

“No citizen of this State shall be deprived of life, liberty, property or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

“No power of suspending laws in the State shall be exercised, except by the Legislature, or its authority.

“The privileges of the writ of *habeas corpus* shall not be suspended, except by act of the Legislature, in case of rebellion or invasion, when the public safety may require it.

“The military shall, at all times, be subordinate to the civil authority.”

These solemn constitutional guarantees were purchased with the blood and treasury of centuries—they have been extorted at the expense of the lives of patriots and of tyrants, and we believe they should now be respected, that they should bind the conscience and govern, limit and control the actions of all men, governors and governed, magistrates and people, at all times and under all circumstances; and that any wilful disregard of these organic laws would be alike dangerous to the stability of the Government, the safety of the State, and the liberties of the people.

These guarantees should protect the people against all usurpations; against all exercise of martial law or military power over the citizens in no way connected with the army or navy; against all arrests of judgments: against any punishment or exile of citizens, except by lawful warrant, indictment or information, of the properly constituted civil judicial tribunals of the land; and against all and every usurpation of the civil authority by military power.

But the bill under consideration, if passed into a law and executed, would offend against every constitutional guarantee herein set forth. Every such violation but tends to the subversion of our Government and the establishment of that anarchy which has no solution but in perfect despotism. While it is the duty of every one to see that the laws are strictly enforced, and vigilantly to guard the great citadel of liberty, yet should we thus sacrifice or trample under foot these cardinal principles of constitutional liberty! The maintenance of the Government by such means would be the triumph of slaves, not freemen. We believe this sacrifice unnecessary.

Full and ample authority is given by the bill to the Governor to suspend all laws, including the writ of *habeas corpus*, and this too in direct violation of the Federal and State Constitution. It is provided in the Federal Constitution that “the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion, the public safety may require it.” And the State Constitution adopts the precise phraseology, and gives the power exclusively to the Legislature in such case. In other words, it is

only when invasion or rebellion has assumed such proportions as that the public safety may demand the suspension of the writ, that the Legislature may act.

It requires the highest act of sovereign authority to deprive the people of the inestimable privileges of this writ, and the Legislature is denied the power to delegate its authority to another.

The citizen is robbed of all protection to life or liberty by the removal of the guarantees of this writ, and thereby outlawed as unworthy of all civil rights.

The British people have, since the days of King John, looked to this Magna Charta as the palladium of their liberties—the distinguishing feature between free and despotic government, and it would to-day cost the Queen of Great Britain her crown and her head, should she arbitrarily attempt to suspend the privileges of this writ. Her parliament would not be long in returning a denial to any proposition investing her with the power here sought to be conferred on a governor of a free State.

It is only in cases of armed invasion or rebellion, when the civil authority is powerless to maintain its ascendancy, that the privileges of this writ are suspended, and in such an event under our Constitution, the Legislature is made the sole judge of the necessity of the case. An actual or threatened breach of the peace, as provided in the bill, cannot be tortured into an invasion or rebellion in which the public safety may require a suspension of this writ.

It may be questioned whether or not the Constitution of this State has delegated to the Legislature the authority to provide by law for organizing and disciplining the militia. The usual provisions on this subject found in most of the State constitutions and heretofore embraced in the organic law of this State, is wanting in our constitution. The power given to the Governor to call forth the militia contemplates such precedent grant of authority, and it may well be doubted whether the Legislature can act until an amendment of the constitution is obtained. Until recently the State has been restrained from the establishment of a militia, and the right denied as an inherent power of government in the people.

The Constitution of the United States provides that Congress may have power “to provide for organizing, arming, disciplining and calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion,” with power thus delegated to the Federal Government its whole authority would be exercised in the organization of a military force within the State, should it become necessary for the suppression of rebellion or repelling invasion, and we may well ask whether it is not such contingency only that any grant of authority could be claimed as an inherent power justifying the establishment of a military organization by the Legislature.

We have not been favored with the arguments in support of the report of the majority of the committee, but understand it is urged by the friends of the bill that as section twenty of article one of the State Constitution provides that "no power of suspending laws in the State shall be exercised except by the Legislature or its authority," therefore, by implication, this power is conferred on the Legislature, and that it is authorized to delegate this power to others.

It is not denied that the Legislature can make and also unmake laws, so long as the limits assigned by the constitution to the exercise of this power are not transcended, that the statutes of the State are under the control and at the disposal of the Legislature, and they may either change, modify, abolish or suspend them for a given time, or the Legislature may authorize some particular person or agent to suspend the operation of any particular statute for a given time and for a fixed and known purpose. But we cannot concur in the idea that this authority to suspend a law of the State can authorize the passage of a general law delegating to a co-ordinate department of the government the right and authority at pleasure to suspend and render nugatory all the civil laws of the State, whether organic or statutory. The Legislature alone are authorized to determine whether the laws are to be suspended or to remain in force. The bill under consideration would make the enforcement or suspension of the laws dependent alone on the will of the Executive.

If it were proposed to delegate this discretionary power to the judiciary, or to the Supreme Court, would any one be found brave enough to attempt a defense of the constitutionality of such a proposition? If the judiciary cannot be vested with this power, can the Executive?

But the power of suspending statutory laws cannot certainly be construed into authority to suspend, or to authorize the Governor to suspend, the operation of the constitution. Section twelve of the Bill of Rights declares that "the right of trial by jury shall remain inviolate," and section eighteen declares "the military shall at all times be subordinate to the civil authority," while section twenty-three, as if to preclude the possibility of any doubt on this subject, declares that "to guard against transgression of the high powers herein delegated, we declare that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto \* \* \* shall be void." The bill under consideration is contrary thereto, and proposes in clear and unmistakable terms to violate these provisions of the Bill of Rights, and we submit that such a law would

be void. If the Legislature can suspend, or authorize the Governor to suspend, any portion of the constitution, they can suspend, or authorize him to suspend the entire instrument. If they can suspend it, or any portion of it, or authorize the Governor to do so, for one day or for one hour, they can cause it to be suspended for all time to come. If they can do this by a law, in terms, suspending it, they can do so by implication whenever any law may be passed conflicting with it. To these startling conclusions we must come, if the positions assumed by the majority of the committee are correct.

We are unwilling to silently acquiesce in these violations. Hence we dissent from and protest against the action of the majority of the committee, in recommending the passage of a bill containing so many obnoxious and dangerous provisions, and we respectfully ask that these reasons for dissent be entered on the journals.

But if the bill under consideration did not contain these obnoxious and unconstitutional provisions, we suggest that it would be bad policy to pass such a law as is contemplated by it, for the following reasons :

First. No necessity exists for it. This Legislature has not been furnished with any evidence that war, rebellion or insurrection exists in any portion of the State, or that invasions are being made into our territory by any foreign State or power, or that the execution of the laws by the civil authorities are successfully resisted. But if such emergencies should hereafter arise, rendering it necessary to call for the militia to execute the laws, to suppress insurrection and repel invasion, we respectfully suggest that the Governor is fully authorized, by article seven of the State Constitution, to avail himself of the entire militia of the State, for this purpose ; and to call forth all the arms-bearing citizens for active service. We cannot, by any law we can pass, increase the number or efficiency of this force or enlarge his powers over it. Should the executive find this force insufficient to meet any further necessity, then we suggest the national troops now within the State would readily be placed at his disposal, if proper application be made therefor. And if still the force should be insufficient, we think the executive could confidently and safely appeal to the General Government for all necessary assistance in such an emergency.

Second. Doubtless the law is occasionally violated in different portions of the State, and there are, probably, many instances of "breaches of the peace," as well, also, as frequent "imminent danger thereof." It would be extraordinary if such were not the case. No government, State or municipal, has ever existed without these occasional offenses being committed. But we respectfully submit that a

vigorous execution of the law, with all necessary assistance furnished the legally constituted agents for enforcing the same, and punishment of offenders under its forms and authority would be more likely to vindicate the majesty of the law and command respect for, and obedience to it and its agents, than to place it in the power of any and every wicked person to cause the law to be suspended, and the officers thereof silenced in their work of administering it, by causing a breach of the peace, or causing the impression to be made that "imminent danger" thereof exists. Such a course could not fail to bring into contempt, and paralyze, not only the law but its administrators. We prefer to make the law a terror to evil-doers, rather than cause evil-doers to be made a terror to the law. Instead of providing for a suspension of the law whenever it is violated, we should provide every necessary assistance for the civil officers charged with the duty of executing and maintaining it, and to insure that every citizen and resident shall receive the proper punishment for every infraction thereof. This assistance should be placed at the disposal of and subordinate to the legally constituted civil authorities. The bill under consideration would place the civil authorities at the disposal of, and subordinate to the contemplated assistance.

Third. The unanimity with which the people of Texas voted to ratify and adopt the constitution, thus complying promptly with all the requirements of the reconstruction laws, and ratifying the Thirteenth, Fourteenth and Fifteenth amendments to the Constitution of the United States, shows how anxious they were to terminate the military power then governing the country, and to return to civil government, republican in form, and based on the great cardinal principle underlying all free governments--the supremacy of the civil authority over the military. Nine years of experience had demonstrated to our people that although war and military power may often be necessary to achieve liberty, yet this priceless but sensitive boon cannot be preserved and successfully maintained through these instrumentalities--that all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit.

The bill under consideration would entail upon the country a military despotism distasteful in all its features, and would clothe the executive with the powers of supreme dictation. It would debase the civil authority to the surveillance of a local State military power. We believe the will of the people so generally expressed should be respected. And that such an important change in the form of our State government should not be made without some expressed authority from them. If we are to return to military rule,

an important question arises, whether it would not be wise and more in accordance with the inclinations of our people to invoke the aid and protection of the General Government to carry into operation such a system than to entrust it to the management of an inexperienced and irresponsible local organization from whose acts and decisions there can be no appeal.

Entertaining these views as to the power of the Legislature to pass such a law, and as to the policy of it, if we had the authority, we respectfully dissent from the conclusions of the majority of the committee, and recommend that the bill do not pass.

AMOS CLARK,  
G. R. SHANNON.

## REPORT OF COMMITTEE ON CLAIMS AND ACCOUNTS.

COMMITTEE ROOM,  
Austin, Texas, May 10, 1870.

Hon. DONALD CAMPBELL,  
President State Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred the petition of A. H. Cook for relief, respectfully report the following facts: The Legislature of 1866 authorized the Governor (Throckmorton,) to purchase a sufficient number of Sayles' Treaties for certain officers mentioned in the act, and appropriated (\$5000) five thousand dollars for this purpose; that one thousand copies were purchased at (\$5) five dollars per copy, and this exhausted the appropriation. This number was not sufficient for the purpose named by five hundred copies, for which said Governor contracted, and the books are now tendered and ready for delivery, and no appropriation made to pay for them. Petitioner asks an appropriation of (2,500) twenty-five hundred dollars and interest, to which your committee does not assent; but agrees to take the books at (\$5) five dollars per copy, and for this appropriation the accompanying bill is presented, and the passage thereof recommended.

HENRY RAWSON,  
Chairman.

## REPORT OF COMMITTEE ON CLAIMS AND ACCOUNTS.

SENATE CHAMBER,  
Austin, May 16, 1870.

Hon. DON CAMPBELL,  
President State Senate:

SIR: Your committee, to whom was referred the petition of J.

H. Hallonquist, asking for payment for services rendered the State as engineer, have had the same under consideration and beg leave to make the following report :

By reference to the State Department we find that his appointment is dated January 3, 1867, and his removal dated August 30, 1867, being eight months, at the rate of \$2,000 per annum ; therefore your committee report back accompanying bill and recommend its passage.

Respectfully,  
HENRY RAWSON,  
Chairman of Committee.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,  
Austin, May 18, 1870

To Hon. DON CAMPBELL,

President of Senate :

The Committee on Enrolled Bills respectfully report that Senate Bill No. 52, entitled "An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employes of the 12th Legislature of the State of Texas," was by them presented to his Excellency, E. J. Davis, Governor of Texas, on the 13th day of May, A. D., 1870.

B. J. PRIDGEN,  
Chairman.

Senator Bowers introduced a bill entitled "An Act requiring the presiding justices in each county in the State to receive, disburse and account for all the funds belonging to their respective counties."

Read first time and referred to Committee on Judiciary.

Senator Ruby introduced a bill entitled "An Act relating to insurance companies."

Read first time and referred to Committee on Judiciary.

Senator Fountain offered the following resolution :

*Resolved*, That the Committee on Indian Affairs and Frontier Protection be authorized to appoint a sub-committee to inquire into the manner in which the Indian reservation, known as the Wichita Reserve is conducted ; that said sub-committee shall have power to call for persons and papers, and to administer oaths, and, if considered necessary, shall be authorized to proceed in person to the vicinity of said reservation for the purpose of taking evidence.

Adopted.

Senator Flanagan introduced a bill entitled "An Act to Carry into Effect the Second Section of an act entitled An Act to Amend

the First Section of an act entitled, An Act to Amend the First and Eleventh Sections of an act to authorize the sale of the public domain, approved February 11, 1858, approved January 1, 1862; and to amend the second section of an act, entitled An Act to Authorize the Sale of the Public Domain, approved February 11, 1858, approved March 4, 1863."

Read first time, and referred to Committee on Public Lands.

Senator Baker introduced a bill entitled "An Act for the Relief of the Houston and Texas Central Railroad Company.

Read first time.

Referred to Committee on Internal Improvements.

Also, a bill entitled "An Act to Authorize the Consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of 'The Gulf, Western Texas and Pacific Railroad Company.'"

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

Senator Pickett introduced a bill entitled "An Act to incorporate the Pine Island Bayou Bridge Company."

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

Senator Pickett introduced a bill entitled "An Act for the relief of the heirs of Benjamin Franklin.

Read first time, and referred to Committee on Private Land Claims.

Senator Pickett offered the following resolution :

*Resolved*, That the standing rules of the Senate be amended as follow: : "In rule number thirty-two strike out the words "read by its caption and." In rule number thirty-three, strike out the words "committed or."

Senator Bowers moved to amend by adding "to committee" after the word "referred," in rule number thirty-two.

Amendment accepted.

Senator Flanagan moved a suspension of rules.

Rules suspended.

Resolution as amended adopted.

Senator Priest introduced a bill entitled "An Act to Amend the Fifth Section of an 'Act to Regulate Railroad Companies,' " etc., approved December 19, 1857.

Read first time, and referred to Committee on Judiciary.

Also, a bill entitled "An Act to Amend Article Six Hundred and Forty-eight of an Act entitled 'An Act to Adopt and Establish a Code of Criminal Procedure,' approved August 26, 1856."

Read first time, and referred to Committee on Judiciary.



Also, a bill entitled "An Act in Relation to Fees of Officers."

Read first time, and referred to Committee on Judiciary.

Senator Latimer offered the following resolution :

WHEREAS, the limits of the Penitentiary are insufficient to meet the demands of the State, and it is deemed inexpedient to increase the number of convicts beyond the present capacity of the buildings at Huntsville; and whereas, the expense of removing prisoners from the extreme eastern and western portions of the State to the Penitentiary as now established, would go far to defray the expense of constructing penitentiaries accessible to such sections, and from the increase of population a necessity arises for their establishment;

*Be it therefore resolved,* That the Committee on Penitentiary be instructed to inquire into the propriety of building a penitentiary at some place east of the Trinity river and north of the thirty-second degree of latitude, and one at some point west of the Colorado river, at or near the town of San Marcos, and report by bill or otherwise.

Adopted.

Senator Hall offered the following resolution :

*Resolved,* That the committee to examine Comptroller's and Treasurer's accounts and the Committee on Penitentiary be allowed one clerk for the two committees at a salary of five dollars per diem.

Adopted.

On motion of Senator Bowers, Senate adjourned till 10 o'clock, A. M., to-morrow.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 19, 1870.

Senate met pursuant to adjournment. President Den Campbell in the Chair. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Senator Ruby presented a petition from the citizens of the city of Galveston, asking that justices of the peace may have concurrent jurisdiction within the limits of incorporated cities, and authority to locate their offices in the central portion thereof, for the convenience of the people.

Referred to Committee on Judiciary.

Senator Ruby asked that Senator Hertzberg be excused for six days.

On motion of Senator Flanagan, the Senate excused him.

Senator Hall presented a petition from the citizens of Robertson county, for an act to establish the county seat of Robertson county at the town of Culvert.

Read and referred to Committee on Counties and County Boundaries.

Senator Baker introduced a bill entitled "An Act to provide for levying a special tax in Caldwell county, for the purpose of relieving the county from indebtedness and building a county jail."

Read first time and referred to Committee on Finance.

Senator Priest introduced a bill entitled "An Act to exclude from office, serving on juries, and from the right of voting, certain persons therein named."

Read first time and referred to Committee on Judiciary.

Senator Dohoney introduced a bill entitled "An Act to establish the jurisdiction and powers of justices' courts in the State of Texas."

Read first time and referred to Committee on Judiciary.

Senator Ruby introduced a bill entitled "An Act to Incorporate the Galveston, Mutual and Life Insurance Association."

