

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 155, entitled "An Act to provide for districting the State of Texas into judicial districts," and to-day at 11:30 A. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

BILLS AND RESOLUTIONS.

By Senator Pickett: A bill to be entitled "An Act to authorize the transmission of criminal process by telegraph, and for other purposes."

Read first time and referred to Committee on Judiciary.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 87, "An Act to provide for the payment of District Attorneys pro tem."

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—21.

Nays—None.

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

Bill passed.

On motion of Senator Rawson the rules were suspended to take up Senate bill No. 36, "An Act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur.

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.

On motion of Senator Bell the rules were suspended to take up Senate bill No. 90, "An Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company."

Bill read second time.

Senator Priest moved the bill be made the special order for Thursday, at eleven A. M., and that one hundred copies be printed and laid on the desks of the members. Carried.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 200, a bill to be entitled "An Act to authorize county courts to levy a road tax, and to improve roads and bridges," made special order for Friday at 10:30 A. M., and one hundred copies ordered to be printed.

On motion of Senator Saylor, the rules were suspended to take up substitute for Senate bill No. 130, a bill to be entitled "An Act to incorporate the Texas Odd Fellows University and Orphans' Home. Bill read second time.

[Senator Ruby called to the chair.]

The hour having arrived for the Senate to go into executive session, Senator Fountain moved a postponement for five minutes.

Carried.

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

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

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

Nays—none.

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

Bill passed.

[The Senate went into executive session.]

IN SENATE.

On motion of Senator Parsons the rules were suspended to take up Senate bill No. 17, "An Act to incorporate the City Bank of Houston."

Read third time.

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

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

Nays—None.

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

Bill passed.

On motion of Senator Baker, the rules were suspended to take up 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."

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 motion of Senator Pickett was referred to Committee on Judiciary.

On motion of Senator Fountain the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 6, 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 FROM STANDING COMMITTEES.

Reports of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 5, 1870.

Hon. DON CAMPBELL,

. President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 218, entitled "An Act regulating the public printing," have carefully considered the same, and the majority of the committee instruct me to report it back to the Senate, with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee

Amend section four, line nine, by striking out the words "one hundred" and inserting the words "two hundred."

Amend section five, line six, by inserting after the word "Legislature" the words "and the Secretary of State shall send to each member of the Legislature one copy of the laws of a general nature, one copy of the special laws, and one copy of the journals of each house, immediately after they are delivered to him by the State Printer."

Amend section fourteen, line four, by striking out the words "six weeks," and inserting the words "four weeks, one insertion each week."

On motion of Senator Fountain the rules were suspended to consider the report, and the same made a special order for to-morrow, at half-past ten A. M.

COMMITTEE ROOM,
July 5, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate joint resolution No. 11, "That Mrs. Foster, widow of the late A. K.

Foster, he allowed and granted the sum of eight dollars per day," have had the same under careful consideration, and instruct me to report the accompanying substitute and recommend its passage.

M. PRIEST,

Chairman of Committee.

Senator Priest moved suspension of rules to consider the report.

Rules suspended and joint resolution read second time; substitute adopted and passed to engrossment, and, on motion of Senator Priest, the rules were suspended and joint resolution read third time.

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

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

Nays—Evans—1.

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 Senate bill No. 17, "An Act to incorporate the City Bank of Houston;" Senate bill No. 36, "An Act to establish a ferry across the Sabine river at or near Red Rock, county of Upshur."

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
July 6, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses have had under consideration the account of B. F. Barkley, witness in case of H. R. Latimer, for six dollars, three days attendance as witness, and recommend that he be allowed the same.

MILLS,
Chairman.

Laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
July 5, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate joint resolution No. 5, "proposing amendments to sections two, three and four of article five of the Constitution of the State of Texas;" also Senate bill No. 138, entitled "An Act to change the name of Anna O'Donnell to Anna Rowe;" and Senate bill No. 211, entitled "An

Act concerning the removal from office of district clerks and sheriffs;" have had the same under careful consideration, and instruct me to report them back to the Senate and recommend their passage.
M. PRIEST, Chairman.

Laid over under the rules.

Report of Committee on Agriculture :

COMMITTEE ROOM,
July 5, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Agriculture, to whom was referred the bill to incorporate the Agricultural and Mechanical Association, (Senate bill No. 227,) have had the same under consideration, and I am directed to report the bill back to the Senate with a recommendation that it do pass.

THOS. H. BAKER,
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. 60, "To Incorporate the city of Sabine Pass, in Jefferson county," find the same correctly engrossed.

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

BILLS AND RESOLUTIONS.

By Senator Fountain, "An Act to incorporate the Pecos Irrigating and Manufacturing Company."

Read first time and referred to Committee on Judiciary.

By Senator Parsons, "A Bill to incorporate the Young Men's Beneficial Club of Harris county.

Read first time and referred to Committee on Judiciary.

By Senator Bell, a bill to be entitled "An Act to extend the time for renewing files making location and surveys, and returns of field notes on valid land certificates.

Read first time and referred to Committee on Judiciary.

By Senator Mills, "An Act to incorporate the Texas and Mexico Railway, Steamship and Telegraph Company."

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

Senator Gaines offered the following resolution :

Resolved, That the Sergeant-at-Arms is hereby authorized and instructed to purchase ten pounds of ice daily for the use of the Senate. Adopted.

[General File.]

Substitute for Senate bill No. 20, "An Act to suppress the practice of carrying firearms and other deadly weapons about the person." Report of committee and substitute adopted.

Bill read second time.

Message from the Governor, by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : Gustave Loeffler, for Superintendent of Immigration.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 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 H. Parsons, for Major General of Militia.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : M. W. Wheeler, Judge of the District Court for the Fifth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the

following appointment, to-wit: Henry Maney, Judge of the District Court for the Twenty-second District.

Respectfully,
EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: George H. Noonan, for Judge of the District Court for the Twenty-third District.

Respectfully,
EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: J. P. Richardson for Judge of the District Court for the Twenty-seventh District.

Respectfully,
EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

On motion of Senator Bell they were made the special order for Thursday, at half-past eleven A. M.

Under direction of the President the Secretary carried to the House Senate bill No. 60, "An Act to incorporate the city of Sabine Pass."

The question recurring on Senate bill No. 20, Senator Priest offered the following amendment: amend, after first proviso, "Provided, further, that this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law." Amendment adopted.

On further motion the bill as amended passed to engrossment.

Rules suspended and bill read third time and passed.

Message from the House by the Chief Clerk, informing the Senate of the passage of Senate bill No. 224, "An Act making an appropriation to defray the Contingent and Printing Expenses of the Twelfth Legislature."

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

Texas," whereupon it was signed by the President of the Senate and returned to the House.

Also, enrolled House bill No. 26, "An Act to incorporate the Galveston Bay Dredging Company," whereupon it was signed by the President and returned to the House.

[General File.]

Petition for relief of A. H. Cook, on motion, made special order for Wednesday at 11 A. M.

On motion of Senator Hertzberg the rules were suspended to take from file 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."

Bill read first and second time under suspension of rules, and on motion of Senator Priest, referred to Committee on Judiciary.

[General File resumed.]

Senate bill No. 62, "An Act to amend articles three hundred and seventy-nine and three hundred and eighty of the code of criminal procedure."

Bill read second time.

The following amendment: Amend the caption to read as follows: "A bill to be entitled An Act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas," approved 26th day of August, 1856, as reported by the committee, was adopted.

Bill as amended passed to engrossment.

On motion of Senator Priest the rules were suspended and the bill as amended read third time and passed.

Senate bill No. 50, a bill to be entitled "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Read second time and passed to engrossment; rules suspended, bill read third time and passed.

Senator Pettit offered the following:

Resolved, That no business of the Senate be taken up out of its general order by suspension of rules before 12 M. of each day.

Lost.

Message from the House:

Substitute for Senate bill No. 11, "An Act for the relief of East Texas Railway Company."

On motion of Senator Mills the rules were suspended to take up Senate bill No. 144, "An Act appropriating money for the treasury department."

Bill read second time and passed to engrossment.

On further motion the rules were suspended and the bill 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, Shannon—21.

Nays—None.

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

On motion of Senator Ford, rules suspended to take up Senate Bill No. 82.

Senator Pickett moved the bill be made the special order for Saturday at half-past eleven A. M. Lost.

Message from the House by Chief Clerk informing the Senate of the passage of Senate Bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company."

Senator Ford offered the following amendment to Senate Bill No. 82:

Amend section eleven, line five, by inserting the word "cubic" between the words per and foot.

Amendment adopted and bill passed to engrossment.

On motion of Senator Mills the bill was made the special order for Saturday at eleven o'clock A. M.

On motion of Senator Gaines the rules were suspended to take from file Senate Bill 226, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company."

Bill read second time and passed to engrossment.

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

The yeas and nays on final passage were 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.

On motion of Senator Fountain, Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 7, 1870.

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

Message from the House by Chief Clerk, with action of the House on House bill 176, "An Act to incorporate the International Railroad Company," and to provide for the aid of the State of Texas in constructing the same.

Journal of yesterday read and approved.

PETITIONS.

By Senator Gaines: Petition of S. B. Buckley, for services as Geologist.

Referred to Judiciary Committee.

REPORTS OF COMMITTEES.

Report of Committee on Agricultural Affairs:

COMMITTEE ROOM,
Austin, Texas, July 7, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Agriculture, to whom was referred Senate bill 228, "An Act to further the agricultural development of the State of Texas," have had the same under consideration, and report the accompanying substitute for the bill, with a recommendation that it do pass.

THOS. H. BAKER,
Chairman Committee on Agricultural Affairs.

Laid over under the rules.

Report from Committee on Education:

COMMITTEE ROOM,
July 7, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Education having had under consideration

the subject of Public Free Schools, would report the accompanying bill, and recommend that it do pass.

E. PETTIT,
Chairman Education Committee.

Report received.

Bill read first time, and on motion of Senator Fountain rules suspended and the bill made the special order for Monday next at 11 o'clock, and that one hundred copies of same be printed for the use of the Senate.

Report of Finance Committee:

COMMITTEE ROOM,
Austin, Texas, July 6, 1870.

Hon. DON CAMPBELL,
President of Senate:

Your Committee on Finance, to whom was referred House bill No. 153, "An Act appropriating money to pay a claim upon vouchers against the State," have examined the same, and return said bill to the Senate with the recommendation that it do pass.

J. S. MILLS,
Chairman Finance Committee.

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

On motion of Senator Ruby, the bill was read third time and passed by the following vote:

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

Nays—None.

Absent--Senator Saylor.

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

Report of Committee on Finance:

COMMITTEE ROOM,
July 6, 1870.

Hon. DON CAMPBELL,
President of the Senate:

Your Finance Committee to whom was referred the indebtedness of the State Penitentiary to sundry individuals, beg leave to report that they have investigated those claims and indebtedness, and whilst believing that great hardships is occasioned by non-payment of just debts, the committee are unwilling to make special appropriations to pay any particular claim in preference to others, and as there are a number of such claims which ought to be paid, your committee

would recommend the passage of the accompanying bill authorizing the Comptroller to audit and settle all such claims which are now outstanding, and which in justice ought to be paid, wherefore your committee present the following bill and recommend its passage.

J. S. MILLS,

Chairman Committee.

Bill and report read and laid over under rules.

The hour for consideration of special order having been announced by the Chair, on motion of Senator Fountain the consideration of Senate bill No. 218 was postponed fifteen minutes.

Report of Committee on Engrossment :

To the Hon. DON CAMPBELL,

President of Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 87, "Providing for the payment of District Attorneys *pro tem.*," and substitute for Senate bill No. 130, "To incorporate the Texas Odd Fellows' University and Orphans' Home," find the same to be correctly engrossed.

G. T. RUBY,

P. W. HALL,

RESOLUTIONS.

Senator Hall offered the following resolution :

WHEREAS, The impression prevails in the minds of several Senators that Senate bill No. 94, known as the "Southern Pacific Railroad bill," has been unnecessarily delayed in the hands of the Committee on Enrolled Bills; therefore

Resolved, That the chairman of said committee be requested to give his reasons why said bill has not been ere this time forwarded to his Excellency the Governor, for his consideration and action on the same.

Adopted.

Reasons for delay, as reported by the chairman of the committee, were received by the Senate.

Special order, Senate bill 218, a bill to be entitled, "An Act regulating the public printing."

Bill read second time. Report of committee, with amendments, read and adopted.

Senator Pickett moved to strike out section thirteen.

Message from the House informing the Senate of the non-concurrence on the part of the House to Senate amendments to House bill 115.

On motion of Senator Ruby the Senate proceeded to consider the

action of the House, and on further motion a Committee of Conference was appointed by the Chair to confer with like committee on the part of the House. The Chair appointed as said Committee of Conference, Senators Ruby, Priest and Bell.

Under direction of the President the Secretary notified the House of the appointment by the Senate of said Committee of Conference, with request that the House appoint a like committee.

The Secretary also informed the House of the action of the Senate on Senate bill No. 87, "An Act providing for the payment of district attorney's *pro tem*."

Also, substitute for Senate bill No. 130, "An Act to incorporate the 'Texas Odd Fellows' University and Orphans' Home."

Also House bill 153, "An Act appropriating money to pay a claim upon vouchers against the State."

On motion of Senator Ruby the special hour for executive session of the Senate was postponed until the business before the Senate was disposed of.

[Senator Ruby in the chair.]

The question reoccurring upon the motion of Senator Pickett to amend Senate bill 218, by striking out section thirteen, the yeas and nays were called and resulted as follows :

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

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

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

Motion to strike out lost.

Senator Pickett moved to amend by striking out sections fourteen, fifteen and sixteen.

Yeas and nays called and resulted as follows :

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

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

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

Motion to strike out lost.

Senator Ford offered the following amendment :

Amend section fourteen by adding to line five: "And any officer selling property of any kind whatever without advertising the same, as required by this section, shall be responsible for all damages that any party may sustain."

The yeas and nays called and resulted as follows :

Yeas—Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertz-

berg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—17.

Nays—Cole, Pickett, Pyle—3.

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

Amendment adopted.

Senator Priest offered the following amendment:

Amend section sixteen, line one: Strike out the words "section one" and insert the words "the provisions."

Adopted.

Senator Fountain moved the engrossment of the bill as amended.

Yeas and nays taken:

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

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

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

Absent—Senator Pyle.

Bill passed to engrossment.

On motion of Senator Priest the rules were suspended and Senate bill No. 218 made the special order for to-morrow at 10:15 A. M.

BILLS.

By leave, Senator Fountain introduced the following bill: "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof."

Read first time and referred to Committee on Judiciary.

[President resumed the chair.]

On motion of Senator Fountain, Senate went into executive session.

IN THE SENATE.

On motion of Senator Saylor, Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 8, 1870.

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

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

Under direction of the President the Secretary carried to the House for the signature of the Speaker enrolled bill (Senate bill 224), "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature;" also enrolled bill (Senate bill 94) "An Act to expedite the construction of the Southern Pacific Railroad."

Special order, Senate bill 218, "An Act regulating public printing;" on motion of Senator Priest was referred to Committee on Judiciary.

Special order, Senate bill 200, a bill entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges," read second time and made special order for Wednesday, July 13, at 12 M.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 7, 1870.

To the Honorable Senate of the State of Texas:

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

William Chambers, for judge of the District Court for the first district.

L. W. Cooper, for judge of the District Court for the third district.

M. Priest, for judge of the District Court for the fourth district.

Albert H. Latimer, for judge of the District Court for the eighth district.

Jno. G. Scott, for judge of the District Court for the tenth district.

W. H. Andrews, for judge of the District Court for the eleventh district.

C. C. Binckley, for judge of the District Court for the twelfth district.

Charles Soward, for judge of the District Court for the thirteenth district.

