

## SENATE CHAMBER,

AUSTIN, TEXAS, Wednesday, June 15, 1870.

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

Absent—Senators Bowers, Clark, Pyle, Ruby, Saylor.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS AND MEMORIALS.

By Senator Flanagan: Memorial of citizens of the counties of Upshur, Rusk and Harrison.

Read and referred to Committee on Counties and County Boundaries.

## REPORT FROM STANDING COMMITTEES.

Reports from Committee on Judiciary:

COMMITTEE ROOM,  
June 14, 1870.

To the Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred Senate Bill No. 68, entitled "An Act authorizing the Police Courts of Washington county to levy a tax for the support of lunatics in said county, 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 in section one, line five, by adding after the word "of," the words "not to exceed."

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 Senate Bill No. 46, entitled "An Act to repeal an act, approved January 14, 1860," 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 section one by adding after the word "force," the words "from and after its."

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 Senate bill No. 87, entitled "An Act to provide for the payment of District Attorneys pro tem.," have carefully considered the same, and instruct me to report it back with accompanying amendment and recommend its passage.

M. PRIEST,  
Chairman of Committee.

Amend by inserting at the end of first section the words, "Provided that no pro tem. District Attorneys shall be entitled to any pay under this act where there was at the time a District Attorney who drew or is entitled to draw his salary for the time specified."

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 Senate bill No. 12, entitled "An Act repealing all laws passed from and after February 1, 1861; Senate bill No. 39, entitled "An Act to amend articles 698, 699 and 700, of the Code of Criminal Procedure; Senate bill No. 61, entitled "An Act to amend article 271, Code of Criminal Procedure and other purposes;" also Senate bill No. 123, entitled "An Act providing for the removal and appointment of certain officers in the State of Texas;" have had the same under careful consideration and instruct me to report them back to the Senate, with the recommendation that they do not pass.

M. PRIEST,  
Chairman of Committee

Laid over under the rules.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,  
Austin, June 15, 1870.

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

SIR: Your Committee upon Contingent Expenses beg leave to submit to the consideration of your honorable body the accompanying bills and accounts, which they have examined and recommend

that bills for the following named parties respectively be allowed, and that the Secretary of the Senate be instructed to issue his warrants upon the State Treasurer for the same in favor of the claimants, to-wit:

W. F. Bengener.....	\$ 17 00
Fannie Mitchell.....	6 00
Mrs. Churin.....	10 00
A. B. Palm.....	105 00
A. B. Palin.....	2 30
A. J. Fountain.....	18 45
Frank Martin.....	5 00
Wm. M. Gumble.....	13 00
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Total.....	\$176 75

Your committee would respectfully refer to your honorable body accounts of the Austin Republican, accompanying the report, for \$650 40, and respectfully ask the action of the Senate upon the same.

In account for Miles Byrne accompanying this report, for \$8 25, your committee can find no itemized date to guide their judgment in determining whether the claim be just or not, and therefore decline immediate action thereon.

Respectfully,

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

Members of Committee on Contingent Expenses.

Under direction of the President the Secretary carried to House Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

10½ A. M.

The hour having arrived for special order, Senate bill No. 197, "An Act prescribing the times of holding the district courts in the several judicial districts in the State," Senator Mills moved a postponement of the same for twenty minutes. Motion lost.

Special order resumed.

Bill read third time.

Senator Priest offered the following amendment:

Amend section 22, line 4, strike out *five* and insert *six*; line 5.

strike out *second* and insert *third*; line 7, strike out *first* and insert *second*. Adopted.

Senator Pridgen offered the following amendment:

Sec. 23, line 3, strike out "first" insert last; strike out October, February and June, insert September, January and May. Adopted.

Senator Hertzberg offered the following amendment:

Amend section 24, line 4, by striking out "six weeks" and inserting the words, "until the business is disposed of"; line 5, by striking out the words "November, March and July," and inserting the words, "December, April and August"; line 7, by striking out the words "first, December, April and August," and by inserting "third, January, May and September." Adopted.

Senator Hall moved to amend section 32, line 4, by striking out "four" and inserting "six"; line 5, strike out "first," insert "third"; line 6, strike out "four," insert "three"; line 7, strike out "first," insert "second"; in line 8, strike out "four," insert "three."

Adopted.

Senator Ford moved to amend section 34 by striking out the word four, in line 4, and insert six; amend fifth, same section, by striking out the word "first" and insert "third." Adopted.

Bill ordered to be engrossed as amended.

On further motion the bill passed.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed, in open session, joint resolution 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 twelfth day of August, 1870.

Also "An Act to provide for the distribution of the money in the State Treasury which is due the several counties in the State."

Whereupon they were signed by the President, in open session, and returned to the House.

## REPORT OF COMMITTEE ON ENGROSSMENT.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 1, "for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated," and find the same correctly engrossed.

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

Senator Mills moved suspension of rules to take up report of Committee on Contingent Expenses. Rules suspended.

Senator Ruby moved to recommit that portion of the report which refers to the claim of the Austin Republican. Carried.

Senator Priest moved the adoption of the remainder of the report. Carried.

### BILLS AND RESOLUTIONS.

By Senator Flanagan, an act entitled "An Act to incorporate the Odd Fellows' Banking and Insurance Company."

Read first time and referred to Committee on Judiciary.

By Senator Hall, "An Act to incorporate the town of Centre-ville."

Read first time and referred to Committee on Judiciary.

By Senator Hertzberg, an act to be entitled "An Act for the relief of Jose Maria Rodriguez."

Read first time and referred to Committee on Judiciary.

Also, a bill to be entitled "An Act to incorporate the Gymnastic Association of New Braunfels.

Read first time and referred to Committee on Judiciary.

### UNFINISHED BUSINESS.

Unfinished business of yesterday :

Senate bill No. 97, a bill to be entitled "An Act for the relief of W. B. Price." Passed second reading.

Senator Priest moved that the bill be committed to the Judiciary Committee. Carried.

Senator Bowers moved that the Judiciary Committee be requested to report on the same to-morrow. Carried.

Senator Fountain offered the following resolution :

*Resolved*, That the Committee on Judiciary be requested to report at as early a date as possible the bill entitled "An Act to Incorporate the Citizens' Bank of Navasota."

Carried.

### GENERAL FILE.

Senate bill No. 33, "An Act to Provide for the Enrollment of the Militia, the Organization and Discipline of the State Guards and for the Public Defense."

Read second time.

Senator Fountain offered as a substitute House bill No. 29. "An Act to Provide for the Enrollment of the Militia, etc."

(Senator Picket called to the chair.)

Senator Flanagan offered a substitute for the substitute.

Senator Fountain moved the Committee on Printing have one hundred copies printed of House bill No. 29 and substitute, and laid on the desks of the members to-morrow morning.

On motion of Senator Alford the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, Texas, Thursday, June 16, 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:

Petition of F. H. Arlett for relief.

Read and referred to Committee on Claims and Accounts.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary:

COMMITTEE ROOM,  
June 15, 1870.

To the Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, 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 to the Senate, with accompanying substitute, and recommend its passage.

Respectfully submitted,

M. PRIEST;  
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,  
June 15, 1870.

To the Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate Bill No. 97, entitled "An Act for the relief of W. B. Price, have had the same under consideration, and are equally divided as to the propriety of reporting favorably on the accompanying substitute for the original bill, three members favoring the adoption of said substitute, and three believing the same in conflict with the provisions of the constitution, do not favor its adoption; one member of the committee not being present when said bill was acted on. Your committee

therefore report said bill and proposed substitute back to the Senate, without making any recommendation on the subject.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,  
June 15, 1870.

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

Your Committee on Judiciary, to whom was referred Senate Bill No. 76, entitled "An Act to authorize the police court of Washington county to levy a special tax to build a jail at the county seat," 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,  
June 15, 1870.

To the Hon. DON CAMPBELL,  
President Senate :

Your Committee on Judiciary, to whom was referred Senate Bill No. 78, entitled "An Act concerning the levy of taxes for Bexar county," have had the same under consideration, and instruct me to report it back and recommend its passage.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

Report of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM,  
June 16, 1870.

HON. DON CAMPBELL,  
President of Senate :

Your Committee on Roads, Bridges and Ferries have given Senate bill No. 200, entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges," due consideration, and hereby return the same, recommending its passage.

J. G. BELL,  
Chairman.

Laid over under the rules.

Reports of Committee on Education :



COMMITTEE ROOM,  
Austin, June 14, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Education, to whom was referred the petition of citizens of Lamar county, State of Texas, asking the Legislature to prohibit the sale of spirituous liquors within four miles of Shiloh Male and Female Academy, located six miles west of Paris, the county town of said Lamar county, have had the same under consideration, and report the accompanying bill and recommend its passage.

Respectfully,

E. PETTIT,  
Chairman Committee on Education.

Laid over under the rules.

COMMITTEE ROOM,  
Austin, June 15, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Education, to whom was referred Senate bill No. 30, entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home, Bryan, Brazos county, Texas," have carefully considered the same, and I am instructed to report it back and recommend it do pass.

E. PETTIT,  
Chairman.

Laid over under the rules.

## BILLS AND RESOLUTIONS.

By Senator Flanagan: "An Act to incorporate the East Texas Cotton, Woolen and Cotton and Oil Manufactory Company."

Read first time and referred to Committee on Judiciary.

Senator Douglas offered the following resolution:

*Resolved*, That the Secretary of State, or whoever exercises control over the capitol grounds, be requested to cause the north and south gates to be opened at 9 o'clock A. M. of each day (Sundays excepted), and to be kept open during the day.

## UNFINISHED BUSINESS.

Unfinished business of yesterday:

The question recurring upon the adoption of the substitute offered by Senator Flanagan for the substitute of Senator Fountain

the chair ruled the substitute of Senator Flanagan out of order. That a substitute for a substitute was out of order, but that the substitute when adopted was open for amendment *in* one degree.

Senator Flanagan appealed from the decision of the chair.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Clark.

Senator Fountain moved that Senator Clark be excused.

Senator Bowers moved a call of the Senate on the motion to excuse Senator Clark.

Chair ruled that the Senate being now under a call a further call was not in order.

Senator Clark having returned, Senator Fountain, by permission, withdrew his motion to excuse.

On motion of Senator Bowers the call was suspended.

Yeas and nays demanded on the appeal.

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

The yeas and nays were as follows: Yeas 14, nays 14.

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

Message from the House by Chief Clerk Mr. Boyle.

House bill No. 153, "An act appropriating money to pay a claim upon vouchers against the State."

Also House bill No. 2, "An act making an appropriation for the mileage and per diem pay of the members and the per diem of the officers and employes of the twelfth Legislature of the State of Texas."

Also House bill No. 13, "An act to incorporate Big Cypress Bridge Company."

Also enrolled Senate bill No. 81, "An act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1863, authorizing a special tax to be levied for the Waco Tap railroad company, in Falls and McLennan counties," and informed the Senate the Speaker had signed the same.

Whereupon it was signed by the President of the Senate.

The question recurring upon the appeal, the Chair ruled that the appeal from the decision of the Chair was not sustained.

Senator Pickett appealed from that decision.

The Chair ruled the appeal out of order.

The Chair then announced the question before the Senate to be upon the adoption of the substitute offered by Senator Fountain.

Senator Pickett made the point of order—that the substitute was out of order.

Not sustained.

The Chair announced the adoption of the substitute of Senator Fountain to be in order.

The question was then put, "Shall the substitute House bill No. 29, offered by Senator Fountain for Senate bill No. 33; 'An act to provide for the enrollment of the militia, the organization and discipline of the State guards and for the public defense,' be adopted?"

Yeas and nays called for—resulted as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

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

Substitute adopted.

Senator Flanagan offered the following amendment to the substitute for all after the enacting clause.

Substitute for House bill No. 29.]

[By Mr. Flanagan.

## AN ACT

TO PROVIDE FOR THE ORGANIZATION OF THE MILITIA OF THE STATE OF TEXAS.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That every able-bodied male inhabitant of this State between the ages of eighteen and forty-five years, shall be liable to perform military duty, except as herein provided, but no person shall be called on to perform military duty who shall not at the time have resided at least twelve months in the State and sixty days within the bounds of the company to which he belongs, except in cases of actual or threatened invasion, in which case he shall perform such duty as may be required of other persons, and shall be subject to like fines and penalties.

SEC. 2. The following named persons shall be exempt from military duty, except in cases of imminent danger, insurrection or invasion: All officers, municipal, county and State, of the State of Texas; all officers of the United States; officers, clerks, directory

and guards of the penitentiary; superintendents, teachers and assistants in the Deaf and Dumb, Blind and Lunatic Asylums; telegraph operators actually engaged as such; presidents, secretaries, and all necessary employes of railroads; mail contractors and mail carriers; public millers; ferrymen on public roads; teachers and professors in schools, colleges and academies; practising physicians; druggists; ministers of the Gospel, and priests of all denominations; provided, that no minister of the Gospel, or priest of any denomination whatever, who accepts a seat in the Legislature as representative, shall, after such acceptance, be allowed to claim exemption from military service by reason of his said profession.

SEC. 3. The militia of the State shall be divided into fifteen divisions and thirty brigades; two regiments shall be formed in each Senatorial district. The first and second Senatorial districts shall form the first division; the third and fourth, the second division; the fifth and sixth, the third division; the seventh and eighth, the fourth division; the ninth and tenth, the fifth division; the eleventh and twelfth, the sixth division; the thirteenth and fourteenth, the seventh division; the fifteenth and sixteenth, the eighth division; the seventeenth and eighteenth, the ninth division; the nineteenth and twentieth, the tenth division; the twenty-first and twenty-second, the eleventh division; the twenty-third and twenty-fourth, the twelfth division; the twenty-fifth and twenty-sixth, the thirteenth division; the twenty-seventh and twenty-eighth, the fourteenth division; the twenty-ninth and thirtieth, the fifteenth division.

SEC. 4. The militia of each district, when the number of persons therein subject to military duty shall be sufficient to constitute two battalions, as hereinafter provided, shall constitute one regiment; but when the number of militiamen in any district shall not be sufficient to constitute two battalions, the militia of such district shall constitute a separate battalion, to be formed into independent companies, as may be found most convenient, and when the number in any district shall exceed the whole number hereinafter required to constitute a full regiment, including any independent companies which may be raised in such county, the same may be divided into two regiments by the brigadier-general commanding the brigade to which such district may belong in such manner as he shall direct; each battalion shall consist of not more than five nor less than three companies, and each company of not more than one hundred nor less than eighty non-commissioned officers and privates; and the regiments and battalions shall be numbered by the commander-in-chief and arranged in numerical order.

SEC. 5. All commissioned officers shall rank according to their

grades and the date of their commissions ; but where officers of the same grade are elected or appointed on the same day, a difference in the date of their commissions shall not determine their rank ; the rank of all the field or general officers of this State, being of the same grade and who are elected or appointed on the same day, under the provisions of this act, for the government and organization of the militia of this State, shall be determined by lot, to be drawn by the adjutant-general in the presence of the Governor and Secretary of State, which duty he is required to perform as soon as practicable, and immediately thereafter to transmit to each officer so drawn the result of such drawing ; and it shall be the duty of the adjutant-general to make an entry in a book kept by him for that purpose of the grade and rank of each officer whose rank is determined as specified in this act.

SEC. 6. The rank of captains and subaltern officers, who may hereafter be elected on the same day, belonging to the same regiment, shall be determined by lot, drawn in the presence of the colone.-commandant ; and the adjutant shall make a record of the grade and rank of each officer whose rank is so determined ; and each regiment shall be commanded by one colonel, and each separate battalion and the first battalion in each regiment by a lieutenant-colonel ; the second battalion in each regiment by one major ; each company by one captain, one first and one second lieutenant, and such non-commissioned officers as are usually appointed to companies in the service of the United States. The major-generals each shall appoint his aid-de-camp, and the Governor shall appoint one aid-de-camp in each major-general's division, with the rank of colonel of cavalry ; the brigadier-generals each his aid-de-camp and brigade-major ; the commanding officer of each regiment and separate battalion his paymaster, judge-advocate, adjutant, quartermaster, sergeant-major and fife-major, and the captains their drummers and fifers.

SEC. 7. The major and brigadier-generals of the State shall be allowed to appoint, in addition to the staff allowed them by this act, such other additional staffs as are allowed to officers of a like grade in the army of the United States.

SEC. 8. The staffs of the major-generals shall rank as colonels of infantry ; the staffs of the brigadier-generals as majors of cavalry ; and the staffs of the colonels commandant as captains of infantry and the said officers, when called into actual service, either by authority of this or the United States ; shall be entitled to the same pay and emoluments as officers of the like grade belonging to the United States army.