Read first time, and referred to Committee on Judiciary.

Also, a bill entitled "An Act to Incorporate the Galveston and El Paso Railroad Company."

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

Communications from the Supreme Court, Secretary of State and

General Land Office, in response to Senate resolution requesting from the heads of departments list of names of employes, their terms of residence in Texas, etc.

Reports read and received.

Senator Ruby introduced a bill entitled "An Act to confer additional authority upon the Galveston, Houston and Henderson Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Also a bill entitled "An Act to revise and amend an act to incorporate the Galveston, Houston and Henderson Railroad Company, approved February 7, A. D. 1853."

Read first time and referred to Committee on Internal Improvements.

Senator Saylor introduced a bill entitled "An Act to incorporate the New Anhalt Manufacturing Company of Burleson County, Texas."

Read first time and referred to Committee on Judiciary.

Senator Mills offered a joint resolution to pay the wife of Colonel N. A. M. Dudley the amount of salary due for Colonel Dudley's services as Superintendent of the Penitentiary.

Senator Fountain moved to suspend the rules.

Rules suspended and resolution put upon its second reading.

Read second time and passed to engrossment.

Senator Ruby moved the resolution be referred to Committee on Finance, with instructions to report to-morrow. Carried.

[General file.]

Report of committee on petition of D. W. Hancock read and recommended.

Senator Mills moved that the report of the Committee on Finance, with joint resolution in the matter of John T. Allen, be referred back to committee. Carried.

Senator Ruby, by leave, introduced a bill entitled "An Act to incorporate the Galveston, Houston and Tyler Railway Company."

Read first time and referred to Committee on Internal Improvements.

By leave Senator Bowers presented petition of C. F. Millett for relief.

Referred to Committee on Claims and Accounts.

[General file resumed.]

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

Senator Pickett moved suspension of rules.

Rules suspended, resolution read second time, and on motion of

Senator Ruby, rules suspended and resolution placed on its third reading and final passage.

Read third time and passed.

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. Read first time.

Senator Fountain moved suspension of rules.

Rules suspended, and resolution put upon second reading.

Senator Fountain moved further suspension of rules, and resolution be put upon the third reading and final passage.

Bill read third time and passed.

Under the direction of the President the Secretary carried to the House Senate Bill No. 56; also, House Joint Resolution No. 3, and House Joint Resolution No. 4, with the action of the Senate.

On motion of Senator Flanagan, the Senate adjourned till tomorrow at 12 o'clock, M.

## SENATE CHAMBER,

AUSTIN, TEXAS, Friday, May 20, 1870.

Senate met pursuant to adjournment—President Don Campbell presiding—Roll called—No quorum present.

Senator Alford moved to adjourn till ten A. M. to-morrow.

Yeas and nays called for, and resulted as follows :

Yeas—Messrs. Alford, Bowers, Broughton, Clark, Cole, Dohoney, Latimer, Mills, Pettit, Pickett, Pyle, Shannon—12.

Nays—Messrs. Baker, Flanagan, Ford, Fountain, Gaines, Hall, Priest, Rawson, Ruby, Saylor—10.

Absentees—Messrs. Bell, Douglas, Evans, Hertzberg, Parsons, Pridgen. Carried.

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday, May 21, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain.

Journals of Thursday and Friday read and approved.

PETITIONS AND MEMORIALS.

Senator Flanagan presented a petition for relief of J. Wadsworth. Read and referred to Committee on Claims and Accounts.

Senator Pyle presented a petition from citizens of Cedar Grove, Kaufman county, asking the prohibition of the sale of intoxicating liquors within five miles.

Referred to Committee on Judiciary.

Senator Dohoney presented a petition of R. S. Brame, of Lamar county, Texas, for relief.

Referred to Committee on Finance.

Senator Fountain presented a communication from the Secretary of State of the United States, the Hon. Hamilton Fish, addressed to his Excellency the Governor of Texas, relative to the rights of French subjects in the State. Senator Fountain moved its reference to Committee on Judiciary, with instructions to report upon the propriety of the passage of an act embodying the suggestions in said communication. Carried.

Senator Hall presented a memorial of citizens of the county of Robertson against removing the county site to Calvert.

Referred to Committee on Counties and County Boundaries.

Report of Committee on Roads, Bridges and Ferries on Senate bill No. 5.

COMMITTEE ROOM,  
Austin, May 21, 1870.

HON. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Roads, Bridges and Ferries beg leave to report that they have duly examined Senate bill No. 5, introduced by Senator Baker, asking that authority be granted to Vaughn, Saf-fold & Smith to construct and maintain a bridge across the Guadalupe river, at or near the town of Seguin, Guadalupe county, Texas, and do hereby return the same, recommending its passage, with the following substitute in section one: Instead of the clause "within one

mile and a half of the town of Seguin," insert "within four miles of the town of Seguin."

For Chairman of Committee.

WEBSTER FLANAGAN.

Laid over under the rules.

### REPORT OF COMMITTEES ON ROADS, BRIDGES AND FERRIES ON SENATE BILL NO. 107.

MR. PRESIDENT: Your Committee on Roads, Bridges and Ferries beg leave to report that they have duly examined Senate Bill No. 107, introduced by Senator Pickett, to incorporate the Pine Island Bridge Company, and recommend its passage.

WEBSTER FLANAGAN,  
for Committee.

Laid over under the rules.

### REPORT OF COMMITTEE ON ROADS, BRIDGES AND FERRIES ON SENATE BILL NO. 3.

MR. PRESIDENT: Your Committee on Roads, Bridges and Ferries beg leave to report that they have duly examined into Senate Bill No. 3, introduced by Senator Baker, asking authority for Messrs. Harwood, Belding & Mason to construct a bridge across the Guadalupe river, at or near the town of Gonzales, in Gonzales county, Texas, and recommend its passage.

WEBSTER FLANAGAN,  
for Committee.

Laid over under the rules.

### REPORT OF COMMITTEE ON FINANCE.

COMMITTEE ROOM,  
May 21, 1870.

To Hon. DON CAMPBELL,

President of Senate:

Your Finance Committee, to whom was recommitted the report, with joint resolution for the relief of John T. Allan, report the following substitute.

Your Committee, after a full investigation, find from the proofs adduced before them that the Hon. John T. Allan, late State Treasurer, has been robbed of six thousand nine hundred and sixty dollars and ten cents (\$6,960.10), funds in his charge which were kept by him in a safe in the Treasury, and that he has paid part of the above

amount, to-wit, eighty-one dollars and two cents (\$81.02), out of his own money, in order to make a full settlement of the county tax account. They are also satisfied that there was no want of due diligence on his part.

Your committee, on full proofs, are satisfied that he is not in morals, and could not in law, be held responsible for this and the other smaller amounts which have not yet been credited to him. Herein they conceive it to be their duty not to report a relief bill, but instead thereof the accompanying joint resolution directing a settlement with him, in accordance with right and justice, and recommend that it be passed.

J. S. MILLS,  
Chairman.

Laid over under the rules.

### REPORT OF COMMITTEE ON FINANCE.

COMMITTEE ROOM,  
Austin, Texas, May 21, 1870.

Hon. DONALD CAMPBELL,  
President State Senate:

Your Finance Committee have had the joint resolution relative to the salary of Col. Dudley, Superintendent of the Penitentiary, under consideration, and ask further time to report.

J. S. MILLS,  
Chairman Committee on Finance.

Leave granted.

### REPORT OF COMMITTEE ON SENATE BILL NO. 81.

COMMITTEE ROOM,  
Austin, May 19, 1870.

To the HON. DON CAMPBELL,  
President of Senate:

The Committee on Finance to whom was referred Senate bill No. 81, 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," present this report. That the committee, having examined the ordinance in question, find that by its terms it was left to the people of the counties of McLennan and Falls to decide by an election to be held by the qualified voters of said counties whether they would tax themselves in conformity with said ordinance, to aid in building the Waco Tap Road. Evidence



was produced before the committee showing that such election was held in the said counties, and resulted as follows, to-wit :

IN MCLENNAN COUNTY.

For the tax .....	632 votes
Against .....	43 “
Majority for .....	589 “

FALLS COUNTY.

For the tax .....	358 votes.
Against .....	30 “
Majority for .....	328 “

Wherefore your committee have unanimously agreed to report back the bill to the Senate with the recommendation that it do pass.

J. S. MILLS,

Chairman Finance Committee.

Laid over under the rules.

REPORT OF COMMITTEE ON FINANCE ON SENATE  
BILL No. 112.

COMMITTEE ROOM,

Austin, May 21, 1870.

Hon. DON CAMPBELL,

President of the Senate :

The Finance Committee, to whom was referred Senate Bill No. 112, entitled “ An Act to Provide for Levying a Special Tax in Caldwell County for the Purpose of Relieving the County from Indebtedness, and Building a County Jail,” have instructed me to report back the bill with a recommendation that it pass.

J. S. MILLS,

Chairman of Finance Committee.

REPORT OF COMMITTEE ON JUDICIARY ON SENATE  
BILL No. 70.

JUDICIARY COMMITTEE ROOM,

Austin, May 20, 1870.

To the HON. DON CAMPBELL,

President of the Senate :

The Judiciary Committee, to whom was referred Senate Bill No. 70, entitled “ An Act to Repeal Part of an Act Entitled ‘ An Act to Levy Taxes, approved November 6, 1866,’ ” have duly 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.

Laid over under the rules.

Senator Rawson introduced a bill entitled "An Act to Organize a System of Public Free Schools in the State of Texas."

Read first time and referred to Committee on Education.

Senator Ruby introduced a bill entitled "An Act to Incorporate the Texas Harbor Improvement and Dock Company."

Read first time and referred to Committee on Internal Improvements.

Senator Pridgen introduced a bill entitled "An Act to Establish a Criminal Court in the City of Victoria."

Read first time and referred to Committee on Judiciary.

Senator Pridgen introduced a bill entitled "An Act to Incorporate the Cuero Bridge Company."

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

Also, a bill entitled "An Act to amend the 9th section of an act to amend the charter of the town of Goliad."

Read first time, and referred to Committee on Judiciary.

Senator Shannon introduced a bill entitled "An Act to amend an act donating 160 acres of land to actual settlers on the public domain.

Read first time, and referred to Committee on Judiciary.

Senator Clark offered the following resolution :

#### A RESOLUTION TO DETECT CRIME AND PUNISH CRIMINALS.

WHEREAS, It is currently reported and believed by many that there are lawless clans and combinations in many parts of the State, of outlaws and villains combined together for the resistance of the civil authority of the State, and to carry on a system of theft, robbery, rapine and murder, and

WHEREAS, It is unjust that the civil, orderly and law abiding portions of the State should suffer with the guilty; and that a proper discrimination may be made between the virtuous and the lawless, and that the former shall not be coupled and associated in the minds of strangers with the latter, and that the guilty, whomsoever and wheresoever they may be found, may be brought to condign punishment.

*Be it resolved,* That each Senator be and he is hereby called upon to report, separately and severally, to the Senate if he knows of

any such lawless combinations, if so, in what part of the State, naming the county or counties, whether any attempt has ever been made to resist the civil authority, when and where and by whom, and whether any attempt at the rescue of a prisoner, in custody of the law, has ever been successfully and openly made, and if any such lawless associations ever existed, do they still exist, and where. Carried.

Senator Bowers moved that five hundred copies of same be published for the use of the Senate. Carried.

Senator Dohoney introduced a bill entitled "An Act to amend an act approved November 10, 1866, regulating appeals from justices' courts."

Read first time and referred to Committee on Judiciary.

Senator Baker introduced a bill entitled "An Act providing for the removal and appointment of certain officers in the State of Texas."

Read first time and referred to Committee on Judiciary.

Senator Ford introduced a bill entitled "An Act to incorporate the Austin Bridge Company."

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

Senator Saylor introduced a bill entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home, Bryan, Brazos county, Texas."

Read first time and referred to Committee on Judiciary.

Also a bill entitled "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company."

Read first time and referred to Committee on Internal Improvements.

Senator Bowers introduced a bill entitled "An Act requiring justices of the peace to tax a jury fee of three dollars in each criminal case trial before them, and to allow fees to jurors in such cases."

Read first time and referred to Committee on Judiciary.

Also, a bill entitled "An Act to amend articles 826, 827 and 828 of an act entitled 'An Act to adopt and establish a code of criminal procedure for the State of Texas,'" approved August 26, 1856.

Read first time and referred to Committee on Judiciary.

Senator Alford introduced a bill entitled "An Act to amend article 952 of an act entitled An Act supplemental to and amendatory of an act to establish a code of criminal procedure for the State of Texas," approved February 15, 1868.

Read first time and referred to Committee on Judiciary.

Senator Latimer offered the following resolution:

*Resolved*, That the Judiciary Committee be requested to inquire

into the expediency of passing some general law, regulating the adoption of children, emancipation of minors, and the granting of divorce, as provided for in the thirteenth section of the twelfth article of the Constitution. Adopted.

Senator Dohoney introduced a bill entitled "An Act to Amend an act approved May 11, 1846, in Reference to District Courts."

Read first time, and referred to Committee on Judiciary.

Also, a bill entitled "An Act to Amend an act approved May 31, 1846, in Reference to Pleading."

Read first time, and referred to Committee on Judiciary.

(General file.)

Senate bill No. 58, "An Act to Incorporate the Galveston Horticultural Society."

Read second time, and passed to engrossment.

(Senator Flanagan called to the chair.)

On motion of Senator Ruby, the rules were suspended, and the bill read third time and passed.

The yeas and nays were ordered and resulted, Yeas 22; Nays, none.

Those who voted in the affirmative were: Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon.

Absent—Bell, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senate bill No. 8, "An Act to Incorporate the Town of Halls-ville, in Harrison county, Texas.

Read second time as amended, and passed to engrossment.

On motion of Senator Ruby, the rules were suspended, and the bill read the third time and passed.

The yeas and nays were ordered and resulted: Yeas, 20; nays, none.

Those who voted in the affirmative were: Messrs. Baker, Bowers, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pridgen, Pettit, Pickett, Priest, Pyle, Ruby, Rawson, Saylor, Shannon.

Absent—Alford, Bell, Broughton, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senate bill No. 41, "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."

Read second time, and passed to engrossment.

Senator Ruby moved suspension of the rules, and that the bill be put on its third reading and final passage.

Rules suspended.

Bill read third time and passed.

The yeas and nays were ordered and resulted: Yeas 20, nays 0. Those who voted in the affirmative were: Baker, Bowers, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Pridgen, Priest, Pyle, Ruby, Rawson, Saylor, Shannon.

Absent—Alford, Bell, Broughton, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senate bill No. 75—"A bill for the relief of the heirs of Gen. Sam Houston, deceased."

Read second time and passed to engrossment.

On motion of Senator Bowers, the rules were suspended that the bill might be placed on its third reading and final passage.

Bill read third time, and the question being, "shall the bill pass?" the yeas and nays were ordered and resulted: Yeas 20, nays 0.

Those who voted in the affirmative were: Messrs. Baker, Bowers, Cole, Clark, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Pridgen, Priest, Pyle, Rawson, Ruby, Saylor, Shannon.

Absent—Messrs. Alford, Bell, Broughton, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senator Fountain moved that a committee of three be appointed by the chair to confer with a like committee on the part of the House and report upon a uniform hour of adjournment. Carried.

The chair appointed on said committee Senators Fountain, Bowers and Saylor.

On motion of Senator Fountain, the Senate adjourned till 12 M. Monday.

SENATE CHAMBER,  
AUSTIN, May 23, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the chaplain. Journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

Senator Alford presented memorials of citizens of Fayette county relative to Buffalo Bayou, Brazos and Colorado Railway Company. Read and referred to Committee on Internal Improvements.

MESSAGE FROM THE HOUSE.

The Chief Clerk of the House announced House joint resolution No. 13, awarding to the wife of Colonel N. A. M. Dudley, United States Army Superintendent of State Penitentiary, the salary of such office from the date of his appointment.

Also, House bill No. 29, entitled "An Act to provide for the enrollment of the militia," etc.

Laid over under the rules.

REPORT OF STANDING COMMITTEE.

To the Hon. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 8, "An Act to incorporate the town of Hallsville, in Harrison county, Texas;" also Senate bill No. 41, "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;" also Senate bill No. 58, "An Act to incorporate the Galveston Horticultural Society;" and Senate bill No. 75, "An Act for the relief of the heirs of General Sam Houston, deceased;" find the same to be correctly engrossed.

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

## REPORT OF COMMITTEE ON ENROLLMENT

COMMITTEE ROOMS,  
May 23, 1870.

To the Hon. DON CAMPBELL,

President of the Senate :

SIR : The Committee on Enrollment have examined and find correctly enrolled Senate joint resolution No. 6, "To authorize officers elect to act under existing laws until further legislation," and this day at eleven o'clock and fifty minutes, A. M., presented the same to the Governor for his approval.