E. P. Upton, for judge of the District Court for the seventeenth district.

G. J. Clark, for judge of the District Court for the twenty-fifth district.

Wm. E. Jones, for judge of the District Court for the thirty-second district.

Respectfully,

EDMUND J. DAVIS,
Governor

Message referred to Committee on Nominations, with instructions to report to-morrow at eleven-and-a-half o'clock A. M., and that report be made the special order for that hour.

Report from the Committee of Conference on the part of the Senate:

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee of Conference on H. R. bill No. 115. "to provide for the registration of voters," acting with similar House committee, after full and free discussion of the section (39) under advisement, do recommend that the Senate adhere to its action upon said section, and that the House of Representatives be immediately informed of the same.

G. T. RUBY,
M. PRIEST,
J. G. BELL.

Report received and adopted.

Message from the House with action of same on enrolled bill (H. R. bill 153) "An Act appropriating money to pay a claim upon vouchers against the State," informing the Senate the Speaker had signed the same in open session; whereupon it was signed by the President of the Senate and returned to the House.

Also, report from the Committee of Conference on the part of the House, concurring in the Senate amendment to H. R. bill No. 115, "To provide for the registration of voters."

On motion of Senator Ruby the rules were suspended and the joint reports of the Committees of Conference, striking out section thirty-nine in H. R. bill No. 115, concurred in.

Message from the House informing the Senate of the action of the House on Senate bill No. 40, "An Act to provide for permanently locating the county seat of Robertson county."

Also, enrolled bill (S. B. No. 224) "An Act making an appro-

priation to defray the Contingent and Printing Expenses of the Twelfth Legislature."

Also, enrolled bill (S. B. No. 94) "An Act to expedite the construction of the Southern Pacific Railroad Company," informing the Senate that the Speaker had signed the same; whereupon they were signed by the President of the Senate.

[General File.]

Senate bill No. 66, "An Act to exempt certain property therein named from forced sale." Report and bill read second time. Substitute as reported by the committee adopted.

Senator Fountain offered the following amendment:

Amend section two, line three: insert the word "and" after the word "tools," and strike out the words "and books" after the word "apparatus." Line four, after the word "profession," insert: "and all books belonging to private or public libraries."

Adopted.

Also, amend section two, line eight: Strike out the words "to his trade or profession," and insert "to his private library."

Adopted.

By Senator Pettit: Amend section two, line four, after the word "wagon," insert "one carriage or buggy." Adopted.

Also, strike out all after the word "profession," in section two, line eight. Adopted.

By Senator Pridgen: Amend section two, line four, by adding after "cows," "*and calves.*" Adopted.

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

On motion of Senator Priest rules suspended and the bill, as amended, read third time and passed.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 103, "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.'"

Read second time, and, on motion of Senator Cole, made special order for Monday, July 11, at 12 M.

On motion of Senator Bell, rules suspended to take up Senate bill 162, "An Act to incorporate the Austin Bridge Company."

Bill read second time.

Senator Bell offered the following amendment: Amend section one by inserting the name of T. B. Hunt as one of the incorporators. Adopted.

Bill, as amended, passed to engrossment.

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

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

Absent—Senator Parsons.

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

On motion of Senator Mills, rules suspended to take up Senate joint resolution No. 3, authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him.

Read second time; passed to engrossment. Rules suspended, read third time and passed.

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

Nays—None.

Absent—Parsons.

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

On motion of Senator Ruby, rules suspended to take up House bill No. 17, "An Act entitled an act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas."

Read third time and passed.

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

Nays—None.

Absent—Parsons.

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

On motion of Senator Pyle, Senate adjourned.

**SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 9, 1870.**

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

Message from the House by Chief Clerk, informing the Senate that the House had passed House bill No. 293, "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands;" also House bill No. 95, "An Act to incorporate the Irving Literary Society of the city of San Antonio;" also substitute for Senate bill No. 165, "An Act making an appropriation for certain purposes;" also House joint resolution No. 7, "Joint resolution to remove the mortal remains of Governor Sam Houston from the city of Huntsville to Independence."

Under direction of the President, the Secretary carried to the House, for signature of the Speaker, enrolled Senate bill No. 11, "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as herein stated."

Also, with action of the Senate, substitute for Senate bill No. 20, "An Act regulating the right to keep and bear arms."

Also, with action of the Senate, House bill No. 17, entitled "An Act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Contingent Expenses :

COMMITTEE ROOM,
Austin, Texas, July 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses have examined the following accounts, and I am directed to report them approved and ordered to be paid :

| | |
|------------------------|----------|
| J. H. Burris..... | \$ 40 00 |
| Tracy & Siemering..... | 269 70 |
| Tracy & Siemering..... | 168 00 |

\$477 70

J. S. MILLS,
Chairman of Committee.

Senator Mills moved suspension of rules to consider report.
Rules suspended and report of committee adopted.

Reports of Judiciary Committee :

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 4, entitled "A Bill to authorize district judges to grant corporations," have had the same under careful consideration, and instruct me to report it back with the recommendation that it do not pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 21, entitled "An Act to authorize the Governor to fill vacant offices by appointment;" Senate bill No. 91, entitled "An Act authorizing the Commissioner of the General Land Office to appoint county surveyors until otherwise provided by law," and Senate bill No. 92, entitled "An Act to establish a system of Registration," have had the same under consideration, and believing the purposes sought to be accomplished are fully provided for by other measures of the Legislature, instruct me to report them back, and ask to be discharged from further consideration of the same.

M. PRIEST,
Chairman of Committee.

Laid over under the rule.

Report of Committee on Engrossment :

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 218, "Regulating the Public Printing," and substitute for Senate bill No. 20, "Regulating the right to keep and bear arms," find the same to be correctly engrossed.

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

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 255, entitled "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof," have carefully considered the same, and instruct me to report it back with accompanying amendments, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend by adding to the end of section two, the words: "and said Engineer and Superintendent shall have authority to appoint one draftsman, at a salary not to exceed eighteen hundred dollars per year, and one clerk, at a salary not to exceed twelve hundred dollars per year.

Amend section twelve, line four, by striking out the word "buildings;" and line five, by striking out the word "and" immediately after the word "buildings."

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

Senator Mills moved the bill be made the special order for Monday next.

Senator Ruby moved to lay that motion on the table. Carried.

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

Special message from the Governor by his private secretary.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 9, 1870.

To the Honorable Senate of the State of Texas :

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

A. J. Bennett, for Superintendent of Penitentiary at Huntsville.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 9, 1870.

To the Honorable Senate of the State of Texas :

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

A. G. Malloy, for Financial Agent of Penitentiary at Huntsville.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations, and on motion of Senator Parsons was made the special order for Monday at 11:30 A. M.

The question recurring upon Senate bill No. 255, Senator Ruby moved its engrossment, and on motion of Senator Saylor was made the special order for Tuesday next, 12 M.

Message from the House informing the Senate the Speaker had signed, in open session, enrolled Senate bill No. 11, "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as herein stated," whereupon it was signed by the President.

Under direction of the President the Secretary carried to the House enrolled Senate bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company."

MESSAGE FROM THE HOUSE.

With action of the House, House bill No. 351, "An Act appropriating money to pay the expense of arming and maintaining ranging companies on the frontier, to pay for the erection and maintenance of a military frontier telegraph, and to pay the expense of organization, arming and equipping the State Guard."

Also, with action of the House, House bill No. 297, "An Act to regulate the keeping and bearing of deadly weapons."

Also, enrolled Senate bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company," informing the Senate the Speaker had signed the same in open session, whereupon it was signed by the President.

Report from Committee on Judiciary :

COMMITTEE ROOM,
July 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary to whom was referred Senate bill No. 218, entitled "An Act regulating the public printing," have had the same under careful consideration and the majority of the committee instruct me to report it back with accompanying amendment and recommend that it do pass.

M. PRIEST,
Chairman of Committee.

Amendment by striking out the word "the."

Report received and adopted, and on motion of Senator Fountain the amendment as reported by the committee was adopted and bill read third time.

The hour for special order, Senate bill No. 82, having arrived, Senator Ruby moved its postponement until the business before the Senate was disposed with. Carried.

The question recurring upon Senate bill No. 218; Senator Pickett moved a division of the question.

The Chair ruled the motion out of order.

Senator Pickett appealed from the decision of the Chair.

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

Roll called.

Absent--Senator Ruby.

Senator Ruby came in and answered to his name.

Call suspended.

The question recurring upon the appeal taken from the decision of the Chair, the yeas and nays were called for. Result as follows:

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

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

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

Ruling of the Chair sustained.

The question recurring upon the final passage of Senate bill No. 218,

Yeas and nays taken:

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

Nays--Cole, Evans, Pickett, Pridgen, Pyle--5.

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

Bill passed.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 9, 1870.

To the Honorable Senate of the State of Texas:

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

William Alexander for Attorney General of State.

Lemuel D. Evans for Judge of Supreme Court.

M. B. Walker for Judge of Supreme Court, *vice* William Alexander, declined.

Respectfully,

EDMUND J. DAVIS,

Governor.

Read and referred to Committee on nominations, and on motion was made special order for Monday at 11½ A. M.

On motion of Senator Fountain, the Senate went into executive session.

IN SENATE.

On motion of Senator Fountain Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, July 11, 1870.

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

PETITIONS AND MEMORIALS.

By Senator Ruby: Petition of the citizens of the counties Brazoria, Matagorda and Wharton, praying that the Houston Tap and Brazoria Railway be sold, and for relief.

Referred to Committee on Internal Improvements.

Reports from Committee on Engrossed Bills:

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 50, "to incorporate the Young Men's Real Estate and Building Association of the city of Austin;" also, Senate bill No. 62, "to amend an Act entitled an Act to establish a code of criminal procedure for the State of Texas, approved twenty-sixth day of August, 1856;" also, Senate bill No. 66, "defining the homestead and other property exempt from forced sale in this State;" also, Senate bill No. 252, "for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased," and Senate joint resolution No. 3, "authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him," find the same to be correctly engrossed.

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

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 162, "to incorporate the Austin Bridge Company," and Senate bill No. 218, "regulating public printing," find the same correctly engrossed.

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

Reports from Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,
President of Senate :

The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 224, entitled "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature, and to-day at 4 o'clock P. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

COMMITTEE ROOM,
Austin, July 9, 1870.

Hon. DON CAMPBELL,
President of Senate :

SIR: The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 172, entitled "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company," and to-day at 11:20 o'clock A. M. presented it to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

COMMITTEE ROOM,
Austin, July 9, 1870.

Hon. DON CAMPBELL,
President of Senate :

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 11, entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as herein stated," and to-day at 11 o'clock A. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Education :

COMMITTEE ROOM,
June 29, 1870.

The Hon. DON CAMPBELL,
President of the Senate :

Your committee, to whom was referred the petition and memorial

of certain citizens of Acton, a town located some five miles from the county seat of Hood county, praying "An Act incorporating the Acton Masonic Institute, which shall contain a provision prohibiting within the immediate vicinity of said institute the sale of intoxicating or spirituous liquors under heavy penalties," have had the same under consideration, and respectfully report the accompanying substitute and recommend its passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

COMMITTEE ROOM,
July 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your committee, to whom was referred Senate bill No. 244, entitled "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville Female High School, an institution of learning, located some fifteen miles from the county seat of Smith county," having carefully considered the merits and constitutionality of the same, would beg leave to return the following substitute and recommend its passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Baker: "A bill to be entitled An Act for the relief of N. B. McClelland."

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

By Senator Gaines:

Resolved, That the Sergeant-at-Arms do report why he has not received the ice for the Senate.

On motion of Senator Gaines resolution adopted.

By Senator Baker:

Resolved, That the Sergeant-at-Arms is hereby directed to purchase such articles of stationery for the use of the Senate as may be required. Adopted.

By Senator Priest: A bill to be entitled "An Act to authorize supreme and district judges, district clerks and their deputies, and justices of the peace, to take acknowledgments of deeds and other instruments required by law to be recorded."

Read and referred to Committee on Judiciary.

By Senator Fountain: "An Act to organize the county of Presidio." Read first time.

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

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

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

Rules suspended, bill read third time and passed.

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

Absent—Gaines—1.

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

By Senator Ruby: A bill to be entitled "An Act to establish and incorporate the Beneficial Society of Galveston."

Read first time, referred to Committee on Judiciary.

By Senator Pickett:

JOINT RESOLUTION.

WHEREAS, The name and services of General Ed. Burleson being familiar with every Texan, and, in consideration of his services, his memory is entitled to respect; therefore,

Section 1. *Be it resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to have the portrait of General Burleson suitably framed, and that the sum of one hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Resolution read first time.

Rules suspended on motion of Senator Pickett, read second time, passed to engrossment.

Rules suspended, read third time and passed.

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

Nays—None.

Absent—Pettit.

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

Message from the House informing the Senate the House had passed House bill No. 177, "An Act for the relief of Harvin W. Moore;" also House bill No. 146, "An Act legalizing the acts of

the Police Court of Goliad county, in acting under the acts of the Legislature of 1866;" also enrolled bill, "An Act to provide for the registration of voters," informing the Senate the Speaker of the House had signed the same in open session, whereupon it was signed by the President of the Senate and returned to the House.

By Senator Hall: "An Act to incorporate the Texas Timber and Prairie Railroad Company," read first time and referred to Committee on Internal Improvements.

On motion of Senator Parsons, rules suspended for the consideration of House bill 139, "An Act authorizing the construction of a ship channel from Bolivar Point to Houston."

Pending reading, on motion of Senator Parsons the consideration of the special order, Senate bill 254, was postponed until the subject before the Senate was disposed of.

On motion of Senator Parsons rules suspended, and bill read second time.

Senator Fountain offered the following amendment:

Amend section one by striking out the names of Wm. Hutchins, Wm. M. Rice, T. H. Mundine and Samuel Harper. Adopted.

On motion of Senator Parsons was made the special order for tomorrow at 10:30 o'clock A. M. and one hundred copies ordered to be printed.

On motion of Senator Parsons the several special orders were postponed to be taken up in their order consecutively.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 11, 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 R. Burnett, judge of the District Court for the thirtieth district.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate joint resolution No. 3, "Authorizing and requiring a settlement of accounts of the late State treasurer and refunding a balance ascertained to be due him."

Also, Senate bill No. 50, "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Also, Senate bill No. 62, "An Act to amend an act entitled an act to establish a code of Criminal Procedure for the State of Texas, approved twenty-sixth day of August, 1856."

Also, substitute for Senate bill No. 66, "An Act defining the homestead and other property exempt from forced sale in this State."

Also, Senate bill No. 162, "An Act to incorporate the Austin Bridge Company."

Also, Senate bill No. 218, "An Act regulating public printing."

Also, Senate bill No. 252, substitute for Senate joint resolution No. 11, "An Act for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased."

On motion of Senator Pettit, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas," was made the special order for to-morrow at eleven o'clock A. M.

On motion of Senator Baker Senate bill 106 was made the special order for Thursday at eleven o'clock.

Twelve o'clock M.—Senate went into executive session.

IN SENATE.

Message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 11, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : Henry Seeligson, Jonathan Payne, Wm. Westhoff, R. M. Forbes, and James Archworth, for Pilot commissioners for Pass Cavallo bar and Matagorda Bay.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations, and made special order for to-morrow at 12:30 P. M.

Senate went into executive session.

IN SENATE.

Message from the Governor :

EXECUTIVE OFFICE,
Austin, July 9, 1870.