SEC. 9. The Governor shall, immediately after the passage of

this act, appoint one brigadier-general in each brigade, whose duties shall be to organize the militia, as in section tenth of this act; after such organization shall have taken place, the commissioned officers of each brigade shall proceed to elect the brigadier-general of such brigade, and the person so elected shall be commissioned by the Governor, when the appointment under this section shall cease.

SEC. 10. It shall be the duty of each brigadier-general, so soon as he may be elected and commissioned by the Governor, under the provisions of this act, to proceed without delay to divide his brigade into regiments and battalions, or separate and independent battalions, as the case may be; and said division shall be made as nearly equal and equitable as may be practicable; and it shall be the duty of said brigadier-general to proceed to order or cause elections to be held throughout their respective commands for colonels-commandant, lieutenant-colonels and majors for each regiment or separate battalion; which election shall be made according to law, and returns made thereof to the Governor, who shall commission the said colonels, lieutenant-colonels and majors, as the case may be; and said colonels, lieutenant-colonels and majors shall, after receiving their respective commissions as herein contemplated, cause their respective regiments or battalions to be divided into companies as nearly equal as practicable, and cause elections to be held in each company beat for captain, one first lieutenant and one second lieutenant for each company, and such other officers as are allowed by law in the United States service, giving at least fifteen days' notice of such election, which election shall be held according to law regulating elections for civil officers, and the returns thereof be made to the colonel-commandant or the lieutenant-colonel-commandant of each separate battalion, as the case may be, within ten days thereafter, whose duty it shall be to keep said election returns, and within five days thereafter to make out an abstract of said election returns under his hand and seal, and transmit the same to the Governor by mail, whose duty it shall be to commission all persons elected as aforesaid, and the term of service of all officers elected under the provisions of this act shall be during good behavior, or until promotion, resignation or discharge.

SEC. 11. It shall be the duty of the Governor to issue his proclamation requiring elections to be held in each division, brigade, regiment, battalion and company throughout the State, for all officers contemplated by this act, to be elected on the day set apart by the proclamation, notice of which election shall be published in at least one newspaper in each brigade or division, thirty days previous to said election; which elections shall be held at the same places, con-

ducted in the same manner, and returned in the same way as elections for civil officers, to the Governor of the State, who shall commission the same. All elections to fill vacancies shall be held as follows: for the election to fill a vacancy in the office of major-general, the Governor shall issue his order giving sixty days' notice, which election shall be held at the usual places of holding elections for civil officers, in each and every county composing the division in which such vacancy may occur, and such election shall be held and conducted in the same manner, as hereinafter provided, and to fill a vacancy in the office of a brigadier-general, the major-general shall issue his order, giving thirty days' notice; to fill a vacancy in the office of colonel of a regiment or lieutenant-colonel commanding a separate battalion, the brigadier-general shall issue his order giving thirty days' notice; to fill a vacancy in the office of lieutenant-colonel or major of a battalion, the colonel shall issue his order, giving ten days' notice; and to fill a vacancy in the office of first and second lieutenant, the captain shall issue his order, giving five days' notice thereof.

SEC. 12. No person who shall be elected and commissioned in the Military Department of this State, shall resign the same, until he shall have fully organized the militia under his command, and shall have made full returns thereof of the number of effective men under his command to his superior officer, under the following penalties: if he be a major-general, in the sum of one hundred dollars; if a brigadier-general, in the sum of seventy-five dollars; if a colonel of a regiment, or a lieutenant-colonel of a separate battalion, in the sum of fifty dollars; if a lieutenant-colonel or major of a battalion, in the sum of forty dollars; if a captain, in the sum of thirty dollars; if a first or second lieutenant, in the sum of twenty dollars, to be recovered and appropriated as other fines and penalties are by this act directed.

SEC. 13. In all cases where the militia in any of the military divisions of this State shall fail to elect such officers as they are required to by law, such division shall be attached to and form a part of some other division which shall have the requisite officers, and shall be subject to perform all military duty by this act required, under the command of the officers of the division to which they may be attached. If the delinquency or failure shall occur in a company division, the militia of such division shall be attached to the next adjoining company in the same battalion, if any company of the battalion to which such division belongs, shall have the requisite officers, by order of the lieutenant-colonel or major of such battalion, and if there shall be no company in the battalion organized and officered as required by this act, the militia of each company of

such battalion shall be attached to the most convenient company of the regiment which will be found to have the requisite officers, by an order of the colonel of such regiment; if any regiment or separate battalion shall be found unorganized and without the requisite officers, the militia of such regiment or separate battalion shall be attached to the most convenient regiment or separate battalion in the brigade which shall be found to have the officers and organization required by law, by an order of the brigadier-general of the brigade to which such regiment or battalion may belong. If any brigade shall be found unorganized and without the requisite officers to command the same, the militia of such brigade shall be attached to the most convenient brigade in the division to which such brigade belongs, which shall be found to have the officers required by law, by order of the major-general of such division; and in all cases where the militia of any division shall be attached to any other division, as hereinbefore provided, the militia so attached shall be commanded by the officers of the division to which they shall be attached, and shall be liable to the same duty and subject to the same fines and penalties as if they had previously belonged to such division; and the militia of any division attached to another division shall remain subject to such command until they shall be admitted by an order of their superior officer, to whose command they may be attached, to elect the requisite officers to command such division, and shall have reported to him that they have all the requisite officers for the command of their separate divisions, duly elected and commissioned; after which the command of the officers of the division to which they have been attached shall cease, and shall devolve on the officers of the division elected and commissioned as aforesaid, and if any division shall be found a second time unorganized and without officers, as required by this act, they shall in like manner be again attached to some division having the requisite officers and organization, and shall be debarred the privilege of again separating from the division and command to which they shall be attached, and shall permanently compose a part of said command, anything in this act to the contrary notwithstanding; and the officer whose duty it is made by this act to order militia of any of the divisions to be attached to some other division, as provided for by this act, shall, at the time of issuing said order, give public notice thereof to the militia of the division to be attached as aforesaid; if it be a company, the notice shall be in writing, put up in at least two of the most public places in the company beat; if it be a battalion, the like notice shall be put up in at least one of the most public places of each company of the battalion; if a brigade, regiment or separate battalion, the like notice shall be put up in at least one of the



most public places of the brigade, regiment or separate battalion, or be published for three weeks successively in one or more of the newspapers published in this State, and any notice given as aforesaid shall be deemed in law sufficient, and the militia so notified shall, from the time of issuing such order and giving such notice, be considered and treated as part of the division to which they are attached, anything in this act to the contrary notwithstanding; and any general order issued by the commander-in-chief and major-general, or brigadier-general, and published in any newspaper printed in this State for three weeks successively, shall be deemed in law a sufficient notice thereof to the militia and to all persons to be affected thereby, and shall be to all intents and purposes as valid as if the same were communicated by express or any other manner whatever.

SEC. 14. All elections in the militia department which may hereafter be contested, shall be determined in the following manner, viz: If the election of a major general be contested, the party contesting such election shall furnish the Governor a fair statement of his reasons in writing, upon receipt of which he shall order a court of inquiry, to be held at such place as he may designate, in the division to which such major general belongs, at which court each militia officer of such division, not under the grade of a field officer, shall be entitled to a seat; and if the election of a brigadier general shall at any time be contested, the complainant shall make the like complaint and application to the major general of the division to which such brigade belongs, who is, upon the receipt thereof, required to order a brigade court of inquiry, as in other cases; and when the election of a colonel of a regiment, or lieutenant-colonel commanding a separate battalion, or lieutenant-colonel or major of a regiment shall be contested, complaint and application shall in like manner be made to the next highest officer in command, who upon receipt thereof, shall order a separate regiment court of inquiry accordingly; if under the rank of a field officer, all complaints and applications shall be made to the commanding officer of the regiment or separate battalion where the contest exists; and in order to explain and fix a principle to govern the several courts of inquiry in their duties respecting contested elections, it is hereby declared that the person contesting shall in all cases be bound to furnish satisfactory proof to the court that the person whose election is contested did receive a number of illegal votes, which, if deducted, would give a majority to the person contesting; and if the person contesting fail to establish his charge, or if the charge shall be sufficiently supported, in either the case the court shall report in favor of the

person having the greatest number of legal votes as being duly elected; and the president of each court of inquiry shall certify under his hand the name or names of the person thus duly elected, which certificate, if the officer shall be of the grade of general or field officer, shall be directed and sent to the Governor; if commissioned officers of companies, the certificate shall be signed as aforesaid and be directed and sent to the colonel of the regiment or lieutenant colonel of the separate battalion, and by him to the Governor, who shall issue commissions in either of the above cases. And in order to provide more amply for deciding contested elections, it is hereby declared that when the cause shall arise from any illegal proceedings of any person ordering, conducting or judging said election, on proof thereof being made satisfactory to the court of inquiry, such election shall be declared void, and the President, by and with the authority of the court of inquiry, shall direct the proper officer to issue an order or orders for an election to fill such vacancy, which election, so ordered, shall in all things be conducted in the same way as other elections to fill vacancies in like offices are by this act directed.

SEC. 15. Each and every officer elected and commissioned under the provisions of this act shall, previous to entering upon the execution of the duties of his office, take the following oath:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all duties incumbent on me as \_\_\_\_\_, according to the best of my skill and ability, and that I will support the Constitution and laws of the United States and of this State; and I do further swear (or affirm) that since the acceptance of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, or committed an assault upon any one with deadly weapons, or sent or accepted a challenge to fight a duel with deadly weapons, or acted as second in fighting a duel, or knowingly aided or assisted any one thus offending, either within this State or out of it; that I am not disqualified from holding office under the Fourteenth Amendment to the Constitution of the United States (or, as the case may be, my disability to hold office under the Fourteenth Amendment to the Constitution of the United States has been removed by act of Congress), and further, that I am a qualified elector in this State.

I further swear (or affirm) that whenever called upon by any judge of the district court, justice of the peace, or sheriff, to aid in executing the law and arresting offenders, I will obey all orders and directions of such officer, and call to the assistance thereof all the available force within my command, if necessary to the enforcement

of such orders; and I further swear that I will disband the troops so called into active service whenever directed so to do by the civil officer at whose instance they were called out. So help me God."

A copy of which oath shall be endorsed on the back of the commission, signed by the person taking the same, and attested by the officer who administered the oath.

SEC. 16. If any commissioned officer shall move out of the bounds of his division, brigade or regiment, separate battalion or company, or offer himself a candidate for any other military appointment, or shall be absent therefrom otherwise than on military duty, for more than twelve months at one time, his office thereby shall become vacated; and if any commissioned officer shall think himself injured by his superior officer, and shall, upon due application made to him, be refused address, he may complain to the brigadier general, who shall order a brigade court of inquiry to be held under the rules and regulations prescribed by this act; if any inferior officer or private shall think himself injured by his captain or any other superior officer in the regiment or separate battalion to which he belongs, he may complain to the commanding officer of the regiment or separate battalion, who shall order a court of inquiry, and such court shall determine the complaint agreeably to the nature of the case; provided, that the person complaining shall exhibit his charge in writing, supported by oath or affirmation.

SEC. 17. Every captain or commanding officer shall hold at least two company musters between the months of March and November in each year, and shall require the non-commissioned officers of his company, or such of them as he shall designate, to warn his men of the place of muster, in all cases where notice thereof was not given at the previous muster; and each captain shall have the right to designate his muster ground, but shall select some suitable ground as near central as circumstances will permit; and, after the first muster, the company shall select a place of muster, and every officer, non-commissioned officer and private shall appear at his respective muster field by eleven o'clock in the forenoon, and not leave the parade until permitted by the officer commanding the troops; and at every muster each captain or commanding officer of the company shall direct the first sergeant of the company to call the roll, in his presence, between the hours of eleven and twelve o'clock; and the commanding officer of each company shall examine every person belonging to his company, note all the delinquencies, make out an accurate statement of the strength and condition of his company, and make returns thereof to the chief justice of the county and to the commanding officer of the battalion to which he belongs, within twenty days thereafter, whose duty it shall be to return the same to

the commanding officer of his regiment, within ten days thereafter, whose duty it shall be to make out an accurate statement of the condition of his regiment, and return the same to his commanding officer of the brigade to which he may belong, within ten days thereafter; and the commanding officer of a separate battalion shall make a like return to the commanding officer of the brigade to which he belongs, within the same time; and the brigadier general shall make a like return to the major general commanding the division to which his brigade belongs, within twenty days thereafter; and the major general of a division shall make a like return of the division under his command to the adjutant general of the State, within twenty days thereafter; and it shall be the duty of the adjutant general to furnish such blank forms of all the different returns and explanation of the principles on which they should be made, as shall be approved by the commander-in-chief; and also to receive the returns of the militia throughout the State, from all which he shall make the proper abstract, and lay the same before the commander-in-chief of this State within twenty days after they shall have been received by him, or sooner, if required, by the commander-in-chief; and the commander-in-chief, when required, shall lay the same before the Legislature of the State; and the adjutant general shall transmit a duplicate abstract of the number and condition of the militia to the adjutant general's office of the United States annually.

SEC. 18. If any non-commissioned officer, musician, or private, at any muster, shall disobey the proper and legal orders of his superior officer, or act in a disorderly manner, or if by slander at any such muster he shall insult or otherwise molest any officer, non-commissioned officer or private while on parade, or employed in any other service authorized by the laws of this State, the commanding officer may order such person to be arrested and placed under guard for any length of time not exceeding three hours; and the person or persons so offending shall moreover be subject to pay such fines as may be imposed in the manner hereinafter provided.

SEC. 19. In order to compel the observance of the provisions of this act, and for the purpose of introducing a proper degree of subordination and discipline in the operations of the militia of this State, the following penalties shall be incurred and inflicted in the manner hereinafter directed, that is to say: the adjutant-general, for a neglect or violation of those duties imposed on him by this act, shall incur a penalty not exceeding one hundred dollars nor less than fifty dollars; and any commissioned or staff officer, for failing to perform the duties required of him by this act, shall forfeit and pay as follows: commandant of a regiment or separate battalion, the sum of fifty dollars; lieutenant-colonel or major of a battalion,

the sum of fifty dollars; the commanding officer of a company or adjutant, twenty dollars; and those officers respectively shall moreover be liable to be cashiered at the discretion of a court martial. Each non-commissioned officer failing to give notice of any muster, when he shall receive orders for that purpose, without a reasonable excuse, shall be fined in the sum of five dollars, each non-commissioned officer, musician or private failing to attend any muster, or disobeying any order which, by virtue of this act, his superior may give, or failing to repair to the prescribed rendezvous when properly warned so to do, or failing to do his duty when there, or absenting himself without a lawful excuse, shall forfeit and pay such fine as the court martial shall order under the circumstances of the case, not exceeding the sum of five dollars; every non-commissioned officer appointed in pursuance of this act shall serve during good behavior, unless in case of discharge, promotion or resignation.

SEC. 20. It shall be the duty of commanding officers of companies to proceed forthwith to divide the companies into classes by ballot from one to three, for the purpose of a regular routine of duty when called into actual service, and to return a roll of each class and its number in rotation, within thirty days thereafter to the commanding officer of the battalion, who shall transmit the same to the commanding officer of the regiment, who shall cause the same to be recorded by the adjutant, and the commanding officer of the regiment or separate battalion shall make a return of the same to the brigadier general; and those enrolled in the first class shall be subject to perform the first tour of duty, and those in the second class, the second tour of duty, and those of the third class, the third tour of duty, and so on in rotation. When any colonel of a regiment, or a lieutenant-colonel of a separate battalion shall be charged with mal-administration or neglect of duty, it shall be lawful for any commissioned officer to exhibit to the brigadier general of the brigade, or such other officer as shall at the time have command of the brigade a fair statement in writing of the charge or charges, and the facts intended to establish the same; and the brigadier general is hereby authorized to order a brigade court martial, to consist of at least seven members, none to be under the grade of field officers, who, when assembled, shall take and subscribe the same oath prescribed for regimental courts martial; and the court being thus sworn shall inquire into the nature and truth of the charge or charges, and if the officer accused shall be found guilty of such neglect of duty, he shall forfeit and pay (if guilty of a misdemeanor in office) any sum not exceeding fifty dollars, and shall be cashiered; and when any lieutenant, captain, lieutenant-colonel of the first, or major of the second battalion of any regiment shall be charged with any misde-

meanor in office or neglect of duty, it shall be lawful for any officer, non-commissioned officer or private to exhibit to the colonel of the regiment, or lieutenant-colonel of a separate battalion, a fair statement of the charge or charges, and the facts intended to establish the same; and the colonel or lieutenant-colonel to whom such complaint is made in writing may, in his discretion, order a regimental or battalion court martial, to consist of at least five commissioned officers, who shall take and subscribe the oath directed to be taken by this act, and when sworn shall inquire into the nature and truth of the charge or charges so exhibited; and if found guilty of a misdemeanor in office, the officer so accused shall be cashiered, and if guilty of neglect of duty shall be fined as prescribed by law, but no sentence of any court martial cashiering any officer shall be final until the same be laid before the commander-in-chief, and by him approved, if the officer cashiered shall pray an appeal from such decision to him, otherwise the same shall be final.