B. J. PRIDGEN,  
Chairman of Committee.

## BILLS AND RESOLUTIONS.

Senator Mills offered the following resolution :

WHEREAS, In many counties of this State the civil dockets of the District Courts are burdened with a great number of causes, which have stood uncalled for trial for several years, by reason of which parties are practically denied justice, and in some counties prisoners have been confined in the jails, charged with crime, without trial, for many months, and in some instances for years ; and

Whereas, There are no District Courts in this State, organized in accordance with the Constitution of the State ; and

Whereas, This Legislature has now been in session about one month, and justice and public policy demand the speedy appointment of judicial officers and the organization and holding of the courts, therefore

*Resolved*, That the Judiciary Committee of the Senate be requested to report a bill, at the earliest possible moment, dividing the State into judicial districts, so that His Excellency the Governor may send in his nominations of judges to this body for confirmation.

Adopted.

Senator Priest introduced a bill entitled "An Act to Organize Common Schools."

Read first time, and referred to Committee on Education.

Senator Priest introduced a bill entitled "An Act to Change the Name of Anna O'Donnell to Anna Rowe."

Read first time and referred to the Committee on Judiciary.

Senator Priest offered the following resolution :

WHEREAS, It seems exceedingly desirous on the part of some members of the Senate and House of Representatives that the true condition of the State as to peace and order, lawlessness and crime

should be known—whether any murders or other high crimes are now being committed on the good people of Texas by lawless men, or whether or not all the telegrams or newspaper accounts of such outrages are not just gotten up to favor the passage of the bill to organize the militia of the State; and

Whereas, Resolutions have been passed in the Senate, calling on Senators to report all such cases known to them, etc., which duty we wish to perform in a most satisfactory and reliable manner, to the end that the truth of the case shall be known, believing that such outrages, if any there be, by lawless men on the lives of citizens will find no favor or apologists in this body, but that all will unite in condemnation, and in providing ample remedies to bring to punishment bands of lawless men, whether called knights or Ku Klux, or by any other name, banded together for mischief, to the great terror of citizens, and to the great prejudice of our State abroad, even if it should require the adoption of a strong militia system; therefore

*Resolved*, That the Secretary of State be requested to open correspondence, immediately, with officers or other confidential persons in every county in the State, and ascertain the number of murders in each county during the last two years, and the dates thereof, the characters murdered and the perpetrators, and all kindred facts connected therewith necessary to be known, and report the result of his inquiry to the Senate as soon as practicable.

Senator Bowers offered the following amendment :

Amend by striking out "Secretary of State," and inserting the words "Committee on State Affairs."

Senator Flanagan moved a postponement of the whole matter till Monday at twelve o'clock.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—12.

Nays—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Mills, Pettit, Priest, Rawson, Ruby, Saylor—12.

Motion to postpone lost.

Senator Ruby moved the previous question. Lost.

Vote taken upon original resolution.

Yeas and nays called for. Vote as follows : Yeas fourteen, nays ten.

Yeas—Mr. President, Baker, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Priest, Rawson, Ruby, Saylor—14.

Nays—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Latimer, Pridgen, Pyle, Shannon—10.

Absent—Bell, Douglas, Evans, Hertzberg, Parsons—5.

Resolution adopted.



Senator Baker offered the following resolution :

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to issue certificates for the payment of the per diem of the officers and employes of the Senate, to the Secretary and his assistants, to the engrossing and enrolling, journal and file clerks, to the sergeant-at-arms and his assistants, to the doorkeeper and his assistants, and to the postmaster, each eight dollars per day. Adopted.

Senator Rawson introduced a bill entitled " An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Read first time and referred to Committee on Agricultural Affairs.

Senator Bowers introduced a bill entitled " An Act to provide for the appointment of county surveyors, and for other purposes."

Read first time and referred to Committee on Public Lands.

Senator Pickett offered a joint resolution proposing amendments to section two, section three, and section four, of article five of the Constitution of the State of Texas.

Read first time and referred to Committee on Judiciary.

Senator Gaines offered the following joint resolution, and asked it be referred to Committee on Judiciary:

*Be it resolved by the Legislature of the State of Texas*, That any person or persons in this State that may attempt to bribe or defraud any person or persons of their vote, and force them to vote for any person or persons for any office whatever, by denying them employment of any kind, land or property, refusing to renew leases, shall be deemed guilty of an offense, and shall be fined in the sum of five hundred dollars, or two years imprisonment.

It was so referred.

Senator Gaines offered the following resolution :

WHEREAS, The Hon. H. R. Latimer holds a seat in this Senate to which it is believed by many that he is constitutionally ineligible, therefore,

*Resolved*, That the Committee on Elections and Privileges be directed to investigate this case and report to the Senate.

Adopted.

Senator Pridgen introduced a bill entitled " An Act to Incorporate Victoria Fire Company No. 1."

Read first time and referred to Committee on Judiciary.

Senator Saylor offered the following resolution :

*Resolved*, That the Committee on Contingent Expenses be authorized and requested to purchase suitable furniture for the committee rooms of the Senate committees, and that the chairman of each committee furnish J. S. Mills, Chairman of Committee on Finance, the necessary requisitions. Adopted.

Senator Ford introduced a bill entitled "An Act to Amend an Act Prescribing the Duties of Justices of the Peace, passed August 28, 1858."

Read first time and referred to Committee on Judiciary.

Under direction of the President, the Secretary carried to the House, for concurrence, Senate Bill No. 8, entitled "An Act to Incorporate the Town of Hallsville, Harrison County, Texas."

Also Senate Bill No. 41, entitled "An Act to Confirm the Compromise and Settlement 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."

Also Senate Bill No. 75, entitled "An Act for the Relief of the Heirs of General Sam Houston, deceased."

On motion of Senator Priest, the Senate adjourned to 12 M. to-morrow.

SENATE CHAMBER,  
AUSTIN, Tuesday, May 24, 1870.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

Senator Fountain moved to adjourn and said :

MR. PRESIDENT: Again death has entered the portal of this Capitol, and one of our number has been stricken down. Hon. W. T. Wilkinson, Representative from the Twenty-fifth District, is dead. Another soldier has fallen at his post doing duty. It is customary and right, when death strikes those who have been chosen to fill offices of honor and trust, that the event should not be allowed to pass unheeded.

I look to the place once occupied by him whose melancholy duty it would have been to speak on this occasion. There, too, death has been; the seat is vacant, and whilst I feel it to be my duty to perform this task, I feel that I am unable to do justice to the deceased. So few are the summers upon my head, compared with many around me, that I feel that older heads and abler, and more eloquent lips than mine are required to do justice to this occasion.

Not many weeks have passed since we were startled by the melancholy intelligence that the Senator from the 25th District was no more, that he had been called to a seat in the Senate above.

Again the silver cord of existence is severed, and the colleague of the lamented Foster is called to his eternal home; behind the far distant horizon of eternity his sun of life has set. A few days ago, and the deceased stood on the floor of this Capitol, alive to every subject that could affect the interests of the State and his constituency, and faithfully discharging the duties of his high and honorable position. Now his body lies in the cold embrace of death, and his spirit has flown from the troubles of this transitory existence; his mortal career has ended. Whatever may have been his faults, and who is exempt, let them be buried with him; let the good he has done survive; let us cherish his memory, and embalm his virtues in our hearts, while life endures.

In conclusion, Mr. President, I will move that this Senate do now adjourn until 2 o'clock P. M. to-morrow, out of respect to the memory of the deceased.

Motion carried; Senate adjourned.

SENATE CHAMBER,  
AUSTIN, Texas, May 25, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; no quorum present.

On motion of Senator Fountain the Senate adjourned to 10 o'clock A. M., to-morrow.

SENATE CHAMBER,  
AUSTIN, Texas, May 26, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journals of Tuesday and Wednesday read and approved.

PETITIONS AND MEMORIALS.

Senator Mills presented a petition from Joseph H. Dunham and other citizens of Grimes county, for their relief.

Read and referred to Committee on Finance.

REPORTS FROM COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,  
Austin, May 24, 1870.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 73, entitled "An Act to incorporate the Austin Joint Stock Building 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.

Laid over under the rules.

COMMITTEE ROOM,  
Austin, May 24, 1870.

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 102, entitled "An Act requiring the presiding Justices in each county in this State to receive, disburse and account for all the funds belonging to their respective counties," have had the same under careful consideration and instruct me to report it back with accompanying amendment, and recommend its passage.

M. PRIEST, Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred Senate Bill No. 45, entitled "An Act to incorporate Butler Male and Female College," has carefully considered the same, and I am in-

structed to report the bill back to the Senate, and recommend its passage. Respectfully,  
E. PETTIT, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 25, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Agriculture, to whom was referred Senate Bill No. 139, entitled "An Act to incorporate the Harrison County Agricultural and Mechanical Association," have instructed me to report the bill back to the Senate with a recommendation that it do pass.

THOS. H. BAKER,

Chairman Committee on Agriculture.

Laid over under the rules.

COMMITTEE ROOMS, May 24, 1870.

To the Hon. DON CAMPBELL,

President State Senate :

SIR: Your Committee on Claims and Accounts, to whom was referred the petition of Jeremiah Martin, have had the same under consideration, and beg leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from the further consideration of the same. Respectfully,

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the Hon. DON CAMPBELL,

President of State Senate :

SIR: Your Committee on Claims and Accounts to whom was referred the petition of H. Clay Eaves, have had the same under consideration and beg leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from the further consideration of the same. Respectfully,

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the Hon. DON CAMPBELL,

President State Senate :

SIR: Your Committee on Claims and Accounts to whom was referred the petition of J. Wadsworth, have had the same under consideration and beg leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from the further consideration of the same. Respectfully,

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President State Senate :

SIR : Your Committee on Claims and Accounts to whom was referred the petition of C. F. Millett, have had the same under consideration and beg leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from further consideration of the subject. Respectfully,

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President State Senate :

SIR : Your Committee on Claims and Accounts to whom was referred the petition of Thomas Carothens, have had the same under consideration and ask leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from further consideration of the same. Respectfully,

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President of Senate :

SIR : Your Committee on Claims and Accounts, to whom was referred the petition of N. C. Phillips, have had the same under consideration, and beg leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from further consideration of the subject. Respectfully,

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President of Senate :

SIR : Your Committee on Claims and Accounts, to whom was referred the petition of N. W. Faison, have had the same under consideration, and beg leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from further consideration of the subject. Respectfully,

HENRY RAWSON,  
Chairman of Committee.

Laid over under the rules.

Also, report of committee on petition of D. W. Hancock, recommitted, and recommend rejection of petition and accompanying bill.

Laid over under the rules.

## BILLS AND RESOLUTIONS.

Senator Flanagan offered the following resolution :

*Be it resolved,* That the Secretary of the Senate be, and he is hereby authorized to purchase postage stamps for the use of the Senate, and shall furnish the same to members upon their requisition; also, to purchase all articles of stationery required by the Senate, and to issue the same to Senators and committees.

All accounts for stamps and stationery shall be approved by the Committee on Claims and Accounts, and a certificate for the amount thereof issued by the Secretary, and countersigned by the President of the Senate, and said accounts shall be paid out of the appropriation for contingent expenses. Adopted.

Senator Gaines offered a resolution prohibiting the selling of intoxicating liquors within two miles of the corporation limits of the town of Brenham, Texas.

Read first time and referred to Committee on Judiciary.

Senator Pettit introduced a bill entitled "An Act to release to the county of Anderson the State tax for the years 1870 and 1871 for certain purposes.

Read first time and referred to Committee on Finance.

Senator Flanagan introduced a bill entitled "An Act appropriating money for the treasury department."

Read first time and referred to Committee on Finance.

Senator Mills introduced a bill entitled "An Act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas."

Read first time and referred to Committee on Judiciary.

Senator Dohoney introduced a bill entitled "An Act to provide for the election of clerks of the District Courts, and prescribing their powers and duties."

Read first time and referred to Committee on Judiciary.

Senator Ruby introduced a bill entitled "An Act to incorporate the Southwestern Insurance and Trust Company."

Read first time and referred to Committee on Judiciary.

Senator Pickett offered the following resolution :

*Resolved,* That the Committee on State Affairs be instructed to inquire fully into the condition of the State; and especially as to the existence of lawlessness and crime, and as to the enforcement of law and order; and in order that the inquiry may be thorough, said committee are hereby authorized and empowered to send for persons and papers, and that they report the result of their investigations to the Senate.

On motion of Senator Fountain the resolution was adopted.



Senator Mills introduced a bill entitled "An Act for the relief of Joseph H. Dunham and others therein named."

Read first time and referred to Committee on Finance.

By leave, Senator Mills presented report of Finance Committee :

COMMITTEE ROOM, Austin, May 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Finance, to whom was referred the joint resolution for the payment of A. N. M. Dudley's salary, as Superintendent of the Penitentiary, to his wife, beg leave to offer the following report :

That upon examination of the whole question, your committee does not feel authorized under the constitution to evade the provision prohibiting United States officers from holding a State office, and receive pay therefor, either directly or indirectly, therefore your committee respectfully recommend that the whole subject be referred to the Committee on State Affairs.

MILLS, Chairman of Finance Committee.

Report received and referred to Committee on State Affairs.

Senator Alford introduced a bill entitled "An Act to amend Article 711 of the Penal Code."

Read first time and referred to Committee on Judiciary.

A communication was received from E. L. Leonhardt, Vice-President Second German Volksfest, to be held at Houston, extending an invitation to the members of the Senate to attend their celebration at Houston, on the 8th and 9th days of June, 1870.

[General file.]

Senate Bill No. 51, "To Provide for a Geological Survey of the State," read second time and passed to engrossment.

On motion of Senator Mills it was made the special order of the day for Monday, May 30, at 12 M.

House Joint Resolution No. 1, in regard to instructing our Senators and requesting our Representatives to urge the passage of a bill for the protection of the frontier of Texas.

Read first time; rule suspended.

Read second time; rule suspended.

Read third time and passed.

Under direction of the President, the Secretary carried to the House : Senate Bill No. 58, entitled "An Act to incorporate the Galveston Horticultural Society."

Also, House Joint Resolution No. 1, in regard to instructing our Senators and requesting our Representatives to urge the passage of a bill for the protection of the frontier of Texas.

Substitute for Senate Bill No. 1, entitled "An Act for the benefit of Freedmen and Freedwomen."

Read third time and passed.

Substitute for Senate Bill No. 54, "An Act prescribing the qualifications for Judges of the Supreme and District Courts, and District Attorneys."

Senator Flanagan moved its indefinite postponement. Carried.

Report of Committee on Education on memorial of W. C. Harley, recommending its rejection.

Senator Priest moved that the Senate concur in the report. Carried.

House Bill No. 7, "An Act to authorize District Judges and District Clerks to approve bonds in certain cases.

Read first time.

On motion of Senator Flanagan it was referred to Committee on Judiciary.

Report of Committee on Agricultural Affairs on Senate Bill No. 71, entitled "An Act to further the agricultural development of the State of Texas."

Senator Ruby moved that the Senate concur in the report of the committee, and that the bill be laid on the table. Carried.

Senate Bill No. 26, entitled "An Act to incorporate the Texas Military Institute."

Read second time and passed to engrossment.

Senator Mills moved the bill be made the special order for Thursday at twelve M., and that one hundred copies be printed and laid on the desks of the Senators. Carried.

Senate bill No. fifteen, entitled "An Act to incorporate the Germania Land and Improvement Association," read second time and passed to engrossment.

Senator Ruby moved a suspension of the rules. Rules suspended. Bill read third time.

Senator Douglas moved to amend in section three, as follows: "The capital stock of said association shall be fifty thousand dollars, with power to increase the same hereafter to five hundred thousand dollars," by striking out "five hundred thousand dollars," and inserting instead "Two hundred and fifty thousand dollars."

Amendment lost.

The question recurring on the final passage of the bill, the yeas and nays were called for. Result as follows:

Yeas—Alford, Baker, Bell, Broughton, Cole, Dohoney, Flanagan, Ford, Fountain, Gains, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pye, Rawson, Ruby, Saylor, Shannon—22.

Nays—Douglas, Clark—2.

Passed.

By leave, Senator Mills introduced the following resolution :

*Resolved*, That the Secretary of the Senate be directed to furnish daily to each member of the Senate ten copies of the Daily State Journal containing its proceedings, and that the rate of compensation therefore be eight cents per copy, to be paid out of the contingent fund of this body.

[Senator Flanagan in the chair.]

Senator Pridgen offered the following amendment :

By adding ten copies of the Austin Republican.

Senator Parsons moved to amend by striking out ten copies of the Austin Republican and inserting five copies of the Houston Union.

Senator Ruby moved the previous question.

Previous question ordered.

Original resolution adopted.

Senator Baker moved that the case of Peterson vs. Dohoney be made the special order for to-morrow at eleven A. M.

Senator Ruby moved suspension of rules.

Rules suspended.

The motion of Senator Baker was then put to the Senate, and carried, so that the contested election case of Peterson vs. Dohoney was made the special order for to-morrow at eleven A. M.

On motion of Senator Fountain, the Senate adjourned till to-morrow at ten A. M.

SENATE CHAMBER,  
AUSTIN, May 27, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the chaplain. Journal of Yesterday read and approved.