To the Honorable Senate and
House of Representatives

of the State of Texas :

GENTLEMEN : I have the honor to inform you that the following named acts have been received by me and approved, to-wit :

"An Act making an appropriation to defray the printing and

contingent expenses of the Twelfth Legislature." Approved June 8, 1870.

"An Act to create and provide for the organization of the county of Rains." Approved June 9, 1870.

"An Act authorizing quarantine on the coast of Texas and elsewhere within the State." Approved June 10, 1870.

"An Act to provide for the protection of the frontier." Approved June 13, 1870.

"An Act 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 first of August, 1870." Approved June 15, 1870.

"An Act to provide for the distribution of the money in the State treasury which is due to the several counties in the State." Approved June 15, 1870.

"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 and district judges and courts." Approved June 18, 1870.

"An Act to legalize an ordinance adopted by the Convention on the thirteenth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties." Approved June 18, 1870.

"An Act to incorporate the Magnolia Grove Association." Approved June 20, 1870.

"An Act making 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." Approved June 23, 1870.

"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." Approved June 23, 1870.

"An Act to provide for the enrollment of the Militia, the organization and discipline of the State Guards, and for the public defense." Approved June 24, 1870.

"An Act to incorporate the Island City Real Estate and Homestead Association." Approved June 24, 1870.

"An Act authorizing F. A. Vaughn, Wm. Safford, and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river near the town of Seguin." Approved June 28, 1870.

"An Act to provide for the appointment by the Governor of certain officers to fill vacancies." Approved June 28, 1870.

"An Act to incorporate the Texas Banking and Insurance Company." Approved July 1, 1870.

"An Act permanently establishing the county seat of Hopkins county." Approved July 1, 1870.

"An Act to establish State Police and provide for the government of the same." Approved July 1, 1870.

"An Act for the relief of the East Texas Agricultural and Mechanical Association." Approved July 2, 1870.

"An Act to provide for districting the State of Texas into judicial districts." Approved July 2, 1870.

"An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature." Approved July 8, 1870.

"An Act appropriating money to pay a claim upon vouchers against the State." Approved July 8, 1870.

"An Act to incorporate the Agricultural Stock Raising and Industrial Association of Western Texas." Approved July 8, 1870.

Respectfully,

EDMUND J. DAVIS,

Governor.

Senate went into executive session.

IN SENATE.

On motion of Senator Pyle, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Tuesday, July 12, 1870.

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

Report of Committee on Stock and Stock Raising:

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred the bill entitled "An Act regulating the sale and inspection of animals, and the inspection of hides," (Senate bill No. 25,) instruct me to report the bill back to the Senate with a substitute, and to recommend the passage of the substitute.

THOS. H. BAKER,

For Committee on Stock and Stock Raising.

Laid over under the rules.

Message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 12, 1870.

To the Honorable Senate of the State of Texas:

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

B. F. Barclay, for Brigadier of Militia.

T. C. Barden, for Judge of the District Court for the Sixteenth District.

A. T. Monroe, for Brigadier General of Militia.

J. A. Williamson, for Judge of the District Court for the Twenty-eighth District.

L. Norton, for Judge of the District Court for the Ninth District.

J. W. Oliver, for Judge of the District Court for the Thirty-third District.

Respectfully,

EDMUND J. DAVIS,

Governor.

Report of Select Committee :

COMMITTEE ROOM,
July 12, 1870.Hon. DON CAMPBELL,
President of Senate :

Your select committee, having under investigation charges preferred against certain Senators, to-wit, M. H. Bowers and others, which charges are of a grave and serious character, and are on file with the Secretary of the Senate, do submit the following report.

Your committee have, by virtue of the authority given them, taken much testimony, the gravity of the charges requiring great care and caution and much time, in view of doing justice to all the parties charged therein, and your committee not having yet completed their labors in taking testimony, and as the testimony already taken fully establishes the charges preferred, that said Senators, in utter disregard of the rules of the Senate and their duty to the people of this State, left the Senate pending a question on a great State measure, breaking a quorum and preventing legislation. That said Senators refused to return to their seats and duties in the Senate, when first required to do so by the sergeant-at-arms, and so refused for some time until arrested by said sergeant-at-arms by order of the President, who made such order by direction of the Senate; and that said Senator M. H. Bowers had previously declared that it was the intention of himself and other Senators to resign and break a quorum, rather than the measure then pending when they withdrew should pass into a law; in the execution of which premeditated purpose and intention he was assisted by other Senators, who acted under his influence, and thus became *particeps criminis* in the revolutionary, unpatriotic and disgraceful design and intention of breaking up the Senate, and thus hindering and preventing the reorganization of the State, so much desired by all good and patriotic citizens.

It also appears that certain parties with whom said Senators were politically affiliated, and who met and counseled with them, did attempt by bribery to defeat the passage of the State measure above alluded to. These facts and others appearing in the testimony already taken, show conclusively that said Senators, or some of them, justly deserve to be expelled, and *all* to be punished for such contempt of the Senate and revolutionary conduct. As said Senators have been suspended and deprived of their places in the Senate by reason of said arrest for several days, and if your committee should be required to prosecute their investigation to a full and final completion, as they are required to do by order of the Senate, said suspension of said Senators would be continued to the close of the

present session, while great measures of State policy are pending, in which the whole people of the State should have a voice, but of which a large portion are now denied by reason of the conduct of said Senators ingloriously and shamefully, to their own great discredit, leaving and abandoning their seats and posts in the Senate, without provocation, without excuse, in utter disregard of their duty as Senators, and the rules of the Senate, all of which appears in the testimony already taken, to which reference is here made, and the same made a part of this report, marked exhibit A. Your committee submit that the Senate of Texas can afford to be magnanimous as well as just towards those erring Senators, who deny any *conspiracy* to resign and break a quorum, and thus prevent the enactment of laws and the reorganization of the State, and denying also any contempt of the Senate by their said conduct; and your committee understanding that said Senators, or some of them, are willing so to declare, do report the following resolutions and recommend their adoption:

Resolved, That as many of said Senators, now under arrest, as may, upon their honor as Senators, the day after the adoption of these resolutions, file their disclaimer of "all premeditated design to break a quorum and prevent the enactment of laws and the reorganization of the State, or intentional contempt of the Senate," be permitted to resume their seats and their functions as Senators, with the additional suspension of one day from the filing of said disclaimer.

Resolved further, That if any of said Senators shall fail or refuse to file such disclaimer within the time prescribed in the foregoing resolution, such Senators so failing or refusing shall be and they are hereby suspended for and during the present session, and that said select committee be discharged from further consideration of the subject.

FOUNTAIN,
Chairman.

[EXHIBIT A.]

June 22—Mr. A. Faulkner sworn:

Is Sergeant-at-Arms of the Senate, presents the warrant of arrest, and says:

I proceeded with it to room No. 11 immediately after I received it. The door of the room was locked on the inside. I demanded admission and told them to open the door. Some one came to the door and asked me if I would carry a message to the Senate if they would let me in. I said I had a summons for every one of them and I wanted to get in to serve it. That I would carry the message or send it if they would push it under the door. They did not let

me in, but said they wanted to see Senator Parsons. I then went around to the window; found it closed—the sash up on the outside and the shutters closed on the inside. I pushed open the shutter and saw Senator Alford, and caught him by the arm and arrested him. Some one on the other side pushed the shutter to, and caught my arm, when I pulled my arm out and had to let go of him. Senator Alford himself used force in closing the shutter upon me. I then went around to the door and called to Senator Alford to come out. I told him I had seen and summoned him, and demanded that he come out. Returned to the Senate for instructions whether I should make a forcible entry into the room, carrying with me a verbal message to Senator Parsons. I then received instructions from President Campbell to get into the room, if possible, and get as many as four of the Senators. I then went down to the outside window, and the shutter was slightly open, when I plunged through the shutter and fell head over heels among them. I then summoned them all. Then I demanded that they all go with me up to the Senate chamber immediately. Some one then said: "All right, Faulkner, we will not put you to any further trouble." The room was dark after I arose, about a few seconds, as they had again closed the shutters. Bowers said he would not put us to any more trouble. There was then a message brought to the window from Senator Parsons. Bowers said, let me read this communication. They remained a short time, passed the communication around, and read it among them, when Bowers said: "Come on, boys, let us all go to the Senate chamber."

[Senator Parsons produced at this stage a copy of the communication before the committee, which stated that Senators in seats refused to hold any intercourse with them, or permit him to hold the same except through the proper officer of the Senate.]

When I opened the door to take the Senators up, I instructed the assistant sergeant-at-arms to make for them if they attempted to escape and secure four of them. I stood at the door of the Senate chamber and saw them all pass in before I reported, having counted them. I then went to the presiding officer and reported them all present. I entered forcibly. I regarded my entry as forcible, and that I could not have entered otherwise than by force.

(Signed,)

A. FAULKNER,

Sergeant-at-Arms Senate of Texas.

Sworn to and subscribed before me this twenty-third day of June, 1870.

(Signed,)

A. J. FOUNTAIN,
Chairman Committee.

June 23—Thomas Powell, assistant sergeant-at-arms, sworn:

Was on guard at room No. 11 when bolting Senators were locked in; placed there by Mr. Faulkner. He did not get into the room through the doorway, and must have got in through the window on the outside. He came out with all the Senators in arrest, and instructed me if any of them tried to escape to secure four of them. He told me to bring up the rear, and if they broke ranks for me to gather two of them and he would gather two of them. I heard him tell Mr. Alford that he must come out; he had seen him and arrested him, and he must come out. He would not come out and did not come out until Mr. Faulkner had broken into the room and brought them all out in arrest.

(Signed,)

THOS. POWELL.

His X mark.

Sworn to and subscribed before me this twenty-fourth day of June, 1870.

(Signed,)

A. J. FOUNTAIN,
Chairman Committee.

June 24--Col. John W. Glenn sworn:

On or about Monday the twentieth instant, about four or five o'clock in the afternoon, coming up the Avenue, on the East side, in front of Mitchell's Restaurant, on the pavement, where a crowd was passing, I met Senator Bowers in company with another gentleman in earnest conversation, Col. Flournoy being with me at the time. I congratulated Senator Bowers upon the ability with which he had argued his side of the question in the Senate, stating that I did not believe the human mind was capable in the premises of making an abler argument; stating further, that that was all the good it would accomplish; they could not defeat the bill, and I hoped that as sensible men they would waive further factious filibustering opposition to a speedy final vote. He replied, "Mr. Glenn, the bill will never become a law" (or be passed), as there are twelve of us solemnly sworn to resign after the bill reaches its engrossment, thereby breaking the quorum and preventing its passage." I stated that if he would solemnly inform me that he himself intended to pursue such a course, from my knowledge of the man, I believed he would do so, but that I did not believe he could get eleven other senators to follow him like sheep in the matter. He replied, "You will see, sir! We believe it a duty we owe to our constituency to do so, and the highest service we can perform to our State." Col. Flournoy and myself then proceeded up into the city; and in view of the public manner that this had been communicated to me, and the deep impression by it upon my mind, I informed several senators of the

occurrence, and obtained a friend to communicate the same to his Excellency the Governor, and also give him the history of the breaking the quorum of the Indiana Legislature, pending the discussion of, and just previous to the adoption of the fifteenth amendment by that Legislature.

Ques. Did Senator Bowers make any statement in that conversation relative to a meeting having been held by twelve senators?

Ans. Yes, he stated twelve of us had a meeting and solemnly swore (or are sworn) to resign in a body, etc., as I have already stated in the body of the affidavit. The next morning after the conversation with Senator Bowers in the street, and in the Senate Chamber, in conversation with Senator Pyle, I repeated to him the conversation which had occurred between Senator Bowers and myself the previous afternoon, and urged him as a good citizen, to use all his influence to dissuade any and all members of the Senate from such a course. He replied, that he had opposed it from the beginning and should continue to do so. In the afternoon, when the members, who had withdrawn, were brought back into the Senate Chamber, in the custody of the officer, in a bantering tone of voice I asked Senator Pyle if he had his resignation written out and in his pocket ready for use. His reply was, "No! nor do I intend to resign. I have bitterly opposed it; but others have their resignations in their pockets." He subsequently stated to me, it was the most suicidal and foolish thing the Democracy of the Senate ever committed.

[Signed]

JOHN W. GLENN.

Sworn to and subscribed before me this 24th day of June, 1870.

[Signed]

A. J. FOUNTAIN,
Chairman Committee.

June 24—Col. Geo. Flournoy sworn :

I, in company with Colonel Glenn, during the pendency of the militia bill, met Senator Bowers on the Avenue, and a conversation came up on the militia bill. Senator Bowers stated that there were thirteen members of the Senate who had sworn to resign if the bill passed, or to prevent its passage, I am not sure which, but I think the latter. Major Glenn ridiculed the idea, and Senator Bowers then stated that there were twelve senators sworn to resign. I noticed the dropping of one on the second statement. Major Glenn laughed at him, and told him in effect, in a gentlemanly way, substantially that he did not believe it, and ridiculed the idea. His manner was determined and decided, but I regarded his statement as mere bravado. His style of expression and determination led me in a measure to conclude it was bravado;

and the general manner of the whole conversation led me to believe it was threats merely. When I observed the democratic senators had left their seats I was reminded of the conversation, which was had at the time they left the Senate Chamber. I had been sitting there all day waiting for a final vote. This conversation with Senator Bowers was the day previous to the Democrats leaving the Chamber.

[Signed]

GEORGE FLOURNOY.

Sworn and subscribed to before me this 24th day of June, 1870.

[Signed]

A. J. FOUNTAIN,
Chairman Committee.

June 25—Hon. John Hancock sworn :

Q. Were you present at any meeting of the Senators that broke the quorum, and where the breaking of the quorum was discussed prior to the breaking of the quorum ?

A. I was not.

Q. Have you conversed with any of the Senators who broke the quorum, prior to the breaking of the quorum, relative to that matter ?

A. Prior to the day on which I understand the quorum was broken, I had a conversation with a Senator, Mr. Bowers, in which conversation he expressed an apprehension that Senators would resign in the event of the passage of the militia bill then before the Senate. I expressed a hope nothing of that kind would occur, to which Bowers rejoined, "I would regret it, but I doubt if it can be prevented."

Q. Did you ever hear any Senator say that he would resign for the purpose of preventing the passage of the militia bill ?

A. No, I don't think I ever did hear any Senator express himself in that way. I have heard Senators express their willingness to resign if it was deemed best they should do so.

Q. When they said they would resign, had that any reference to breaking a quorum ?

A. I so understood it; I don't think they said they would resign, but they were willing to resign if it were deemed best.

Q. Who were those Senators who expressed their willingness to resign ?

A. Senator Dahoney, Dr. Pyle; I don't think I heard any one else prior to the breaking of the quorum. Senator Bowers I heard say that he expressed himself to that effect to others, but he did not do so to me. He, Senator Bowers, stated that, in some jesting or bantering conversation, that Col. Flournoy and Col. Glenn, in reply to the subject of the militia bill passing, said there was no danger of that—because twelve of us have determined to resign first, which he

said, at the time, he thought no more of until reminded by some one else.

Q. Do you know of any party or parties having had or offered any money or moneys for the purpose of influencing the passage of the militia bill?

A. I do not.

Q. Do you know of any attempt having been made to bribe a Senator or Senators to vote against this bill?

A. I do not.

Q. Do you know of any person or persons having been authorized to offer money to a Senator or Senators for the purpose of inducing them to vote against the militia bill?

A. I do not.

Q. Was it before or after Senator Bowers was arrested that he told you that he had said to Col. Flournoy and Glenn that twelve Senators would resign?

A. It was after. I know it was the night after I understood he was arrested.

Q. Did you know that the quorum would be broken upon the engrossment of the militia bill?

A. No sir.

Q. Do you know, from any information prior to the passage of the militia bill, that an attempt would be made to break a quorum?