SEC. 21. If any person shall be called on to perform a tour of duty, such person shall be acquitted provided he furnish to his commanding officer an able-bodied substitute in his room or stead; and if any such substitute should be called into actual service in his own term, previous to the expiration of the term for which he shall have enrolled as such substitute, then the person procuring such substitute shall march in his room, or procure another substitute for the remainder of the term, or be liable to the same penalties as if called upon in his own name. Any person called upon to perform a tour of duty as aforesaid, and serving by himself or substitute or otherwise paying such fine as the court martial shall adjudge adequate to the offense, shall not be bound to perform any tour of duty until regularly called upon by rotation.

SEC. 22. Whenever the civil process is resisted in any portion of this State, or the civil authorities are unable to arrest any offender or offenders against the law, it shall be lawful for any judge of the district court, justice of the peace, sheriff or any of his deputies, to call upon the nearest commissioned officer of the militia for a force sufficient to execute the civil process, or arrest any and all offenders against the law. In such case it shall be the duty of the militia officer so called upon immediately to call out a sufficient force under his command to successfully aid the civil authorities in the performance of their duty, and to strictly obey all the orders and directions of the civil officers so calling for such assistance. He shall disband the troops so called out whenever directed by the officer calling for the same; and shall then make full report of all his acts to the adjutant general of the State, giving in such report the name of the civil officer so calling for his assistance, the particular duty he was

called upon to perform, the number of men called out by him, and the length of time they were in active service. Any officer or militiaman who shall wilfully neglect or refuse to perform any duty required herein, shall, for each and every such neglect or refusal, on conviction, suffer the punishment attached to the offense charged against the person so resisting the civil process, or whose arrest is so ordered.

SEC. 23. In case of actual invasion by any foreign power into any portion of this State, or in case of insurrection too formidable for the civil authorities and the local militia force under their control to compete with, it shall be lawful for the Governor, or any officer by him directed, in order to execute the laws of the State, to order into actual service all or any portion of the militia, as the emergency may require, and to discharge such troops as soon as he may judge consistent with the interests of the State.

SEC. 24. Every officer to be tried by a court martial shall have ten days' notice given him of the time and place appointed for the trial, and shall be furnished with a copy of the charges exhibited against him, at least ten days before the sitting of said court. In every court martial for the trial of an officer, not less than two-thirds of the number present shall agree in the judgment or sentence of said court, otherwise the person charged shall be acquitted; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission; provided, that no commissioned officer shall be allowed to resign his commission while under arrest.

SEC. 25. The captains and subaltern officers of each and every company, or a majority of them, shall, on the muster day next succeeding the muster of each company at which there has been any delinquency or delinquencies, hold a court for the adjustment of fines in each company; and the commanding officer of the company shall issue his warrant, directed to any sheriff or constable in his beat, which warrant shall have the force and effect of an execution; and said constable shall proceed to collect the same, in the same manner as if said execution had issued under and by the authority of any civil officer within the State; and all fines collected by virtue of the provisions contained in this section, shall be paid to the captain of such company within ten days after the same may be collected, and by him applied to the purchase of a drum, fife and colors, and for other purposes for the use of the company.

SEC. 26. When either the major general, brigadier general or brigade major shall be charged with malfeasance in office, if a major general, it shall be lawful for any militia officer, not under the grade of a field officer, to exhibit to the Governor for the time being a fair

statement of the charge or charges, with the facts intended to establish the same, who is hereby authorized to order a general court martial, to consist of at least nine members, none to be chosen under the grade of a field officer, who, when convened, shall take and subscribe the same oath prescribed for regimental court martials; the said courts thus sworn shall have power to inquire into the nature of the offense, and if it shall constitute a misdemeanor in office, he shall be removed from the same; if for neglect of duty, he shall forfeit and pay a sum not to exceed one hundred dollars, at the discretion of the court-martial, to be collected as in similar cases of fines; if a brigadier general or brigade major shall be guilty of either of the aforesaid offenses, the charge shall be submitted to the major general, who shall issue his order to the senior colonel commanding in the brigade in which the person charged resides, by virtue of which order the colonel shall hold a court-martial, and proceed in the same manner as directed for the trial of major general; provided, that in all cases of charges exhibited against officers, the officer ordering a court-martial shall as soon as practicable furnish the person charged with a copy of the charges exhibited against him, and the president of the court-martial shall give at least ten days' notice of the time and place appointed for trial, and cause such witnesses as may be required by either party to be summoned by the adjutant of the regiment in which they reside, and every person so summoned and failing to attend, or refusing to be sworn, shall be tried by the court-martial, and if he be an officer, may be cashiered or fined, at the discretion of the court-martial, not exceeding fifty dollars; if a non-commissioned officer or private, he may be fined not exceeding twenty dollars, and, moreover, be confined under guard or put in jail until he give evidence.

SEC. 27. Each judge advocate, previous to entering on the duties of his appointment, shall take an oath to support the Constitution of the United States and of the State of Texas, and that he will well and truly perform the duties of judge advocate according to law and the best of his skill and ability, which oath shall be in writing, signed by the judge advocate, and attested by the officer who administered the same; the judge advocate thus sworn shall administer the following oath to the officers, previous to their entering on the duties of any court-martial, viz: "You and each of you do solemnly swear that you will well and truly inquire into the delinquencies which may appear on returns to be laid before you, and will assess the fines thereon as may seem just, according to law, without favor or affection, partiality or prejudice, and that you will not disclose or discover the vote or opinion of any particular member of this court, unless required to give evidence thereof in a court of justice. So help you



God." It shall be the duty of the judge-advocate to provide a book, in which he shall record the proceedings of the court-martial, and all other necessary entries for the regiment or separate battalion, which are or shall be required by law, and for his services shall be exempt from military duty and be allowed the sum of two dollars per day for attending regimental or battalion courts-martial, which it shall be his duty to attend, to be paid out of the fines arising under this act. If, from any cause, a judge advocate shall fail to attend a court-martial, as provided in this act, it shall be the duty of the officers present to appoint a judge advocate for the time being; and in case of his death, resignation or removal out of the county or from his office, the journals and proceedings shall be kept by the colonel or commanding officer until a judge advocate shall be appointed in his stead.

SEC. 28. All fines and forfeitures imposed by a regimental or battalion court martial, shall be collected in like manner as fines and penalties are required to be collected by company courts martial, and paid into the hands of each paymaster of such regiment or separate battalion. It shall be the duty of the commanding officer of the regiment or separate battalion to appropriate the money arising from fines, in the hands of the paymaster, by order of the court martial, in the first place, to the purchasing of fifes, drums and colors, for the use of the regiment or separate battalion, and secondly, to pay the officers of the regiment or separate battalion for any service for which they may be entitled to pay under the provisions of this act.

SEC. 29. No officer or private, ordered or directed by this act to appear as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person is directed to appear, or in any reasonable time in going to, continuing at, or returning from the same; and every such arrest is hereby declared void, and shall subject such officer to damages for false imprisonment; and every person required by this act to attend muster, going to and returning from the same, shall be suffered to pass over any bridge, together with his horse, and shall be put over any public ferry without delay, free of charge; and if any ferryman demand pay for, delay or refuse to put such person or persons over, or keeper of toll bridge impede the passing of any person, he shall forfeit and pay for every such offense the sum of ten dollars, to be recovered by warrant from a justice of the peace, one-half to go to the informer and the other half to be paid into the regimental fund of the regiment to which the impeded person belongs.

SEC. 30. The colonel of each regiment may constitute two companies thereof light infantry companies, as right and left flank companies, which companies shall be armed and equipped the same as

like companies in the United States service; and all corps shall use for instruction and exercise the system of military tactics and discipline adopted in the United States army for troops of a similar description; and all companies shall have a right to change their uniform from time to time, provided such change shall not be incompatible with the military regulations of the United States army.

SEC. 31. Every commissioned officer, volunteer or militia, shall, when he goes out of office, deliver to his successor in office all books and forms furnished him by the State, or received from his predecessor in office, and also all books and papers in his possession belonging to his division, brigade, regiment, battalion or company; and every officer who shall neglect or refuse so to do, after a demand thereof has been made by his successor, shall be fined twenty dollars a month for every month he shall so neglect or refuse after such demand, to be assessed by any court martial having cognizance of the conduct of such officer, and collected and accounted for as other fines imposed upon such officer are by this act directed to be collected and accounted for.

SEC. 32. The Governor shall appoint one adjutant-general, with the rank of colonel of cavalry, who shall do and perform all the duties of adjutant-general, as required of him by this act, and shall furnish all forms of returns, and keep a book, in which he shall make a fair entry of all returns by him received, which shall be subject to the inspection of the major-general and commander-in-chief, and shall receive for his services the sum of five hundred dollars per annum, out of any money in the treasury not otherwise appropriated.

SEC. 33. The system of discipline and exercise which shall be ordered to be observed by the regular army of the United States, shall be observed by the militia of this State, and the commanding officers of the several militia divisions shall cause the militia within their respective commands to be disciplined and trained conformably thereto, in all things not otherwise directed by this act; and in all cases not specially provided for by this act, such provisions of law as have been or may be made by Congress for the government and direction of the army or the militia of the United States in similar cases, shall be binding upon and be observed and conformed to by the militia of this State; and the forms and rules of proceeding of all courts martial, not provided for in this act, shall be such as are established by the rules and articles of war adopted and used in the militia service of the United States.

SEC. 34. Each new county established by this Legislature shall form a part of the same brigade and division as the county from which such new county, or the greater portion thereof was taken.

SEC. 35. The adjutant general shall also be quartermaster gene-

ral, and his duty as such shall be to collect and take charge of all public property belonging to the military of this State, or for military uses, which has not been regularly issued by the State; and his general duties shall be similar to the duties of quartermaster general and commissary general of the United States; and, in addition to said duties, he shall perform the duties of ordnance officer. He shall give a bond with two or more sufficient securities, to be approved by the Governor, payable to the State of Texas, conditioned for the faithful performance of the duties of adjutant general, quartermaster general, and such other duties as devolve upon him by the laws of this State.

SEC. 36 The commander-in-chief may appoint an aid-de-camp, who shall also be his acting assistant adjutant general, and shall rank as brevet brigadier general.

SEC. 37. Volunteer companies shall form a part of and be attached to the regiments of the same corps within their brigades, and shall turn out and perform duty with the same upon all battalion, regimental, brigade and division drills or parades, and the commanding officer may assign them as flank companies to the battalion, regiment, brigade or division, as he may deem proper. There shall be battalion, regimental, brigade or division drill and parade, once at least in every twelve months. The commander-in-chief may order such parades, drills or inspections as he may deem proper; provided, however, that not more than one such shall take place in the same year in the same division.

SEC. 38. All the returns required of the militia shall also be required of volunteer or any militia companies of the State, and to be made by the proper officers through the same channel.

SEC. 39. The sum of five hundred dollars is hereby appropriated out of any unappropriated funds in the treasury, for the purpose of purchasing forms, books, etc., necessary to carry this act into effect.

On motion of Senator Parsons the Senate took a recess for thirty minutes.

IN SENATE, 12.10 P. M.

Amendment offered by Senator Flanagan read.

Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows:

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

Nays—Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Senate adjourned.

**SENATE CHAMBER,  
AUSTIN, Texas, Friday, June 17, 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 Shannon, petitions of citizens of Johnson and Hood counties, asking the sale of intoxicating liquors be prohibited within one mile of George's Creek School and Meeting House, in Hood county.

Read and referred to Committee on Education.

Also, petition of sundry citizens of Hood, asking that the Acton Masonic Institute and Lodge, No. 285, F. and A. M., be chartered, prohibiting the sale of intoxicating liquors within three miles thereof.

Read and referred to Committee on Education.

**REPORTS OF STANDING COMMITTEES.**

Report of Committee on Engrossed Bills:

To the HON. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 197, "prescribing the times of holding the district courts in the several judicial districts in the State," find the same correctly engrossed.

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

**REPORT OF COMMITTEE ON COUNTIES AND COUNTY BOUNDARIES.**

COMMITTEE ROOM,  
Austin, June 17, 1870.

Hon. DON CAMPBELL,

Pres't Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petition of citizens of Upshur, Rusk and Harri-

son counties, asking the formation of a new county therefrom, do return the same, recommending that it be not granted.

J. G. BELL,  
Chairman.

Laid over under the rules.

### BILLS.

By Senator Shannon, "An Act restricting the sale of vinous and spirituous liquors in the vicinity of Caddo Grove Seminary."

Read first time and referred to Committee on Education.

By Senator Priest, a bill to be entitled "An Act concerning the removal from office of district clerks and sheriffs."

Read first time and referred to Committee on Judiciary.

Under direction of the President, the Secretary carried to the House, Senate Bill No 197, "An Act prescribing the time of holding the district court in the several judicial districts in the State."

### UNFINISHED BUSINESS.

Unfinished business of yesterday :

The question being the amendment offered by Senator Flanagan, Pending discussion, Senator Latimer moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Alford, Broughton, Clark, Douglas, Evans, Flanagan, Latimer, Picket, Pridgen, Pyle, Shannon—11.

Nays—Baker, Bell, Bowers, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

Pending further discussion,

Senator Picket moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Picket, Priest, Pridgen, Pyle, Shannon—1.

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

So the Senate refused to adjourn.

Pending further discussion,

Senator Bowers moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Picket, Pridgen, Shannon—10.

Nays—Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

Pending discussion, on motion of Senator Fountain, the Senate adjourned.

**SENATE CHAMBER,**  
AUSTIN, Saturday, June 18, 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 Priest: Petition of W. B. Dewees, asking for relief. Read and referred to Committee on Judiciary.

By Senator Rawson: Petition of John F. Williams for relief. Read and referred to Committee on Judiciary.

**BILLS AND RESOLUTIONS.**

By Senator Baker: A bill to be entitled "An Act to incorporate the Lake City Railroad Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Gaines: "An Act requiring all claims in dispute, amounting to twenty dollars or less, hereafter to be settled by arbitration."

Read first time and referred to Committee on Judiciary.

The following communication was received from the Secretary of State:

To the Honorable President of the Senate and Senators of the State of Texas:

In obedience to your resolution, passed May 23, 1870, requiring me to open correspondence with county officers and other persons, to ascertain the number of murders in each county during the past two years, I have the honor to report as follows:

I immediately addressed circulars to all the district clerks throughout the State, asking for the information required, and also to other parties, including the commanding general of this district, who has placed at my disposal the monthly military reports of crimes committed in the State.

In response to my circulars I have received, up to date, answers from but twenty-nine counties out of the one hundred and twenty-six organized. The military record is also incomplete, really embracing but half the organized territory of the State, therefore my report upon this basis will hardly present but half the picture of crime,

lawlessness and bloodshed, which has become so common as to excite no extra alarm at home.

I will first draw your attention to a recapitulation of the military record, to-wit:

Prior to 1869, but within the time of two years, asked for in your resolution, the military record sums up:

Murders.....	114
Manslaughter.....	1
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Total killed.....	115
Assaults with intent to kill.....	26
From January, 1869, to January, 1870:	
Murders.....	512
Manslaughter.....	26
Homicides.....	39
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Total killed.....	577
Assaults with intent to kill.....	360
From January, 1870, to twentieth of March, 1870, when the record ceases:	
Murders.....	78
Manslaughters.....	3
Homicide.....	1
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Total killed.....	82
Assaults with intent to kill.....	40
Total of murders.....	704
Total of manslaughters.....	30
Total of homicides.....	40
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Total killed.....	774
Total assaults with intent to kill.....	426

The following remark accompanies this military record:

1512. Reports should have been received for 1869.

825. Reports only were received, or but little more than one-half the State reported from.

378. Reports should have been received for 1870.

135. Reports only were received, or less than one-half.

I have not been able to go into all the details of the crime herein set forth, the class which has suffered most is the colored people. A great number of the murders are assassinations, and several the work of mobs; nor have I attempted to sift out the political bearing of the great majority of the killings, but these records will bear me



out in the assertion, that that class of our citizens known as loyal men, have suffered most, and that a great deal of the killing has arisen from political causes.