PETITIONS AND MEMORIALS.

Senator Hertzberg presented a memorial of William H. Dangerfield, praying for an unconditional land certificate.

Read and referred to Committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM,  
Austin, Texas, May 27, 1870.

Hon. DONALD CAMPBELL,

President State Senate:

SIR: Your Committee on Roads, Bridges and Ferries have had the following bills under consideration, and do hereby return the same, recommending their passage :

Senate Bill No. 18, to incorporate the Dallas Bridge Company, introduced by Senator J. G. Bell.

Senate Bill No. 19, to incorporate the Cedar Creek Bridge Company, introduced by Senator J. G. Bell.

Senate Bill No. 124, to incorporate the Cuero Bridge Company, introduced by Senator Pridgen.

J. G. BELL,  
Chairman of Committee.

Laid over under the rules.

REPORT OF COMMITTEE ON INTERNAL IMPROVEMENTS.

MR. PRESIDENT: Your Committee on Internal Improvements report back Senate Bill No. 2, entitled "An Act to incorporate the Jefferson and Shreveport Railroad," and recommend its passage.

Also, Senate Bill No. 11, entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same," and recommend the passage of the substitute marked Exhibit

"A," with amendment in 1st Section, 25th line, after the words said company, when not in conflict with the provisions of the present Constitution.

WEBSTER FLANAGAN,  
Chairman.

Laid over under the rules.

## REPORT OF COMMITTEE OF CONFERENCE.

SENATE CHAMBER,  
Austin, May 27, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your committee appointed to confer with a like committee on the part of the House of Representatives, for the purpose of fixing an uniform hour for the meeting of both houses, report, as the result of their conference, the accompanying resolution, and recommend its passage :

*Resolved*, That the Senate and House of Representatives meet at 10 o'clock, A. M., for the transaction of business.

FOUNTAIN,

Chairman Committee of Conference.

Report received and resolution adopted.

Senator Fountain introduced a resolution making an appropriation of three hundred and fifty-four dollars and seventeen cents (\$354 17) for the use of the horse and buggy of Dr. S. W. Baker, Superintendent of the Institution for educating the blind in Texas, being one hundred and twenty-five dollars a year from August 3d, A. D., 1867, to June 3d, A. D., 1870.

Read first time, and referred to Committee on Claims and Accounts.

Senator Mills introduced a bill entitled "An Act to promote manufacturing and mining in Texas."

Read first time, and referred to Committee on Judiciary.

Senator Saylor introduced a bill entitled "An Act to constitute an inspector of cotton, wool and hides, and a public weigher at all the important ports, cities and railroad towns, within the limits of the State of Texas."

Read first time, and referred to Committee on Judiciary.

Senator Hertzberg introduced a bill entitled "An Act to incorporate the Germania Club of San Antonio, Texas."

Read first time and referred to Committee on Judiciary.

By leave, Senator Parsons read report of committee appointed by the Senate to visit the State Fair at Houston.

On motion of Senator Ruby, report was received and committee discharged.

## REPORT OF COMMITTEE ON ENGROSSED BILLS.

To Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills, having carefully examined and compared Senate Joint Resolution No. 2, "Resolution to pay to the wife of Colonel N. A. M. Dudley the amount of salary due for Colonel Dudley's services as Superintendent of the Penitentiary," and Senate Bill No. 51, "An Act providing for a geological survey of the State of Texas," find the same correctly engrossed.

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

Communication from the House by the Chief Clerk, transmitting House Bill No. 88 : A bill entitled "An Act to provide for the protection of the frontier of the State of Texas."

Senator Fountain called to the attention of the Chair that the hour had arrived fixed for the special order of the day, and moved that the Senate immediately go into a committee of the whole to take up the special order.

Senator Flanagan moved that the special order of the day be postponed till Tuesday, at 12 M. Carried.

By leave, Senator Fountain introduced the following resolution :

WHEREAS, it appears by the certificate of the Secretary of State, dated May 23, 1870, that J. M. Gibbs, sergeant-at-arms, has duly qualified as sheriff of Grimes county; and

Whereas, by virtue of section thirty, article third, of the constitution of this State, no judge of any court of law or equity, Secretary of State, Attorney General, sheriff, or collector, shall at the same time hold another office, agency, or appointment of trust or profit under this State; therefore

*Resolved*, That the office of sergeant-at-arms is hereby declared vacant.

On motion of Senator Mills, the action of the Senate on the resolution was fixed for Wednesday next at 12 M.

Senator Mills offered the following resolution :

*Resolved*, That the Secretary of the Senate be instructed to acknowledge the complimentary invitation to attend the German Volksfest, at Houston, and to say that public duty prevents the Senate from accepting it; otherwise it would be participated in with great pleasure.

Senator Fountain moved that the rules be suspended to take up House bill No. 88, a bill entitled "An Act to provide for the protection of the frontier of the State of Texas."

Rules suspended, and on further motion, the bill was made the special order for to-morrow at 11 A. M.

[General File.]

Senator Flanagan in the chair.

Senate bill No. 17, "An Act to incorporate the City Bank of Houston," read second time and passed to engrossment.

On motion of Senator Mills, Senate adjourned.

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday, May 28, 1870.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

Senator Samuel Evans qualified according to law and took his seat.

REPORT FROM COMMITTEE ON ROADS, BRIDGES  
AND FERRIES.

COMMITTEE ROOM,  
Austin, May 28, 1870.

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

SIR: Your Committee on Roads, Bridges and Ferries have given Senate Bill No. 14, "To incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company due consideration, and hereby return the same, recommending its passage.

J. G. BELL,  
Chairman.

Laid over under the rules.

REPORT OF COMMITTEE ON JUDICIARY.

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 55, entitled "An Act to organize and define the powers of the criminal district courts in and for the counties of Galveston and Harris, and to prescribe the duties thereof," have had the same under careful consideration, and instruct me to report the bill back to the Senate with accompanying amendments, and recommend its passage.

G. T. RUBY,  
For Committee.

Laid over under the rules.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

MR. PRESIDENT: Your Committee on Engrossed Bills, having examined and compared Senate Bill No. 15, "An Act to incorporate the Germania Land and Improvement Association;" also Sen-



ate Bill No. 17, "An Act to incorporate the City Bank of Houston;" and Senate Bill No. 26, "An Act to incorporate the Texas Military Institute," find the same correctly engrossed.

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

Senator Pickett offered the following resolution :

*Resolved*, That one hundred copies of the committee's report of the Houston Fair be printed for the use of the Senate.

Senator Fountain moved to amend by adding "five hundred copies," in place of "one hundred copies."

Amendment accepted. Resolution, as amended, adopted.

Senator Broughton introduced the following :

*Resolved*, That the Committee on State Affairs be instructed to inquire into the necessity and expediency of establishing one or more additional State penitentiaries; also an additional asylum for the insane, and report by bill or otherwise. Adopted.

Senator Mills introduced the following :

*Resolved*, That the Secretary of the Senate be and is hereby authorized to issue to the Chaplain of the Senate certificates of service, at eight dollars per day. Adopted.

On motion of Senator Pridgen, the Committee on Private Land Claims was authorized to employ a clerk,

### BILLS.

By Senator Flanagan;

A bill entitled "An Act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements.

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Alford, it was ordered that one hundred copies be printed for the use of the Senate.

By Senator Hertzberg, "An Act to incorporate the San Antonio Hebrew Benevolent Association."

Read first time, and referred to Committee on Judiciary.

[General File.]

Senate Bill No. 16, "An Act to incorporate the Germania Saving's, Trust and Exchange Company."

Read second time, and passed to Engrossment.

Senate Bill No. 36, to establish a ferry across the Sabine river at or near Red Rock, Upshur county, State of Texas.

Read second time, and passed to engrossment.

Senator Priest, by leave, introduced the following report of the Committee on Judiciary :

COMMITTEE ROOM,  
Austin, May 28, 1870.

HON. DON CAMPBELL,

President of the Senate :

SIR : The Judiciary Committee to whom was referred the matter of districting the State into judicial districts, have with much care considered the matter and performed this duty, and have instructed me to report the accompanying bill and recommend its passage.

M. PRIEST,  
Chairman.

The hour having arrived for the special order of the day, on motion of Senator Ruby it was postponed for half an hour.

Senator Parsons moved a suspension of the rules that the report be received and the bill put to its second reading.

Yeas and nays called for. Result as follows :

Yeas—Messrs. Cole, Dohoney, Flanagan, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Broughton, Baker—20.

Nays—Messrs. Alford, Bell, Clark, Douglas, Evans, Ford, Shannon.

Absent—Senator Bowers.

Motion to suspend the rule lost.

11½ o'clock A. M.

Senator Priest moved that the special order be postponed for a half hour. Carried.

Senator Douglas moved to recommit, and that the Judiciary Committee shall be instructed to report a substitute reducing the number of districts to twenty-eight.

Senator Priest moved to indefinitely postpone the resolution. Carried.

Senator Fountain moved to suspend rules that consideration of Senate bill entitled "An Act to provide for districting the State of Texas into judicial districts," be made the special order for Monday at 10½ o'clock A. M. Carried.

[Senator Pickett in the chair.]

SPECIAL ORDER, 12 M.

House bill No. 88, "An Act to provide for the protection of the frontier," read first time.

On motion of Senator Fountain, rules suspended and bill passed to second reading.

Senator Fountain moved that the bill be read by sections. So ordered.

Senator Parsons moved that the bill be referred to the Committee on Indian Affairs and Frontier Protection, and that the chairman of the committee open up telegraphic communication with our senators and representatives in Washington, requesting them to inform this Senate as to the status of the bill pending before Congress for the better protection of the frontier of Texas, and the prospects of its final and speedy passage. Adopted.

Senator Fountain moved that the committee report on Tuesday, May 31, at 1 o'clock, P. M., and report and bill be made the special order of the day at that hour.

Senator Mills moved to amend by adding Saturday in place of Tuesday. Lost.

Original motion adopted.

Under the direction of the President the Secretary carried to the House substitute for Senate Bill No. 1, "An Act for the benefit of freedmen and freedwomen."

On motion of Senator Cole, the Senate adjourned to Monday.

SENATE CHAMBER,  
AUSTIN, Texas, May 30, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of Saturday read and adopted.

Senator Flanagan moved that to-day being the time set apart for decorating the graves of Federal soldiers, the Senate adjourn to tomorrow. Carried.

SENATE CHAMBER,  
AUSTIN, May 31, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Senator Cole presented a petition from citizens of Hunt, Hopkins and Van Zandt counties, to create a new county within the limits of said counties, to be called "Rains."

Read and referred to Committee on Counties and County Boundaries.

Senator Douglas presented a memorial from citizens of the town of Troup, Smith county, asking the prohibition of the sale of intoxicating liquors within two miles of that town.

Read and referred to Committee on Judiciary.

Senator Parsons offered a memorial of Louisa H. McDonald.

Referred to Committee on Internal Improvements.

REPORTS.

Senator Flanagan presented the following reports from Committee on Internal Improvements:

COMMITTEE ROOM,  
Austin, May 31, 1870.

To the HON. DON CAMPBELL,

President State Senate:

SIR: Your committee to whom was referred Senate Bill No. 94, entitled "An Act to expedite the construction of the Southern Pacific Railroad," has had the same under consideration, and now return the said bill to the Senate, with the recommendation that it pass.

The committee is of opinion that the rapid extension of the Southern Pacific Railroad westward to the twenty-third degree of longitude west from Washington, by the aid of the credit of the State in the manner proposed by the bill, will insure its construction from that point to El Paso in a comparatively short time, and at no distant day to the Pacific Ocean.

The committee are of opinion that the beneficial effect of constructing this road from the eastern boundary of the State to El

also cannot be over-estimated. It must add necessarily to the population and agricultural production of the fertile region through which it will pass, it must expel the hostile Indians from the frontier and give security to the settlers, and add very greatly to the value of the public lands of the State.

The evidence before the committee is convincing that the road is now under able and prudent management, and there can be no doubt that it will be an ample security for the amount, which, under the provisions of this bill, the State will advance to aid in its extension.

The committee are of opinion that the resources of the State are ample to give to the Southern Pacific Railroad Company the aid contemplated by this bill, and at the same time to secure the construction of a great road traversing the State from the north-eastern to the south-western boundary, works which in connection with shorter roads now in progress or in contemplation, will develop the great agricultural and manufacturing resources of the State and give her the high position to which she is entitled by her natural advantages.

Very respectfully,

WEBSTER FLANAGAN,

Chairman.

Laid over under the rules.

COMMITTEE ROOM,

AUSTIN, May 31, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred Senate Bill No. 93, entitled "An Act for the improvement of the navigation of the Colorado river," have had the same under consideration, and instruct me to report it back with the request it to pass.

WEBSTER FLANAGAN,

Chairman.

Laid over under the rules.

Senator Baker, Chairman of Committee on Elections, reported on case of Hon. H. R. Latimer.

Senator Hertzberg, for minority, presented a report.

Laid over under the rules.

## REPORT OF COMMITTEE ON ENGROSSED BILLS.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and

compared Senate bill No. 16, "An Act to Incorporate the Germania Saving, Trust and Exchange Company," and Senate bill No. 36, "An Act to Establish a Ferry across the Sabine River at or near Red Rock, County of Upshur," find the same correctly engrossed.

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

## REPORT OF COMMITTEE ON COUNTIES AND COUNTY BOUNDARIES.

Hon. DON CAMPBELL,  
President of Senate:

SIR: Your Committee on Counties and County Boundaries, after due consideration of Senate bill No. 40, with petitions and memorials for and against the removal of the county site of Robinson county, hereby return the same, and recommend the accompanying act as a substitute and its passage.

J. G. BELL,  
Chairman of Committee.

Laid over under the rules.

### BILLS.

By Senator Parsons, a bill entitled "An Act to Incorporate the Texas Mining Company."

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

Also, a bill entitled "An Act to Incorporate the Colorado Railroad Company."

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

Also, a bill entitled "An Act for the Regulation and Government of the Institution for Educating the Blind."

Read first time, and referred to Committee on Education.

Also, a bill entitled "An Act to Regulate Foreign Insurance Companies Doing Business in this State, and to Require a Deposit of Security to be Made by Them."

Read first time, and referred to Committee on Judiciary.

Also a bill entitled "An Act amendatory of a supplementary to an act entitled 'An Act to incorporate the Young Men's Real Estate and Building Association, approved November 6, 1866.'"

Read first time and referred to Committee on Judiciary.

By Senator Cole, a bill entitled "An Act to create the county of Rains, and to provide for the organization of the same."

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

By Senator Bowers, a bill to be entitled "An Act to incorporate the Austin Bridge Company."

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

By Senator Douglas, a bill entitled "An Act to incorporate the town of Troup, in Smith county."

Read first time and referred to Committee on Judiciary.

By Senator Mills, a bill entitled "An Act to incorporate the Navasota Insurance Company."

Read first time and referred to Committee on Judiciary.

Senator Mills offered the following:

WHEREAS, In the opinion of the Senate of the State of Texas, the so-called Supreme Court of the State, now in session in this city; is illegal and entirely without authority or sanction of law, and in open and flagrant violation of section eleven of article five of the Constitution.

*Be it therefore resolved by the Senate of the State of Texas,* That his Excellency, Gov. E. J. Davis, who is especially charged by section 10 of article 4 of the Constitution, with seeing to it that the laws be faithfully executed, be respectfully requested to nominate, without further delay, in accordance with section 11, article 5, suitable persons for supreme judges, to the end that the provisions of the Constitution may be carried into effect.

Senator Priest moved the indefinite postponement.

Yeas and Nays called for:

Yeas—Messrs. Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—11.

Nays—Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—17.

Motion lost.

Senator Bowers offered substitute for caption of resolution.

Senator Priest moved to lay substitute on table.

Yeas and nays called for:

Yeas—Messrs. Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—11.

Nays—Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—17.

Motion lost.

Senator Douglas moved the adoption of the substitute.

Yeas and nays called for:



Yeas—Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—17.

Nays—Messrs. Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—11.

The following substitute adopted :

WHEREAS, Doubts exist as to the authority of the judges of the supreme and district courts of the State of Texas to continue to act under appointments emanating from the commander of this military district or department, since the reconstruction of the State; and

Whereas, it is important that a speedy organization of the courts should be made under the Constitution.

Resolution as amended adopted.

Senator Priest moved the rules be suspended, and Senate bill 155, "An Act to provide for districting the State of Texas into judicial districts," be the special order of business.

Rules suspended.

Bill read second time.

During action upon amendments offered by Senator Priest, Senator Dohoney moved a postponement of the whole matter till Friday next at 11 o'clock. Carried.

Senator Parsons moved a recess of five minutes. Carried.

The Senate, on motion of Senator Flanagan went into a committee of the whole; Senator Flanagan in the chair.

[In Senate.]

Senator Flanagan, as chairman of the Committee of the Whole, reported progress and asked leave to sit again to-morrow at ten and a-half A. M.