A. I do not; nor did I expect it.

(Signed)

JOHN HANCOCK.

Sworn to and subscribed before me this twenty-fifth day of June, 1870.

(Signed)

A. J. FOUNTAIN,
Chairman of Committee.

June 25—Governor Throckmorton sworn:

Know all the seceding members of the Senate. Have no knowledge of a design to break a quorum. Do not know of any disposition of any of those gentlemen to resign to break a quorum. Was not present at any meeting where the question of the breaking a quorum was discussed prior to the time of breaking the quorum.

Q. Do you know of any party or parties having had or offered any money or moneys for the purpose of influencing the passage or the defeat of the militia bill?

A. I do not. I think I was present at a meeting the night the quorum was broken. I can give you, briefly, all that occurred. I think most all but Senator Clark was there. A chairman of the meeting was appointed. The meeting was held in the old postoffice.

A number of other gentlemen were there. The gentleman who was chairman explained the occurrence in the Senate Chamber, and asked advice as to what course it would be proper to pursue. One or two Senators made statements in regard to the then state of affairs.

Q. Do you know of any person or persons having been authorized to offer money to a Senator or Senators for the purpose of influencing them to vote against the militia bill?

A. I do not, of my own knowledge.

Q. Do you know of any attempt having been made to bribe a Senator or Senators to vote against the militia bill?

A. I cannot say that I do of my personal knowledge.

Q. Have you ever had any conversation with Mr. Hancock relative to Senators being bribed to vote against the militia bill?

A. We had a conversation on that subject as to what had been heard and said in relation to such subject.

Q. Please give the substance of any such conversation you may have had with Mr. John Hancock?

A. It was a loose conversation, probably once or twice, I had with him in regard to it. I do not recollect it.

Q. Was the impression left upon your mind by such conversation that a Senator or Senators could or would be influenced by bribery to vote against the militia bill?

A. My first impression was that such might be the case, but subsequently that it was not so.

Q. Do you know of any party or parties having in their possession moneys that were to be used, if possible, to bribe Senators to vote against the militia bill?

A. I do not.

Q. Mention the exact conversation, as near as you can, that you had with Judge Hancock in reference to Senators being bribed?

A. My impression is that in my conversation with Judge Hancock he mentioned there were certain Senators who could be influenced to vote against the bill, or might be.

Q. Did Judge Hancock have any authority that you know of to authorize any person to offer a stipulated sum to a Senator or Senators, to influence his or their vote on the militia bill?

A. He had no authority that I know of.

Q. Do you know of three thousand dollars being offered by Judge Hancock for the purpose of influencing the vote of any Senator?

A. I do not.

Q. Did your conversation with Judge Hancock have any relation to three thousand dollars being offered for a Senator's vote?

A. Something was said about that sum being the amount that was required or could be made available to influence a Senator's vote.

Q. Did Judge Hancock have any authority from you to use three thousand dollars for the purpose of securing a Senator's vote against the militia bill, if that amount could be made available for that purpose?

A. He had no such authority from me.

Q. Had the mention of Senator Ford's name any connection with the insufficiency of the sum of three thousand dollars?

A. My recollection is that it had. I cannot say positively what the particular connection was, but my impression was that his vote might be influenced.

Q. Do you know, or did you believe, during that conversation, that an attempt had been made to influence the vote of Senator Ford by the use of money, or that such an attempt would be made?

A. I did not know. I presumed he had been talked to on the subject, or if not conversed with that it was believed he might be influenced.

Q. Was Senator Saylor's name used in your conversation with Judge Hancock?

A. I do not believe that it was.

Q. Was Senator Gainé's name used in that conversation?

A. I do not think that it was.

Q. Do you know who was the custodian of the \$3000 spoken of in the conversation you had with Judge Hancock?

A. I do not.

Q. Did you hear, in conversation with Judge Hancock, or was it spoken of, that money was ready at some place, specified or otherwise, to secure a Senator's vote?

A. The impression made on my mind was that as an attorney Judge Hancock could control that amount of money—or had been spoken to in that capacity. That if any such sum was to be used it was to be furnished by clients, but no place was specified where it was on deposit.

Q. Did Judge Hancock apply to you to raise more money than three thousand dollars for the purpose of securing a vote?

A. I do not think he did—certain I am that I made no such effort.

Q. Did he say to you that a vote could be secured for five thousand dollars or for a larger sum than \$3000?

A. I have answered this before as well as my recollection serves; something, I think, was said in regard to the amount being necessary to be increased.

Q. Do you know of any consultation or consultations between parties, not Senators, with a view to influencing the vote of a Senator, by the use of money, on the militia bill, and, if so, who were the parties?

A. I remember of no such consultations more than before stated.
(Signed) J. W. THROCKMORTON.

Subscribed and sworn to before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

June 27—J. D. Elliott sworn :

Question. Do you know the Senators who left the Senate Chamber on the 21st day of June, for the purpose of breaking a quorum?

Answer. I know them.

Ques. Did you know they intended to break a quorum?

Ans. No, sir, I did not.

Ques. Did you have a conversation with a Senator or Senators relative to breaking the quorum?

Ans. No, sir. I had not, one or more. I never heard the subject bruited; I was with Senator Bowers, and spent a night at his house, and never heard him make any intimation in any shape or form.

Ques. Did you ever hear the question of resignation mooted or discussed by the Senators who broke the quorum, or by any portion of them?

Ans. I did not, sir.

Ques. Was you present at a meeting of the Senators, held in a committee room in the capitol, immediately after the breaking of the quorum?

Ans. I was in a committee room in the State House.

Ques. For what purpose were you there?

Ans. I was consulted by them in the committee room. I was present in the Senate at the time the Senators named withdrew from the Chamber; I was taken by surprise at their action, having had no previous intimation of such a purpose, and went to the committee room, where I was informed they would assemble, and was invited into the room by Senators. While there, I was consulted by them as to their course of procedure; I was informed by the members that they were taken by surprise by the ruling of the President of the Senate, and the call made by Senator Fountain for the previous question, in face of an existing agreement made between Senator Bowers and Senator Parsons, wherein it was stipulated that discussion might be heard upon the engrossment of the bill. It was, moreover, stated by them that they had retired for consultation in view of such statement of facts. My advice to the Senators, that if

they had predetermined to break a quorum, with a view of defeating the passage of the militia bill, the only manly course left for them to pursue was to tender their resignations in a body; but if such predetermination did not exist, it did not become them to run away from the Senate Chamber, and my advice was for all of them promptly to return. The Sergeant-at-Arms came in at the back window; the blinds were open at the time, and the window up. The sergeant-at-arms announced, on coming into the room, that he had a process for four Senators. I stated to the sergeant-at-arms that if he would suspend action for a few moments, I had reason to believe that all the Senators would voluntarily return to the Senate Chamber. In a few moments thereafter they did return, and if any arrests were made I did not see it.

JOHN D. ELLIOTT.

Sworn to and subscribed before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

June 27—Re-examination of Governor Throckmorton :

•Question. On Saturday you stated that you believed Judge Hancock had said that if any money was to be used, it was to be furnished by clients, and that he was acting in the capacity of an attorney?

Answer. My impression is, in a casual conversation with Judge Hancock and one other, that he said he acted as an attorney.

[Note.—This question was subsequently answered by the Governor himself in writing, and he requested that the words "one other" be erased from the above answer.]

Answer in writing by the Governor :

"The impression made upon my mind was that Judge Hancock either had clients or friends who might be willing to use money to defeat the militia bill."

Ques. Do you know who Judge Hancock was acting for; that is, who was his client or clients?

Ans. I have not the slightest knowledge.

Ques. Do you know of any money being deposited with Judge Hancock, or subject to his order, that was to have been used to defeat the militia bill?

Ans. I know of none. The conversation alluded to by me with Judge Hancock was casual, and to which but little importance was attached by me. From what passed I presumed some person, not a member of the Legislature, had informed him that such person had sufficient influence with a Senator or Senators as to defeat the bill, and that Hancock had said to such person, that in the event that the

militia bill was defeated, his informant could have from his clients or friends an amount of money, but that he himself had no money to use for such purpose; that Judge Hancock did not anticipate any Senator to be approached with money; that subsequently he declined any connection with the matter whatever, and which was before the passage of the bill.

(Signed)

J. W. THROCKMORTON.

Subscribed and sworn to before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

June 27—M. P. Hunnicutt sworn :

Question. What is your business ?

Answer. A detective.

Q. By whom were you employed in your present capacity ?

A. By Governor Davis.

Q. Was the answer to the first interrogatory in Senator Saylor's affidavit just read true ?

A. Yes.

Q. Have you had a conversation with Judge Hancock since you approached Mr. Saylor ?

A. Yes.

Q. State the whole of that conversation as near as you can recollect.

A. I went back to him and told him I could not do anything with Saylor, but I thought there was another Senator that I could. He wanted to know who it was, and I told him it was Ford. I was told to see Ford, and let him know. I saw Ford and made the proposition, and Ford said there was not enough money offered, as he had understood there was ten thousand dollars offered. Ford told me that if he would raise it to five thousand he would go into it. I reported to Hancock what Ford said, and Hancock said he thought that was all the money there was, but he would see and let me know in a little while. This conversation occurred in Thompson's bar-room, and as we went out at the door Governor Throckmorton was standing in the door with others. He took Throckmorton by the arm and went out on the bridge with him in front of Thompson's, the bridge over the gutter, and in a few minutes he came back and said that three thousand dollars was all they had. He made the remark then that they were damned stingy with their money anyhow, for such a thing as that. That he was only using and offering the money as attorney for other parties. He said he did not have any money, and if he had he would not put it in such a thing as that.

Q. Was there any other person than Governor Throckmorton, with whom Judge Hancock conversed from the time he left you until he returned and said the parties could not raise any more money?

Ans. There was not.

Ques. Had you your eyes on him all the time?

Ans. I had.

Ques. What next transpired?

Ans. That ended the conversation for the night; the next morning I saw Hancock, and told him I might probably still get Ford into it, and I came up to the Capitol to see Ford, and on my way up I was overtaken by Broughton, who told me that Judge Hancock wanted to see me in the Federal Court-room immediately. I went back to the court-room and saw Judge Hancock, who said he had found out since I left that Ford would not do to tie to, and said that I had better let him alone; I told him I would do as he said. I afterwards casually remarked to him, "I guessed he was right." All of the above conversation occurred between Wednesday and Friday evening, the seventeenth instant. On Saturday, the eighteenth, I made a proposition to him, to keep one Republican Senator away from the chamber until Thursday night, and prevent his vote on the militia bill. He told me that would do them no good, and declined to use the money. He proposed several times that he would take me and satisfy me the money was safe, that I might see and count it. He also said, if I would bring him a pledge, signed by Mr. Saylor that he would vote against the bill, he would pay one-half of the money down, and the other half when he cast his vote, or deposit the whole of it almost any place he might suggest.

Ques. Have you seen and conversed with Judge Hancock since he was examined before this committee, and if so, relate the conversation between you?

A. I conversed with Judge Hancock on Sunday. He told me he had been before the committee, and the purport of his statement to me was, that he made a general denial; he denied, he said, everything before the committee; he told me he was asked, before the committee, if he knew of any person who had been authorized to offer money to bribe a senator or senators to vote against the militia bill, and he said to me he had denied it; he told me I must deny and not use his name; he told me to deny everything if I was brought before the committee. He met with me on yesterday evening, and requested me to sign a paper denying everything; he had a paper drawn up, making a general denial of the material facts in the case, and he pressed me so close, that I got out of it by asking him to write me a copy of it, so that I might have it in his own

writing; he said he would prepare a copy and I should have it this morning, but I did not go for it.

(Signed.)

M. P. HUNNICUTT,

Subscribed and sworn to before me.

(Signed.)

A. J. FOUNTAIN,

June 28—Senator Saylor sworn: Question. Was you, at any time prior to the passage of the militia bill, approached by any party for the purpose of influencing you to vote against the Militia bill? if so, state who the party was, and the conversation that occurred.

Ans. I was approached prior to the passage of the militia bill by a party by the name of Hunnicutt, and informed that I could, by voting against the militia bill, get three thousand dollars for so voting.

Ques. Did Hunnicutt tell you who had authorized him to make you this offer?

Ans. Mr. Hunnicutt informed me that he was sent by John Hancock to know if that amount would change my vote, if so, he (Hancock,) would furnish the amount.

Ques. What was your reply?

Ans. I informed Mr. Hunnicutt that I had made up my mind to vote for the bill, and no amount of money would change my vote one way or the other, and I wanted no more such propositions sent to me.

(Signed.)

W. A. SAYLOR,

Sworn to and subscribed before me.

A. J. FOUNTAIN,

Chairman Committee.

June 28—Senator A. J. Fountain sworn: My name is A. J. Fountain. I am a State Senator. On the afternoon of June 21, after the vote had been taken on the Flanagan amendment to the militia bill, I moved the previous question. The motion was seconded by Senators Ruby, Saylor, Bell and several other Senators whose names I cannot now remember. The secretary was then directed to call the roll on the ordering of the previous question. The secretary had called several names when I heard a movement behind me, and looking around saw Senator Bowers moving rapidly towards the door. He was followed by Senator Alford and several others, among whom were Senators Broughton and Douglas. A moment after he had passed out Senator Bowers returned to the door and motioned to Senator Flanagan to come out. He stamped his foot and gesticulated violently. About this time Senator Ruby was on the floor calling for a call of the Senate. Senator Flanagan then left the

chamber, and I believe—but am not certain—that Senator Clark left about the same time. There was a great deal of confusion, amidst which the doors were closed. When the roll was called thirteen Senators were found to be absent, and there was no quorum. I then moved that the sergeant-at-arms be directed to arrest the absent Senators. The sergeant-at-arms went out and shortly after returned, and reported that the absent Senators were locked in a committee room and refused him admittance. I then moved that the sergeant-at-arms be directed to make a forcibly entry into the committee room, and arrest at least a sufficient number of Senators to complete a quorum. The sergeant-at-arms then went out and in the course of fifteen minutes returned with the thirteen Senators in his custody.

(Signed.)

A. J. FOUNTAIN.

June 28—Gen. W. H. Parsons, Senator, sworn: Senator Flanagan closed the regular debate, as had been arranged by programme by Colonel Elliott; Senators Douglas and Broughton on behalf of Senator Bowers, Colonel Glenn, Senator Ruby and Senator Fountain on behalf of Senator Parsons, it having been mutually agreed between Senator Bowers and Senator Parsons to refer the order of debate, or its programme, to said gentlemen as the referees or mutual friends of said Bowers and Parsons. The programme, as arranged by said referees for the last two days' debate, although Senator Bowers said he repudiated the agreement so soon as the decision was announced; nevertheless and notwithstanding, said programme so agreed upon by said referees thus mutually chosen, with the obligation to abide by their decision, which was originally proposed by Senator Bowers himself, to which we had agreed to submit, was actually carried out to wit: Senator Campbell to speak first, Bowers second, Fountain third, Broughton fourth, Senator Parsons fifth, to close on behalf of the administration. The point of compromise being that Senator Flanagan, who had opened the debate, should close the same without authority to delegate that right to another. Senator Bowers at the time of the announcement of the decision of the referees so mutually selected, which announcement was made whilst Senator Campbell was speaking, although at that moment the announcement was thus made to him, did state that he would not stand it then, yet, when Senator Campbell ceased speaking, he, Senator Bowers, took the floor, thereby tacitly assenting to the agreed programme. The balance of the speeches, which were also delivered, being delivered in the precise order of the aforesaid programme. When Senator Flanagan closed the regular debate, as had been thus programmed by the referees, I was approached in my place by Senator Bowers with

the inquiry as to what I now intended. I stated that I was determined to force a vote that evening at all hazards, as the majority had exhausted the courtesy of debate by giving every member of the minority a chance to speak if he desired; that the argument was exhausted, and that a decision must now be had; that further opposition by the minority would be futile filibustering; that upon his insisting that more speeches should be made I replied they should not be made upon that question of the amendment if I could help it, but that a vote must be had; upon his still insisting, I replied that personally I was indifferent as to whether the debate was renewed at the last stage of the second reading of Fountain's substitute, or upon its third reading and final passage. This conversation I communicated to no Republican Senator, regarding it a personal dispute. I did not claim or attempt to control the action or determination of any other Republican Senator, and did not regard what passed between Senator Bowers and myself as a contract of agreement.