I will now pass from the military record to the reports sent me from the twenty-nine counties by civil officers and other persons.

The county of Anderson is first on the list, and the official report dated June seventh, shows eight murders, or four in excess of the military record; of these, six were perpetrated on colored persons, one of whom was murdered by a lawless band; and one of the white men, Daniel Hicks, murdered because of his political sentiments, being a Republican.

Accompanying this report is a letter which more truly depicts the condition of that county, of which I quote the following:

“The report, as herewith sent, is an enumeration of only such as have come to my official knowledge. Besides the many lives that have been sacrificed within the period named, other crimes of almost equal atrocity have been perpetrated, in many instances, with perfect impunity, and the offenders defiantly walking at large—some of whom are of the “best and most respected citizens!” With regard to “whether the people would assist the civil authorities in the execution of the laws, if called upon,” I have to say that there are many of the citizens here, who would *willingly* assist in apprehending an offender who might be a stranger to this community, but for the fact that they are afraid of the parties doing them an injury afterwards. This same class who would thus assist me, could not, under any circumstances, be induced to aid in the capture of any white person known to them, or who might be of this place or county, especially if related to them, for the same reason before stated.

#### AUSTIN COUNTY.

The official report from Austin county gives as killed six in excess of the military record, of which five were white and one colored.

The officer so reporting thinks the temper of the people in favor of suppressing crime, and that they would respond to the call of the sheriff to arrest offenders.

#### COLORADO COUNTY.

The civil reports return two murders of colored men not mentioned in the military record, and accompanying therewith in this statement is the following remark: “Three other freedmen are reported missing, and are believed to have been murdered.”

## BASTROP COUNTY.

The civil report gives three murders in excess of the military record; one of the instances two colored women and one child was killed and a man mortally wounded by a mob firing into a ball-room. Several mobs of unknown persons are spoken of, one of which rescued a prisoner from the sheriff of an adjoining county, and killed him. The statement accompanying this report sets forth that the temper of the people is such as not to justify the assertion that the civil officers are able to enforce the law against the ruffians and murderers in this county. Fifteen murders are reported.

## BEXAR COUNTY.

The civil record gives two killed in excess of the military record; of these, one was the murder of a colored man by a colored man, a soldier by a soldier, the death of a circus man, who is supposed to have fallen from a hotel balcony, the killing of a colored man by his brother, and the murder of three persons by unknown parties. The temper of the people is good and the civil officers are prompt in the discharge of their duty, and are completely sustained by the community.

## BURLESON COUNTY.

The civil account from this county is very vague as to particulars, but gives the temper of the people as bad, so far as the maintenance of law, if left to the sheriff and other civil officers.

## BOWIE COUNTY.

The civil report from this county is vague as to numbers. As to the temper of the people it is declared to be insurrectionary, and beyond the control of the civil officers unaided by some kind of military force.

## CALDWELL COUNTY.

The civil report gives two murders in excess of the military report. The general temper of the people is considered good.

## FALLS COUNTY.

The civil report gives eleven murders in excess of the military

report—three mobs, one assassination. The temper of the people is regarded as improving in favor of law and order.

## FORT BEND COUNTY.

The official report gives five murders in excess of the military record; one of which the party was taken from the jail and hung by a mob of unknown men.

The clerk who makes the report, while asserting that he believes the temper of the people good, says, but from what he can learn he verily believes that if the colored man, who has been elected sheriff of the county, is accepted as the sheriff, "the consequences will be serious, as the *opposition to a black sheriff* is determined as well as openly avowed."

## BRAZORIA COUNTY.

The civil report from this county gives fourteen murders in excess of the military record. The sheriff thinks the citizens will sustain him in the discharge of his duty.

## HAYS COUNTY.

The civil report gives two murders in excess of the military record—two mobs. The general temper of the people is reported good, although no attempt has been made to bring to justice those who have committed the mob murders.

## HILL COUNTY.

The civil reports from this county gives eight murders in excess of the military record. Five by mobs—no convictions. The report says: "There are now persons in the county at large guilty of murder who cannot be arrested. The people are generally quiet, but they make no effort to catch or punish criminals. They never have and never will volunteer to put an end to murder and violence, but have always encouraged and assisted the murderers. Gangs of lawless men go about threatening the lives of colored people, and a reign of terror exists."

## LIBERTY COUNTY.

The civil report gives one murder in excess of the military record. The officer making the report says:

"I think from good reasons that a large majority of the people would oppose no obstacles nor obstruct the administration of justice or execution of the laws in any manner. I cannot say that they would, under existing circumstances, volunteer to. It is very doubtful that they would under the present circumstances. I deem it a duty that I owe to the people of this county and to the honorable Senate of Texas, to state on this occasion that a large majority of the people of this county are anxious that the country be restored to its wanted prosperity, and seem cheerfully disposed to acquiesce in the plan of reconstruction we have just entered upon, in order to arrive at that result. All classes are practically engaged in efforts to accomplish the material part of it. Some of our good citizens seem to be afraid of the proposed militia law recently passed by the Lower House of the Legislature. I think a law-abiding and orderly people have no cause to be afraid of such a law."

#### MONTGOMERY COUNTY.

The civil report gives four murders in excess of the military record by mobs. The officer reports the temper of the people very indifferent, and that the sheriff would be compelled to cope single handed with violators of the law; and to bring the many murderers now loose in the county to trial, the civil officers are at present powerless.

#### VICTORIA COUNTY.

The civil report is the only one from this county, giving six murders. Two colored men were killed by a mob and one rescued from the civil officer and hung. This lawlessness has happened since the removal of the military from that county, and the reports from that section are of a nature to doubt the ability of the civil officers to enforce the law, although a majority of the people are law abiding and anxious for peace.

#### WHARTON COUNTY.

The civil report gives nine murders in excess of the military record, one by mob. The condition of the county is deplorable. Gangs of men defy the civil authority.

#### WILLIAMSON COUNTY.

The civil report gives three murders in excess of the military

record; one by a mob, and the recent assassination of Mr. Gardiner in that county by unknown persons. The officer reporting thinks the general tone of the people in favor of law and order.

## WASHINGTON COUNTY.

The civil report gives eight murders in excess of the military record. Two of the murders were committed by unknown mobs. The officer making the report thinks the majority of the people willing to execute the law.

## WALKER COUNTY.

The civil report gives four murders in excess of the military record, one of which was the hanging of a colored man by an unknown mob. The officer making the report thinks the people as a whole willing and anxious to execute the law and aid the civil officers in the performance of their duties.

## SHELBY COUNTY.

The civil report shows an excess of twenty-four murders over the military record. No convictions of murder in the county since the war. The majority of the people want law and order, yet a faithful and prompt discharge of duty of the sheriff would be likely to bring about resistance and an armed force necessary.

## TRAVIS COUNTY.

The civil report gives five murders in excess of the military record. The general temper of the people reported good.

## NACOGDOCHES COUNTY.

The civil report gives six murders in excess of the military record. The officer making the report thinks the majority of the people in favor of sustaining the law, but states that there have been no convictions for murder since the war, and many outlaws are at large.

## ROBERTSON COUNTY.

The civil report gives two murders in excess of the military record, or seventeen within the past two years. The officer adds: "There are a number of men at large in this county who ought to

be brought to trial on the charge of murder and other crimes perpetrated in the county within the last two years, but owing to great difficulties which they cannot overcome the civil authorities are utterly powerless in the matter, and I would here urge that the necessity for United States troops cannot be over estimated, owing to the large number of outlaws who infest this county. I am of the opinion that the sheriff and civil officers are powerless to preserve order without the assistance of a company, or, at least, a detachment, of the United States forces. It is doubtful whether a sufficient number of citizens would spare the time from their daily avocations to volunteer to assist in the arrest of the guilty parties."

Thus the reports from civil sources give one hundred and thirty-one murders in excess of the military record, and, together with the military record, gives a total number of persons killed, so far as heard from, of nine hundred and five.

Thus closes, up to date, the reports in my possession; every mail brings some, although there seems to be a general unwillingness on the part of civil officers to make any report, or to give a true picture of the state of affairs in a large number of the counties in the State. The change to civil government, and the removal of the military forces from the interior, has had a tendency to increase crime. Several instances are reported, unofficially, of the re-appearance of that worst feature of lawlessness, to-wit: the recent appearance of disguised bands of men, prowling about the country, and also several instances of resistance to sheriffs in the execution of their duties, resulting fatally.

I have not attempted to pursue any inquiry, or to condense from the reports before me facts connected with the murders enumerated, such as convictions, of which there have been but very few during the time reviewed.

I feel that I cannot more fittingly wind up this hasty report than by giving the observations of an officer of the army, who served through some of the counties of the State; not the worst. This might be considered foreign to my instructions from the Senate, but I take it that it is not the horrible aggregate of figures you want, so much as the moral condition of the State. Under date of June 11 this officer writes thus:

"The above named counties are all over-run with bands of desperadoes, horse thieves and vagabonds, whose only means of livelihood is to murder and steal. These bands of desperadoes and thieves are, as a general thing, organized, consequently they have complete sway over the people, who are at their mercy, and they are

defiant and bold. I have made attempts frequently to organize a body of citizens, so that they could be able to cope with the bad men, but in almost every case I failed, and I can only attribute this lack of self-interest to one thing, and that is, if anybody makes themselves conspicuous in a movement of that kind they are invariably, sooner or later, killed, the sooner, and more especially if they be Union men. If a man is murdered who has in any manner aided the United States troops his death is regretted; if he be one who was a rebel, some effort is made to bring the murderer to justice; when a negro is killed nothing is thought of it, and no one troubles themselves about it. The people as a general thing do not seem to realize the enormity of crime, that feeling being almost universal, has been the main cause of turning loose hundreds upon hundreds of murderers and thieves, which is an outrage upon society and the good people of Texas. I have found in almost every county, where I am acquainted, that sympathy predominates, which trait of character is noble, to be sure, but damnable when used as it is by many to shield murderers and thieves, which is the case in Texas.

Owing to these causes and the manner in which law has been carried out, has been the main cause to bring society to the state it is now in, which is most assuredly a precarious one.

There are at large to-day numbers of murderers and thieves, in the counties where I have been, and no effort was made to bring them to justice.

The general temper of the people (that is, those people who endeavor to obey the law) seems to be good, but when it comes to assisting the sheriff and civil officers in carrying out the law, it is bad, very bad, and as for getting volunteers to put an end to murder and violence, it is simply an impossibility; and why this singular state of society should exist I have investigated and tried to understand, and whether I understand it or no, I will leave for others to judge, but I have come to this conclusion, that the only way law can be enforced, is to render some *permanent* support to the civil officers, and then they will perform their duty fearlessly. As soon as that is done, then bands of desperadoes can be brought to justice, and another all important fact will be accomplished. The people will have confidence in each other, which does not now exist.

“As soon as men feel that their lives and property is safe, that timidity that exists among the people now will be cast aside, and men who are quiet will come forth boldly.

"The sooner that state of affairs is brought about the better it will be for Texas, for then desperadoism will cease."

As reports come in, if desired, I will supplement this report.

I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES P. NEWCOMB,

Secretary of State.

AUSTIN, June 16, 1870.

### SUPPLEMENTAL.

Since closing my report, I have received further reports which I deem of sufficient importance to add to my complete report.

#### LAMAR COUNTY.

The District Clerk of Lamar county reports five murders in excess of the military record, and thinks the temper of the permanent citizens in favor of law and order, but is doubtful as to the transient population, of which there is a large class.

#### MADISON COUNTY.

The official report from this county gives five murders in excess of the military record, of which four were committed by mobs. The officer remarks: "Though I have conversed with the good citizens to a considerable extent, and they expressed themselves in favor of the strict execution of the law, yet I would hesitate to vouch for the execution thereof."

#### MATAGORDA COUNTY.

The civil report gives four murders in excess of the military record. The general temper of the people is considered good.

#### LIVE OAK COUNTY.

The civil report gives six murders in excess of the military record, and the officer remarks that there are others he cannot give dates or particulars of, and in relation to the state of society says, speaking of the office of sheriff: "We have not had a sheriff that has attended to his business since the close of the war, and neither do I think we can get a man that will hold the office, for the reason they are afraid



to execute the law, as arms are permitted to be carried by every man and boy that wishes to do so."

## SAN AUGUSTINE.

A letter from a truthful citizen, dated San Augustine, June 6, 1870, gives an account of the action of three mobs recently in that county, by which three persons have been killed. One, a colored man, was rescued from the sheriff by a disguised band of men, and has not yet been heard from; the other cases are of a squad of citizens shooting one (a desperado), and hanging another, adding twenty-three more persons killed to the foregoing report—a total of 928 persons killed.

No further reports up to date. I append, also, an extract from a letter received by his Excellency, Governor Davis, signed by citizens of Washington county, dated June 15, 1870. "We feel that since the shooting of our sheriff, Col. Wm. Thompson, we are unsafe, without protection, and would most respectfully ask that you try to induce Gen. Reynolds to send us troops for protection, until the Legislature may devise means for protection."

Respectfully,

JAMES P. NEWCOMB,  
Secretary of State.

Austin, June 17, 1870.

Senator Priest moved the same be referred to the Committee on State Affairs. Carried.

Senator Bowers offered the following resolution:

*Resolved*, That the Secretary of State be requested to furnish this body the correspondence in full on which his report on lawlessness and crime is based.

Adopted.

Senator Pridgen offered the following resolution:

*Resolved*, That the Secretary of State be requested to furnish this body with information as to the number of said cases of murder just reported, that have been perpetrated by the military or their authority.

Adopted.

Senator Alford offered the following resolution:

*Resolved by the Senate and House of Representatives of the State of Texas*, That Mrs. Foster, the widow of the late Senator A. K. Foster, be allowed and granted the sum of eight dollars per day, from the commencement of this session until its close, or until a successor of Senator Foster shall have been elected.

Read and referred to Committee on Judiciary.

Under direction of the President the Secretary carried to the House enrolled Senate bill No. 56, a bill to be entitled "An Act to prevent cessation of judicial functions, and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts.

### UNFINISHED BUSINESS OF YESTERDAY.

The question being the amendment offered by Senator Flanagan, pending discussion, message from the House by Chief Clerk, "An Act to incorporate the Magnolia Grove Association," informing the Senate that the Speaker had signed the same in open session, whereupon it was signed by the President of the Senate.

Discussion resumed.

Pending discussion Senator Bowers moved that the Sergeant-at Arms be instructed to have forms printed and post the same in the galleries, notifying visitors that applauding is strictly prohibited. Carried.

Pending discussion Senator Latimer moved an adjournment till Monday.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle—11.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

[Senator Fountain in the chair.]

Pending further discussion Senator Bowers offered the following :

WHEREAS, many senators are anxious to attend the barbecue to-day, given in commemoration of the proclamation of universal freedom to all men, of all races; therefore,

*Resolved*, That this Senate do now adjourn to enable all who desire to do so to attend that barbecue.

The Chair ruled that any other than a simple motion to adjourn was out of order.

Yeas and nays called for on the motion to adjourn :

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—11

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

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—11.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

Pending further discussion Senator Bowers moved to adjourn.

Yeas and nays called for; result as follows:

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—12.

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

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Cole, Dohoney, Douglas, Latimer, Pridgen, Shannon—8.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

Pending discussion Senator Bowers moved the Senate stand adjourned till 4 o'clock P. M.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Dohoney, Douglas, Latimer, Pettit, Priest, Shannon—8.

Nays—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Rawson, Ruby, Saylor—18.

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn till Monday.

Yeas and nays called for, result as follows:

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Shannon—11.

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

So the Senate refused to adjourn.

(Senator Priest called to the chair.)

Pending further discussion Senator Latimer moved to adjourn.

Ayes and nays called for, result as follows:

Yeas—Douglas, Gaines, Pettit, Pickett, Priest—5.

Nays—Baker, Bell, Bowers, Dohoney, Evans, Flanagan, Ford,

Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pyle, Rawson, Ruby, Saylor, Shannon—18.

So the Senate refused to adjourn.

Senator Flanagan asked that the names be called of members as they voted.

Chair ruled the request out of order.

Senator Flanagan appealed from the decision of the chair.