Senator Fountain moved that House bill No. 88, an act providing for the protection of the frontier, be made the special order for Thursday at one o'clock.

On motion of Senator Ruby, the Senate adjourned till to-morrow at ten A. M.

SENATE CHAMBER,  
AUSTIN, Texas, June 1, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present.

Absent—Senators Alford and Saylor.

Prayer by the Chaplain. Journal of yesterday read, corrected and approved.

Senator Flanagan moved a reconsideration of the vote on the adoption of the resolution introduced by Senator Mills yesterday, requesting the Governor to nominate Supreme Judges.

On motion of Senator Bowers, consideration of the motion to reconsider was made the special order for Friday at one o'clock.

Senator Douglas presented memorials of citizens of Smith county asking location of Penitentiary and Lunatic Asylum at Tyler.

Read and referred to Committee on State Affairs.

REPORTS.

Report of Committee on Counties and County Boundaries:

COMMITTEE ROOM,  
Austin, June 1, 1870.

Hon. DONALD CAMPBELL,

President State Senate:

SIR: Your Committee on Counties and County Boundaries have had under consideration Senate Bill No. 161, entitled "An Act to create the county of Rains," and hereby return the same, recommending its passage.

J. G. BELL,  
Chairman of Committee.

Report received.

On motion of Senator Flanagan, rules suspended and the bill read second time, and on further motion the bill passed to engrossment.

The special hour having arrived for the consideration of the case of Peterson vs. Dohoney, the Senate went into Committee of the Whole.

[Senator Fountain in the chair.]

In Senate—Communication from the House by the chief clerk: House Joint Resolution No. 15, requiring the late assessors and collectors to complete the assessment of taxes in their respective counties, and make return thereof to the Comptroller of Public Accounts on or before the 1st day of August, 1870.

Senate went into Committee of the Whole.

In Senate—Senator Fountain, for the Committee of the Whole, reported progress, and asked leave to sit again. Granted.

Senator Mills asked that the consideration of the question declaring the office of sergeant-at-arms vacant be made the special order for Saturday, at half-past ten o'clock, A. M. So ordered.

On motion of Senator Ruby, the Senate took a recess of fifteen minutes.

In Senate—President Don Campbell in the chair.

On motion of Senator Ruby, the Senate went into Committee of the Whole.

In Senate—Senator Fountain, for the Committee of the Whole, reported progress, and asked leave to sit again at two P. M. Report received, and on motion of Senator Parsons, the Senate adjourned till two P. M.

#### SENATE CHAMBER—AFTERNOON SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding.

On motion, the Senate went into Committee of the Whole to resume the hearing in the case of Peterson vs. Dohoney.

#### FOUR P. M., IN SENATE.

Senator Fountain, for the Committee of the Whole, reported progress, and asked leave to sit again to-morrow, at half-past ten A. M. Report adopted.

Senator Parsons offered the following :

*Resolved*, That Milton Baker, the Second Assistant Sergeant-at-Arms, be and he is hereby authorized to have his warrant upon the treasury for pay at his proper per diem during his term of service.

Senator Flanagan offered the following substitute :

*Resolved*, That Milton Baker be allowed his per diem as Sergeant-at-Arms from the date of Mr. Gibbs' leave of absence up to date.

Substitute adopted.

On motion of Senator Cole, the Senate adjourned.

## SENATE CHAMBER.

AUSTIN, June 2, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read and approved.

## PETITIONS AND MEMORIALS.

By Senator Bowers, a petition of Ira B. Millerman for land certificate.

Read and referred to Committee on Private Land Claims.

By Senator Ruby, a petition of Houston, Trinity and Tyler Railroad Company.

Read and referred to Committee on Internal Improvements.

## REPORT FROM COMMITTEES.

Committee on Claims and Accounts :

COMMITTEE ROOM,

June 1, 1870.

HON. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Claims and Accounts, to whom was referred the petition of S. W. Baker, have had the same under consideration, and beg leave to report that it is inexpedient to grant the relief prayed for, and ask to be discharged from further consideration of the subject.

Very respectfully,

HENRY RAWSON,

Chairman of Committee.

Laid over under the rules.

Report of Committee on Judiciary :

JUDICIARY COMMITTEE ROOM,

Austin, May 31, 1870.

To the Hon. DON CAMPBELL,

President of State Senate :

SIR: The Judiciary Committee, to whom was referred Senate bill No. 29, entitled "An Act incorporating the Stonewall Fire Company of the city of Houston," 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.

Amend bill by striking out section two.

Laid over under the rules.

JUDICIARY COMMITTEE ROOM,  
Austin, May 31, 1870.

To the HON. DON CAMPBELL,  
President State Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 30, entitled "An Act to incorporate the Home Insurance Company of Houston, Texas," have carefully considered the same and instruct me to report it back to the Senate with accompanying amendments, and recommend its passage.

M. PRIEST,  
Chairman of Committee.

Amend bill by striking out the words "and upon lives and against accidents" in ninth line of section five, and the words "life and accidents" in eleventh line of same section.

Laid over under the rules.

Report of Committee on Private Land Claims:

COMMITTEE ROOM,  
Austin, June 1, 1870.

To the HON. DON CAMPBELL,  
President of Senate :

The Committee on Private Land Claims, to whom was referred Senate bill No. 28, entitled "An Act for the relief of the heirs of James S. Halman, deceased, have considered the same and instruct me to report the bill back to the Senate with the recommendation that it pass.

B. J. PRIDGEN,  
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills :

To the HON. DON CAMPBELL,  
President of Senate :

SIR: Your Committee on Engrossed Bills have carefully examined and compared Senate bill No 161, "An Act to create and provide for the organization of the county of Rains," and find the same correctly engrossed.

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

#### BILLS AND RESOLUTIONS.

By Senator Dohoney. A bill entitled "An Act to make an appropriation for certain purposes therein mentioned."

Read first time and referred to Committee on Finance.

Also, "An Act to amend an act approved August 26, 1856, in reference to community property.

Read first time and referred to Committee on Judiciary.

By Senator Mills. "An Act to incorporate the Emigration Company of the State of Texas."

Read first time and referred to Committee on Judiciary.

By Senator Bell. A bill entitled "An Act to regulate the collection of debts from persons about to remove their property beyond the limits of the county where they reside.

Read first time and referred to Committee on Judiciary.

By Senator Hertzberg. "An Act to incorporate the Comal Cemetery Association."

Read first time and referred to Committee on Judiciary.

By Senator Gaines. Joint resolution making it a misdemeanor to sell intoxicating liquors within six miles of any college in the State, except for sacramental or medical purposes.

Read first time and referred to Committee on Judiciary.

Senator Priest offered the following resolution :

*Resolved*, That the resignation of Jeff. Gibbs, sergeant-at-arms of the Senate, heretofore tendered by him, be accepted *nunc pro tunc*, and that said office be declared vacant.

Senator Mills moved to amend by inserting, "and that we now proceed to an election of sergeant-at-arms."

Amendment accepted. Resolution as amended adopted.

The hour having arrived for the consideration of special order, the contested case of Peterson vs. Dohoney, the Senate went into a committee of the whole.

In Senate—Senator Fountain, for the committee of the whole, reported progress, and asked leave to sit again at half-past two P. M.

On motion of Senator Parsons, the report of the committee was received and leave granted.

On motion of Senator Fountain, the Senate adjourned to 2.25 P. M.

#### AFTERNOON SESSION—2:25 O'CLOCK, P. M.

Senate met pursuant to adjournment. Quorum present.

Half-past two P. M., Senate went into committee of the whole.

Senator Fountain, chairman of committee of the whole, reported progress, and asked leave to sit again to-morrow at half-past ten o'clock, A. M.

On motion of Senator Priest, the report was received and leave granted.

On motion of Senator Fountain, the Senate adjourned.

## SENATE CHAMBER,

AUSTIN, TEXAS, Friday, June 3, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

## PETITIONS AND MEMORIALS.

By Senator Bowers—A petition of Geo. W. G. Brown for extra compensation as Supreme Court librarian.

Read and referred to Committee on Judiciary.

## BILLS AND RESOLUTIONS.

By Senator Parsons—"An Act entitled an act to organize the Bureau of Immigration.

Read first time and referred to Committee on Immigration."

By Senator Parsons—A bill to be entitled "An Act to incorporate the Houston Hebrew Benevolent Society."

Read first time and referred to Committee on Judiciary.

By Senator Flanagan—"An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company."

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

Also "An Act incorporating the Bolivar Point, Eastern Texas and Red River Railroad Company."

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

By Senator Pridgen, "An Act to incorporate the Kemper City Bridge Company."

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

By Senator Alford—A bill entitled "An Act regulating the venue of suits against railroad companies."

Read first time and referred to Committee on Judiciary.

The hour having arrived for the special order, the Senate went into a Committee of the Whole.

[Senator Fountain in the chair.]

Senator Fountain, for the committee of the whole, reported progress, and stated that the following resolution had been put to the committee of the whole and lost:

*Resolved*, That the seat now occupied in the Senate by E. L. Dohoney, as Senator from the Eleventh Senatorial District, be and is hereby vacated, and that the committee ask that they be discharged from the further consideration of the subject.

Senator Flanagan moved that the report of the committee be adopted.

Yeas and nays called for, which resulted as follows: yeas 15, nays 13.

Yeas—Alford, Bowers, Broughton, Clark, Cole, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—13.

Report received and adopted.

Senator Bowers moved a reconsideration of the vote and to lay that motion upon the table.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Broughton, Clark, Cole, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—13.

Motion to table motion to reconsider carried.

Senator Flanagan moved that the Senate proceed to an election of Sergeant-at-Arms of this body. Carried.

Senator Baker put in nomination W. H. Hobbs, of Guadalupe county.

Senator Mills put in nomination A. Faulkner, of Bryan.

Senator Hall put in nomination Thomas Ford, of Falls county.

Senator Alford put in nomination Milton Baker, of Harris county.

Senator Pettit put in nomination E. W. Miller. Chairappointed

Senators Hall and Parsons tellers. Vote as follows:

A. Faulkner received.....	16	votes.
W. H. Hobbs received.....	5	..
Thomas Ford received.....	5	..
Milton Baker received.....	1	..
J. W. Miller received.....	1	..
Scattering .....	1	..

Total.....29 votes.

A. Faulkner having received the majority of the votes cast was declared duly elected Sergeant-at-Arms of the Senate.

Senator Flanagan asked leave of absence for ten days for Postmaster of the Senate. Leave of absence granted.

Senator Alford moved we adjourn till to-morrow at 10 o'clock

A. M. Yeas and nays called for. Result as follows:

Yeas—Messrs. Alford, Bowers, Broughton, Clark, Cole, Dohoney,



Evans, Flanagan, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle—14.

Nays—Messrs. President, Baker, Bell, Douglas, Ford, Fountain, Gains, Hall, Hertzberg, Mills, Priest, Rawson, Ruby, Saylor, Shannon—15. Motion to adjourn lost.

On motion of Senator Mills the assistant sergeant-at-arms was instructed to notify Mr. Faulkner of his election as sergeant-at-arms of the Senate.

Senator Parsons moved suspension of rules to take up Senate bill No. 161, for the establishment of the county of Rains.

Rules suspended and bill read third time.

On motion of Senator Parsons the bill was recommitted with instructions to committee to report to-morrow.

On motion of Senator Ruby the rules were suspended to consider Senate bill No. 55, entitled "An Act to organize and define the powers of the Criminal District Court for the counties of Galveston and Harris."

On further motion it was made the special order for to-morrow at 11 A. M.

On motion of Senator Bowers the Senate adjourned.



SENATE CHAMBER,  
AUSTIN, June 4, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read, corrected and approved.

BILLS AND RESOLUTIONS.

By Senator Priest, a joint resolution in relation to the public lands and railroads.

Read first time and referred to Committee on Judiciary.

By Senator Flanagan, a bill for promoting the introduction of immigrants from Europe into the State of Texas by the Mediterranean and Oriental Steam Navigation Company.

Read first time and referred to Committee on Immigration.

By Senator Saylor, "An Act to incorporate the Missouri, Kansas and Texas Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Hertzberg, "An Act to incorporate the San Antonio Shooting Company."

Read first time and referred to Committee on Judiciary.

GENERAL FILE.

Senate bill No. 69, to be entitled "An Act to incorporate the Kaufman County Bridge Company." Read second time and passed to engrossment.

Senator Ruby moved a suspension of the rules.

Rules suspended and the bill put on third reading and final passage.

Yeas and nays taken, which resulted as follows:

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Absent—Messrs. Alford and Douglas.

Bill passed.

Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company."

Read second time and passed to engrossment.

On motion of Senator Flanagan, rules suspended and the bill put on third reading and final passage.

Yeas and nays called for.

Yeas—Messrs. Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Absent—Messrs. Alford and Douglas.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 5, "A Bill to authorize Vaughan Saffold and others to construct a bridge across the Guadalupe river, at or near the town of Seguin, Guadalupe county, Texas."

Read second time and passed to engrossment as amended.

Senator Baker moved suspension of rules, and that the bill be put on its third reading and final passage.

Rules suspended.

Bill read third time.

Yeas and nays taken on final passage resulted as follows :

Yeas—Messrs. Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27

Absent—Douglas.

Bill passed.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 3, "A Bill to authorize Harwood, Belding and Mason to construct a bridge across the Guadalupe river, at or near the town of Gonzales, in Gonzales county, Texas."

Read second time and passed to engrossment.

On motion of Senator Baker the rules were suspended, and the bill put on its third reading and final passage.

Yeas and nays taken on final passage. Result as follows :

Yeas—Messrs. Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Absent—Douglas.

Bill passed.

By leave, Senator Bowers presented a petition of Abel Sanders and others, for relief.

Read and referred to Committee on Judiciary.

The hour having arrived for the consideration of special order, Senate Bill No. 55, "An Act to organize and define the powers of

the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," and report of committee with amendments.

Senator Ruby moved adoption of the report of the committee.

Report adopted.

Bill as amended read second time and passed to engrossment.

Senator Ruby moved further suspension of rules to put the bill on third reading.

Rules suspended.

Senator Ruby moved that the bill be printed and made special order for Monday at 11 A. M. Carried.

Message from the House by chief clerk: Senate Bill No. 74, "An Act to appropriate fifteen thousand dollars for the payment of contingent expenses of the 12th Legislature, with amendments, and ask the concurrence of the Senate in the amendments.

On motion of Senator Latimer the rules were suspended to take from file the reports of the Committee on Elections, as to the eligibility of Hon. H. R. Latimer to a seat in the Senate.

Majority and minority reports read.

Senator Fountain moved the indefinite postponement of the whole matter. Carried.

On motion of Senator Fountain the rules were suspended to take from file House Bill No. 88; and, on further motion, it was made the special order for next Tuesday, at half-past ten o'clock A. M.

On motion of Senator Ruby the rules were suspended to take from file Senate Bill No. 51; and, on further motion, it was made the special order for Wednesday, at eleven A. M.

Senator Flanagan moved a reconsideration of the vote upon indefinite postponement of the consideration of the case of H. R. Latimer, and to lay the motion to reconsider upon the table. Carried.

Senator Bowers moved a suspension of the rules to take up Senate Bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

Rules suspended and the bill taken up for amendment by sections.

Senator Bowers moved to amend by striking out the words "thirty-four," in line No. two, section one, and inserting the words "twenty-four."

Message from the Governor by the hand of his private secretary:

EXECUTIVE OFFICE,

Austin, May 23, 1870.

To the Honorable Senate and House of Representatives

of the State of Texas:

GENTLEMEN: I have the honor to inform you that an act making an appropriation for the mileage and per diem pay of members and

employees of the present Legislature, received May 13, 1870. Concurrent resolution instructing the Comptroller to audit mileage accounts in accordance therewith, received May 13, 1870.

Joint resolution to authorize officers elect to act under existing laws until further legislation, received May 23, 1870.

Were all approved on the dates mentioned above.

Respectfully,

EDMUND J. DAVIS,

Governor.

EXECUTIVE OFFICE,

Austin, June 1, 1870.

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

GENTLEMEN : I have the honor to inform you that House Joint Resolution No. 3, received May 24, 1870 ; House Joint Resolution No. 4, received May 24, 1870 ; House Joint Resolution No. 1, received May 27, 1870, were all approved on the dates mentioned above.

Respectfully,

EDMUND J. DAVIS,

Governor.

Senator Cole moved to adjourn. Lost.

Senator Parsons moved to adjourn. Lost.

On motion of Senator Priest the subject under consideration was made the special order for Monday, at twelve o'clock, and the Senate adjourned to Monday.

## SENATE CHAMBER,

AUSTIN, Texas, June 6, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of Saturday read and approved.

## REPORTS FROM STANDING COMMITTEES.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,  
June 6, 1870.

To the Hon. DON CAMPBELL,  
President of State Senate:

SIR: Your Committee on Roads, Bridges and Ferries have given Senate Bill No. 172, entitled "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company," due consideration, and do hereby return the same, recommending its passage.

FLANAGAN,  
for Committee.

Laid over under the rules.

Reports of Finance Committee:

COMMITTEE ROOM,  
June 6, 1870.