Upon the final vote being taken on the Flanagan amendment, resulting in a decision against said amendment, the question recurred on the adoption of Fountain's House substitute to the Senate bill, upon the engrossment of which he called for the previous question. The roll was being called upon the question, "Shall the main question be now put?" being the last stage of the second reading. The names of Alford, Baker, Bell were responded to, and just as the name of Senator Bowers was reached, the said Senator Bowers arose from his chair without replying to his name, walked rapidly to the main entrance, and, in view of the whole Chamber and a crowded lobby, excitedly gesticulated to other Senators to vacate their seats. Flanagan and Alford responded at once, and it was my impression that the movement of the abandonment of the Chamber was spontaneous by the balance. The entire proceedings were at once arrested, because a quorum was broken, amid cries of "Call the House!" "Call the House!" I received a message subsequently from the absent Senators to meet them. After consulting with the Senators who remained, I replied that we could hold no intercourse only through the proper officers of this department of the government. The sergeant-at-arms did bring back said Senators, and report them all present, whereupon the presiding officer announced that they were under arrest for a contempt of the Senate for absenting themselves and breaking a quorum during the taking of a vote, and disorderly conduct.

(Signed)

W. H. PARSONS.

June 28—Dr. R. K. Smith sworn :

Q. Do you know anything of the attempt to bribe a Senator or Senators to vote against the militia bill?

A. About three or four days previous to the close of debate on the militia bill, Mr. Hunnicut came to me and asked me if I knew any Republican who would vote against the militia bill. I said I did not. He told me he had three thousand dollars offered for one Republican vote, and if I could get Saylor to vote he could get the money. I told him if I could I would not for my right arm. He told me then that if I would aid him he could get fifteen hundred dollars down and Mr. Saylor could vote as he pleased. I said I would do anything to detect the villain who would attempt the bribery, and if he would let me know who he was I would assist him in making a complete exposure of the whole affair. He told me John Hancock was the man who wanted him to buy the vote. I then went immediately to see Mr. Patton and told him my plan. Mr. Patton went to the Governor, as he informed me, and the matter ran along until Mr. Saylor was dropped and Mr. Ford was approached to take Mr. Saylor's place. He agreed to do so in my presence, after having the whole object explained to him, and in order to obtain the complete evidence of the attempt at bribery; but the morning the vote was taken Mr. Hunnicut informed me that Hancock had his suspicions awakened, was afraid of Ford, and had let the matter drop. I was present when the senators left the chamber to break the quorum. The manner of their departure is described accurately in the testimony of Senator Parsons, which I have read.

(Signed,)

Sworn to and subscribed before me.

(Signed,)

ROBT K. SMITH.

A. J. FOUNTAIN,
Chairman Committee.

June 28—Senator W. H. Pyle sworn :

I did not attend a meeting previous to the time of the breaking of the quorum, at which that matter was discussed, or resignations of senators were talked of.

I did attend a meeting of the bolting senators after the breaking of the quorum. The object of that meeting was to take into consideration what means we should adopt to be reinstated. The matter of resignation was spoken of, but met with no favor. At the breaking of the quorum I was the first who went out. We went to the committee room and called Judge Clark to the chair. Bowers remarked that he had made an agreement with Senator Parsons in regard to further debate on the militia bill, and spoke of calling the previous question. Going out first, I met senators coming out, and

joined them. I did not know they were going to follow, and did not know there was any intention.

Ques. Did you not say to Col. Glenn when you returned to the Senate Chamber, that the other senators had their resignations in their pockets? And that you were opposed to the whole proceeding?

Ans. I did not. I said to Col. Glenn that I was opposed to resigning; that some were in favor of resigning, but not at once; they would refer the matter to the leading men of the country, but they would wait for further consultation and deliberation. I told Col. Glenn I had bitterly opposed it and should continue to oppose it.

Ques. The question of resignation was discussed at that meeting?

Ans. The question of resignation was discussed, but I did not understand that it would be done then, but they would wait for further deliberations. I did not hear any one say he had his resignation in his pocket, that I remember of.

Ques. Who were the senators who spoke of resigning at that meeting, or who mooted the question?

Ans. I think the subject of resigning came up in this way: Had we not better resign, or what shall we do? But I do not know who mooted the question. There was a good deal of confusion in the room, for the sergeant-at-arms was banging at the door.

Ques. Did you hear any senator announce his determination to resign to defeat the militia bill, either before or after the breaking of the quorum?

A. I did not.

Q. Do you know of any senator having written out his resignation?

A. I do not. I opposed it and Shannon violently opposed it also.

Q. How did Mr. Faulkner get into the room?

A. Mr. Faulkner jumped into the room through the window. The shutter had been closed and it was pushed open from some one outside. I do not know if it was the sergeant-at-arms. He did not get in slowly but rapidly; nor whether he fell in entering. The sergeant-at-arms got in very suddenly, but whether he got in on his all fours I do not know. I saw Senator Alford at the window, and closing the shutter on the sergeant-at-arms. I did not see the sergeant-at-arms, but Senator Alford told me it was the sergeant-at-arms. I think the affidavit of Mr. Faulkner is substantially correct, except that I did not see the sergeant-at-arms have Alford by the arm. I think Bowers nominated Judge Clark as chairman of the committee in the committee room, and he had Parsons sent for. The sergeant-at-arms demanded admission and he was refused at the door.

I did not know of any bribery of any senator, of my own knowledge. I have heard rumors, but that is all.

Upon hearing the testimony of Col. Glenn read, it is so far as I am connected with it, substantially correct. I recollect now about the conversation of resignations in the pockets of members, but I regarded it as jocular.

[Signed]

W. H. PYLE.

Sworn to and subscribed before me.

[Signed]

A. J. FOUNTAIN,
Chairman Committee.

June 28—E. B. Pickett sworn :

Question. Do you know the senators who broke a quorum by leaving the Senate Chamber on the afternoon of June 21, 1870?

A. I know them. Some six weeks ago, or about the time, or just after the militia bill was introduced, a number of the senators, and myself, perhaps all of them but Senators Alford and Flanagan, were in conversation together, and incidentally some senator, but I don't know who, or may be more than one, alluded to the idea of resigning, and the result of the casual conversation was, that it was soon enough to consider those questions when they were present and before them; from that time up to the time the quorum was broken on the twenty-first, no other general conversation among senators so far as I know of, occurred.

Q. Did you ever hear the question of resignation mooted or discussed by the senators who broke the quorum, or by any portion of them?

A. I may in that time have heard senators express themselves casually, one at a time, upon that subject, and so far as I can now recollect, always adversely to any such step.

Q. Were you present at a meeting of senators held in Senator Bowers' office on the morning of the day the quorum was broken?

A. I was not in Senator Bowers' office, so far as I can now recollect, on the day the quorum was broken, and have no recollection now of hearing the question discussed with the view of determining, in Senator Bowers' office

Q. Have you any knowledge of any attempt to bribe senators to vote against the militia bill?

A. None on earth; if there was such an attempt, it was kept from me.

Q. Were you present at a meeting of Senators in Senator Douglas' room, and if so, state what was the object of that meeting?

A. I was present twice at a meeting in Senator Douglas' room. The object of the first meeting was to arrange the basis of the

minority report on the militia bill. The object of the second was to consult together as to the programme on the bill when it should come up.

Q. Were you present at a meeting in a committee room after the Senate adjourned?

A. I was present at a meeting in a committee room, after the Senate adjourned, on the day the quorum was broken; the result of that meeting was, that we agreed to meet that night for consultation; the discussion was as to the then condition of affairs; there was very little said, except an agreement to meet for consultation that night.

Q. Were you present at a meeting of the senators held in a committee room in the Capitol immediately after the breaking of the quorum, and if so, state what occurred there?

A. I was; Senator Clark was called to the chair, my impression is, by Senator Bowers; he made a motion and, I think, submitted it to a vote.

Q. Did any senator present at that meeting protest against remaining absent from the Senate Chamber, and breaking a quorum?

A. The question of remaining absent permanently did not appear to have taken hold of the minds of senators; the question was, what ought to be done? What shall we do?

Q. Did any senator speak of resigning at that time?

A. Something was said about resigning, but I could not state what senator suggested it first, or what senators joined in it, for the senators seemed to be nearly all talking promiscuously.

Q. Please state what reply you made to the proposition of senators resigning?

A. My reply was general, and not addressed to any particular senator; I said if senators want to resign, all right, but I, myself, play no child's game, nor no bluff game, and if senators propose to resign, let it be distinctly understood that every senator's honor is pledged that he will not go back on what he does, or recede from the step if he once takes it. There were no resignations.

Q. Do you know of any individual Senator having announced his intention of resigning for the purpose of defeating the militia bill?

A. No, sir. I do not think any Senator expressed to me seriously that he would resign singly; there may have been conversation, but I do not think it was serious.

Q. Please state any facts within your knowledge relative to the breaking of the quorum, and the causes that led to it?

A. I know nothing about it, no more than a child.

Q. Did you notice Senator Bowers about the time the quorum was broken?

A. I saw Senator Bowers, and other Senators, as he was going out when the quorum was broken, and I followed. I said, "What's up?" and the reply was, "Well, let us see."

[Signed]

E. B. PICKETT.

June 29—George W. Reynolds sworn :

Q. Do you know the senators who broke a quorum by leaving the Senate Chamber on the afternoon of June 21, 1870.

A. I know every senator.

Q. Do you know of any agreement having been made to break a quorum?

A. None whatever. I urged that such a thing should be done. I am pretty near positively sure I have heard no senator state his intention of resigning.

Q. Please state anything within your knowledge relative to the breaking of the quorum, and the causes that led to it.

A. I scarcely know how to answer that question. Upon several occasions, privately, I have expressed my opinion, but I do not know whether they concurred with me or not. If any senator or senators did, I cannot name them.

Q. Do you know of any party having been authorized to bribe a senator or senators to vote against the militia bill?

A. I do not.

June 30—H. R. Latimer sworn :

Q. Were you at any meeting of the Senators who broke the quorum prior to or subsequent to the breaking of the quorum, and if so, tell all you know about it?

A. I was not prior to. I was with Senators, Representatives and citizens at the office of a lawyer the night of the breaking of the quorum. I was told there would be a meeting. We met and consulted not only with Senators and Representatives, but with citizens. I thought we had got into a close place, and we wanted to counsel. In that meeting it was the universal advice for Senators to return and take their seats, if they would be permitted to do so. There was not a dissenting voice. There was talk about getting up a paper for us all to resign. This was in the meeting in the room when the quorum was broken. There was talk of resigning all in a body, but I opposed it, and called Senator Dohoney and told him not to sign any paper, to not resign, but to let them expel us first.

Q. Do you know of any effort or proposition made for the purpose of bribing a Senator or Senators?

A. I do not, remotely or any other way.

Q. Can you tell who it was that proposed you should all resign?

A. I do not remember who. I know it was talked of, but who talked about writing out the paper I do not remember. It was then I called Dohoney out and begged him not to resign, for I was very much opposed to it, for all was confusion, for we expected the sergeant-at-arms there with a battering-ram to break down the door every minute, and I cannot remember.

(Signed)

H. R. LATIMER.

Sworn and subscribed to before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

July 1—Warren H. Lawrence sworn :

Q. Do you know the Senators or any of them who absented themselves from the Senate on the 21st instant?

A. I suppose I do.

Q. Had you any conversation with those Senators, or any of them, in which the subject of withdrawing from the Senate or resigning was discussed?

A. I had not.

Q. Have you heard anything from any Senator relative to his resigning his seat?

A. I have not. I never heard anything about it only from street rumors.

(Signed)

WARREN H. LAWRENCE.

July 1—Wm. M. Walton sworn :

Q. Do you know the senators who broke the quorum the other day?

A. I do.

Q. Were you present at any meeting of senators prior to breaking the quorum?

A. I was not.

Q. Were you present at any conversation between parties, senators or others, in which the question of bribing senators, or using money to defeat the militia bill, was discussed?

A. I was present among the senators whilst they were absent from the Senate Chamber, when the quorum was first broken, and prior to the entrance into the room by the sergeant-at-arms of the Senate. I was also present at a meeting of the same senators, in the same room, subsequent to the adjournment of the Senate on the evening of the day subsequent to the breaking of the quorum. I

was also present that night at a meeting down town of the same senators. I was also present the next evening at a meeting of the same senators. I was in the Senate Gallery at the time the Flanagan amendment was defeated. Soon afterwards the roll was called. After proceedings of the Senate I paid little attention. I noted, however, that there was no response from the opposition chairs, excepting that of Pridgen. I did not understand what movements were on foot. I waited until a motion of some one, as I understood there was a recess until the sergeant-at-arms brought in the absent members. After that I left the gallery and went down on the basement floor in search of absent senators, and seeing nothing to attract my attention I walked out on the north side of the Capitol building. Seeing one or more persons at the first window to the west of the north entrance, I halted there and found collected inside the absent senators. I went in at that window without invitation and without resistance. More or less confusion existed in the room. Beside myself there were none present but John D. Elliott and the senators. There was a freedman of some subordinate character in the Senate, standing at the window, who said he had been placed there by the sergeant-at-arms to prevent Senators from escaping. Soon after entering the room a written note, the contents of which I did not know, was dispatched from the room to Senator Parsons, at which time I approached Senator Bowers and asked him what this movement meant. He replied that he had an agreement with Senator Parsons of importance to the Democratic members, as he thought, and that he was desirous of getting Senator Parsons to recognize the agreement, and if they could get him into consultation he could not and would not deny the existence of the agreement. At that time Flanagan addressed Mr. Clark as chairman, but before making any remarks the sergeant-at-arms, Captain Faulkner, came through the window, and, in a laughing manner, said, "I've got you all now," and reading from a paper in his hand, said that he was directed by the President of the Senate to notify the senators named (calling over each name of the absent senators) to appear in the Senate Chamber under a call of the Senate. Several of the senators present, whose names I do not now remember because of the confusion in the room, said that was "all right," that they would neither resist him, nor place him in a false attitude. Senator Bowers said to the sergeant-at-arms, "We have sent a message to Senator Parsons, and that an answer was expected in a few moments." A little while elapsed without any action of any senator, except an effort on the part of Flanagan to speak, but he seemed to be too drunk to know what he was saying. About that time the answer to the message to Senator Parsons was returned,

when its contents were known—he refusing therein to meet the absent senators under the then circumstances. When the inquiry was made, “What shall be done? Shall we return to the Senate, or insist upon an interview with Senator Parsons?” Senator Bowers proposed to go alone to the senate chamber, and make a statement to the Senators of the circumstances of his agreement with Senator Parsons, and to insist on the recognition of said agreement, whereby the vote on the engrossment of the militia bill would have been postponed until the next day. To this course objection was interposed by several Senators, they insisting that all should return together. At this point the sergeant-at-arms insisted that what was to be done should be done instantly; that whatever professions might be made, not to place him in a false attitude; that he was being placed in a false attitude by every moment of delay. The door was unlocked, and the Senators repaired to the senate chamber. At the second meeting there was nothing done, except to adjourn to meet that evening. There was no proposition made to resign. At the first meeting, when I went into the window, the proposition was put to me, “What shall we do?” I replied, all of you sign a joint resignation and send it up to the Senate, and finally break the quorum. There was certainly not a majority who concurred in my advice, or it would have been done. I had but one advice to give; first, last and all the time—resignation. It was received doubtfully, and with a disposition to have further advice upon the subject. They did take my advice not to act then, but to have a further consultation that night. I don’t think at that meeting Col. Elliott opened his mouth; not that I heard. Senator Flanagan asked me my views, and to make suggestions. In the afternoon in an interchange of views with Throckmorton, Epperson and Hancock, I found them opposed to resignation; and after lighting up and preparing the room I absented myself, as I wanted the meeting to be harmonious. At the second meeting in the same office, and after the passage of the militia bill, Hancock and myself agreed that resignation should take place. Throckmorton and Epperson opposing our views, the Senators were silent, simply listening to what we said for and against the policy of resignation. When we got through we then left the Senators to consult among themselves.

