowers moved that the rules be suspended and the additional report of the Committee on Elections be read.

Carried; report read.

Senator Ruby moved that the additional report as read be received by the Senate as supplemental to the original majority report, and filed as part of the proceedings in the contested case of Peterson vs. Dohoney. Carried.

Senate, on motion of Senator Parsons, went into Committee of the Whole.

[In Senate, President Don Campbell, presiding.]

Senator Fountain, as Chairman of the Committee of the Whole, reported progress, and asked leave to sit again on Monday at 10 o'clock. Granted.

On motion of Senator Parsons, the Senate adjourned till Monday next, 9 A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, May 16, 1870.

Senate met pursuant to adjournment.

President Don Campbell in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Friday read and approved.

Senator Ruby presented a memorial from the citizens of Liberty county, asking an appropriation for an amount sufficient to make a good road from Liberty to Menard Creek.

Referred to Committee on Roads, Bridges and Ferries.

Also, a memorial of P. H. Moser, in reference to immigration.

Referred to Committee on Immigration.

Senator Bowers presented a petition of W. C. Philips for relief.

Referred to Committee on Claims and Accounts.

Report from standing committees.

Senator Bell, Chairman of Committee on Roads, Bridges and Ferries, reported back Senate bill No. 36, entitled "An Act to establish a ferry across the Sabine river, at or near Red Rock, Upshur county, and recommend its passage.

Laid over under the rules.

Also, Senate bill No. 69, entitled "An Act to incorporate the Kaufman County Bridge Company," and recommend its passage.

Laid over under the rules.

Also, Senate bill No. 72, entitled "An Act granting the right to John W. King to establish and operate a ferry at King's Crossing, on Sabine river," and recommend its passage.

Laid over under the rules.

Senator Pridgen, Chairman of Committee on Private Land Claims, reported back the petition of W. B. Price, applying for headright certificate with accompanying bill; authorizing and requiring the Commissioner of the General Land Office to issue to W. B. Price a certificate for one-third of a league of land, and recommend its passage.

Laid over under the rules.

On motion of Senator Bowers the rule to refer a bill on first reading to a committee, unless otherwise disposed of, was adopted.

Senator Flanagan moved to postpone the special order of to-day until Wednesday, May 25, at 10 o'clock A. M.

The Committee on Engrossed Bills offered the following report :

To the Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate Bill No. 56, entitled "An Act to prevent cessation of judicial functions and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts," and also substitute for Senate Bill No. 1, entitled "An Act for the relief of freedmen and freedwomen," find the same to be correctly engrossed.

Senator Mills, Chairman of Committee on Finance, reported back application of John T. Allen, with joint resolution, recommending the sum of \$8,193 be placed to his credit on settlement of his accounts with the State Treasurer.

Read and laid over under the rules.

Senator Gaines offered the following resolution :

Resolved, That the Committee on Counties and County Boundaries be more fully informed by the permanently located citizens of Robertson county, Texas, as to the general desire of said citizens regarding the removal of the county seat from Owensville to the town of Calvert on the Central Railroad. Adopted.

Senator Fountain offered the following resolution :

Resolved, That the Committee on Public Buildings are hereby instructed to make inquiry as to whether there are any rooms in the Land Office, suitable for committee rooms, that are not being used for public purposes, and that said committee make an early report of the result of their inquiry. Adopted.

Senator Pickett introduced a bill entitled "An Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company."

Read first time, and referred to Committee on Internal Improvements.

Also, a bill entitled "An Act authorizing the Commissioner of the General Land Office to appoint county surveyors until otherwise provided by law."

Read first time, and referred to Committee on Judiciary.

Senator Hall introduced a bill entitled "An Act to establish a system of registration."

Read first time, and referred to Committee on Judiciary.

Senator Baker introduced a bill entitled "An Act for the improvement of the navigation of the Colorado river."

Read first time, and referred to Committee on Internal Improvements.

Senator Flanagan introduced a bill entitled "An act to expedite the construction of the Southern Pacific Railroad."

Read first time and referred to Committee on Internal Improvements.

Senator Fountain moved the usual number of copies be printed for the use of the Senate. Carried.

Senator Dohoney introduced a bill entitled "An act to legalize an election held in the city of Paris, Texas, on the third day of December, 1869, for municipal officers of said city."

Read first time and referred to Committee on Judiciary.

Senator Hertzberg introduced a bill entitled "An act regulating the creation of private corporations, their powers, duties and liabilities."

Read first time and referred to Committee on Judiciary.

By leave of the Senate, Senator Parsons, for Committee on Judiciary, reported back Senate bill No. 15, entitled "An act to incorporate the German Land and Improvement Association;" also Senate bill No. 16, entitled "An act to incorporate the Germania Saving, Trust and Exchange Company;" also Senate bill No. 17, entitled "An act to incorporate the City Bank of Houston;" and recommend their passage.