Yeas and nays called for, result as follows:

Yeas—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—13.

Nays—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pyle—10.

So the decision of the Chair was sustained.

Senator Bowers moved to adjourn to Monday at five A. M.

Senator Campbell rose to a point of order that the motion was out of order, that the Senate had a regular hour of meeting.

The Chair ruled the point of order well taken.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays called for; result as follows:

Yeas—Baker, Bell, Broughton, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Rawson, Ruby, Saylor—13.

Nays—Alford, Bowers, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle—11.

So the decision of the Chair was sustained.

Senator Bell moved a call of the Senate.

Call sustained.

Absent—Messrs. Alford and Clark.

On motion of Senator Fountain the call of the Senate was suspended.

Senator Bowers moved an adjournment till Monday.

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson and Shannon—23.

Nays—Hertzberg, Mills, Ruby and Saylor—4.

Senate adjourned.

SENATE CHAMBER,  
AUSTIN, Texas, Monday, June 20, 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.

By Senator Cole: Petition of the heirs of James Rogers, deceased, for relief.

Read and referred to committee on Finance.

BILLS.

By Senator Rawson: A bill, entitled "An Act to Incorporate the Marshall and Jefferson Railroad Company."

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

UNFINISHED BUSINESS.

The unfinished business of Saturday:

The question being the amendment offered by Senator Flanagan.

Pending discussion, on motion of Senator Pettit the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, Texas, Tuesday, June 21, 1870.

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

Absent—Senator Clark.

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

Message from the House by Chief Clerk Mr. Boyle.

Senate Bill No. 41, "An Act to confirm the compromise and settlement between the corporation of the city of Galveston, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Also, House Bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Also, House Bill No. 202, "An Act permanently establishing the county seat of Hopkins county."

Also, House Bill No. 163, "An Act to provide for the building of court houses and jails."

Also, Senate Bill No. 5, "An Act authorizing F. A. Vaughan, William Safford and George S. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin."

Also, Bill No. 132, "An Act to amend 'An Act to incorporate the Fire Association of the city of San Antonio.'"

Also, House Bill No. 255, "An Act to authorize the Governor to procure from the archives of the old Spanish missions the history of this State prior to 1793, and to make appropriation for the same."

Also, House Bill No. 264, "An Act to incorporate Trinity University, located at Tehuacana Hills, Limestone county, Texas."

REPORTS.

Report of Committee on Enrollment:

COMMITTEE ROOM,  
June 18, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Enrollment have examined and find correctly enrolled 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," and Senate Bill No. 56, entitled "A bill to be entitled an act to prevent cessation of judicial functions, and to avoid doubts of the validity of judgments and other regular proceedings of the supreme, criminal or district judges and courts," and to-day, at 2:30 P. M., presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

### BILLS.

By Senator Ruby, "An Act to incorporate the city of Galveston—to grant a new charter to said city, and to repeal all acts heretofore past incorporating said city which may be in force by any existing charter.

Read first time and referred to Committee on Judiciary.

By Senator Hall, "An Act to incorporate the town of Bremond.

Read first time and referred to Committee on Judiciary.

### UNFINISHED BUSINESS.

The discussion upon the amendment of Senator Flanagan was resumed.

Pending discussion Senator Flanagan moved an adjournment.

Yeas and nays demanded and resulted as follows:

Yeas—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pettit, Picket, Shannon—11.

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

Lost.

Senator Parsons moved a call of the Senate.

Call sustained.

Absent—Senators Clark, Cole, Pyle.

On further motion call suspended.

Senator Ruby moved that Senator Flanagan close the argument and the vote be taken on the pending amendment.

Senator Bowers rose to a point of order.

The Chair sustained the point of order and decided that no motion could be entertained except to adjourn, or call of the Senate.

Senator Bowers then moved a call of the Senate.

Call sustained.

Senator Bowers moved suspension of the call.

Call suspended.

Senator Mills moved to adjourn.

Yeas—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Picket, Pridgen, Shannon—12.

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

So the Senate refused to adjourn.

Senator Bowers renewed the call.

Call sustained.

Absent—Clark, Cole and Pyle.

On further motion, the call suspended.

Senator Flanagan moved to adjourn.

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

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

So the Senate refused to adjourn.

The yeas and nays were called on the adoption of the amendment offered by Senator Flanagan. Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

Senator Fountain moved the previous question. Previous question seconded.

Senator Ruby moved a call of the Senate. Call sustained.

Present—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor.

Absent—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Picket, Pyle, Shannon.

Senator Fountain moved that the Sergeant-at-Arms be instructed to bring in the absent Senators.

The Chair ordered the Sergeant-at-Arms to bring the absent Senators into the Senate Chamber.

Absentees appeared.

The President gave notice to those who had absented themselves that they were under arrest. Messrs. Evans, Shannon, Dohoney and Alford were excused.

Previous question ordered and carried.

The question then recurred upon the main question, and the President then put the question, "Shall the Bill be engrossed and passed to its third reading?"



Those who voted in the affirmative were—

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

Those who voted in the negative were—

Alford, Dohoney, Evans, Pridgen, Shannon—5.

Under arrest and not allowed to vote—

Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett, Pyle—9.

Bill passed to engrossment.

Senator Baker moved a suspension of rules to place the bill on its third reading and final passage.

Those who voted in the affirmative were :

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

Those who voted in the negative were :

Alford, Dohoney, Evans, Pridgen, Shannon—5.

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

On motion of Senator Saylor, the Senate adjourned.

**SENATE CHAMBER,**  
AUSTIN, Texas, Wednesday, June 22, 1870.

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

Absent—Senator Alford.

Senator Fountain moved a call of the Senate.

Call sustained.

Absent—Senator Alford.

The President excused Senator Pyle, who was relieved from arrest, whereupon he took his seat and answered to his name.

Quorum present.

On motion of Senator Ruby the reading of the journal was dispensed with.

Senator Parsons moved the regular order of business be suspended. Carried.

On motion of Senator Ruby the call of the Senate was suspended.

On motion, Senator Alford excused because of sickness.

[General File.]

The chair announced that he found on his table substitute for Senate bill No. 33, "An Act to provide for the enrollment of the militia," which had been read twice, engrossed, and was now on its third reading and final passage.

Bill read third time.

On motion of Senator Fountain the bill was put on its final passage.

Senator Parsons moved the previous question. Previous question seconded.

The Chair then put the question, "Shall the main question be now put?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Main question ordered.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent but excused—Alford.

The President then put the question, "Shall the bill pass?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett.

Absent and excused—Alford.

So the bill passed.

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

Senator Fountain moved suspension of rules to take up from the calendar House bill No. 201, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies.

Rules suspended.

Message from the House by the Chief Clerk, informing the Senate of the passage of House joint resolution No. 18, authorizing the Secretary of State to purchase one Winchester carbine for each of the persons who overtook and killed four of a band of hostile Indians.

Also, House bill No. 83, "An Act to incorporate the Washington Fire Engine Company No. 1 of the city of Austin."

House bill No. 201 read first time.

Senator Fountain moved suspension of rules to make the bill the special order for Friday at 11:30 A. M.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Absent, but excused—Alford.

Rules suspended, bill made special order for Friday at 11:30 A. M.

On motion of Senator Fountain the rules were suspended to take up House bill No. 80, "An Act to establish a State police and provide for the regulation and government of the same."

Read first time.

Senator Fountain moved suspension of rules and the bill be made the special order for Monday 10 $\frac{1}{2}$  A. M.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent, but excused—Alford.

Rules suspended, bill made special order for Monday 10½ A. M.

On motion of Senator Mills, rules suspended to take up House bill No. 2, "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 Twelfth Legislature of the State of Texas."

Read first time. Rules suspended; read second time; rules suspended; read third time.

Yeas and nays on final passage as follows:

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

Nays—Dohoney, Evans, Shannon---3.

Under arrest, not voting---Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett---8.

Absent, excused---Alford.

Bill passed.

Senator Fountain offered the following resolution, and moved its adoption:

WHEREAS, Reliable information having been communicated to us that twelve Senators had sworn and confederated upon the passage of a certain measure by a constitutional majority of this chamber to resign, for the purpose of breaking a quorum of the Senate, for the purpose of arresting the machinery of government, thereby defeating reconstruction and the organization of the State government; and

Whereas, It having been manifest by a test vote that said measure would pass by a constitutional majority, the said twelve Senators so confederating and conspiring, pending the final vote upon the second stage of said bill, at a preconcerted signal, in a body, abandoned their seats, and by said revolutionary act suspended the entire constitutional action of the Senate by depriving it of a quorum of its members; whereupon, the Sergeant-at-Arms being directed by the President of the Senate, ex officio Lieutenant Governor of the State, to arrest said recusant and revolutionary members, and said Sergeant-at-Arms reporting that one of said Senators did violently resist arrest, and refused to return to his seat as ordered by the President of the Senate and ex-officio Lieutenant-Governor; and,

WHEREAS, The Sergeant-at-Arms was again directed at once to arrest at least sufficient to make a quorum, in order that the business of the Senate might proceed without further revolutionary delay; and

Whereas, Said officer, upon attempting to execute arrest, was forcibly detained or confined such a length of time in the room, in which said Senators had entrenched themselves by locking the door; to lead to the presumption that he was forcibly

and violently detained, making it necessary, in the judgment of the President of the Senate and ex-officio Lieutenant Governor, to empower, by warrant, three assistant sergeants-at-arms, to rescue the principal Sergeant-at-Arms, and to execute the writ that had been originally intrusted to the same; whereupon, seeing the futility of further resistance to the constituted authorities of the State of Texas, the said recusant and revolutionary Senators returned to the Chamber, assuming that their action was voluntary; and

WHEREAS, In consideration of the above contempt of the Senate and the said resistance, taken into connection with the well-understood threat, prior to the test vote, of the declared intention of said recusant members to resign, and thereby dissolve the State Government, the Sergeant-at-Arms having been unable to make his arrest by said forcible detention and captivity, the Lieutenant-Governor, ex-officio, in his place, did formally order said recusant and revolutionary Senators under arrest; therefore, be it

*Resolved*, That a select committee of five be appointed to examine into the case of each individual Senator so arrested and so charged with revolutionary design and conduct, speedily as in each individual case the facts may be reached, and that said select committee shall have power to administer oaths and send for persons and papers.

Senator Parsons moved the previous question. Previous question seconded.

The Chair then put the question, "Shall the main question be put?" Main question ordered.

The Chair then put the question, "Shall the resolution be adopted?" Adopted.

The Chair appointed as the committee Senators Fountain, Parsons, Saylor, Baker and Hall.

Senator Dohoney offered the following resolution and moved its adoption:

WHEREAS, A special committee of this Senate has been appointed to inquire into the reputed charge that twelve Senators had conspired together to break up the government of the State; and

WHEREAS, Said Senators so charged are entitled to a speedy public trial under the constitution, therefore be it

*Resolved*, That the aforesaid special committee be authorized and required to proceed at once to inquire into the truth of this charge, and that this committee be required to report to the Senate on to-morrow their action in the premises.

Senator Saylor moved to refer the resolution to the special committee appointed by the president under resolution of Senator Fountain.

Yeas and nays called on the motion to refer and resulted as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mill, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest not voting---Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Picket--8.

Absent, excused--Alford.

Resolution referred to special committee.

Senator Ruby offered the following resolution :

*Resolved*, That the Chairman of the Committee on Printing be authorized to contract with the Public Printer for 10,000 copies of the debates of the Senate on the militia bill, and that the same be furnished for the use of this body. Adopted.

On motion of Senator Baker Senate adjourned.

SENATE CHAMBER,  
AUSTIN, Thursday, June 23, 1870.

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

Under direction from the President, the Secretary carried to the House, for the signature of the Speaker, enrolled bills "An Act to confirm the compromises and settlements between the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Also, "An Act authorizing Vaughan, Safford and Smith to construct a bridge across the Guadalupe river at or near the town of Seguin, Guadalupe county, Texas."

Message from the House, by Chief Clerk, informing the Senate that the Speaker of the House had signed in open session enrolled bill "An Act to confirm the compromises and settlements between the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Also, "An Act authorizing Vaughan, Safford and Smith to construct a bridge across the Guadalupe river at or near the town of Seguin, Guadalupe county, Texas," whereupon they were signed by the President of the Senate.

Under direction of the President the Secretary carried to the House House bill No. 2, "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 Twelfth Legislature of the State of Texas."

On motion of Senator Priest, the reading of the journal was dispensed with.

Senator Fountain moved that the select committee be authorized to employ a phonographer. Lost.

### BILLS AND RESOLUTIONS.

By Senator Parsons, "An Act to incorporate the Houston and San Jacinto Canal and Navigation Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Gaines, an act entitled "An Act to punish the commission of crime."

Read first time and referred to Committee on Judiciary.

Also, "An Act for the incorporation of the Freedman's Union Mutual Life Insurance and Trust Company of Texas."

Read first time, and referred to Committee on Judiciary.

By Senator Mills: A bill to be entitled "An Act regulating the public printing."

Read first time, and referred to Committee on Judiciary.

By Senator Bell: A bill to be entitled "An Act to authorize and require the clerks of the district courts to grant letters testamentary and of administration according to the laws now in force."

Read first time, and referred to Committee on Judiciary.

By Senator Ruby: "An Act entitled an act to incorporate the Red River and Rio Grande Railway Company."

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

Also, "An Act to incorporate the Saving and Trust Company of Texas."

Read first time, and referred to Committee on Judiciary.

Senator Mills moved suspension of rules to take up substitute for Senate bill No. 165, "An Act making an appropriation for certain purposes."

Rules suspended and bill read second time, and passed to engrossment; and on further motion of Senator Mills the rules were suspended and the bill put upon its third reading and final passage.

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

Yeas—Mr. President, Alford, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Persons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Excused from voting—Dohoney.

Bill passed.

Senator Ruby moved suspension of rules to take up House bill No. 12, "An Act to incorporate the Island City Real Estate and Homestead Association."

Rules suspended and bill read first time.

Senator Ruby moved a further suspension of rules to put the bill upon its second reading.

Rules suspended and bill read second time, and on further suspension of rules the bill was read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bell, Dohoney, Evans,



Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—20.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent—Saylor.

Bill passed.

Senator Ruby moved suspension of rules to take up Senate bill No. 78, "An Act concerning the levy of taxes for Bexar county."

Rules suspended and bill read second time and passed to engrossment.

Pending reading of bill, message from the House by Chief Clerk, informing the Senate that the Speaker had signed in open session enrolled bill "An Act to provide for the enrollment of the Militia, the organization and discipline of the State Guards and for the public defense," whereupon it was signed by the President and returned to the House.

Senate bill No. 78 resumed.

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

Rules suspended and bill read third time and passed.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed in open session enrolled bill "An Act making an appropriation for the mileage and per diem pay of the members and per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas," whereupon it was signed by the President and returned to the House.

Under direction of the President, the Secretary carried to the House House bill No. 12, "An Act to incorporate the Island City Real Estate and Homestead Association."

Senator Baker moved suspension of rules to take up Senate bill No. 112, "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."

Rules suspended and bill read second time and passed to engrossment, and on further motion of Senator Baker, the rules were suspended and bill read third time and passed.

Senator Fountain moved suspension of rules to introduce "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature of the State of Texas."

Yeas and nays called for; result as follows:

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended.

Bill read first time.

Senator Fountain moved suspension of rules to put the bill on second reading.

Yeas and nays called for. Result as follows :

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended and bill read second time and passed to engrossment.

Senator Fountain moved further suspension of rules to put the bill on third reading and final passage.

Yeas and nays called for. Result as follows :

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Rules suspended. Bill read third time.

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

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Bill passed.

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

Yeas and nays called for. Result as follows :

Yeas—Alford, Bell, Dohoney, Evans, Priest, Pyle, Shannon—7.

Nays—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—14.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

So the Senate refused to suspend the rules.

On motion of Senator Pettit, the rules were suspended to take up

House bill No. 255, "An Act to authorize the Governor to procure from the archives of the old Spanish missions the history of this State prior to 1793, and to make appropriation for the same."

Bill read first time.

Senator Pettit moved a further suspension to put the bill on its second reading.

Yeas and nays called for. Result as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—17.

Nays—Alford, Dohoney, Evans, Shannon—4.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended.

Bill read second time.

Senator Pettit moved further suspension of rules and bill be put upon its third reading and final passage.

Yeas and nays called for ; result as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Saylor—15.