To Hon. DON CAMPBELL,  
President of the Senate:

SIR: Your Finance Committee, to whom was referred Senate Bill No. 144, entitled "An Act making an appropriation for the Treasury Department," have had the same under consideration, and report the bill back to the Senate with a recommendation that it do pass.

JOHN S. MILLS,  
Chairman Financial Committee.

Laid over under the rules.

COMMITTEE ROOM,  
June 6, 1870.

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

Your committee, to whom was referred the petition of R. S. Brame, Assessor and Collector of Lamar county, for relief, respectfully report that they have examined all the evidence in the case, and find that said Brame had collected State tax to the amount of one thousand seven hundred and seven dollars and ninety-two cents,

and county tax amounting to six hundred and thirty-two dollars and forty-two cents, and that said money was all deposited in the safe of Wright & Gibbons, in Paris, Lamar county; that on the night of December 25, 1866, said safe was burglariously broken open and all of said money stolen, together with four thousand dollars of private funds; that Brame had no other safe depository for the public money, and it was owing to no fault or negligence on his part the loss occurred; and, furthermore, the annexed order shows a release by the County Court of all indebtedness to the county for the loss of county tax so therein deposited; therefore, your committee report the following joint resolution, and recommend that it do pass:

**JOINT RESOLUTION FOR THE RELIEF OF  
R. S. BRAME.**

WHEREAS, R. S. Brame, an Assessor and Collector of Lamar county, had, in the year 1866, collected the sum of one thousand seven hundred and seven dollars and fifty cents, State tax, and the same was lost, without the fault or neglect of said Assessor and Collector, from its having been stolen from the safe of Wright & Gibbons, of Lamar county, Texas; therefore,

*Resolved*, That the said sum of seventeen hundred and seven dollars and fifty cents be remitted to the said R. S. Brame by the Comptroller in the settlement of his accounts, and that principal and sureties be and they are hereby released from all responsibility on their bonds.

J. S. MILLS,  
Chairman Finance Committee.

Laid over under the rules.

COMMITTEE ROOM,  
Austin, June 6, 1870.

To the HON. DON CAMPBELL,  
President State Senate:

Your Finance Committee, to whom was referred Senate bill No. 143, entitled "An Act to release to the county of Anderson the State tax for the years 1870 and 1871, for certain purposes," beg leave to report that the applications have already become so frequent as to be annoying, and never ought to have been entertained with favor, for the reason that one county has no right to the clemency of a legislative body that should not be accorded to all, and there can be nothing to commend such a measure to the Legislature other than some extraordinary Providential visitation rendering the citizens of the county unable to pay. Your committee would respectfully report a recommendation that the bill do

not pass, and that your committee be discharged from the further consideration of the subject.

JOHN S. MILLS,  
Chairman of Finance Committee.

Laid over under the rules.

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM,  
Austin, June 6, 1870.

Hon. DONALD CAMPBELL,

President State Senate:

SIR: Your Committee on Counties and County Boundaries have given Senate Bill No. 161, entitled "An Act to create and provide for the organization of the county of Rains," due consideration, and do hereby return the same, recommending its passage.

J. G. BELL,  
Chairman of Committee.

Rules suspended.

Report adopted, and on motion of Senator Cole, the rules were suspended and bill passed to its third reading. Read third time.

Yeas and nays were taken on final passage:

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Millis, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—Parsons—1.

Absent—Latimer.

Bill passed.

REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

COMMITTEE ROOM,  
Austin, June 6, 1870.

To the Hon. DON CAMPBELL,

President State Senate:

Your Committee on Contingent Expenses having under consideration the matter of the different officers of your honorable body and the salaries thereof, herewith submit their report of the schedule of prices upon which they have agreed for the different grades, to-wit:

Secretary of Senate . . . . .	\$8 00 per day
First and Second Assistant Secretaries . . . . .	8 00 " "
Engrossing Clerk . . . . .	8 00 " "
Enrolling Clerk . . . . .	8 00 " "
Journal Clerk . . . . .	8 00 " "



Calender Clerk.....	8 00	per day
Committee Clerks.....	5 00	" "
Sergeant-at-Arms.....	8 00	" "
Assistant Sergeant-at-Arms.....	8 00	" "
Door Keeper.....	8 00	" "
Assistant Door Keeper.....	8 00	" "
Porters of Senate.....	6 00	" "
Committee Porters.....	4 00	" "
Messengers.....	4 00	" "

Respectfully,

J. S. MILLS, Chairman,  
 G. T. RUBY,  
 E. B. PICKETT,  
 SHANNON,  
 PRIEST,

Members of Committee on Contingent Expenses.

On motion of Senator Flanagan, the rules were suspended, and on motion of Senator Ruby, the report of the committee was adopted.

COMMITTEE ROOM,  
 Austin, June 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

*Resolved,* That the Secretary of the Senate be instructed to draw his warrants on the State Treasury in favor Baker & Raymond for \$90 68 ; Sampson & Henricks, \$521 93 ; J. W. Hammig, \$332 16 ; A. Prince, \$10, being the amount of their respective bills for purchases made by your Committee on Contingent Expenses, for the use and benefit of your honorable body and committees of the same, as set forth in accompanying bills.

Respectfully,

J. S. MILLS,  
 Chairman.

PRIEST,  
 PICKETT,  
 RUBY,  
 SHANNON, } Members  
 Committee.

On motion of Senator Mills, rules were suspended and report adopted.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,  
 AUSTIN, June 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was re-

ferred the petition of George W. Wright, have had the same under consideration, and I am instructed by the majority to report the same back to the Senate and recommend that the Legislature do not grant the relief prayed for.

Very respectfully,

B. J. PRIDGEN,  
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
Austin, June 6, 1870.

HON. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having carefully examined and compared Senate bill No. 3, "An Act authorizing Thomas M. Harwood, W. G. Belding and Charles Mason, of Gonzales county, to construct and build a bridge across the Guadalupe river, near the town of Gonzales;" also Senate bill No. 5, "An Act authorizing F. A. Vaughan, William Safford and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin;" also Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," and Senate bill No. 69, "An Act to incorporate the Kaufman County Bridge Company," find the same correctly engrossed.

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

## BILLS AND RESOLUTIONS.

Senator Priest offered the following resolution:

**RESOLUTION MAKING MATTERS OF GENERAL INTEREST THE SPECIAL ORDER FOR THURSDAY NEXT AT 11 O'CLOCK, AND FROM DAY TO DAY.**

WHEREAS, The Constitution imposes, as a special duty, upon the Governor to take care that the laws be faithfully executed, and imposes on the Legislature, by implication, at least, the duty of conferring on the Governor sufficient power to put down and control all lawless combinations too powerful to be controlled by the civil authorities;

And whereas, It is well known that some portions of the State

are now pretty much without protection by civil courts, and murders and other outrages are being committed, the weak and defenseless falling victims to the violent and the lawless, and this Senate feeling it to be a paramount duty to preserve the lives of our constituents, and to act with this view without delay by giving all necessary power to the Governor to keep the peace and bring lawless bands to grief, and to organize civil government, that our courts may perform their functions and the rights of our citizens may be preserved;

And whereas, Over a month has elapsed and nothing having been yet done to the furtherance of the foregoing objects,

*Resolved*, That on Thursday next at 11 o'clock we will proceed to those great measures of general interest, and from day to day, at the hour aforesaid, to the exclusion of other business, until action is had on those great measures in the following order: first, the bill organizing the militia; second, the bills to re-organize our judicial districts and to fix the time of holding courts; third, to regulate proceedings in relation to estates; fourth, the duties and fees of officers; fifth, other business necessary to a complete organization of civil government.

Senator Pickett moved to lay the resolution upon the table.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohcney, Douglas, Evans, Pickett, Pyle, Shannon—11.

Nays—Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor—16.

Motion to lay on the table lost.

Laid over under the rules.

The hour having arrived for the special order. Senate bill No. 55, a bill entitled "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and prescribe the duties thereof."

On motion of Senator Ruby, the bill was recommitted to Committee on Judiciary.

#### GENERAL FILE.

Senate Bill No. 72. An Act granting the right to John W. King to establish and operate a ferry at King's Crossing, on the Sabine River.

Read second time and passed to engrossment.

Senate Bill No. 101, for the relief of J. H. Hollinquest.

Read second time and passed to engrossment.

On motion of Senator Ruby, the rules were suspended and the bill passed to its third reading.

Yeas and nays taken on final passage.

Result as follows :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyie, Rawson, Ruby, Shannon—25.

Absent—Senators Gaines, Latimer, Saylor.

Bill passed.

Senator Mills moved the suspension of the rules to take up Senate Bill No. 74, An Act to appropriate \$15,000 to pay contingent expenses of the twelfth Legislature.

Rules suspended.

Senator Fountain moved the Senate concur in House amendments. Carried.

On motion of Senator Pettit, the rules were suspended to take up Senate Bill No. 26, and it was made the special order for Thursday at 10½ A. M.

The hour having arrived for the consideration of special order, Senate Bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

The question recurring upon the adoption of the amendment offered by Senator Bowers, to strike out in line two (2), section 1, thirty-four and insert twenty-four.

[Senator Flanagan in the chair.]

Senator Priest moved to lay the amendment of Senator Bowers upon the table.

Senator Bowers moved a call of the House. Call sustained.

On motion of Senator Ruby, call suspended.

Senator Priest asked leave to withdraw his motion to table the amendment. Leave granted.

Senator Bowers called for a division of the question.

Yeas and nays called for in striking out thirty-four, in line two, section 1.

Result as follows :

Yeas—Alford, Bowers, Broughton, Cole, Douglas, Evans, Pyle, Shannon—8.

Nays—Baker, Bell, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor—17.

Motion to strike out 34 in line 2, section 1, lost.

Senator Bell offered a substitute for the bill.

Senator Bowers moved a rejection of the substitute.

Yeas and nays called for, result as follows :

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Evans, Flanagan, Pettit, Pickett, Pridgen, Pyle, Shannon—12.

Nays—President, Baker, Bell, Douglas, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Priest, Rawson, Ruby, Saylor—15.

Lost.

Senator Bowers moved a call of the House. Call sustained.

Absent—Senator Clark; Senator Latimer excused.

Pending call, Senator Campbell moved to adjourn. Carried.

## SENATE CHAMBER,

AUSTIN, June 7, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read and approved.

Senator Pickett moved the unfinished business of yesterday be taken up and disposed of. Carried.

The question recurred upon the adoption of the substitute offered by Senator Bell for Senate Bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

Pending discussion, the hour arrived for the consideration of House Bill No. 88, "An Act to provide for the protection of the frontier."

Senator Fountain moved the postponement of the same until 12 M., and that it be continued as the special order from day to day until disposed of. Carried.

Message from the House by Chief Clerk :

House Bill No. 178, "An Act authorizing quarantine on the coast of Texas."

Also House Bill No. 80, "An Act to establish a State police, and provide for the regulation and government of the same."

Yeas and nays taken on adoption of substitute for Senate Bill No. 155. Result as follows :

Yeas—Baker, Bell, Broughton, Douglas, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Nays—Alford, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—11.

Adopted.

Senator Douglas moved to amend by striking out the words "thirty-four" and inserting "thirty."

Yeas and nays called for ; result as follows :

Yeas—Alford, Broughton, Douglas, Evans, Shannon—5.

Nays—Baker, Bell, Bowers, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—22.

Amendment lost.

Senator Alford moved to amend section eight by adding "Fannin" after the word "Bowie;" amend section eleven by striking out the word "Fannin" and adding "Rains." Lost.

Senator Bowers moved to amend, in section twenty-two, by

striking out "and Caldwell," and adding to section twenty-seven, "Caldwell." Lost.

Senator Broughton moved to amend section twelve by striking out the county of Clay as one of the counties composing the Twelfth District, and inserting it among the unorganized counties attached to said district for judicial purposes. Adopted.

Senator Shannon moved to amend by striking out the Fourteenth District, and adding to the Thirteenth the counties of Ellis, Dallas and Tarrant. Lost.

Senator Priest moved the engrossment of the bill.

Yeas and nays taken. Result as follows:

Yeas—Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor--17.

Nays—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pyle, Shannon--11.

Carried, and bill ordered to be engrossed.

Senator Ruby moved suspension of rules to place the bill on its third reading.

Rules suspended. Bill read third time.

Yeas and nays taken on final passage. Result as follows:

Yeas—Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor--17.

Nays—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pyle, Shannon--11.

Bill passed.

#### PETITIONS AND MEMORIALS.

By Senator Bowers, a petition of J. C. Brown and N. H. Gazley, for relief.

Read and referred to Committee on Judiciary.

By Senator Mills, a petition of Camillus Jones for an appropriation for yellow fever expenses.

Read and referred to Committee on Finance.

#### REPORTS FROM STANDING COMMITTEES.

Report of Committee on Finance:

COMMITTEE ROOM,  
Austin, June 6, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Finance Committee, to whom was referred Senate bill No. 149, with the accompanying petition of Geo. W. Dunham for relief, beg leave to report that they can see no good reason to release

the securities of a defaulting assessor and collector who avails himself of the advantage of pestilence to secure his escape with a large amount of public money. The very object of security is to make good losses of this character, and your committee report back the bill with a recommendation it do not pass.

J. S. MILLS,  
Chairman.

Laid over under the rules.

Report of Committee on Finance:

COMMITTEE ROOM,  
Austin, June 6, 1870.

HON. DON CAMPBELL,  
President of Senate:

SIR: Your Committee on Finance, to whom was submitted Senate bill No. 165, "An Act making an appropriation for certain purposes therein mentioned," would respectfully report that, upon examination of the facts they find that the various officers of the provisional government, under A. J. Hamilton as provisional Governor of Texas, were entitled to receive their pay in the specie currency, or its equivalent in the paper currency of the United States; that most of the officers, especially those residing near the capital, were paid accordingly; that some of the officers residing remote from the capital have not been paid, and that the appropriation therefor has been exhausted. Your committee, therefore, recommend the passage of the accompanying substitute for bill.

MILLS,  
Chairman.

Laid over under the rules.

Report of Committee on Indian Affairs:

COMMITTEE ROOM,  
Austin, June 7, 1870.

HON. DON CAMPBELL,  
President of Senate:

SIR: Your Committee on Indian Affairs and Frontier Protection, to whom was recommitted House bill No. 88, entitled "An Act to provide for the protection of the frontier," have had the same under consideration, and report the same facts to the Senate without amendment and respectfully recommend its passage.

FOUNTAIN,  
Chairman.

Report received.

Report of Committee on Engrossed Bills:



HON. DON CAMPBELL,  
President of Senate:

Your Committee on Engrossed Bills having carefully examined and compared Senate bill No. 55, "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof;" also Senate bill No. 72, "An Act granting the right to John W. King to establish and operate a ferry at King's crossing on Sabine river;" also Senate bill No. 74, "An Act making an appropriation to defray the printing and contingent expenses of the twelfth Legislature;" and Senate bill No. 101, "An Act for the relief of J. H. Hallinguiest;" find the same correctly engrossed.

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

#### BILLS AND RESOLUTIONS.

By Senator Broughton, a bill to be entitled "An Act for the relief of Cain T. Brush.

Read first time and referred to Committee on Judiciary.

By Senator Pettit, a bill entitled "An Act for the relief of district attorneys *pro tem*.

Read first time and referred to Committee on Judiciary.

By Senator Broughton, a bill to be entitled "An Act to provide for surveys and return of field notes in certain cases."

Read first time and referred to Committee on Public Lands.

By Senator Flanagan, "An Act to incorporate the Merchant's and Planter's Savings Bank of Texas."

Read first time and referred to Committee on Judiciary.

By Senator Bell, a bill to be entitled "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas.

Read first time and referred to Committee on Internal Improvements.

Senator Flanagan moved a suspension of the rules to take up House Bill No. 178, "An Act authorizing quarantine on the coast of Texas."

Rules suspended and bill read first time.

Senator Bowers moved to suspend the rules to amend rule thirty-two.

Rules suspended and Senate rule thirty-two so amended as to read "may be referred to committee," instead of "shall be."

On motion of Senator Flanagan, the rules were suspended and House Bill No. 178 put on its second reading.

Senator Alford moved to amend by adding: "Provided, that nothing herein contained shall prevent any town or city in the State from establishing any quarantine which they may think necessary for the preservation of the health of said town or city, not inapplicable to the provisions of this act."

Amendment adopted.

Senator Ruby moved amendment of caption by adding, "and elsewhere within the State." Adopted.

Senator Flanagan moved a further suspension to place the bill on its third reading. Carried.

Read third time and passed.

Senator Parsons moved that the Secretary return forthwith House Bill No. 178, and ask the immediate concurrence of the House in the Senate amendments. Carried.

Under direction of the President the Secretary carried to the House House Bill No. 178, with the action of the Senate thereon.

Senator Priest offered the following resolution, and asked the suspension of the rules to take it up:

*Resolved*, That it shall be a rule of the Senate that a motion to postpone, reject or lay an amendment to any bill or resolution on the table, shall not affect the bill or resolution, but shall apply to the amendment only.