Ques. Did any senator or senators concur in Hancock’s and your views?

Ans. They simply said this: If you and Hancock and Throckmorton and Epperson can’t agree among yourselves, you can’t expect us to.

Ques. Do you know from information anything about buying a vote against the militia bill?

Ans. I know only this: It was talked about generally, and I obtained the information from casual conversation that the railroad interest had not agreed to raise the money, and had gone back on us, and then I dismissed the matter from my mind.

(Signed)

W. M. WALTON.

Sworn to and subscribed before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

July 1—R. L. Moore, Representative, sworn:

Q. Do you know the senators who broke the quorum?

A. I know them, not all personally.

Q. Have you heard the question of resigning discussed since the quorum was broken?

A. I have heard some of the senators who withdrew discuss the propriety of it, and others disagree. Broughton, soon after the withdrawal, wanted to resign. I have heard him many times so express himself. Douglas, Dohoney, and Latimer were opposed to resigning. I heard Pickett and Bowers discussing the matter of breaking the quorum. Pickett advised moderation. What I mean by Broughton's willingness to resign was, that he was willing to do anything a majority of his party, or the whole of them, might agree upon. He thought they had been badly treated; that is what I understood from his talk. The propriety of their taking any action to break a quorum I never heard mentioned previous to the time it was broken.

(Signed,)

R. L. MOORE.

Message from the House informing the Senate the House had passed House bill No. 381, "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot-box."

Also, House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriation made for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the reserve militia, and the organization, arming and equipment of the State Guard."

Also, that the speaker had signed, in open session, enrolled Senate bill No. 40, "An Act to provide for permanently locating the county seat of Robertson county," whereupon it was signed by the President.

The hour having arrived for the consideration of the special order, House bill No. 139,

On motion of Senator Ruby the several special orders were postponed until the report of select committee is disposed of, and that the special orders be taken up in their order consecutively.

Senator Pickett moved suspension of rules to consider the report to-day.

Message from the House informing the Senate the Speaker had signed in open session enrolled House bill No. 17, "An Act to incorporate the Jewish Congregation B'nai Israel, of Galveston, Texas," whereupon it was signed by the President and returned to the House.

The question recurring upon the motion of Senator Pickett to suspend the rules, the yeas and nays were called for.

Result as follows:

Yeas—Cole, Evans, Pickett, Pridgen, Pyle, Shannon, Parsons—7.

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

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

Senate refused to suspend the rules.

On motion of Senator Parsons the Senate went into executive session.

IN SENATE.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, Texas, July 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 144, "Appropriating money for the Treasury Department;"

Also, Senate bill No. 255, "Creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof;"

Also, Senate bill No. 256, "To organize the county of Presidio,"

And Senate joint resolution No. 12, "Instructing the Sergeant-at-Arms of the Senate to have the portrait of General Burleson suitably framed, and appropriating money for the same,"

Find the same to be correctly engrossed.

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

On motion of Senator Parsons the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 13, 1870.

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

Absent—Senator Shannon.

Prayer by the Chaplain.

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

Under direction of the President the Secretary carried to the House, for the signature of the Speaker, enrolled Senate bill No. 165, "An Act making an appropriation for certain purposes."

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 12, 1870.

To the Honorable Senate of the State of Texas :

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

L. Lindsay for judge of district court for the Twenty-first District.

J. M. Thurman for judge of the district court for the Thirty-first District.

William Burkhardt for judge of the district court for the Twentieth District.

Wm. H. Russell for judge of the district court for the Fifteenth District.

I. N. Everett for judge of the district court for the Twenty-sixth District.

John P. Osterhout for judge of the district court for the Thirty-fourth District.

Daniel D. Claiborne, judge of the district court for the Fourteenth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate joint resolution No. 12, instructing the Sergeant-at-Arms of the Senate to have the portrait of General Burleson suitably framed, and appropriating money for the same; Senate bill No. 256, "An Act to organize the county of

Presidio; Senate bill No. 144, "An Act appropriating money for the treasury department."

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

To the Honorable Senate of the State of Texas :

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

Strother Green, Cyrus Hess, M. H. Goddin for directors of the penitentiary.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Message from the House :

House bill No. 386, "An Act providing for the payment of the outstanding indebtedness of the several counties."

House bill No. 68, "An Act reviving the act incorporating the Galveston Dry Dock Company and the subsequent laws in relation thereto, approved February 16, 1852, February 7, 1853, and February 8, 1858."

House bill No. 22, "An Act to incorporate the Pittsville Cotton Manufacturing Company."

House bill No. 98, "An Act to extend the time for the location of certain land certificates."

House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

Also Senate bill No. 17, "An Act to incorporate the City Bank of Houston."

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

Senate bill No. 55, "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

Petitions and Memorials :

By Senator Mills : Memorial from citizens of Grimes county asking the location of the county seat of Grimes county at Navasota.

Read and referred to Committee on Counties and County Boundaries.

On motion of Senator Mills, the rules were suspended to consider the report of Select Committee of Investigation.

Pending reading, Senator Mills moved a call of the Senate.

Call sustained.

Roll called.

Absent--Senators Ruby and Fountain.

Senator Ruby answered to his name.

Senator Fountain excused.

On motion of Senator Mills, the call of the Senate was suspended.

Report of Select Committee read.

Special message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

Hon. DON CAMPBELL,

President of Senate, State of Texas :

SIR : I respectfully return to your house (where it originated) the act entitled " An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated."

This act, in first section, proposes to renew and revive the Eastern Texas Railroad Company, to give it all the rights, privileges and immunities conferred by the original act of incorporation, and subsequent acts amendatory thereto. This provision, undoubtedly, is intended to have the effect of reviving the land grant, and, in my opinion, conflicts with section six of article ten of the Constitution.

A railroad company, or other corporation, is a person in legal indentment, and though I am aware it is claimed that the makers of the Constitution did not propose, by this section, to prevent grants of land to companies, yet I cannot see in the context any indication of such purpose. Certainly no ground of public policy will warrant a construction which would permit grants of land to corporations, but exclude individuals, however meritorious, from such favor.

While, then, the Legislature is forbidden to grant lands directly to any one, the same thing cannot be done indirectly by reviving, as in present instance, a corporation which has lost the right to land by failure to comply with its charter.

If this can be done, the said provision in the Constitution may be practically nullified, and all the public lands absolved by "reviving" the numerous extinct charters which encumber the statute books.

I have, then, to return this to your house, and request a reconsideration thereof.

Very respectfully,

EDMUND J. DAVIS,

Governor.

Senator Mills moved the message be referred to a select committee of five. Carried.

The Chair appointed on said committee Senators Pickett, Cole, Baker, Pettit, Bell.

The question recurring upon the adoption of the report of Select Committee, Senator Pyle offered the following substitute :

Resolved, That so soon as the said senators, or either of them, shall file the disclaimer required in said report, they shall be released from further arrest, and resume their seats in the Senate.

Senator Pickett moved its adoption.

Yeas and nays taken :

Yeas—Cole, Evans, Parsons, Pickett, Pridgen, Pyle, Rawson, Shannon—8.

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

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

Substitute lost:

The question recurring upon the adoption of the report and resolution of the Select Committee of Investigation, yeas and nays were taken.

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

Nays—Evans, Pridgen, Pyle—3.

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

Report and resolution adopted.

Senator Priest offered the following resolution :

WHEREAS, The poisonous shafts of defamation, from partisan and malicious sources, are being sometimes hurled at the worthy and able President of the Senate, especially in regard to his conduct and rulings in having certain senators arrested by order of the Senate, who had violated the rules of the Senate, and by so doing secured a quorum, and prevented the disorganization of the Senate, the same being demanded by the exigency of the occasion, sustained by parliamentary usage and law, and authorized by the Senate ; therefore

Resolved, That the prompt and efficient conduct of the President in the premises, in sustaining the integrity and dignity of the Senate, and in preserving the best interests and rights of the people of Texas by ensuring the reorganization of the State, justly deserves our praise, as well as the gratitude of the people, whose rights he so nobly vindicated.

Adopted.

Senator Fountain moved to reconsider and to lay the motion to reconsider on the table. Carried.

On motion of Senator Priest the Senate went into executive session.

IN THE SENATE.

Special message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN: I respectfully ask your advice and consent to the following appointment: Louis W. Stevenson for Major General of militia.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

On motion of Senator Ruby the Senate went into executive session.

IN SENATE.

On motion of Senator Fountain the rules were suspended to take up House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State, etc.," made special order for Tuesday next, 11 A. M.

Senator Ruby offered the following resolution :

Resolved, That the rules of order of the Senate be and are hereby amended by the following additions to the order of business :

After order four, page five, add: "Fifth—Reading of Senate bills third time. Sixth—Reading of Senate bills second time. Seventh—Reading bills from House of Representatives passed to third reading. Eighth—Reading House of Representatives bills the second time. Ninth—Message from House of Representatives.

Laid over under the rules.

On motion of Senator Fountain Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 14, 1870.

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

Senator Flanagan, on behalf of himself and other Senators under arrest, presented the following disclaimer. Read and placed on file:

SENATE CHAMBER,
Austin, July 14, 1870.

In compliance with the terms and requirements of the following resolution, adopted by a majority of the members of the Senate, to wit:

"*Resolved*, That as many of said Senators now under arrest as may, upon their honor as Senators, the day after the adoption of these resolutions, file their disclaimer of 'all premeditated design to break a quorum, and prevent the enactment of laws and the organization of the State, or intentional contempt of the Senate,' be permitted to resume their seats and their functions as Senators with the additional suspension of one day from the filing of said disclaimer."

We hereby disclaim all premeditated design to break a quorum and prevent "the enactment of laws and the organization of the State, or intentional contempt of the Senate."

W. H. PYLE,

E. L. DOHONEY,

G. R. SHANNON,

E. T. BROUGHTON,

WEBSTER FLANAGAN,

S. EVANS,

H. R. LATIMER,

M. H. BOWERS,

AMOS CLARK,

J. P. DOUGLAS.

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

Message from the House informing the Senate the House had passed Senate bill No. 87, "An Act providing for the payment of districts attorneys *pro tem.*;" also, Senate bill No. 188, "An Act granting certain real estate to the city of Austin."

On motion of Senator Parsons, in respect to the memory of Robert Crudup, Representative deceased, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, July 15, 1870.

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

Absent—Baker, Evans, Pridgen, Latimer.

Journal of yesterday read and approved.

Petitions and memorials:

By Senator Dohoney: Memorial of district clerk and others of Lamar county.

Read and laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 34, entitled "An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of San Antonio," have had the same under consideration and instruct me to report the accompanying substitute for said bill, with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Senator Priest moved suspension of rules to consider report.

Rules suspended and report adopted.

Senator Priest moved further suspension of rules to adopt the substitute.

Rules suspended, substitute read and adopted.

Senator Priest moved its engrossment, 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, Bell, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Bowers, Broughton, Evans—3.

Absent—Baker, Latimer.

Bill passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 165, entitled "An Act making an appropriation for certain purposes," and to-day at 12 o'clock M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Bills and resolutions:

By Senator Fountain: "An Act to incorporate the Houston, Rio Grande and Great Western Railway Company."

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

By Senator Saylor: A bill to be entitled "An Act to change the boundary line of Burleson and Brazos counties."

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

By Senator Dohoney: "An Act for the relief of the heirs of Syrus Robo, deceased."

Read first time, and referred to Committee on Finance.

By Senator Dohoney: A bill entitled "An Act to incorporate the city of Paris, Texas."

Read first time, and referred to Committee on Judiciary.

Message from the Governor:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

To the Honorable Senate of the State of Texas:

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

John C. Chapman for brigadier general of militia.

Respectfully,
EDMUND J. DAVIS,
Governor.

Read and referred to Committee on Nominations.

By Senator Bell: "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas."

Read first time and referred to Committee on Judiciary.

Senator Pickett offered the following resolution:

Resolved, That the Senate resolution requiring Senators absenting themselves from within the bar of the Senate to first obtain

leave of the President of the Senate, be and the same is hereby rescinded.

Senator Pickett moved suspension of rules to consider resolution.

Yeas and nays taken.

Yeas--Mr. President, Bell, Clark, Cole, Dohoney, Douglas, Ford, Hall, Mills, Parsons, Pickett. Pridgen, Rawson, Ruby, Shannon--15.

Nays--Bowers, Broughton, Evans, Flanagan, Fountain, Gaines, Hertzberg, Pettit, Priest, Pyle, Saylor--11.

Absent--Excused, Senator Baker.

So the Senate refused to suspend the rules.

By Senator Pridgen: A bill entitled "An Act to amend article eight hundred and eighteen, chapter one, title one, part four, of the code of criminal procedure.

Read and referred to Committee on Judiciary.

Senator Gaines moved suspension of rules to take up House bill No. 297, "An Act to regulate the keeping and bearing of deadly weapons."

Rules suspended and bill read first time, and on motion of Senator Pickett was referred to Committee on Judiciary, with instructions to report on Wednesday, July 20, and the same be made special order for that day at eleven A. M.

Senator Ruby moved suspension of rules to take up Senate bill 55, "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and prescribe the duties thereof."

The Senate refused to suspend the rules.

Senator Parsons moved the Senate take up House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston.

Bill read third time.

Pending discussion, message from the House informing the Senate the House had passed House bill No. 242, "An Act to incorporate the Houston Real Estate and Banking Company."

Also, House bill No. 116, "An Act to reorganize the city of Indianola, in Calhoun county."

Also, House bill No. 323, "An Act to incorporate the Bayou City Bank."

The question recurring upon the House bill, No. 139, Senator Douglas offered the following amendment:

Section seven, first line, after the word "navigable," insert "from the Gulf of Mexico to the city of Houston."

After the word "navigable," in sixth line, insert "from the Gulf of Mexico to the city of Houston."

Amendment lost.

The hour for special order having arrived, Senator Parsons moved its postponement until the business before the Senate was disposed of.
Lost.

Senate went into executive session.

IN THE SENATE.

On motion of Senator Fountain the Secretary was instructed to inform the Governor of the action of the Senate in executive session.

On motion of Senator Fountain the rules were suspended and House bill No. 83, "An Act to incorporate the Washington Fire Company No. 1, of the city of Austin," was made the special order for to-morrow at half-past ten A. M.

On motion of Senator Douglas the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 16, 1870.

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

The following nominations by the Governor were confirmed by the Senate in executive session on yesterday:

L. Lindsay, for Judge of the District Court of the Twenty-first District.

William Burkhardt, for Judge of the District Court of the Twentieth District.