Nays—Alford, Dohoney, Evans, Priest, Pridgen, Shannon—6.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

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

Senator Ford moved suspension of rules to take up Senate bill No. 82, "An Act to incorporate Waco Tap Railroad Company."

Rules suspended and bill read second time, and on motion of Senator Fountain the rules were suspended and bill made the special order for Saturday, June 25.

Senator Ruby moved suspension of rules to take up House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company."

Rules suspended, and on motion of Senator Mills the bill was made the special order for Thursday next.

Senator Parsons offered the following resolution :

*Resolved*, That the Select Committee appointed by the Senate to visit and report on the recent State Fair at the city of Houston, be allowed for their expenses the rate allowed for mileage to members traveling to and from their homes to the capital, and that the Comptroller is hereby instructed and authorized to audit and allow the same.

Resolution adopted.

Senator Hall moved suspension of rules to take up Senate bill No. 40.

Rules suspended.

On motion of Senator Evans the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, Texas, Friday, June 24, 1870.

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

Absent—Pridgen.

Senator Pyle excused on leave of absence.

Senator Ruby moved a call of the Senate. Call sustained.

The Sergeant-at-Arms was instructed to bring in the absent Senator.

Senator Pridgen answered to his name.

On motion of Senator Fountain the call of the Senate was suspended.

Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

The following protest was offered by Senator Dohoney, read and ordered to be spread on the journals:

SENATE CHAMBER,  
Austin, June 24, 1870.

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

The undersigned Senators respectfully represent that on the evening of the 21st instant, Senators Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pyle and Shannon were notified by the President of the Senate that they were under arrest and would not be permitted to vote on any measure coming before this body, or to participate in any of its proceedings.

On the morning of the 22d Senators Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer and Pyle were excluded from their accustomed seats at the desks before that occupied by them. Subsequently Senator Pyle was permitted to resume his seat while the others have from that time to the present, by order of the President, been debarred all rights as Senators. We understand the reasons assigned for this extraordinary proceeding are the charges preferred against twelve Senators (whose names are not given) in the preamble to the resolution offered by Senator Fountain and adopted by the Senate on Wednesday, the 22d of this month. These charges, we respectfully protest, are not sustained by the

facts, and that the actions and motives of those Senators may be clearly and unmistakably made known, we respectfully call attention to the following statement of facts, some of which are within the knowledge of the Senate, and the others can easily be established by competent proof.

On the evening of the twenty-first of this month, the argument on the militia bill, which had occupied the time of the Senate for several days, was so far concluded as that each Senator who desired to do so had made one speech. Some Senators desired to speak again on the questions involved, before a final vote was taken on the engrossment of the bill. This fact was made known by Senator Bowers to Senator Parsons, and by them it was agreed that no further remarks should be made on the question then pending before the Senate—the amendment offered by Senator Flanagan—but as all were anxious for a vote on that amendment that evening, this should be had, and that further and full discussion would be allowed the next day on the question of the engrossment of the bill. This suggestion was publicly stated by Senator Bowers, in open Senate, and he then remarked that in deference to this general desire for a vote on the Flanagan amendment he would yield the right he then had to the floor, and would make what further remarks he desired to make on the question of the engrossment of the bill. As soon as the vote was taken on the Flanagan amendment, the previous question on the engrossment of the bill was moved by Senator Fountain. Senator Bowers then appealed to the Senator to withdraw his motion for the previous question, for a moment, that he might make known this understanding as to further discussion; but Senator Fountain declined to withdraw his motion. We were thus precluded from any explanation in the Senate, and then, for the sole and only purpose of a consultation, and in order that Senator Parsons could be reminded of the understanding between Senator Bowers and himself, as before stated, we all (except Senator Pridgen), together with the Senators hereinbefore mentioned, being thirteen in all, withdrew to the door of the Senate, the lobbies being so crowded that we could not meet in any portion of the Senate Chamber. Here the crowd was so great that we found it necessary to withdraw to a committee room. From this room we sent a verbal request to Senator Parsons to meet us in consultation. This was for the purpose of securing, through him, a compliance with the hereinbefore stated agreement. After waiting some time for an answer from him, and not receiving any, we addressed a written communication to him, inviting his presence with us in committee room No. 13. To this communication we received a reply declining our request. Finding that we were thus unable to secure by this means a further hearing on the question then be-

fore the Senate, we abandoned the attempt and returned to the Senate Chamber. While we were absent in consultation and awaiting the answer from Senator Parsons, the Sergeant-at-Arms entered the committee room where we were and read to us the following summons :

AUSTIN, June 21, 1870.

The Sergeant-at-Arms is authorized to summons the following Senators to attend upon the Senate immediately.

(Signed)

DON. CAMPBELL.

Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pyle and Shannon.

This summons we did not understand as an order for our arrest, nor can we believe it was so construed by the officer executing it. We, however, told him we would obey the summons as soon as we could hear from Senator Parsons, which we did. On our return to our seats in the Senate Chamber, although not called upon for any excuse or explanation as to the cause of our temporary absence, Senator Bowers made a statement in open Senate of the circumstances inducing our withdrawal, and disclaimed any intention of breaking a quorum, or of being in contempt of the Senate or its authority, or of impeding the business before it. This explanation was adopted by all the Senators who had withdrawn. Notwithstanding this, as we thought, full explanation, we were told by the presiding officer that we were "under arrest, and would not be allowed to vote," but that four of our number (Senators Alford, Evans, Dohoney and Shannon,) would by the Chair be relieved from this arrest, this number being necessary to constitute a quorum.

Senator Priest then moved that the withdrawing Senators be all excused, which motion was by the Chair ruled out of order.

We were not then aware, nor have we since been informed, that the Senate had taken any action by vote, resolution or otherwise authorizing the presiding officer to thus deprive Senators of their seats, and to prevent them from the regular discharge of their official duties. We know of no rule of the Senate, or any law, statute or organic, or of any parliamentary regulation or precedent which confers on him this extraordinary power. By section fifteen of article three of our State constitution it is provided that

"Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide."

If this house has prescribed any penalty for its members being absent without leave, or if this house has prescribed the manner of inflicting such penalty, we are not aware of it. In fact, we boldly

state that no penalty or the manner of its infliction has been by the Senate prescribed. Certainly no authority has been given the presiding officer, at will, to place members under arrest, and for an indefinite period of time deprive them and their constituents of a voice in the legislation of the State. The only law on the subject is that embraced in section fifteen, article three, State constitution, which authorizes "*Each house to determine the rules of its own proceeding, punish members for disorderly conduct, and with the consent of two-thirds, expel a member,*" and the re-enactment of the provisions of this section of the constitution by the adoption of Senate rule No. 27, which reads as follows :

"The *Senate* may punish any member for disorderly conduct, and with the consent of two-thirds, may expel a member ; but not a second time for the same offense."

These provisions, it will be seen, confer the authority to punish disorderly members on the *house*—the *Senate*—and not on its presiding officer. And yet, by his direction alone, eight Senators are excluded from the privileges of this body and from all rights as members. They are denied the right to inquire into his authority for so doing ; and although a committee was several days ago appointed to inquire into and report on facts well known to every member of this body, no report has been made, and this inquiry is thus indefinitely postponed. These Senators have more than once demanded an investigation and a full hearing. The question involves their personal rights as Senators and their official relations to this body, and hence it becomes a privileged question, which, by immemorial parliamentary usage, has precedence over any other ordinary legislative business.

This position will not be denied by any one familiar with parliamentary law and usages. Yet, notwithstanding the question is one of the highest privilege, that it is one involving not only the personal liberty of nearly, if not quite, one-third of the members of the Senate, that it deprives their constituents of their services ; and notwithstanding the facts are all accessible and no excuse is made, or can be made, for a postponement of the investigation, the case is delayed by the Senate, and these Senators are deprived of all rights and privilege on this floor.

This postponement, we respectfully suggest, is but calculated to arouse the most painful apprehensions in the minds of their constituents, and the public generally, to its cause ; and these apprehensions are heightened by the further fact that some of the most important measures to come before the Legislature are being acted on by the Senate while they are excluded from it. We do not



believe any parliamentary precedent can be found for this action, or that it can be sustained by reason or authority.

Regarding as we do the action of the presiding officer in excluding these eight Senators from any participation in the proceedings of this body, and the action of the Senate in not at once considering the privileged question raised, as unjust and unauthorized by law, as a fatal stab at the right of representation, as violative of all parliamentary law, we respectfully dissent therefrom, and protest against these acts. We ask that these reasons for this our solemn protest may be entered on the journals, not only to serve to commemorate this departure from parliamentary usage, but also to serve as a guide to prevent our successors from falling into the same error, and to the end that they may avoid the imputation of being capable, for any purpose whatever, of wantonly violating and trampling under foot the sacred forms of parliamentary law, upon the strict observance of which rests the only safeguard the people have, that the voices of their representatives will be heard.

Very respectfully submitted,

G. R. SHANNON,  
S. EVANS,  
B. J. PRIDGEN,  
E. L. DOHONEY.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed, in open session, enrolled bill, "An Act to incorporate the Island City Real Estate and Homestead Association," whereupon it was signed by the President and returned to the House.

Senator Parsons offered the following preamble and resolution:

WHEREAS, The reporter of the Galveston News from the State Senate has telegraphed to said paper the following false and libelous statement--that in the debate on the Militia bill on the 21st of June, "Broughton, Conservative, was followed by Parsons, Republican, in a very denunciatory speech, calling the people of Texas murderers, assassins and desperadoes;" and,

Whereas, Said charge is wholly untrue, and said reporter has been guilty not only of a wanton breach of privilege, but of absolute falsehood, a willful perversion and gross misstatement of the Senator's remarks,

*Resolved*, That said reporter be hereafter excluded from the privileges of the lobby and gallery of this Senate Chamber.

[Senator Ruby in the chair.]

The hour having arrived for the consideration of special order, House bill No. 201, "An Act to provide for the appointment by the Governor of certain offices to fill vacancies."

Senator Pridgen moved the postponement of special order for twenty-five minutes. Carried.

[President resumed the chair.]

The question recurring upon the adoption of the resolution offered by Senator Parsons.

Pending discussion, Senator Fountain moved a call of the Senate. Call sustained.

Absent--Senator Pridgen; Senator answered to his name.

On motion of Senator Fountain the call of the Senate was suspended.

Senator Alford offered, as a substitute for the resolution of Senator Parsons, the following:

*Be it, therefore, resolved,* That the Senate declare the language of said telegraphic dispatch published in the Galveston News to be false, libelous and slanderous, and that this preamble and resolution be spread on the minutes of this Senate, and that the Galveston News be requested to publish the same.

Substitute, with preamble, adopted.

The hour for the consideration of the postponed special order having arrived, on motion of Senator Fountain it was postponed for fifteen minutes.

## REPORTS.

### Report of Committee on Engrossed Bills:

To the Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 224, "Making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature;" also Senate bill No. 165, "Making an appropriation for certain purposes;" also Senate bill No. 78, "Concerning the levy of taxes for Bexar county;" also Senate bill No. 112, "Providing for levying a special tax in Caldwell county for the purpose of relieving the county from indebtedness and building a jail;" also House bill No. 29, offered as a substitute to Senate bill No. 33, "To provide for the enrollment of the Militia, the organization and discipline of the State Guards, and for the public defense," find the same to be correctly engrossed.

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

## Report of Committee on Enrollment :

COMMITTEE ROOM,  
Austin, June 23, 1870.

Hon. DON CAMPBELL,

President of Senate :

The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 5, entitled "An Act authorizing F. A. Vaughn, William Saffold and George T. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin;" and also Senate bill No. 41, entitled "An Act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company, and have this day, at 11:30 o'clock A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

## BILLS AND RESOLUTIONS.

Senator Rawson offered the following resolution :

WHEREAS, There appears in the Galveston News and Houston Times of the 22d instant a special communication from their correspondent here, which, for gross violation of a courteous privilege extended to said correspondent, and for vulgar assault upon the honor of the most refined ladies of the land, is unparalleled in the annals of journalism, and unequalled in mendacity ; therefore

*Resolved*, That said correspondent, F. A. Gearing, be and he is hereby disgracefully expelled from the Senate Chamber, and denied in the future the privilege of either the floor or the gallery, and the Sergeant-at-Arms is hereby directed to take that individual into custody and remove him from the chamber.

The hour having arrived for the consideration of the postponed special order, on motion of Senator Fountain it was postponed for fifteen minutes.

Senator Ruby offered the following substitute for the resolution of Senator Rawson :

WHEREAS, The present correspondent of the Galveston News is denounced by resolution as a slanderer and libeller; and

Whereas, in so doing the Senate has made it incumbent on its dignity to deny said correspondent the privileges of this body accorded to other newspaper reporters ; therefore be it

*Resolved*, That the President of the Senate be and is hereby re-

quested to disallow to said correspondent the future use of the floor or gallery of this body.

Yeas and nays taken on adoption of substitute offered by Senator Ruby; result as follows:

Yeas—Bell, Ford, Gaines, Parsons, Priest, Ruby, Saylor—7.

Nays—Mr. President, Alford, Baker, Dohoney, Evans, Fountain, Hall, Hertzberg, Mills, Pettit, Pridgen, Rawson, Shannon—13.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent on leave—Senator Pyle.

The question recurring upon the adoption of the resolution offered by Senator Rawson, yeas and nays called for; result as follows:

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

Nays—Alford, Dohoney, Evans, Mills, Pridgen, Shannon—6.

Resolution adopted.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent on leave—Senator Kyle.

Special order resumed—House bill No. 201, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies."

Bill read second time.

Senator Pridgen moved commitment of the bill to the Committee on Judiciary.

The yeas and nays on commitment resulted as follows:

Yeas—Alford, Dohoney, Evans, Pridgen and Shannon—5.

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

Under arrest not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Absent on leave—Senator Pyle.

Senate refused to commit.

Senator Ruby offered the following amendment:

In section four, line two, amend after "aldermen" by insertion of words "or officers of like character."

Amendment adopted.

The question was then put by the Chair, "Shall the bill pass to its third reading as amended?"

Yeas—Mr. President, Baker, Bell, Fountain, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Alford, Dohoney, Evans, Pridgen, Shannon—5  
Absent on leave—Pyle.

Under arrest, not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Senator Fountain moved suspension of rules to make the bill the special order for to-morrow at 10:30, and thereafter until disposed of.

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

Nays—Dohoney, Evans, Pridgen, Shannon—4.

Absent on leave—Pyle.

Under arrest, not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended and the bill made special order for to-morrow at 10:30 A. M.

Senator Mills moved reconsideration of the vote of yesterday on the House bill No. 21, making it the special order for Thursday next. Carried.

On further motion the rules were suspended, and House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company," was made the special order for Monday at 12 M.

On motion of Senator Hall the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, Texas, Saturday, June 25, 1870.

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

Senator Ruby moved a call of the house.

Call sustained.

Absent--Dohoney, Evans, Parsons, Saylor.

Absent on leave—Senator Pyle.

Senator Pridgen moved that Senator Dohoney be excused.

The Senate refused to excuse Senator Dohoney.

On motion of Senator Fountain, the Sergeant-at-Arms was instructed to proceed immediately to arrest and bring before the Senate E. L. Dohoney, the absent Senator.

On motion of Senator Mills, the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, TEXAS, Monday, June 27, 1870.

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

Absent—Senator Parsons.

Absent on leave—Senator Pyle.

Senator Fountain moved a call of the Senate.

Call sustained.

Absent—Senator Parsons.

Senator Parsons came in and answered to his name, and on motion of Senator Fountain was excused and released from the custody of the Sergeant-at-Arms.

Quorum present.

On motion of Senator Ruby the call of the Senate was suspended. Journals of Friday and Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Mills, memorial of the heirs of John F. Bell.

Read and referred to Committee on Private Land Claims.

By Senator Bell, petition of Thomas H. Paschals and others requesting an amendment to the penal code.

Read and referred to Committee on Judiciary.

Under direction of the President, the Secretary carried to the House:

Senate bill No. 78, "An Act concerning the levy of taxes for Bexar county."

Senate bill No. 112, "An Act providing for levying a special tax in Caldwell county for the purpose of relieving the county from indebtedness, and building a jail."

Substitute for Senate bill No. 165, "An Act making an appropriation for certain purposes."

Senate bill No. 224, "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature."

Senator Dohoney offered an excuse for his absence on Saturday.

Senator Fountain moved action on the excuse of Senator Dohoney be postponed until the usual order of business was disposed of.

Carried.

## REPORT FROM SELECT COMMITTEE.

COMMITTEE ROOM,  
June 27, 1870.