The hour having arrived for the consideration of the special order, House Bill No. 88, "An Act to provide for the protection of the frontier"; third reading.

Senator Douglas offered the following amendment:

Amend 8th lin., section 1, by striking out the words "fifty-two" and inserting the word "forty," and line 9 by striking out the word "fifty" and inserting the words "thirty-five."

Amendment lost.

Senator Pettit offered the following amendment for second section: That the requisite number of officers and men for said companies shall be citizens of the State of Texas.

Senator Flanagan moved the adoption of the amendment.

Amendment lost.

Senator Dohoney offered the following amendment:

Amend by striking out the word "twenty" in line three of section one, and insert the word "ten." Amendment lost.

Senator Ruby moved suspension of rules.

Rules suspended, and bill read third time.

Yeas and nays taken on final passage; result as follows:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark,

Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—Messrs. Alford, Douglas, Priest—3.

Absent—Messrs. Latimer and Mills.

Bill passed.

Under the direction of the President, the Secretary carried to the House of Representatives Senate Bill No. 3, "A Bill to authorize Harwood Belding and Mason to construct a bridge across the Guadalupe river at or near the town of Gonzales, Gonzales county, Texas."

Also, Senate Bill No. 5, entitled "A Bill to authorize Vaughan, Safford and Smith to construct a bridge across the Guadalupe river at or near the town of Seguin, Guadalupe county, Texas."

Also, Senate Bill No. 14, a bill entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company."

Also, Senate Bill No. 69, a bill entitled "An Act to incorporate the Kaufman County Bridge Company."

Also, Senate bill No. 161, a bill entitled "An Act to create the county of Rains, and to provide for the organization of the same."

And ask their concurrence in the same.

On motion of Senator Saylor the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, June 8, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read, corrected and approved.

REPORTS FROM STANDING COMMITTEES.

Austin, June 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills have examined and compared substitute for Senate Bill No. 155, to provide for districting the State of Texas into judicial districts, and find the same correctly engrossed.

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

BILLS AND RESOLUTIONS.

By Senator Bowers.

A bill to be entitled "An Act to incorporate the Superannuated Preacher's Aid Society."

Read first time, and referred to Committee on Judiciary.

Senator Gaines offered the following resolution :

*Resolved*, That the Secretary of the Senate be and is hereby authorized to purchase five copies of the Daily Houston Union for each member of the Senate.

Senator Mills moved its adoption.

Senator Bowers moved to amend by adding, provided, that the same does not cost more than three cents per copy.

Senator Mills moved to amend the amendment by saying eight cents in place of three cents per copy.

Senator Alford offered the following substitute :

*Resolved*, That the Secretary of the Senate be instructed to purchase ten additional copies of the State Journal for each and every member at six cents per copy.

Senator Flanagan moved to lay the whole matter on the table.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Pettit, Pickett, Priest, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Rawson, Ruby--12.

Motion to table carried.

Senator Ruby offered the following resolution :

*Resolved*, That the Senate postmaster be and is allowed the same per diem pay, eight dollars, as is now authorized to the several officers of this body. Carried.

Senator Fountain moved that the phonographic reporter be paid fifteen dollars per day. Carried.

### BILLS.

By Senator Clark, a bill entitled "An Act to amend an act to incorporate the Neches Navigation Company, approved November 8, 1866."

Read first time and referred to Committee on Internal Improvements.

Under direction of the President the Secretary carried to the House substitute for Senate Bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

Also, Senate Bill No. 101, "An Act for the relief of J. H. Hallonquist."

Also, House Bill No. 88, a bill entitled "An Act to provide for the protection of the frontier of the State of Texas."

Also, enrolled Bill (Senate Bill 74) "An Act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," for signature of the Speaker.

Senator Fountain rose to a question of privilege and offered the following :

WHEREAS, When the case of H. R. Latimer, sitting member in this body from the ninth district, was before the Committee on Privileges and Elections, the evidence produced before that committee was conclusive, and admitted on the part of the said H. R. Latimer that he had held office (that of county judge) for a number of years before the war, but denied, on his honor as a Senator, that he had sought or accepted the position of elector of the Confederate States, to which he was elected in 1861, and also claimed that he had never sought or accepted an office under the Confederacy ; and

WHEREAS, The said committee was unable to come to majority report on said case, and the Senate saw fit to indefinitely postpone action because of the doubtful nature of the charge made against H. R. Latimer ; and

WHEREAS, Since said report and action of the Senate fresh evidence has been discovered, to-wit, the following letters on file in the Governor's office :

CLARKSVILLE, July 7, 1863.

His Excellency F. R. LUBBOCK:

In the act of the Confederate Congress, concerning impressments, I notice the Governor of this State is authorized to appoint a commissioner to act in conjunction with one appointed by the President, who, together, are to constitute a board to fix upon a price to be paid by the government for the property impressed, or taken for all public use, and I write this note to solicit the appointment, if you have made no appointment, and have no one in view for it; will feel highly flattered to be noticed.

With sentiments of high regard I remain your friend and obedient servant,

(Signed)

H. R. LATIMER.

P. S. The canvass for Governor has opened in this county; the contest will be between Murrah and Chambers, no other candidate getting any votes here.

(Signed)

H. R. L.

Endorsement No. 991, Latimer H. R., July 7, 1863.

Answered July 13, 1863, that the appointment was given to Frank E. Williams, of Rusk, before his application was received.

(Signed)

PAUL.

CLARKSVILLE, TEXAS,  
April 17, 1864.

HON. P. MURRAH:

DEAR SIR: I received a letter from you, dated the seventeenth day of March, tendering me the appointment of Aid-de-Camp, to which I replied immediately, accepting the position, and as no answer has been received up to date I take it for granted my letter never reached you. Stirring times are ahead of us. The enemy are making an advance towards our border, and it is our duty to meet them beyond the line in defense of our homes and *sacred* all. The militia and old men are under orders to march at a moment's warning, to some point on Red River, where they will be subject to further orders from General Maxey. If the enemy continue to advance we will go immediately to Price and aid him in the great battle now pending. We had better meet and fight the enemy in Arkansas, than suffer them to invade and desolate our own State, and hope the militia everywhere, at least where they can be spared from *home* defense, will go at once to the army in Arkansas or Louisiana, and cheer by their presence and aid by their hard blows our brave comrades who are struggling against superior numbers in defense of everything dear to a free people. The news from Louisiana is cheering, and if the victory turns out as complete and the rout of the enemy as disastrous as rumor now has it, the column of the Federal

army under General Steel, now at Washington, Arkansas, must retreat, or we will whip them as sure as God rules the Universe. Your position as Governor of the State is beset with many difficulties. It is an unenviable place for any man to be called upon in such troublesome times as these to carry on the wheels of government, and see that the laws are executed. No Governor previous has had any such troubles. But I say you are *backed* by the good opinion of the people of Northern Texas. Those who opposed your election are your friends, and will stand by you in the pending troubles. Everything is quiet in our county now. The little jay-hawking heretofore committed has entirely ceased. A few bad men have been hung, and it has deterred other evil-doers. Mob law is to be deprecated, but in such times as these it must be resorted to for the public good; at least it has rid our county of robbery and murder, when nothing else could have done it.

Respectfully, your friend and obedient servant,

(Signed)

H. R. LATIMER.

P. S.—A courier has just reached here from General Throckmorton, ordering the militia to Bonham to meet an invasion by way of Fort Smith and Boggy Depot.

Endorsement No. 106.

H. R. LATIMER,

April 17, 1864.

Date of commission issued April 4, to date, from 25th March. Answered April 28, 1864, that his commission was transmitted April 24, to date, from March 25, 1864.

(Signed)

PAUL.

And, whereas, it is due to the dignity and honor of this body, the majesty of the law, and the rights of the people of Texas for whom we act as a legal and honorable body, that we vindicate our honor as a Senate, and also that we abide by our oaths of office, and that no rule of this house or motion thereof can absolve or liberate us from our oath to support the Constitution and laws of the United States; therefore, be it

*Resolved*, That the case of H. R. Latimer be remitted to the Committee on Privileges and Elections, to investigate the same and bring in a report immediately to this body.

Senator Douglas rose to a point of order, that the resolution could not be considered without a suspension of the rules.

Senator Fountain moved a suspension of the rules to consider the resolution.

Senator Bowers made the point of order that the journals would show an indefinite postponement of the subject matter in the resolu-

tion, and asked the chair to rule whether the resolution was in order.

Pending discussion.

Message from the House by chief clerk, announcing the passage by the House of Senate bill No. 161, "An Act to Create and Provide for the Organization of the County of Rains."

Also announced that the Speaker of the House had signed "An Act (S. B. No 74) making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," and it was thereupon signed by the President of the Senate.

The Chair ruled the resolution of Senator Fountain in order.

Senator Flanagan appealed from the decision of the Chair.

The question was then put, "Shall the decision of the Chair be sustained?"

Upon which the yeas and nays were as follows:

Yeas--Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Priest, Rawson, Ruby--11.

Nays--Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Shaamon--16.

So the Senate refused to sustain the decision of the Chair, and the resolution held out of order.

On motion of Senator Ruby the Senate adjourned.



## SENATE CHAMBER,

AUSTIN, TEXAS, Thursday, June 9, 1870.

Senate met pursuant to adjournment, President Don. Campbell presiding. Roll called; quorum present.

Absent—Senators Latimer, Parsons, Pickett, Pridgen.

Prayer by the Chaplain.

Senator Mills moved that Senator Latimer be excused.

Senator Bowers moved a call of the House. Call sustained.

Senator Ruby rose to a point of order that a call of the House was not in order. Point of order not sustained.

The names of the absentees being called, Senators Parsons, Pickett and Pridgen answered "present" to their names.

Senator Fountain moved that Senator Latimer be excused.

Senator Bowers moved a call of the House.

Chair ruled the call out of order prior to the reading of the journal.

Senator Douglas rose to a point of order, and insisted that the motion to excuse was not in order. Point of order not sustained.

Senator Ruby moved the reading of the journal be dispensed with.

Carried.

Under direction of the President the Secretary carried to the House, for the signature of the Speaker, enrolled Senate Bill No. 161, "An Act to create and provide for the organization of the county of Rains."

The hour having arrived for Special Order, Senate bill No. 26, Senator Fountain moved to postpone it for half an hour.

Message from the House by Chief Clerk.

House bill No. 30, "An Act to authorize the clerks of the Supreme and district courts, and the justices of the peace to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same."

Also, House Bill No. 113, "An Act to provide for the revision of the Public and General Laws of the State of Texas."

The question was put by the Chair upon the motion to suspend the special order. Carried.

Senator Douglas moved to strike from the minutes of yesterday and expunge from the journals the preamble and resolution of Senator Fountain, concerning the eligibility of Senator Latimer to a seat in this body, and all the proceedings had therein.

Message from the House by Chief Clerk, announcing that the Speaker had signed in open session the bill creating the county of Rains, and it was thereupon signed by the President of the Senate.

The hour having arrived for the consideration of the postponed special order, the question before the Senate being Senate Bill No. 26, a bill entitled "An Act to incorporate the Texas Military Institute.

[Senator Pickett called to the Chair.]

Senator Fountain offered the following amendment:

Amend by striking out the word "Governor" wherever it occurs in the bill.

Amendment lost.

Senator Flanagan moved the engrossment of the bill.

The yeas and nays were called for and resulted as follows, yeas 19, nays 9:

Yeas—Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Saylor, Shannon—19.

Nays—Alford, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Rawson, Ruby—9.

Bill passed to engrossment.

Senator Ruby moved that bill be recommitted.

Yeas and nays called for; result as follows:

Yeas—Alford, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Rawson, Ruby—9.

Nays—Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Saylor, Shannon, Pyle—19.

Motion to recommit lost.

Senator Flanagan moved a suspension of the rules that the bill be put on its third reading.

Yeas and nays called for; result as follows:

Yeas—Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Saylor, Shannon—20.

Nays—Alford, Bell, Ford, Gaines, Hall, Hertzberg, Rawson, Ruby—8.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

Senator Flanagan moved a suspension of the rules that Senate Bill No. 94 be taken up and made the special order for Monday at 12 M.

Yeas and nays called for; result as follows:

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—18.

Nays—Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—10.

So the Senate refused to suspend the rules, two-thirds not voting in the affirmative.

Senator Ruby moved a suspension of rules to take up Senate bill No. 33, "An Act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense."

Yeas and nays called for. Result as follows:

Yeas—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Nays—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—14.

So the Senate refused to suspend the rules.

Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Shannon—16.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Priest, Rawson, Ruby, Saylor—12.

Senate adjourned.

SENATE CHAMBER,  
AUSTIN, June 10, 1870.

Senate met pursuant to adjournment. Roll called. Quorum present.

Absent—Senators Bowers, Broughton and Cole—3.

Prayer by the Chaplain. Journal of yesterday read, and approved.

Senator Douglas rose to a point of order; that the first business in order after the reading of the journal was unfinished business of yesterday.

The President decided the point of order not well taken.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM,  
Austin, June 8, 1870.

Hon. DONALD CAMPBELL,

President State Senate:

SIR: Your Committee on Roads, Bridges and Ferries have had under consideration Senate bills Nos. 162 and 174, No. 162, "To incorporate the Austin Bridge Company;" No. 174, "To incorporate the Kemper City Bridge Company;" and do hereby return the same recommending their passage.

J. G. BELL,  
Chairman of Committee.

Laid over under the rules.

Reports of Committee on Judiciary :

JUDICIARY COMMITTEE ROOM,  
Austin, June 8, 1870.

HON. DON CAMPBELL,

President of the Senate :

The Judiciary Committee, to whom was recommitted Senate bill No. 55, entitled "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," have carefully considered the same and instruct me to again report it back with accompanying amendments, and recommend its passage.

G. T. RUBY,  
For Committee.

Amend in section one, line two, after word "original," by adding the words "and exclusive."

Amend in section nine, last line, after words "paid by the," by adding the words, "county court of the county."

Laid over under the rules.

JUDICIARY COMMITTEE ROOM,  
Austin, June 9, 1870.

To the HON. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred "petition from Mayor and Aldermen of the city of Austin," have carefully considered the same and instruct me to report the accompanying bill and recommend its passage.

M. PRIEST,  
Chairman of Committee.

Bill and report read and laid over under the rules.

Report of Committee on Enrollment :

SENATE CHAMBER,  
Austin, June 9, 1870.

To the HON. DON CAMPBELL,

President State Senate :

SIR: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 74, entitled "An Act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature, and presented the same to the Governor for his approval at twelve o'clock and fifty minutes on eighth instant.

Also, Senate bill No. 161, entitled "An Act to create and provide for the organization of the county of Rains," which I likewise presented to Governor for his approval to-day, at ten o'clock and forty minutes A. M.

B. J. PRIDGEN,  
Chairman.

## BILLS AND RESOLUTIONS.

By Senator Mills: "An Act to incorporate the Citizens' Bank of Navasota."

Read first time and referred to Committee on Judiciary.

Senator Pyle offered the following resolution :

WHEREAS, Information has been received that R. K. Smith is drawing from the treasury pay for services on two committees, and that he has demanded additional pay for services as clerk of a third committee; therefore

*Resolved*, That the Secretary of the Senate be required to report

to the Senate the amount of pay certificates issued to said Smith up to the present time.

Adopted.

Senator Latimer offered the following resolution :

*Resolved*, That the Committee on Privileges and Elections be instructed to inquire into the eligibility of Hon. Henry Rawson to a seat as a Senator in this body, and to report to this Senate all the facts in this case.

Message from the House by Chief Clerk :

House Bill No. 140, "An Act to provide for the distribution of the money now in the State Treasury, which is due to the several counties in the State."

Also, Enrolled Bill (H. R. 178), "An Act authorizing quarantine on the coast of Texas and elsewhere in the State," whereupon it was signed by the President of the Senate and returned to the House.

Senator Clark moved the adoption of the resolution of Senator Latimer. Carried.

### BILLS.

By Senator Pridgen, "An Act for the relief of Harriet Williams, and the issue of said Harriet and Louis J. Brissette, deceased."

Read first time and referred to Committee on Judiciary.

### UNFINISHED BUSINESS.

Unfinished business of yesterday :

Resolution of Senator Douglas to strike from the minutes and expunge from the journals the preamble and resolution of Senator Fountain concerning the eligibility of Senator Latimer to a seat in this body, and all proceedings had thereon.

Senator Ruby rose to a point of order, that the resolution was not in order.

The President decided the point of order well taken, and the resolution out of order.

On motion of Senator Priest the Senate adjourned.

## SENATE CHAMBER,

AUSTIN, Texas, June 11, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

Absent—Senator Baker.

## REPORTS FROM STANDING COMMITTEES.

Reports of Committee on Internal Improvements:

COMMITTEE ROOM,  
June 11, 1870.

To the Hon. DON CAMPBELL,  
President of State Senate:

SIR: Your Committee on Internal Improvements to whom was referred Senate Bill No. 90, entitled "An Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company," have had the same under consideration, and would respectfully recommend that it do pass.