Laid over under the rules.

Senator Ruby, for Committee on Judiciary, reported back Senate bill No. 41, entitled "An act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company;" and recommended its passage.

Laid over under the rules.

The reports of Comptroller and Treasurer, in response to resolution of the Senate requesting them to furnish the Senate with a list of their employes, their salary, nationality, &c., read, and, on motion, received.

Senator Hertzberg offered the following resolution:

Resolved. That the Committee on Militia shall be authorized to employ a clerk, for such length of time as his services may be deemed necessary, at a salary of five dollars per day during actual service.

Adopted.

Senator Ruby moved the Senate go into committee of the whole to take up the Governor's message. Carried.

In the Senate—Senator Ruby, for the Committee of the Whole, recommended that the Governor's message, as subdivided in the journal of the twenty-seventh, be referred to the appropriate committee. Carried.

Senator Cole moved the Senate adjourn till to-morrow morning at nine o'clock. Carried.

SENATE CHAMBER,
AUSTIN, May 17, 1870.

Senate met pursuant to adjournment.

[President Don Campbell in the chair.]

Roll call.

No quorum present.

On motion of Senator Cole, the Senate adjourned until 10 o'clock to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, May 18, 1870.

Senate met pursuant to adjournment—Roll called—Quorum present—Prayer by the Chaplain—Journals of Monday and Tuesday read and approved.

Senator Bowers presented a petition of James S. Patterson for land certificate due him.

Referred to Committee on Private Land Claims.

Also, a petition of the heirs of W. J. Cowan, dec'd, for relief-headright certificate.

Referred to Committee on Private Land Claims.

Also, a petition of H. Clay Eanes, for relief.

Referred to Committee on Claims and Accounts.

Senator Priest, Chairman of Committee on Judiciary, presented the following report on Senate Bill No. 59 :

COMMITTEE ROOM,

Austin, May 18, 1870.

To the Hon. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred Senate Bill No. 59, entitled "An Act to incorporate the Sabine and Neches Mutual Insurance Company," have carefully considered the same and instruct me to report it back to the Senate and recommend its passage.

M. PRIEST,

Chairman of Committee.

Also, report of committee on petition of E. M. Heath :

COMMITTEE ROOM,

Austin, May 18, 1870.

To the Hon. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred petition of E. M. Heath for special relief as deputy assessor and collector of taxes, have carefully considered the same and believe the petitioner entitled to the relief prayed for, we therefore report the accompanying bill and recommend its passage.

M. PRIEST,

Chairman of Committee.

Message from the House by the chief clerk, asking concurrence in House Bill No. 16, entitled "An Act to incorporate the Magnolia Grove Association of Galveston, Texas."

Also, House Bill No. 28, entitled "An Act to incorporate the Allemania Association of La Grange, Texas."

Laid over under the rules.

Also, report of committee on Senate bill No. 65 :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

To the HON. DON CAMPBELL,
President of the Senate :

The Judiciary Committee, to whom was referred Senate bill No. 65, entitled "An Act to incorporate the Austin City Ice Company," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 66 :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

To the HON. DON CAMPBELL,
President of the Senate :

The Judiciary Committee, to whom was referred Senate bill No. 66, entitled "An Act to exempt certain property therein named from forced sale," have had the same under consideration, and instruct me to report the accompanying substitute for said bill and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 62 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,
President of the Senate :

The Judiciary Committee, to whom was referred Senate bill No. 62, entitled "An Act to amend articles 379 and 380 of the Code of Criminal Procedure," have had the same under consideration, and instruct me to report it back with accompanying amendment and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 50 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,
President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 50, entitled "An Act to incorporate the Young Men's Real Estate and Building Association of the City of Austin," have carefully considered the same, and instruct me to report it back to the Senate and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 24 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 24, entitled "An Act to make valid the official acts of certain surveyors," have duly considered the same and instruct me to report it back to the Senate with accompanying amendment, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on memorial of the citizens of LaGrange :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

To the HON. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred memorial of the citizens of LaGrange, asking for an election of town officers, have instructed me to report the accompanying general bill, authorizing the incorporated towns and cities of the State of Texas to elect municipal officers, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 63 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 63, entitled "An Act concerning judgment and mortgage liens upon real estate," have carefully considered the same and instruct me to report it back to the Senate, and recommend that the bill do not pass.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 20 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred Senate bill No. 20, entitled "An Act to suppress the practice of carrying fire arms and other deadly weapons about the person," have had the same un-

der consideration, and instruct me to report the accompanying substitute for said bill and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 60 :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

To the HON. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary to whom was referred Senate bill No. 60, entitled "An act to incorporate the City of Sabine Pass, have had the same under consideration, and instruct me to report it back to the Senate, and recommend its passage.

M. PRIEST,
Chairman Committee.

Senator Cole presented the following minority report from the Committee on Militia. Read.