Hon. DON CAMPBELL,  
President Senate:

Your select committee of investigation submit the following report in the case of Hon. E. B. Pickett:

Your committee cannot find, from the evidence adduced, that Senator Pickett was cognizant of, or in any way connected with the conspiracy to break a quorum, but find that Senator Pickett did, on the twenty-first day of June, absent himself without leave from the Senate Chamber while the previous question was being called, and did, in violation of the rules and in contempt of the Senate, remain absent until brought back by the Sergeant-at-Arms.

Your Committee, therefore, submit the following resolution:

*Resolved*, That Senator E. B. Pickett be brought before the bar of the Senate and reprimanded by the presiding officer, and that he be then released from arrest, and permitted to resume his duties as a Senator on this floor.

FOUNTAIN,  
Chairman.

Senator Fountain moved suspension of rules.

Rules suspended, and on motion of Senator Baker the report and resolution offered by the Select Committee was adopted.

The Sergeant-at-Arms was dispatched for Senator Pickett, who appeared, was reprimanded by the President, and took his seat.

Message from the House by Chief Clerk:

House bill No. 298, "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas."

House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

House bill No. 254, "An Act to incorporate the Southern Trans-Continental Railway Company."

House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

House bill No. 109, "An Act to cede to and confer upon the city of Indianola all the right, title and interest of the State in and to the flats adjacent to said city, in the waters of Matagorda bay, in trust for the purposes and upon the conditions herein specified."



## BILLS AND RESOLUTIONS.

Senator Fountain offered the following resolution :

WHEREAS, On the twenty-fifth day of June, Senator Dohoney, a member of this body, did, in violation of the rules, and in contempt of the Senate, absent himself the entire day, in such manner that he could not be found by the Sergeant-at-Arms, thus depriving the Senate of a quorum and retarding legislation; therefore

*Resolved,* That Senator Dohoney be placed under arrest, and that the Select Investigating Committee be instructed to examine into his case, and make a report thereon as soon as the facts in the case can be reached.

Adopted.

By Senator Pridgen, a bill to be entitled, "An Act for the relief of Chas. D. Lytle."

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

By Senator Mills, an act entitled, "An Act to amend article 1067, of the civil code, providing for the removal of the seats of justices."

Read first time and referred to Committee on Judiciary.

By Senator Gaines, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company."

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

By Senator Saylor, a bill to be entitled "An Act to incorporate the Central Texas Agricultural and Mechanical Association."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Baker, a bill to be entitled "An Act to further the agricultural development of the State of Texas."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Alford, an act entitled "An Act to provide for the payment of district attorneys."

Read first time and referred to Committee on Judiciary.

Also, an act entitled "An Act to prevent drinking on public conveyances."

Read first time and referred to Committee on Judiciary.

By Senator Bell, a bill to be entitled "An Act to repeal 'An Act to amend articles 412 and 18 of an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856."

Read first time and referred to Committee on Judiciary.

By Senator Ford, "An Act declaring all land scrip issued under the act of January 1, 1862, and March 4, 1863, amendatory of the

act of February 11, 1858,' and, also, patents issued under the same, null and void."

Read first time and referred to Committee on Judiciary.

Also, "An Act declaring certain land certificates therein named null and void."

Read first time and referred to Committee on Judiciary.

Also, "An Act to repeal 'An Act to authorize the withdrawal from the General Land Office of deeds issued on paper of the second seal,' passed the eleventh of February, 1850; and the act amendatory thereto, passed January 11, 1862; and to require the said deeds to be returned to the General Land Office."

Read first time and referred to Committee on Judiciary.

Senator Pridgen offered the following resolution:

WHEREAS, Seven members of this body, to-wit: Bowers, Douglas, Broughton, Latimer, Cole, Clark and Flanagan, are now held under arrest by the Sergeant-at-Arms, by order of the presiding officer of the Senate, for being absent without leave and contrary to the rules of this House; and

Whereas, Said Senators have been detained under arrest, under said charge, for seven days, and have not been summoned before the bar of the Senate to make excuse for their absence as aforesaid; therefore,

*Resolved*, The aforesaid Senators be immediately brought to the bar of the Senate to render their excuses for being so absent without leave.

Senator Saylor moved its reference to the select committee.

Carried.

### SPECIAL ORDER.

The hour for special order having arrived, House bill No. 201, "An Act to provide for the appointment, by the Governor, of certain officers to fill vacancies."

Bill read third time and passed.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby and Saylor—15.

Nays—Alford, Evans, Pickett, Pridgen, Shannon—5.

Absent on leave—Senator Pyle.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Senator Mills offered the following resolution:

*Resolved*, That J. M. Gibbs, late Sergeant-at-Arms, be allowed pay for his services up to date of his resignation.

Lost.

On motion of Senator Priest the special order for 10:30 o'clock, House bill No. 80, "An Act to establish a State Police and provide for the regulation and government of the same," under suspension of rules, was taken up.

Bill read second time.

Senator Priest offered the following amendment:

Amend section first—strike out in third line the words "four," "eight," and "twenty," and insert the words "two," "four," and "ten;" strike out in line four the words "two hundred," and insert "one hundred."

Pending discussion Senator Hall moved the previous question.

Previous question seconded.

The Chair then put the question, "Shall the main question be now put?"

Pending the vote, Senator Saylor moved a call of the Senate.

Call sustained. Roll called. Quorum present.

On motion of Senator Fountain the call was suspended.

The question recurring upon the adoption of the amendment offered by Senator Priest, yeas and nays taken, result as follows:

Yeas—Alford, Evans, Pickett, Priest, Pridgen, Shannon—6.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—14.

Absent on leave—Senator Pyle.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Amendment lost.

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

Yeas and nays taken; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Alford, Evans, Pickett, Pridgen, Shannon—5.

Absent on leave—Senator Pyle.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flangan, Latimer—8.

Motion to suspend lost, four-fifths not voting in the affirmative.

On motion of Senator Priest the rules suspended and bill made special order for to-morrow at 10:30 A. M.

Senator Parsons offered the following resolution:

*Resolved*, When in session no Senator be permitted to absent himself from the Senate chamber, however temporarily, without the leave first had and obtained of the presiding officer.

On motion of Senator Fountain rules were suspended to consider the resolution of Senator Parsons.

Senator Pickett moved the resolution be referred to the Committee on Rules. Lost.

The question recurring upon the adoption of the resolution, the same was adopted.

On motion of Senator Fountain the Senate adjourned till to-morrow.

SENATE CHAMBER,  
AUSTIN, Texas, Tuesday, June 28, 1870.

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

Message from the House by the Chief Clerk:

House bill No. 115, "An Act to provide for the registration of voters."

Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

House bill No. 201, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies," informing the Senate the House concurred in the Senate amendment.

Senator Pyle moved Mr. McKnight, the doorkeeper of the Senate, have leave of absence for three days on account of sickness. Carried.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Finance:

COMMITTEE ROOM,  
Austin, June 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Finance to whom was referred the memorial of the heirs of James Rogers, have examined carefully the whole claim of said heirs against the State of Texas, and find that it is just and never has been paid, wherefore your committee beg leave to report the accompanying bill and recommend its passage.

J. S. MILLS,  
Chairman.

Laid over under the rules.

Report of Committee on Privileges and Elections:

COMMITTEE ROOM,  
Austin, June 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Privileges and Elections, to whom was referred the contested election of John M. Waskom, contesting the seat of Hon. Henry Rawson, a Senator on this floor, have examined the same and beg leave to report as follows:

Contestant Waskom charges that Hon. Henry Rawson is not a registered voter, and that he is ineligible under article three, section thirteen, of the State Constitution, which provides that "no person shall be a Senator unless he be a citizen of the United States, and shall have been a citizen of this State three years next preceeding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of twenty-five years."

In answer to these charges, Hon. Henry Rawson produced his certificate of registration, dated July 2, 1867, and a certificate from Captain C. E. Morse at army headquarters, that his name was still on the registration list. It is also proven that he was a resident citizen of the State of Texas and of the district from which he was elected for seventeen years previous to his election, and that he had attained the age required by the provisions of the constitution above cited. After a careful examination, your committee decide that he is clearly eligible, and ask the adoption of the following resolution :

*Resolved*, That Hon. Henry Rawson is legally entitled to the seat now held by him as Senator from the Seventh Senatorial District.

THOS. H. BAKER,  
Chairman of Committee.

On motion of Senator Saylor, the rules were suspended to consider the report.

Senator Ruby moved the adoption of the report. Carried.

Senator Saylor moved a reconsideration of the vote just taken, and to lay the motion to reconsider on the table. Carried.

Senator Mills offered the following resolution :

*Resolved*, That Senator E. T. Broughton, be allowed leave of absence for thirty days on his parole, to commence on Friday next.

On motion of Senator Fountain, the consideration of the resolution was postponed till Friday next.

### SPECIAL ORDER.

The hour having arrived for the consideration of special order, House bill No. 80, "An Act to establish a State Police and provide for the regulation and government of the same.

Pending reading—

Message from the House by Chief Clerk informing the Senate that the Speaker had signed in open session enrolled bill "An Act to provide for the appointment by the Governor of certain officers to fill vacancies," whereupon it was signed by the President and returned to the House.

The question recurring upon the passage of House bill No. 80, the Chair put the question "Shall the bill now pass?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Alford, Evans, Picket, Pridgen, Pyle, Shannon—6.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

Under direction of the President, the Secretary carried to the House, House bill No. 80, "An Act to establish a State Police and provide for the regulation and government of the same.

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 115, "An Act to provide for the registration of voters," and on motion of Senator Priest, was made the special order for to-morrow at twelve o'clock, M.

On motion of Senator Mills, the rules were suspended to take from file Senate bill No. 130, "An Act to incorporate the Texas Odd Fellows University and Orphan's Home, Bryan, Brazos county, Texas."

Bill read second time.

On motion of Senator Saylor, the bill was recommitted to Committee on Education.

Senator Ruby moved suspension of rules to take up Senate bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company."

Rules suspended and bill read second time, and passed to engrossment.

Senator Fountain moved further suspension of rules to put the bill on third reading and final passage. Bill read third time.

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

Yeas—Mr. President, Alford, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company."

Bill read second time, and, on further motion, rules were suspended and bill read third time.

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

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Alford, Evans, Shannon—3.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

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

Senator Hall moved suspension of rules to take up House bill No. 202, "An Act permanently establishing the county seat of Hopkins county."

Rules suspended and bill read first time; rules suspended and bill read second time, and, on further motion, the rules were suspended and bill read third time and passed.

Senator Parsons moved suspension of rules to take up Senate bill No. 47, "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company.'"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Pyle, Rawson—14.

Nays—Evans, Mills, Pickett, Pridgen, Ruby, Saylor, Shannon—7.

Under arrest and not voting—Bowers, Broughton, Clarke, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Rules suspended and bill read second time.

Senator Priest moved a further suspension of rules to make the bill a special order for to-morrow, at 10:30 A. M.

Yeas and nays taken; result as follows:

Yeas—Mr. President, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Pyle, Rawson—11.

Nays—Alford, Baker, Bell, Evans, Mills, Pickett, Pridgen, Ruby, Saylor, Shannon—10.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

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

On motion of Senator Priest the rules were suspended to take from file House joint resolution No. 2, authorizing the Chief Clerk of the House to advertise for proposals for stationery for the use of both houses.

Read first time.

Senator Priest moved a farther suspension of rules to place the bill on second reading.



Yeas and nays called for ; result as follows :

Yeas—Mr. President, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Shannon --14.

Nays—Alford, Mills, Pickett, Pridgen, Pyle, Saylor--6.

Absent--Ruby.

Under arrest and not voting--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer--8.

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

Senator Fountain moved suspension of rules to take up Senate bill No. 40, "An Act to provide for permanently locating the county site of Robertson county."

Rules suspended and bill read second time.

Senator Fountain offered the following amendment: Amend all after the enacting clause by substituting the following :

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the county seat of Robertson county be and is hereby removed from the town known as Owensville to the town known as Calvert, and that the said town of Calvert shall hereafter be the legal and permanent county seat of said county.

SEC. 2. That this act take effect from and after its passage.

Amendment adopted.

On motion of Senator Fountain rules were suspended and bill passed to engrossment, and, on further motion, the bill was read third time and passed.

Senator Priest moved suspension of rules to take up House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Rules suspended.

On motion of Senator Pickett the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday, June 29, 1870.

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

Under direction of the President the Secretary carried to the House, House bill No. 202, "An Act permanently establishing the county seat of Hopkins county."

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Education :

COMMITTEE ROOM,  
Austin, June 27, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Education, to whom was referred Senate bill No. 210, entitled "An Act restricting the sale of vinous and spirituous liquors within the vicinity of Caddo Grove Seminary," having carefully considered the same, report it back to the Senate with the accompanying substitute and recommend its adoption.

Respectfully,

E. PETTIT,  
Chairman.

Laid over under the rules.

REPORT FROM SELECT COMMITTEE IN CASE OF  
E. L. ALFORD.

COMMITTEE ROOM,  
June 29, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Select Investigating Committee beg leave to submit the following report :

Your committee have examined into the case of Senator E. L. Alford, and find that on the afternoon of June 21, 1870, Senator Alford, with other Senators, left the Senate chamber under a call for the previous question, thereby breaking a quorum, and did, with said other Senators, proceed to a committee room in the capitol

building, and did lock himself in said room, and did deny admission to the Sergeant-at-Arms of the Senate, who had been sent to arrest him; we further find, by the evidence adduced, that the Sergeant-at-Arms did force the window shutters partly open and did take hold of Senator Alford, and did, by virtue of his office of Sergeant-at-Arms, arrest him, but that Senator Alford did, in contempt of the Senate, violently resist said arrest, and did forcibly close the shutters, and did refuse to submit to said arrest by the Sergeant-at-Arms; your committee, therefore, submit the following resolution and recommend its adoption.

FOUNTAIN,  
Chairman.

*Resolved*, That in view of the flagrant and persistent contempt of the Senate by Senator E. L. Alford, in refusing to submit to arrest by the Sergeant-at-Arms, he, Senator E. L. Alford, be expelled from the Senate.

Senator Fountain moved suspension of rules to consider report of Select Committee.

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Evans, Pickett, Pridgen, Pyle, Shannon—5.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Rules suspended.

The question recurring upon the adoption of the report and resolution, offered by Select Committee, Senator Fountain moved its adoption.

Senator Baker moved the previous question.

Previous question seconded.

The Chair then put the question, "Shall the main question be now put?"

So ordered.

The Chair then put the question, "Shall the report and resolution be adopted?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Evans, Pickett, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Report and resolution adopted.

## REPORT OF SELECT COMMITTEE ON CASE OF SENATOR COLE.

COMMITTEE ROOM,  
June 29, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Select Investigating Committee, having under consideration the case of Senator Cole, submit the following report :

Your committee find, from the evidence adduced, that Senator Cole did, on the twenty-first day of June, 1870, leave the Senate Chamber while a vote was being taken on a motion for the previous question, thereby being a party to the breaking of the quorum, and did remain absent until brought back to the Senate Chamber in custody of the Sergeant-at-Arms. Your committee do not find, from the evidence adduced, that Senator Cole was cognizant of the conspiracy to break a quorum, but do find that he was guilty of contempt of the Senate and a violation of its rules. Your committee therefore submit the following resolution, and recommend its adoption:

*Resolved*, That Senator Cole be brought before the bar of the Senate, and reprimanded by the presiding officer, and that he then be permitted to resume his seat as a Senator on this floor.

Senator Fountain moved suspension of rules to consider report and resolution.

Rules suspended, and report and resolution adopted.

### BILLS AND RESOLUTIONS.

By Senator Pickett, "An Act to incorporate the Bank of Sabine Pass."

Read first time and referred to Committee on Judiciary.

Also, an act to amend an act, entitled "An Act to incorporate the Neches Navigation Company," approved November 8, 1866.

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

By Senator Fountain, "An Act to incorporate the United States and Mexico Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Senator Fountain moved that one hundred copies of the same be printed, and laid on the desks of the members. Carried.

By Senator Priest, "An Act to authorize the district clerks to decide in cases of illegal taxes."

Read first time and referred to Committee on Judiciary.

## UNFINISHED BUSINESS.

Unfinished business of yesterday :

House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Bill read first time.

Senator Priest moved suspension of rules.

Rules suspended and bill read second time.

And, on further motion, the rules were suspended and bill read third time.