WEBSTER FLANAGAN,  
Chairman.

Laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, June 11, 1870.

Hon. DON CAMPBELL,  
President of the Senate:

SIR: Your Committee on Internal Improvements to whom was referred Senate Bill No. 47, entitled "An Act to amend an act to incorporate the Houston and Great Northern Railroad Company," have had the same under consideration, and respectfully recommend that it do pass.

WEBSTER FLANAGAN,  
Chairman.

Laid over under the rules.

COMMITTEE ROOM,  
Austin, June 11, 1870.

Hon. DON CAMPBELL,  
President of the Senate:

SIR: Your Committee on Internal Improvement, to whom was referred Senate bill No. 82, an act entitled "An Act to Amend Section One, Two, Three, Five, Six, Eleven, Twelve, Thirteen, Nineteen and Twenty of 'An Act to Incorporate the Waco Tap Rail-

road Company,'” have had the same under consideration, and respectfully ask that it do pass, with amendment to section eleven: “Provided, That this company shall be subject to any general law that is now in force, or may hereafter be passed regulating the charges for freights and passengers on railroads.”

WEBSTER FLANAGAN,

Chairman.

Laid over under the rules.

## BILLS AND RESOLUTIONS.

By Senator Parsons, “An Act to Incorporate Burgess’ Business College, of Galveston, Texas.”

Read first time, and referred to Committee on Judiciary.

By Senator Hall, “An Act to Incorporate the Town of Fairfield.”

Read first time, and referred to Committee on Judiciary.

By Senator Dohoney, A bill entitled “An Act to Incorporate the North Texas Railroad Company.”

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

By Senator Gaines, a bill entitled “An Act Exempting Certain Property from Taxation and Execution.”

Read first time, and referred to Committee on Judiciary.

By Senator Bridgen, a bill entitled “An Act for the Relief of Alford S. Thurmond.”

Read first time, and referred to Committee on Claims and Accounts.

Also, a bill to be entitled “An Act to Incorporate the City of Rock Port.”

Read first time, and referred to Committee on Judiciary.

By Senator Bowers—A bill to be entitled “An Act to regulate popular elections in the State of Texas.”

Read first time, and referred to Committee on Judiciary.

Also, “An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same.”

Read first time, and referred to Committee on Judiciary.

Message from the House by chief clerk:

House Bill No. 12, “An Act to incorporate the Island City Real Estate and Homestead Association.”

Also, House Bill No. 26, to be entitled “An Act to incorporate the Galveston Bay Dredging Company.”

Also, House Bill No. 17, entitled “An Act to incorporate the



Jewish Congregation B'nai Israel of Galveston, Texas."

Also, House Bill No. 19, entitled "An Act to incorporate Penn-ington College."

Also, House Bill No. 201, "An Act to provide for the appointment, by the Governor, of certain officers to fill vacancies."

### SUSPENSION OF RULES.

On motion of Senator Alford the rules were suspended to take from file House Joint Resolution No. 15, requiring the late assessors and collectors to complete the assessment of taxes in their respective counties, and make return thereof to the Comptroller of Public Accounts on or before the 1st day of August, 1870.

Rules suspended and the bill read first time.

On motion of Senator Alford, the rules were suspended, and the bill read second time.

On motion of Senator Flanagan the rules were suspended, and bill read third time and passed.

On motion of Senator Cole the rules were suspended to take from file House Bill No. 140, "An Act to provide for the distribution of the money now in the State Treasury, which is due to the several counties in the State."

Rules suspended, bill read second time.

On motion of Senator Mills, bill read third time and passed.

On motion of Senator Flanagan the rules were suspended to take from file House Bill No. 16, "An Act to incorporate the Magnolia Grove Association of Galveston, Texas"

Bill read first time, rules suspended and bill read second time; and on further suspension of rules, bill was read third time and passed.

On motion of Senator Ruby the rules were suspended to take from file Senate Bill No. 55, "An Act to organize and define the powers of the Criminal and District Courts in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

Report of committee read, amendments adopted, and the bill, under suspension of rules, read as amended and passed to engrossment.

On motion of Senator Ruby the rules were suspended and the bill read third time and passed.

Senator Dohoney moved suspension of rules to take up Senate bill No. 99, to authorize the incorporated towns and cities of the State of Texas to elect municipal officers.

Bill read second time and ordered to be engrossed.

Senator Dohoney moved further suspension of rules to put the bill on third reading.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Latimer, Pettit, Pickett, Pridgen, Pyle, Shannon—17.

Nays—Mr. President, Fountain, Hall, Hertzberg, Mills, Parsons, Priest, Ruby, Saylor—9.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

Senator Bowers moved to suspend the rules to take up Senate bill No. 93, "An Act for the improvement of the navigation of the Colorado."

Rules suspended and bill read second time, and on motion of Senator Bowers was committed to the Judiciary Committee.

Senator Parsons moved suspension of the rules to take up Senate bill No. 133: "A bill entitled "An Act granting certain real estate to the city of Austin."

On motion of Senator Bowers the report of committee was adopted, and the bill read second time and ordered to be engrossed; and on motion of Senator Flanagan the rules were suspended and bill read third time.

Senator Priest moved a reconsideration of the vote ordering engrossment.

Motion to reconsider lost.

Yeas and nays taken on final passage of the bill. Result as follows:

Yeas—Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—Douglas and Hertzberg—2.

Bill passed.

Senator Mills moved suspension of rules to take from file Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Road."

Yeas and nays called for. Result as follows:

Yeas—Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Saylor, Shannon—21.

Nays—Fountain, Gaines, Hall, Hertzberg, Priest, Ruby—6.

Rules suspended, and on motion of Senator Flanagan, the bill was made the special order for Monday, at twelve o'clock, M.

On motion of Senator Ford, the rules were suspended to take from file Senate Bill No. 81, "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 Fall and McLennan counties."

Report of Committee read and adopted.

Bill read second time and ordered to be engrossed, and on motion of Senator Flanagan, the rules were suspended and the bill read third time and passed.

On motion of Senator Parsons, the rules were suspended to take from file Senate Bill No. 11 and substitute to be entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated.

Rules suspended and report of committee read.

Senator Mills moved the bill be recommitted. Lost.

Message from the House by Chief Clerk :

House bill No. 129, "An Act to incorporate Waco Lodge No. 92, Ancient Free and Accepted Masons.

On motion of Senator Hertzberg the Senate adjourned to Monday.

SENATE CHAMBER,  
AUSTIN, June 13, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present.

Absent--Senator Clark.

Prayer by the Chaplain. Journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Dohoney, petition of citizens of Lamar county asking that the sale of intoxicating liquors be prohibited within four miles of Shelton Male and Female Academy.

Read and referred to Committee on Education.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,  
June 13, 1870.

HON. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary beg leave to report the accompanying bill, entitled "An Act prescribing the times of holding the district courts in the several judicial districts of the State," and recommend its passage.

Respectfully submitted,

M. PRIEST,  
Chairman of Committee.

On motion of Senator Priest the rules were suspended to consider the report and bill read first time.

And on further motion the report was received and bill read second time and passed to engrossment.

Pending reading of bill message from the House by Chief Clerk, enrolled House bill No. 88, "An Act to provide for the protection of the frontier of the State of Texas," whereupon it was signed by the President in open session and returned to the House.

The question recurring on the bill reported by the Judiciary Committee, on motion of Senator Mills the rules were suspended and bill made the special order for Wednesday at 10½ o'clock, and three hundred copies ordered to be printed.

Report of Committee on Internal Improvements:

COMMITTEE ROOM,  
June 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate Bill No. 191, entitled "An Act to incorporate the North Texas Railroad Company," have had the same under consideration, and instruct me to report the same back with the request it do pass.

WEBSTER FLANAGAN,  
Chairman.

Laid over under the rules.

Report of Committee on Engrossment:

To the Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills, having carefully examined and compared Senate Bill No. 55, to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof; also, Senate Bill No. 81, to legalize an ordinance adopted by the Convention on the 12th day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company in Falls and McLennan counties; also, Senate Bill No. 99, to authorize the incorporated towns and cities of the State of Texas to elect municipal officers, and Senate Bill No. 188, granting certain real estate to the city of Austin, find the same to be correctly engrossed.

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

### BILLS AND RESOLUTIONS.

By Senator Flanagan, "An Act to incorporate Southern Trans-Continental Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Priest, a bill to be entitled "An Act to authorize county courts to levy a road tax, and to improve roads and bridges."

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

By Senator Alford, "An Act to regulate the manner of paying county drafts and other evidence of county indebtedness, and to require counties to pay interest on unpaid drafts.

Read first time and referred to Committee on Judiciary.

## UNFINISHED BUSINESS.

Unfinished business of Saturday :

Report of Internal Improvements Committee on Senate Bill No. 11 and substitute, "An Act for the relief of the Eastern Texas Railroad."

Senator Flanagan moved the adoption of the substitute. Carried.

Senator Priest offered the following amendment :

Amend by adding, at the end of section one : "*Provided*, That nothing in this act shall be so construed as to revive any rights to land heretofore granted to said railroad company and forfeited by reason of non-compliance with the terms and condition of the grant, said lands being, in the Constitution, set apart for the benefit of the School Fund."

Amendment lost.

Senator Flanagan moved suspension of rules.

Rules suspended, and bill read second time and ordered to be engrossed.

And on motion of Senator Parsons the rules were suspended and bill read third time.

Yeas and nays called for on final passage. Result as follows :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Dohoney, Cole, Douglas, Evans, Flanagan, Ford, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Shannon—20.

Nays—Fountain, Gaines, Hall, Hertzberg, Mills, Priest, Saylor—7.

Bill passed.

Under direction of the President, the Secretary carried to the House Senate bill No. 81, "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."

Also, Senate bill No. 55, "An Act to Organize and Define the Powers of the Criminal District Court in and for the Counties of Galveston and Harris, and to Prescribe the Duties Thereof."

Also, Senate bill No. 188, "An Act Granting Certain Real Estate to the City of Austin."

On motion of Senator Parsons, the regular order for 12 M. was postponed for fifteen minutes, and the Senate took a recess for that time.

12:15 P. M.

The hour having arrived, the Senate proceeded to consider Senate bill No. 94, "An Act to Expedite the Construction of the Southern Pacific Railroad."

Report of committee read.

Pending discussion, message received from the House by Chief Clerk, informing the Senate the House had passed Senate Bill No. 56, "An Act to prevent cessation of judicial functions, and avoid doubt of validity of judgments and other regular proceedings of the Supreme, Criminal and District judges and courts."

The question re-occurring upon Senate Bill No. 94, read second time and passed to engrossment.

Senator Pettit moved to adjourn. Lost.

Senator Parsons moved a suspension of the rules to place the bill on its third reading and final passage.

Yeas and nays called for :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon—20.

Nays—Fountain, Gaines, Hall, Hertzberg, Priest, Saylor—6.

So the Senate refused to suspend the rules; four-fifths not voting in the affirmative.

Senator Priest moved to reconsider the vote just taken. Carried.

On motion of Senator Parsons the constitutional rule requiring bills to be read on three separate days, was suspended.

Bill read third time.

Yeas and nays called for on the final passage :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Ford, Gaines, Hall, Hertzberg, Priest—5.

Bill passed.

On motion of Senator Alford, the Senate adjourned.

**SENATE CHAMBER,  
AUSTIN, Texas, Tuesday, June 14, 1870.**

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present.

Absent--Senators Broughton and Hall.

On motion of Senator Mills the Chaplain of the Senate was excused on account of sickness.

Journal of yesterday read and approved.

**PETITIONS AND MEMORIALS.**

By Senator Bowers, petition of M. M. Grant, for relief.  
Read and referred to Committee on Judiciary.

**REPORTS FROM STANDING COMMITTEES.**

Reports from Committee on Judiciary :

COMMITTEE ROOM,  
June 14, 1870.

To the HON. DON CAMPBELL,  
President of Senate:

The Judiciary Committee, to whom was referred Senate bill No. 180, entitled "An Act for the relief of Cain F. Brush," have carefully considered the same, and instruct me to report it back, and recommend that it do pass.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,  
June 13, 1870.

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

Your Committee on Judiciary, to whom was referred Senate Bill No. 32, entitled "An Act to incorporate Houston Hook and Ladder Company No. 1," also Senate Bill No. 119, entitled "An Act to incorporate the New Anhalt Manufacturing Company, Burleson county, Texas," have had the same under consideration, and instruct me to report them back to the Senate and recommend their passage.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.



JUDICIARY COMMITTEE ROOM,  
June 13, 1870.

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

Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 42, referring to the same persons holding two offices in this State, have had the same under consideration, and instruct me to report that, in the opinion of the committee, the objects sought by the resolution are fully provided for by the Constitution, and, therefore, recommend that said joint resolution do not pass.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,  
June 13, 1870.

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

Your Committee on Judiciary, to whom was referred Senate Bill No. 23, entitled "An Act to carry into execution the judgments and decrees of the late County Court, and to perfect the unfinished business thereof," have had the same under careful consideration, and instruct me to report the accompanying substitute for said bill, and respectfully recommend its passage.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,  
June 14, 1870.

To the HON. DON CAMPBELL,  
President of Senate :

Your Committee on Judiciary, to whom was referred "petition of Abel Landers and others for relief," have carefully considered the same, and believe the petitioners entitled to the relief prayed for, we therefore beg leave to report the accompanying bill and recommend its passage.

Respectfully submitted,

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,  
June 14, 1870.

To HON. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was referred the petition of the heirs of W. J. Cowen, deceased, have duly considered the same, and instruct me to report it back to the Senate with the accompanying bill and recommend its passage.

B. J. PRIDGEN,  
Chairman.

Laid over under the rules.

COMMITTEE ROOM,  
June 14, 1870.

To HON. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was referred the petition of W. H. Dangerfield, have duly considered the same, and instruct me to report it back to the Senate with the accompanying bill and recommend its passage.

B. J. PRIDGEN,  
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills :

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills have examined and compared Senate bill No. 94, "To expedite the construction of the Southern Pacific Railroad," and find the same correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY.

## BILLS AND RESOLUTIONS.

Senator Baker offered the following resolution :

*Resolved*, That the clerks of such Senate committees as are authorized by the Senate to employ clerks be allowed eight dollars per day for their services from the time of the commencement of their services as clerks upon such committees ; *provided* that clerks serving on more committees than one shall not be entitled to draw more than eight dollars per day.

Pending discussion, message from the House by Chief Clerk :

House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company."

The question recurring upon the resolution of Senator Baker, Senator Priest offered the following amendment to the same :

Strike out the words "from the time of the commencement of their services as clerks," and insert "from this date."

Senator Rawson moved to lay the whole matter on the table.

Motion lost.

The question recurring upon the amendment of Senator Priest, the vote was taken and the amendment lost.

Senator Picket offered the following amendment :

And provided further, that no clerk who is drawing pay as clerk of any House committee shall draw pay as clerk of any Senate committee.

Resolution as amended adopted.

Senator Saylor offered the following resolution :

WHEREAS, The clerks of this Senate and clerks of committees are justly entitled to the compensation allowed for their services, therefore be it

*Resolved*, That the compensation now allowed be the per diem pay for the session, and that the pay of pages and porters being out of proportion, that the same be reduced to four dollars per day from and after this date.

Senator Pettit moved to lay the resolution upon the table. Carried.

Senator Dohoney offered the following resolution :

WHEREAS, The illness of Senator Pyle's wife demands his presence at home, therefore be it

*Resolved*, That the Hon. W. H. Pyle be granted leave of absence for thirty days, and that Hon. M. Priest having agreed to pair off with Senator Pyle in all votes that may be taken on the militia bills pending before the Legislature, or any militia bills that may come before the Legislature during the absence of Senator Pyle, is hereby granted leave to so pair off his vote. Adopted.

Senator Pettit moved a suspension of rules to take from file Senate Bill No. 47.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bell, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer, Parsons, Pettit, Picket, Pridgen, Shannon—13.

Nays—Baker, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Priest, Rawson, Ruby, Saylor—12.

The Senate refused to suspend the rules, three-fourths not voting in the affirmative.

Message from the House by chief clerk :

Senate Bill No. 81, "An Act to legalize an ordinance adopted by the Convention on the 12th day of December, 1868, authorizing

a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties."

### SUSPENSION OF RULES.

Senator Bowers moved suspension of rules to take up Senate Bill No. 23, 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.

Yeas and nays taken. Result as follows:

Yeas—Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Parsons, Picket, Pridgen, Pyle, Shannon—16.

Nays—Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to suspend the rules, two-thirds not voting in the affirmative.

### BILLS AND RESOLUTIONS.

By Senator Douglas: Joint resolution concerning the Supreme Court Libraries at Tyler and Galveston.

Read first time and placed on file.

By Senator Dohoney: An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy.

Read first time and referred to Committee on Education.

### GENERAL FILE.

Senate Bill No. 97, a bill to be entitled "An Act for the relief of W. B. Price.

Bill read second time.

Pending discussion, on motion of Senator Alford, the Senate adjourned.