Senator Pickett moved that the report be received, spread upon the journals, and that two hundred copies of majority and minority reports be printed for the use of the Senate. Carried.

AUSTIN, TEXAS, May —, 1870.

To the Hon. DON CAMPBELL,

President of the Senate :

The undersigned, members of the Committee on Militia, cannot agree with the majority of the committee, who have reported favorably on Senate bill No. 33, entitled "An act to provide for the enrollment of the militia, the organization and discipline of the State guard, and for the public defense." We very much regret that differences of opinion should exist as to the power of the Legislature to pass such a law as is contemplated by the bill reported by the majority of the committee, or as to the policy of such a law.

We regret still more that the action of the majority of the committee has been such as to require from us a dissent therefrom. But, believing, as we do, that the bill is clearly in violation of the Constitution of the United States and of the State of Texas, and that if passed into a law would be ruinous in policy, we feel constrained to submit this minority report, together with our reasons for dissenting from the conclusions arrived at by the majority of the committee. We are free to admit that "a well regulated militia is necessary to the security of a free State;" and if the bill under consideration contemplated no more than this, we would cheerfully favor its passage into a law, if not in violation of the constitution. But it goes further, and, under the mask of organizing the militia, provides for calling into active service, in time of peace, a large armed military force in the nature

of a standing army, whose number is only limited by the will of the Executive, he having power also to determine what particular persons are to be enrolled in this force, and to "reject any person offering himself for enrollment in the same." This army is placed at the unlimited control of the Governor, and he is authorized to order the whole or any part of it into active service "in time of war, rebellion, insurrection, invasion, resistance of civil process, breach of the peace or imminent danger thereof."

It is also made "the duty of the Governor, whenever in his opinion the enforcement of the laws of this State is obstructed within any county or counties by combination of lawless men too strong for the control of the civil authorities, to declare such county or counties under martial law, and to suspend the laws therein.

"In this event, the Governor, by his proclamation, shall designate the county or counties in which the laws are to be so suspended, and the Governor shall call out such part of the State guard or reserved militia or State police, as may in his opinion be necessary to the suppression of disorder. The expense of maintaining the State guard or reserve militia, called into active service under this section, may, in whole or in part, in the discretion of the Governor, be assessed upon the people of the county or counties where the laws are suspended. The Governor may provide, and he may also prescribe the necessary regulations therefor, and may designate the officer or officers who shall make such assessment and collection thereof."

The bill further provides that "whenever the laws may be suspended, as provided for in the last preceding section, it shall be the duty of the Governor to provide for the trial and punishment of offenders, and the Governor shall make all details of officers for this purpose, and prescribe all necessary regulations for the formation and government of courts-martial and military commissions established for this purpose."

From these extracts, taken from the bill under consideration, it will be seen that the Executive is authorized at any time, when he has reason to believe that "a breach of the peace" has been made in any county of this State, or that there is "imminent danger" of a breach of the peace, to suspend all the civil laws in such county, and to declare martial law therein; to station in such county or counties as many troops of his own selection, and officered by himself, as in his opinion may be necessary for the suppression of disorder, and to tax the citizens of the particular county where the troops are so sent, with the expense of the same; to suspend the functions of all civil officers, and to cause detailed military officers to perform the duties that should be performed by the regular constituted civil authorities; to cause arrests and imprisonments to be made

without warrant or known cause; to suspend the writ of *habeas corpus*; to try, condemn and punish supposed offenders by courts-martial and military commissions, thus depriving the citizens of "the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed;" to hold a person, in no way connected with the army or navy, to answer criminal charges, otherwise than on indictment or information; to close the courts of the country, and thus deprive the person who has suffered injury to his "lands, goods, person, or reputation," of all remedy by due course of law; to disregard and abrogate Section XII of the Bill of Rights, which provides that "the right of trial by jury shall remain inviolate;" to deprive citizens of this State of life, liberty and property, otherwise than by due course of the law of the land; to compel the citizens of the county in which these troops may be sent to pay the expenses of the same, furnish rations for the men and forage for their horses, without compensation--thus taking private property for "public use without just compensation being made." In short, the bill favorably reported by the majority of the committee, seeks to create an army, and make the civil authority subordinate and subservient thereto, with the Executive of the State as commander-in-chief of the army thus provided for.

We believe these powers have not been delegated by the people to the Legislature, but have been carefully reserved and excepted out of the general powers of government, and should ever remain inviolate. We believe that in the administration of the government, the Executive, the Legislature, and every officer and citizen, is bound by, and entitled to, the benefits of the following liberal guarantees:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation.

"In all criminal prosecutions, the accused shall have a speedy public trial by an impartial jury. No person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offenses against the laws regulating the militia.

"All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

"The right of trial by jury shall remain inviolate.

"No person's property shall be taken or applied to public use without just compensation being made, unless by the consent of such person.