Wm. H. Russell, for Judge of the District Court of the Fifteenth District.

I. N. Everett, for Judge of the District Court of the Twenty-sixth District.

Strother Green and Cyrus Hess for directors of the Penitentiary.

The Senate refused to confirm the following:

Louis A. Stevenson, for Major General of Militia.

M. H. Goddin, for director of Penitentiary.

PETITIONS AND MEMORIALS.

By Senator Bowers: Petition of George Harris and others, read and referred to Committee on Roads Bridges and Ferries.

The President announced the reception of a petition from the citizens of Galveston protesting against the passage of Senate bill No. 215, entitled "An Act to incorporate the city of Galveston." Petition read, and on motion of Senator Ruby, was referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
July 16, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Contingent Expenses report the following bills passed and ordered paid:

| | | | | |
|----------------|----------------|-------|------|----|
| June 30—Tracy, | Siemering & Co | | 1407 | 20 |
| June 19 do | do do | | 288 | 00 |
| June 29 do | do do | | 389 | 00 |
| June 21 do | do do | | 610 | 80 |
| June 24 do | do do | | 129 | 50 |
| July 11 do | do do | | 120 | 00 |

\$2944 50

J. S. MILLS,
Chairman of Committee.

Senator Mills moved suspension of rules to consider the report.

Rules suspended, and, on further motion of Senator Mills, the report was received and adopted.

Message from the House informing the Senate the House had passed Senate bill No. 256, "An Act to organize the county of Presidio;" also, House bill No. 150, "An Act to revive an act and amend the first section thereof incorporating the Burnett Male and Female Academy."

The hour for special order, House bill No. 83, "An Act to incorporate the Washington Fire Engine Company No. 1 of the city of Austin, having arrived, the bill was read first time.

Senator Fountain moved 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, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Prigden, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—Bell—1.

Bill passed.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 35, entitled "An Act to incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. J. H. S.;" and also Senate bill No. 67, entitled "An Act to amend an Act better defining the martial rights to parties," have had the same under consideration,

and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Bowers: A bill to be entitled "An Act to regulate proceedings in the District Courts of the State of Texas between non-residents."

Read first time and referred to Committee on Judiciary.

Senator Priest offered the following resolution:

Resolved, That for the purpose of expediting the business of this session, with a view to a speedy adjournment, no member of the Senate shall speak more than thirty minutes on any one question without leave of the Senate by a vote of two-thirds of the members present.

Laid over under the rules

Senator Douglas offered the following resolution:

Resolved, That until otherwise provided the Senate will hold evening sessions, commencing at 8 o'clock P. M.

Senator Douglas moved suspension of rules to consider the resolution.

Yeas and nays taken.

Yeas—Mr. President, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Pettit, Priest, Pyle, Ruby, Saylor—16.

Nays—Bell, Evans, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pickett, Pridgen, Rawson, Shannon—12.

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

By Senator Pridgen, a bill to be entitled "An Act to provide substitutes for certain documents and books destroyed by fire in the court house at Goliad."

Read first time and referred to Committee on Judiciary.

Also, a bill, to be entitled "An Act for relief of Goliad county."

Read first time and referred to Committee on Judiciary.

The unfinished business of yesterday, House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston" on final passage. Pending discussion, under direction of the President of the Senate, the Secretary carried to the House, with action of the Senate, House bill No. 83,

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

The question recurring upon the final passage of House bill No. 139, Senator Parsons moved the passage of the bill.

The yeas and nays were taken :

Yeas—Messrs. President, Baker, Bell, Broughton, Clark, Cole, Flanagan, Fountain, Mills, Parsons, Pickett, Pyle, Rawson, Ruby, Saylor, Shannon—16.

Nays—Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Priest, Pridgen—9.

Bill lost, two-thirds not voting in the affirmative.

Special order—Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof.

Senator Hall moved the postponement of the special order for thirty minutes.

Senator Flanagan moved the indefinite postponement of the bill.

Yeas and nays were taken, on motion of Senator Flanagan, to indefinitely postpone the consideration of the special order.

Result as follows:

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon—15.

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

So the special order was indefinitely postponed.

The hour having arrived for the consideration of special order, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas," on motion of Senator Parsons was made the special order for Wednesday, July 20, at half-past ten o'clock A. M., and the Committee on Printing instructed to have the different bills relating to "public schools" printed and laid on members' desks.

Senator Hall moved a suspension of rules to take up House bill No. 254, "An Act to incorporate the Southern Trans-Continental Railway Company."

Senator Flanagan moved to adjourn to Monday. Yeas and nays called for; result as follows:

Yeas—Mr. President, Bell, Bowers, Clark, Cole, Evans, Flanagan, Gaines, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson—15.

Nays—Baker, Broughton, Dohoney, Douglas, Ford, Fountain Hall, Pettit, Priest, Ruby, Saylor, Shannon—12.

So the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, July 18, 1870.

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

Absent, excused--Senator Pickett.

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

PETITIONS AND MEMORIALS.

By Senator Priest: Petition of the citizens of Freestone.
Read and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 16, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 94 entitled "An Act to expedite the construction of the Southern Pacific Railroad," and to-day at three o'clock and thirty minutes presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

BILLS AND RESOLUTIONS.

By Senator Baker: Joint Resolution:

Be it resolved by the Legislature of the State of Texas, That on Monday, the 1st day of August 1870, this Legislature will take a recess from and after that date until Thursday, the 1st day of December 1870, when it will again reassemble; provided, that no per diem pay shall be allowed members during such recess.

Senator Baker moved suspension of rules to consider the resolution; rules suspended.

Senator Bowers offered the following amendment:

Strike out all after the word "will" in third line, and insert the words "adjourn *sine die*."

Senator Flanagan moved the adoption of the amendment.

Yeas and nays taken :

Yeas—Bell, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Pyle, Rawson, Shannon—10.

Nays—Mr. President, Baker, Broughton, Douglas, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Ruby, Saylor—17.

Absent—Senator Pickett, sick.

Amendment lost.

Senator Latimer offered the following amendment :

Strike out "first Thursday in December," and insert "first Monday in November."

Senator Parsons moved the consideration of the resolution be made the special order for to-morrow, at 12 M.

Yeas and nays taken :

Yeas—Mr. President, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Baker, Fountain, Hertzberg, Latimer, Mills, Pettit, Priest—7.

Absent—Senator Pickett, sick.

Carried.

By Senator Broughton : A bill to be entitled "An Act to incorporate the North Texas Manufacturing Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Baker : A bill to be entitled "An Act to incorporate Troupe Seminary."

Read first time and referred to Committee on Education.

By Senator Ruby : "An Act to provide for the sale of the Houston Tap and Brazoria Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Douglas : A bill to be entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary."

Read first time and referred to Committee on Education.

Also, a bill to be entitled "An Act to prevent the injurious effects of cotton seed upon swine."

Read first time and referred to Committee on Judiciary.

By Senator Fountain : "An Act to incorporate the Rio Grande Railroad Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Priest : "An Act to amend the criminal code in regard to the crime of murder."

Read first time and referred to Committee on Judiciary.

Also, "An Act to amend the code of criminal procedure in relation to juries and challengers."

Read first time and referred to Committee on Judiciary.

By Senator Gaines: "An Act to incorporate the town of Independence."

Read first time and referred to Committee on Judiciary.

Message from the House informing the Senate the House had passed House bill No. 322, "An Act to incorporate the Red River county, Texas, Agricultural and Mechanical Association,"

House joint resolution No. 17, to change the name of the several counties therein named,

House bill No. 355, "An Act to incorporate the West Fork Male and Female College,"

House bill No. 371, "An Act to authorize John G. Blankenship to erect a toll bridge over Tehuacana Creek in the county of McLennan, Texas,"

House bill No. 186, "An Act to incorporate the East Fork Plank Road Company,"

House bill No. 315, "An Act to incorporate the town of Round Top, county of Fayette."

Senator Priest moved a reconsideration of the vote taken on Saturday on House bill 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Motion to reconsider carried, and on motion of Senator Bowers the bill was referred to Committee on Judiciary, with special instructions to report to-morrow.

[General File.]

Senate bill No. 65, a bill to be entitled "An Act to incorporate the Austin City Ice Company."

Report of committee read and adopted.

Bill read second time and passed to engrossment.

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

Yeas and nays taken.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Doboney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rridgen, Rawson, Ruby, Shannon, Saylor—25.

Nays—Latimer.

Absent—Pyle and Pickett.

Pickett sick and excused.

Bill passed.

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

254, "An Act to incorporate the Southern Trans-continental Railway Company."

Yeas and nays taken :

Yeas—Mr. President, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Parsons, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—22.

Nays—Bell, Evans, Mills, Pettit—4.

Absent—Pyle.

Sick—Pickett.

Rules suspended and bill read first time; and on motion of Senator Dohoney the rules were suspended and bill read second time.

Senator Fountain offered the following amendment :

Amend section one, line ten, by striking out the name of "A. J. Fountain." Adopted.

Senator Dohoney offered the following amendments :

Moved to strike out the names of "J. W. Johnson, B. F. Williams, F. Tegener, R. Zapp, W. G. Robinson, H. W. Young, G. T. Ruby, B. Rush Plumley, C. D. Morris, John G. Boyle, W. J. Locke and Geo. P. Buell." Adopted.

Amend section two as follows, to wit :

Insert in line four, after the word "Arkansas," the words "at or near Texarkana."

Also, insert in line five, after the words "route to," the words "or near."

Also, insert in line seven, after the words "Marion county," the words "in a northerly direction." Adopted.

Senator Douglas offered the following amendments :

Strike out in section second, line five, after the word "El Paso," the words "said railway line to approximate as near as practicable to what is known as the thirty-second parallel of north latitude."

Insert, "and the main line of said road shall follow, as nearly as may be practicable, the old survey of the Memphis and El Paso road." Adopted.

Insert in section three, tenth line, after the words "El Paso," "provided, that said junction shall not be with the Southern Pacific Railroad at a point east of the twenty-third degree of west longitude from Washington." Adopted.

Senator Dohoney offered the following amendment :

Amend section three, line seven, by striking out the balance of the sentence after the word "property," and insert the words, "and may issue in payment thereof the paid stock of the company; provided, the landholder or owner is willing to receive the same." Adopted.

Special message from the Governor by his private secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 18, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to wit: James Masterson, for Judge of the District Court, Nineteenth District; J. J. Thornton, for Judge of the District Court for the twenty-fourth District; J. B. Williamson, for Judge of the District Court for the Sixth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

The question recurring on House bill No. 254, Senator Douglas offered the following amendment:

Section eight, line ten, insert after the word "act" the following: "Provided further, that the branch road herein authorized shall not intersect with the Southern Pacific Railroad, east of the twenty-third degree of longitude west from Washington."

Adopted.

On motion of Senator Dohoney the rules were suspended, bill read third time, yeas and nays taken on final passage:

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

Nays—None.

Absent—Fountain; sick, Pickett.

Bill passed.

Senator Hall moved a reconsideration of the vote taken on Saturday on Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works and the duties thereof."

Yeas and nays taken.

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

Absent—Senator Pickett, sick.

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

The question recurring upon the reconsideration vote on Senate bill No. 255, the yeas and nays were taken:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—13.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pridgen, Pyle, Shannon—12.

Absent—Fountain and Hertzberg.

Sick—Pickett.

Motion to reconsider carried.

On motion of Senator Parsons the Senate went into executive session :

IN THE SENATE.

On motion of Senator Fountain the secretary was instructed to inform his Excellency the Governor, that the Senate in executive session advises and consents to the appointment of--

John C. Chapman for Brigadier General of the militia.

J. B. Williamson for Judge of the Sixth Judicial District.

J. J. Thornton for Judge of the Twenty-fourth Judicial District.

John P. Osterhaut for Judge of the Thirty-fourth Judicial District.

And refuses to advise and consent to the following appointment, to wit:

Daniel D. Claiborne for Judge of the Fourteenth Judicial District.

On motion of Senator Parsons the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, July 19, 1870.

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

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senator Dohoney rose to a question of privilege, and asked leave to withdraw the petition of George W. Wright for private land claim, reported upon adversely by committee.

Leave to withdraw granted.

Message from the House informing the Senate the Speaker had signed, in open session, enrolled bill "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," whereupon it was signed by the President and returned to the House.

Also, House bill No. 183, "An Act legalizing a special tax levied by military order."

Also, House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas."

Under direction of the President the Secretary carried to the House for signature of the Speaker, enrolled bill, "An Act granting certain real estate to the city of Austin."

Also, enrolled bill, "An Act to organize the county of Presidio."

Message from the Governor by his private Secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 19, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: Robert H. Taylor for Judge of the District Court for the Fourteenth Judicial District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Also, the following message from the Governor:

EXECUTIVE OFFICE,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: I am compelled to return to your House, where it origi-

nated, the act entitled "An Act to expedite the construction of the Southern Pacific Railroad," which I consider objectionable in the following respects:

1. This act assumes throughout its preamble and body that the Southern Pacific Road is a living and subsisting charter in the hands of the "present direction," and that it has forfeited no right or privilege whatever. This assumption or declaration attempts indirectly to commit the Legislature to a revival of the land grant. In this regard I ask to refer your House to the grounds taken in my message of the thirteenth instant, returning the Eastern Texas Railroad Company" act.

2. It assumes, throughout the preamble and body, that the "present direction" inspire confidence in their financial integrity and purpose, and that the railroad owes no debt (except that due the special school fund) which constitutes a lien upon its road. No evidence whatever has been shown to sustain either of these conclusions. This road and its franchises have, I understand, been sold out several times. It is impossible without a protracted judicial investigation to find out what claims are outstanding against it, or whether the "present direction," to whom it is proposed to issue this large amount of bonds, have any rights whatever, or are able to give the State such lien upon the road as will secure the amount of these bonds. In this connection I call your attention to the provision in section second, making the bonds payable to the company or bearer. The bonds may, under this provision, pass out of the hands of the company at once, and leave the State without remedy.

3. It requires the issue, by the State, of bonds to the extent of sixteen thousand dollars (\$16,000) per mile of the *completed* as well as the *uncompleted* part of the road, and those bonds which are to be issued for the *completed* portion are to be delivered as soon as the amount due the school fund, two hundred and twenty thousand dollars (\$220,000), is paid in. I understand that about forty-six (46) miles are completed, requiring seven hundred and thirty-six thousand dollars (\$736,000) of bonds. Thus, while on the one hand we receive the two hundred and twenty thousand dollars (\$220,000), belonging to the school fund, on the other we pay out more than three times that amount in bonds payable, interest and principal, in gold. This, with all respect, seems to me a very bad financial arrangement, especially when it is considered that we have no security that the road is free from debts that would take precedence of the lien of the State. Aside from this danger, it seems too, bad policy for the State to expend its limited resources in subsidizing roads *already built*.

4. The second section is objectionable in making the bonds, prin-

cipal and interest, payable in gold, and making the interest payable in New York city on the first of January and July of each year. Under this arrangement, if carried out, we are *at once* to make preparation to pay in New York gold interest on seven hundred and thirty-six thousand dollars, and on such additional bonds as may, from time to time, be issued as the road progresses. I respectfully call your attention to the fact that our taxes are collected in United States paper currency, and that we must, if this bill becomes a law, and the company fails to make payment to the State (which, judging from our past experience with railroads, is an absolute certainty), get the gold to pay interest by purchasing it.

5. The fifth section is *especially* objectionable. It appears that under this the company is not bound for any of the principal until after the whole amount of the bonds, contemplated by the act, has been issued. The peculiar wording of this section opens the door to a fraud upon the State. If the *whole amount* of the bonds is *never* issued, then the company *never* becomes responsible. The State is, however, required to issue her bonds as each section of ten miles is completed. I suggest that no prudent capitalist would make a loan to the road under this sort of contract. Many contingencies may prevent the issuance of the "whole amount" of the bonds called for, and this, perhaps, without either party being fully responsible.