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

Yeas—Mr. President, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

Message from the House by Chief Clerk: Senate bill No. 155, "An Act to provide for districting the State of Texas into judicial districts," with the following amendment, and asked the concurrence of the Senate in the same:

Section 9—Strike out the word "and" between the words "Upshur" and "Smith," and add the words "and Rains" to section nine.

Section 21—Strike out all after the word "Nueces," and insert in lieu thereof the words "Refugio and San Patricio, and the following unorganized county shall be attached to this judicial district for judicial purposes, viz: Duval."

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

Rules suspended and bill as amended read.

Pending discussion Senator Cole appeared at the bar of the Senate in custody of the Sergeant-at-Arms, and, after being reprimanded by the President, took his seat.

The question recurring on amendment to Senate bill No. 155 Senator Fountain moved the Senate concur in House amendment. Carried.

On motion of Senator Priest Senator Fountain was added to the Judiciary Committee in place of E. L. Alford.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having carefully examined and compared Senate bill No. 40, "To provide for permanently locating the county seat of Robertson county," and Senate bill No. 172, "To incorporate the Bellville, Hempstead and Brazos Bridge Company," find the same correctly engrossed.

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

Senator Gaines moved suspension of rules to take from file Senate bill No. 76, "An Act to authorize the Police Court of Washington county to levy a special tax to build a jail at the county seat."

Bill read second time and passed to engrossment, and, on motion of Senator Ruby, the rules were suspended, and bill read third time and passed.

Senator Mills moved the postponement of special order, House bill No. 115, till to-morrow at 12 M. Carried.

On motion of Senator Fountain the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, TEXAS, Thursday, June 30, 1870.

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

Prayer by the Chaplain.

Journal of yesterday read and approved.

Under direction of the President, the Secretary carried to the House, with action of the Senate, House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Also Senate bill No. 172, "An Act to incorporate the Belleville, Hempstead and Brazos Bridge Company."

Also Senate bill No. 40, "An Act to provide for permanently locating the county seat of Robertson county."

Senate bill No. 76, "An Act to authorize the Police Court of Washington county to levy a special tax for building a jail at the county seat."

PETITIONS AND MEMORIALS.

By Senator Mills: Memorials from citizens of Grimes county, Texas.

Read and referred to Committee on Judiciary.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,  
June 30, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Contingent Expenses beg leave to report the following bills presented, passed upon and approved:

Mileage of Senator Pyle as a witness before the Select Committee of the Senate . . . . .	\$64 00
Mileage of Senator Parsons to State Fair . . . . .	120 00
Mileage of Senator Bell to State Fair . . . . .	120 00
Mileage of Senator Douglas to State Fair . . . . .	120 00
William D. Scott, for one desk . . . . .	50 00

Williams Raatz, for locksmithing. . . . .	48 25
Sampson & Henricks. . . . .	269 18
Sampson & Henricks . . . . .	9 50

And recommend the passage of the following resolution :

*Resolved*, That no article be purchased in the future unless upon requisition made by the Secretary, and approved by the Chairman of the Committee on Contingent Expenses, and the Clerk of the Committee on Contingent Expenses is authorized to make the purchases.

MILLS,  
Chairman.

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

Report of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM,  
Austin, June 30, 1870.

Hon. DON CAMPBELL,  
President of Senate :

SIR : Your Committee on Roads, Bridges and Ferries have given Senate bill No. 226, entitled " An Act to incorporate the Navasota, Washington and Brazos Bridge Company " due consideration, and do hereby return the same recommending its passage.

J. G. BELL,  
Chairman of Committee.

Laid over under the rules.

Report of Committee on Engrossed Bills :

The Hon. DON CAMPBELL,  
President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 76. " To authorize the police court of Washington county to levy a special tax for building a jail at the county seat," find the same to be correctly engrossed.

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

## BILLS AND RESOLUTIONS.

By Senator Mills, a bill to be entitled " An Act for the relief of Jacob T. Chandler."

Read first time and referred to Committee on Finance.

Senator Priest offered the following resolution :



*Resolved*, That Senator W. H. Pyle have leave of absence for thirty days from July the first, 1870.

Adopted.

By Senator Fountain, an act entitled "An Act to incorporate the Texas Land and Mining Company."

Read first time and referred to Committee on Judiciary.

Senator Ruby offered the following resolution :

*Resolved*, That this Senate do not pay for nor take any other paper than the State Journal during this session.

On motion of Senator Baker the rules were suspended to consider the resolution.

Senator Ruby moved the resolution be adopted.

Yeas and nays called for.

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

Nays—Cole, Evans, Pickett, Pridgen, Pyle, Shannon—6.

A'sent—Mills.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Resolution adopted.

Senator Priest moved a reconsideration of the vote taken, and to lay that motion upon the table.

Carried.

Senator Saylor moved the Chair appoint a temporary chairman for Committee on Internal Improvements.

Carried.

The Chair appointed Senator Saylor chairman.

Senator Ruby moved suspension of rules to take up House bill No. 163, "An Act to provide for the building of courthouses and jails."

Rules suspended and bill read first time, and, on motion of Senator Mills, was referred to Committee on Judiciary.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed, in open session, enrolled bill, "An Act to incorporate the Texas Banking and Insurance Company," also enrolled bill, "An Act permanently establishing the county seat of Hopkins county," whereupon they were signed by the President and returned to the House.

Senator Ruby moved suspension of rules to take from file House bill No. 26, to be entitled "An Act to incorporate the Galveston Bay Dredging Company."

Rules suspended and bill read first time.

Rules suspended and bill read second time, and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest and not voting—Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

Senator Priest moved suspension of rules to take from file Senate bill No. 60, "An Act to incorporate the city of Sabine Pass."

Rules suspended and bill read second time.

Senator Ruby offered the following amendment :

Amend by striking out, in section one, line two, the words "free inhabitants," and substitute "citizens."

Amendment adopted, and bill passed to engrossment as amended.

On further motion, the rules were suspended and bill read third time.

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

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 26, to be entitled "An Act to incorporate the Galveston Bay Dredging Company."

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed in open session, enrolled bill, "An Act to establish a State police and provide for the regulation and government of the same," whereupon it was signed by the President and returned to the House.

Senator Hertzberg moved suspension of rules to take up House bill No. 298, "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas."

Rules suspended and bill read first time.

Senator Baker moved further suspension of rules to put the bill on second reading.

Rules suspended and bill read second time ; and on further motion the rules were suspended and bill read third time.

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

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain,

Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Fountain.

Under arrest, and not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

Senator Priest moved suspension of rules to take up Senate bill No. 46, a bill to repeal "An Act approved January 14, 1860."

Rules suspended and bill read second time, and passed to engrossment; and on further motion the rules were suspended and bill read third time and passed.

Senator Mills moved suspension of rules to take from file House bill No. 153, "An Act appropriating money to pay a claim upon vouchers against the State."

Rules suspended and bill read first time; rules suspended read second time, and on motion of Senator Priest, was referred to Committee on Contingent Expenses.

Senator Saylor moved suspension of rules to take up Senate bill No. 2, "An Act to incorporate the Jefferson and Shreveport Railroad."

Rules suspended and bill read second time.

On motion of Senator Fountain the Senate concurred in the committee's report recommending that section sixteen be stricken out.

On motion of Senator Saylor the bill passed to engrossment, as amended.

On further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Baker, Bell, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Nays—Evans.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

The Chair appointed Senator Ford Chairman of Committee on Federal Relations, and Senator Ruby Chairman of Committee on Public Lands.

On motion of Senator Hall the Senate adjourned.

**SENATE CHAMBER,**  
AUSTIN, TEXAS, Friday, July 1, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding.

Roll called; quorum present. Prayer by the Chaplain.

Journals of yesterday read and approved.

Under direction of the President, the Secretary carried to the House, with action of the Senate, House bill No. 298, "An Act to Incorporate the Agricultural Stock Raising and Industrial Association of Western Texas."

Message from the House by assistant clerk, informing the Senate the Speaker had signed in open session Senate bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

Whereupon it was signed by the President of the Senate.

**PETITIONS AND MEMORIALS.**

By Senator Pickett, petition for the new county of San Jacinto. Read and referred to Committee on Counties and County Boundaries.

**REPORTS FROM STANDING COMMITTEES.**

Report from Committee on Education :

COMMITTEE ROOM,  
Austin, June 29, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was recommitted Senate bill No. 130, entitled, "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," respectfully return a substitute therefor, with the recommendation that it do pass.

E. PETTIT,  
Chairman.

Laid over under the rules.

**BILLS AND RESOLUTIONS.**

By Senator Pickett "An Act creating the county of San Jacinto, and naming the county site thereof."

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

By Senator Shannon, a bill to be entitled, "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Stowelle High School."

Read first time and referred to Committee on Education.

By Senator Ruby, a bill entitled, "An Act to incorporate the Galveston and Northeastern Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Priest, "An Act amendatory of an act entitled 'An Act to establish a penal code for the State of Texas,'" approved August 26, 1856.

Read first time and referred to Committee on Judiciary.

(General File.)

House bill No. 115 ; bill read second time.

On motion of Senator Ruby the Senate went into Committee of the Whole to consider House bill No. 115, "An Act to provide for the registration of voters."

[Senator Ruby called to the chair.]

IN SENATE.

[President Don Campbell in the chair.]

The Committee of the Whole, through their chairman, reported progress and asked leave to sit again to-morrow at half past ten.

On motion of Senator Fountain the report of committee was received and adopted.

Senator Ruby moved suspension of rules to take up House bill No. 30, "An Act to authorize the clerks of the supreme and district courts and the justices of the peace to issue execution for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same."

Pending reading of bill, Senator Mills moved its reference to the Judiciary Committee, and that one hundred copies be printed and laid on the desks of the members. Carried.

Message from the House by Assistant Clerk.

Also, House bill No. 6, to amend the seventy-first and ninety-second sections of "An Act to regulate proceedings in the district courts," approved May 13, 1846.

House bill No. 314, "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam Houston from Huntsville to Independence, as contemplated in Joint Resolution No. 7."

House bill No. 85, "An Act to incorporate the Belton Bridge Company."

Also, enrolled House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association"; informing the Senate the Speaker had signed the same in open session, whereupon it was signed by the President of the Senate.

On motion of Senator Mills the Senate adjourned.

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday, July 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.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Claims and Accounts:

COMMITTEE ROOM,  
Austin, July 2, 1870.

Hon. DON CAMPBELL,

President of Senate:

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

HENRY RAWSON,  
Chairman.

Laid over under the rules.

COMMITTEE ROOM,  
July 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Claims and Accounts, to whom was referred the petition of Alford S. Tlurman for relief, have had the same under consideration, and report that we think him not entitled to relief, and report back his petition and accompanying bill, and recommend that the same be rejected.

HENRY RAWSON,  
Chairman.

Laid over under the rules.

COMMITTEE ROOM,  
July 2, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

the petition of Charles D. Lytle for relief, have had the same under consideration, and report that we think him not entitled to relief, and report back his petition and accompanying bill, and recommend that the same be rejected.

**HENRY RAWSON,**  
Chairman.

Laid over under the rules.

Special message from the Governor, by his private Secretary.

**EXECUTIVE DEPARTMENT,**  
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

**GENTLEMEN :** I respectfully ask your advice and consent to the following appointment, to-wit : James Davidson, for Adjutant General of State, with the rank of Colonel.

Respectfully,

**EDMUND J. DAVIS,**  
Governor.

**EXECUTIVE DEPARTMENT,**  
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

**GENTLEMEN :** I respectfully ask your advice and consent to the following appointment, to-wit : Wesley Ogden, for Judge of the Supreme Court of the State.

Respectfully,

**EDMUND J. DAVIS,**  
Governor.

**EXECUTIVE DEPARTMENT,**  
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

**GENTLEMEN :** I respectfully ask your advice and consent to the following appointment, to-wit : William Alexander, for Judge of Supreme Court of State.

Respectfully,

**EDMUND J. DAVIS,**  
Governor.

**EXECUTIVE DEPARTMENT,**  
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

**GENTLEMEN :** I respectfully ask your advice and consent to the



following appointment, to-wit: Leon A. Matile, for Paymaster State forces.

Respectfully,

EDMUND J. DAVIS, .  
Governor.

Referred to Committee on nominations and made the special order for Tuesday at 11 A. M.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
Austin, July 2, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 46, to repeal "An Act approved January 14, 1860, entitled 'An Act to authorize and require the clerks of the district courts of Cherokee, Smith, Anderson, Panola and Angelina counties to apportion the causes on the docket of said courts in words and figures as follows;'" and Senate bill No. 2, "to incorporate the Jefferson and Shreveport Railroad Company; to provide the ways and means for constructing and maintaining their road; and to authorize the sale of said road, and the acquisition by the company of other road or roads," find the same to be correctly engrossed.

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

Adopted.

Senator Parsons offered the following resolution:

*Resolved*, That the Secretary of the Senate be required to give Milton Baker a certificate for the three first days in June, as Sergeant-at-Arms, at \$8 per diem.

Senator Mills moved its reference to the Committee on Finance. Carried.

On motion of Senator Mills the report of the Finance Committee, on the matter of the heirs of Rogers, was recommitted to said committee.

Under direction of the President the Secretary carried to the House Senate bill No. 46, "An Act to repeal an act approved January 14, 1860, entitled 'An Act to authorize and require the clerks of the district courts of Cherokee, Smith, Anderson, Panola and Angelina counties to apportion the causes on the dockets of said courts in words and figures.'" "

Also, Senate bill No. 2, "An Act to incorporate the Jefferson and Shreveport Railroad Company."

Also, House bill No. 54, "An Act for the relief of the East

Texas Agricultural and Mechanical Association," enrolled and signed.

On motion of Senator Ruby the rules were suspended to take from file House bill No. 17, entitled "An Act to incorporate the Jewish congregation 'B'nai Israel,' of Galveston, Texas."

Read first time. Rules suspended; read second time.

The hour having arrived for the consideration of the special order, House bill No. 115, "An Act to provide for the registration of voters," the Senate went into a committee of the whole.

#### IN SENATE.

[President Don. Campbell in the chair.]

Senator Ruby, Chairman of Committee of the Whole, reported House bill No. 115, and recommended its passage with the following amendments:

Amend section fifteen, line six, after the word "registered" insert "and enter the names of such as they may consider improperly refused registration, and those who were unable to appear before the registrar on the registration list."

Amend section twenty-three, line four, strike out the words "registered or." Line eighth, strike out after the word "person" the words "against whom process is served," and insert, "who applies for the process in the first instance, and finally by the unsuccessful contestant."

Strike out sections thirty-nine and forty.

Section forty-one, strike out "forty-one" and insert "thirty-nine."

Section forty-two, strike out "forty-two" and insert "forty."

On motion of Senator Fountain the report of the committee was received and adopted.

Senator Pettit moved to refer House bill 115 to Committee on Judiciary. Lost.

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

Senator Ruby offered the following resolution:

*Resolved*, That when this Senate adjourns it adjourn to Tuesday morning at the usual hour, in order that a due observance of the anniversary of our national independence may be had.

Adopted.

On motion of Senator Parsons the rules were suspended and Senate bill No. 16, "An Act to incorporate the Germania Savings, Trust and Exchange Company," read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Absent—Senator Shannon.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Senator Mills offered the following resolution :

*Resolved*, That whereas Lev. Willson, porter in Senate, died while acting as porter in Senate, and that there is at present due him, for service in Senate, seventy-two dollars; therefore,

*Be it resolved*, That a treasury warrant be ordered, payable to C. L. Abbott, and that he forward the same to widow of said Willson, now living at Hempstead, Austin county, Texas.

On motion of Senator Priest resolution was referred to Committee on Contingent Expenses.

On motion of Senator Baker Senate adjourned to Tuesday.

SENATE CHAMBER,  
AUSTIN, TEXAS, Tuesday, July 5, 1870.

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

Under direction of the President the Secretary carried to the House Senate bill No. 16, "An Act to incorporate the Germania Saving, Trust and Exchange Company."

Also House bill No. 115, "An Act to provide for the registration of voters."

PETITIONS AND MEMORIALS.

By Senator Fountain: Petition from citizens of Medina and Bexar counties asking that a portion of Bexar county be annexed to Medina county.

Read and referred to Committee on Counties and County Boundaries.

Message from the House by assistant clerk.

House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Internal Improvements :

COMMITTEE ROOM,  
Austin, July 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your committee to whom was referred Senate bill No. 106, a bill to be 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 Railway Company,'" would most respectfully beg leave to report that they have had the same under careful consideration, and herewith report the same unanimously back to the Senate and recommend that the same do pass.

W. A. SAYLOR,  
Chairman.

Laid over under the rules.