6. There is the further constitutional objection, that no provision is made in the act for payment of the interest and two per cent., as a sinking fund of the debt contracted hereby. Section twenty-three of article twelve, general provisions of the constitution, contains the wise provision that in all cases where State or county debt is contracted, "it shall be the duty of the Legislature to provide adequate means for the payment of the current interest and two per cent., as a sinking fund for the redemption of the principal." This wise provision seems to have been intended as a restraint upon hasty legislation. Apparently it was thought that if legislators, in the very case (act), where debt was contracted, were also compelled to provide a tax upon their constituents to pay such debt, then they would be more cautious in creating it. In this case a debt is proposed of some five millions, for which (principal and interest) in any event the State is *primarily* responsible, but no provision whatever is made for its payment. I suppose this defect has been overlooked, and that your honorable body will not permit any evasion of this wholesome section. It will not do to remit so important a matter to the chances of a supplemental bill, or other action to be had hereafter in the present or a future

Legislature. The taking of such chances could not have been contemplated by the makers of the constitution.

7. Finally, I will call your attention to the limitation put in this bill of twenty millions of dollars (\$20,000,000,) as the whole debt that can be incurred by the State. This is intended as a contract with the company, and if entered into, can only be evaded on our part by a violation of faith, however imperative the necessity may be. It limits the amount of debt for internal improvements, or for support of the State Government, or for any other purpose, to this sum. Now, if the limitation were applied only to internal improvements, the sum would be too large; and would invite a scramble to grasp the balance; but, as it is intended to limit the debt for any purpose, the impropriety of the arrangement is more obvious. It may very reasonably be expected to happen that, long before the proposed debt is totally paid off, the necessities of the State and the support of its Government may require a larger debt than twenty millions of dollars, especially if this amount should be absorbed in internal improvements, as is more than likely, when the temptation is held out to speculators. In conclusion, I therefore ask a reconsideration of your vote on the adoption of this act.

Respectfully,

EDMUND J. DAVIS,

Governor.

Message from the House informing the Senate the Speaker had signed in open session enrolled Bill, "An Act granting certain real estate to the city of Austin."

Also, enrolled Bill "An act to organize the county of Presido." Whereupon they were signed by the President.

Under direction of the President, the Secretary carried to the House, with action of the Senate, H. B. 254, "An Act to Incorporate the Southern Trans-Continental Railway Company."

On motion of Senator Parsons, the message of the Governor in relation to the Southern Pacific Railroad, was made the special order for Thursday at 11 A. M.

Message from the Governor, by his Private Secretary.

EXECUTIVE OFFICE,
Austin, July 19, 1870.

To the Honorable Senate and

House of Representatives of Texas.

GENTLEMEN: I enclose you a copy of a communication from Hon. A. Bledsoe, Comptroller, in relation to the matter of assessment and collection of taxes. It will be apparent to you on reference to the new constitutional provisions concerning this matter, that until

action is had by the Legislature, the assessment and collection of taxes is practically suspended, and however prompt your action may be, it must be several months before receipts can be expected. The amount of cash in the Treasury is rapidly diminishing, and without even the customary receipts, the funds for the ordinary support of the State Government will soon be wanting.

I request an early consideration of this matter.

Respectfully,

EDMUND J. DAVIS,

Governor.

Message read and referred to Committee on Finance.

COMMITTEE ROOM,
Austin, July 19, 1870.

To Hon. DON CAMPBELL,

President of the Senate.

SIR: Your Committee on Finance have received and examined the memorial of the heirs of James Rogers, deceased, and respectfully return the same, with the request that they be referred to the Committee on Private Land Claims, the papers in question not being within the jurisdiction of this committee.

J. S. MILLS,

Chairman of Committee.

Rules suspended, report received and adopted.

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Whereas it appears from the Register of Public Debt for the Republic of Texas, that Lynn Bobo is entitled to the sum of seven hundred dollars in gold, for services and losses on the Mier expedition. Your committee recommend the passage of the accompanying act, and append to this report the certificate of A. Bledsoe, Comptroller:

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,

STATE OF TEXAS,

AUSTIN, JULY 19, 1870.

This is to certify that it appears from the Register of Public Debt for the Republic of Texas, that there is due to Lynn Bobo the amount of six hundred and five dollars for services and losses in the Mier expedition, and the amount of twenty-two dollars for services as a minute man in 1841.

A. BLEDSOE, Comptroller.

J. S. MILLS, Chairman of Committee.

Laid over under rules.

S J—48

COMMITTEE ROOM,
July 18, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary to whom was referred Senate Bill No. 141, entitled "An Act to incorporate Victoria Fire Company No. 1," Senate Bill No. 169, entitled "An Act to incorporate the Comal Cemetery Association," Senate Bill No. 186, entitled "An Act to incorporate the Citizens Bank of Navasota," and Senate Bill No. 221, entitled "An Act to incorporate the Saving and Trust Company 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 pass.

M. PRIEST,

Chairman of Committee.

Laid over under rules.

On motion of Senator Mills rules suspended and Senate Bill No. 186, "An Act to incorporate the Citizens' Bank of Navasota," read second time; rules suspended, read third time and passed.

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

Nays—None.

Excused from voting, Douglass; absent, Fountain.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 115, entitled "An Act to incorporate the Galveston Mutual Aid and Life Insurance Association," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

M. PRIEST,

Chairman of Committee.

Laid over under rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 133, entitled "An Act to amend articles 826, 827 and 828 of an act entitled 'An Act to adopt and establish a code of criminal

procedure for the State of Texas, approved August 26, 1856," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

Laid over under rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL

President of Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 196, entitled "An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same," have carefully considered the same, and I am instructed to report it back with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Priest, rules suspended, report received and adopted; bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed.

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--24.

Nays--Hertzberg, Rawson--2.

Absent--Senators Pickett, Parsons--2.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred House bill No. 139, entitled "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," have had the same under careful consideration, and instruct me to report it back to the Senate with accompanying amendments, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend by striking out that portion of the preamble, in the sixteenth line, after the word "therefore" down to section first.

In section seven, line twenty-four, strike out the word "fifty" and insert the word "forty."

To section nine add the following words: "Provided nothing here-

in contained shall be construed as making valid any land grant to Buffalo Bayou Ship Channel Company."

In section eleven, line three, strike out the word "seventy" and insert "fifty."

On motion of Senator Priest rules suspended, report received and adopted.

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

Yeas and nays on final passage were as follows :

Yeas—Messrs. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—28.

Nays—None.

COMMITTEE ROOM,
Austin, Texas, July 18, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 145, entitled "An Act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas," 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 section one, line one, by striking out the word "ordained" and insert the word "enacted."

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 7, entitled "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases," have carefully considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Priest, rules suspended, report received and bill read second time.

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

COMMITTEE ROOM,
July 18, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 167, entitled "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," have had the same under careful consideration and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Pyle, rules suspended and report received.

On further motion, rules suspended to place the bill on third reading.

Pending reading, the hour was announced by the Chair for special order.

Special order :

The hour for special order, House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier; the erection and maintainance of a frontier telegraph; the organization of the reserve militia, and the organization, arming and equipment of the State Guard."

Bill read first time and, on motion of Senator Fountain, was referred to Committee on Judiciary.

Special order, 12 M., resolution of Senator Baker relative to adjournment of the Legislature.

Senator Pickett moved to lay the resolution on the table. Carried.

On motion of Senator Parsons the rules were suspended, House bill 405, "An Act to prescribe the time for the annual meeting of the Legislature."

Bill read first time, and, on motion of Senator Fountain, the rules were suspended and bill read second time.

Senator Bowers offered the following amendment :

Section one, amend by striking out the word "first" and insert the word "next."

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

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

Absent—Senator Pettit.

Amendment lost.

Senator Pickett offered the following amendment :

Amend section first line fifth, strike out the words "same day" and insert "second Tuesday in November."

[Senator Ruby in the Chair.]

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

Absent, Senator Broughton. Senator Broughton answered to his name. On motion call suspended.

The motion recurring on the amendment of Senator Pickett, yeas and nays were as follows :

Yeas—Broughton, Clark, Cole, Latimer, Pickett, Priest, Ruby, Shannon—8.

Nays—Mr. President, Baker, Bell, Bowers, Dohoney, Douglass, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—20.

Amendment lost.

Senator Bowers moved to strike out in section one, line four, "1871" and insert "1870." Lost.

Senator Pickett moved the reference of the bill to the Judiciary Committee.

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

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

Motion to refer lost.

On motion of Senator Parsons the bill passed to its third reading.

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

Nays—Messrs. Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

The President moved suspension of rules that the bill be read a third time and passed.

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

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

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

Senator Douglas called up the following :

Resolved, That until otherwise provided the Senate will hold evening sessions, convening at eight o'clock, P. M.,

And moved its adoption. Yeas and nays called for :

Yeas—Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Hall, Hertzberg, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—15.

Nays—Mr. President, Baker, Bell, Bowers, Clark, Cole, Evans, Gaines, Latimer, Mills, Parsons, Pickett, Pridgen—13.

Adopted.

BILLS.

By Senator Priest: A bill to be entitled "An Act to organize courts of the justices of the peace and police courts, and to define their jurisdiction and duties."

Read first time, rules suspended and made special order for Monday next at twelve o'clock, M. One hundred copies ordered to be printed.

By Senator Dohoney: A bill to be entitled "An Act to aid the construction of the Southern Trans-Continental Railroad."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Bowers, rules suspended and House bill 323, "An Act to incorporate the Bayou City Bank," was taken from file and referred to Committee on Judiciary.

On motion of Senator Parsons the Senate went into executive session.

IN SENATE.

On motion of Senator Fountain the Secretary was instructed to inform his Excellency the Governor, that the Senate had confirmed in executive session the following appointment: James Masterson, for Judge of the Nineteenth Judicial District, and refused to advise and consent to the appointment of E. P. Upton, for Judge of the Seventeenth Judicial District.

On motion of Senator Pyle the Senate adjourned to eight o'clock P. M.

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

EVENING SESSION.

EIGHT O'CLOCK P. M.

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

Senator Fountain moved a call of the Senate.

Call sustained.

Roll called; quorum present.

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

Unfinished business:

Unfinished business being 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." Third reading.

Senator Pickett moved it be made the special order for Friday at 11 o'clock. Carried.

Senator Dohoney moved suspension of rules to take up Senate bill No. 23, a bill to be entitled "An Act to carry into execution the judgment and decrees of the county courts, and to perfect the unfinished business thereof."

Report of committee read and substitute adopted.

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

Unfinished business:

Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works and the duties thereof."

Senator Hall moved its final passage.

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

Absent—Latimer, Mills, Gaines—3.

Excused—Clark, Bowers—2.

Call suspended.

And on motion of Senator Priest Senate bill No. 255 was made the special order for to-morrow at 10½ A. M.

Senator Ruby moved suspension of rules to take up House bill No. 68, "An Act reviving the act incorporating the Galveston Dry Dock Company and the subsequent laws in relation thereto," ap-

proved February 16, 1852, February 7, 1853, and February 8, 1858.

Rules suspended, bill read first time.

Rules suspended, bill read second time, and on motion of Senator Flanagan the rules were suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Absent—Excused, Bowers, Clark—2.

Absent—Gaines, Latimer, Mills, Cole, Evans—5.

Bill passed.

Senator Fountain offered the following resolution :

Resolved, That, at the night sessions of the Senate, no Senator shall speak longer than five minutes on any question before the Senate.

Adopted.

Senator Flanagan moved suspension of rules to take up Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

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

Senator Priest moved to amend by striking out sections ten and eleven. Carried.

Senator Douglas offered as substitute for section eleven: "This act to take effect and be in force from and after its passage."

Adopted.

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

Rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon

--21

Nays—None.

Excused—Bowers, Clark.

Absent—Cole, Gaines, Hertzberg, Latimer, Mills—5.

Bill passed.

Senator Priest moved suspension of rules to take up Senate bill No. 200, a bill to be entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges."

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

Senator Priest moved to amend by striking "one-eighth" and inserting "one-fourth" in section six. Lost.

Senator Ruby moved to amend by striking out "one-eighth" and inserting "one-sixth." Lost.

Senator Dohoney moved the postponement of further consideration of the bill and that it be made a special order for half-past eight o'clock to-morrow night. Lost.

Senator Pickett moved the bill be read and adopted by sections. Carried.

Senator Cole moved to amend section one, line four, after the word "counties" insert "and a poll tax of fifty cents upon each adult male person in the county."

Senator Baker moved the amendment of Senator Cole be rejected. Lost.

Yeas and nays called for on the adoption of the amendment :

Yeas--Mr. President, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Shannon--10.

Nays--Baker, Bell, Ford, Fountain, Hall, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--11

Amendment lost.

Section one adopted.

By Senator Douglas: Amend section two, line two, after the word "hands" insert "at such price as may be fixed by the court." Adopted.

Amend section two, line three, after the word "public" add "and as the courts may determine." Adopted.

Section two as amended adopted.

Section three adopted without amendment.

Senator Dohoney moved to amend section four, line three, after the words "services rendered" the words "to be fixed by the county court." Adopted.

Senator Priest moved to fill the blank, section four, line three by inserting "five hundred." Adopted.

Section four as amended adopted.

Senator Pettit moved to amend section five, first line, strike out the word "working" and insert the word "work." Adopted.

Section five as amended adopted.

Section six, seven and eight adopted without amendments.

On motion of Senator Priest the bill passed to engrossment.

Senator Priest moved further suspension of rules; rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Dohoney, Flanagan, Ford, Gaines, Hall, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—17.

Nays—Broughton, Cole, Douglass, Evans, Shannon—5.

Absent, Gaines, Hertzberg, Latimer, Mills—4.

Excused, Bowers, Clark.

Bill passed.

Senator Dohoney moved the Senate adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Evans, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle—9.

Nays—Baker, Bell, Cole, Dohoney, Douglass, Flanagan, Ford, Fountain, Hall, Rawson, Ruby, Saylor, Shannon—13.

Absent, Gaines, Hertzberg, Latimer, Mills—4.

Excused, Bowers, Clark.

The Senate refused to adjourn.

Senator Hall moved suspension of rules to take up House bill No. 293, "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands.

Rules suspended, bill read first time; rules suspended, bill read second time, and on motion of Senator Pickett the bill was referred to Committee on Judiciary.

Report of Committee on Engrossed Bills :

The Hon. DON. CAMPBELL,

President of Senate :

Your Committee on Engrossed Bills having examined and compared Senate Bill No. 65, "to incorporate Austin City Ice Company," find the same to be correctly engrossed.

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

Senator Pyle moved to adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Dohoney, Evans, Pickett, Priest, Pyle—7.

Nays—Baker, Bell, Cole, Douglas, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—15.

Absent—Gaines, Hertzberg, Latimer, Mills—4.

Excused—Bowers, Clark—2.

The Senate refused to adjourn.

Senator Flanagan moved suspension of rules to take up House bill No. 183, "An Act legalizing a special tax levied by military order."

Rules suspended, bill read first time; rules suspended, bill read

second time, and on further motion of Senator Flanagan, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Broughton, Cole, Dohoney, Douglass, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Nays—Bell.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark, Pickett—3.

Bill passed.

Senator Broughton moved the Senate adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Dohoney, Douglass, Pyle, Shannon—6.

Nays—Baker, Bell, Cole, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor—14.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark, Pickett—3.

Motion to adjourn lost.

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

Roll called.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark—2.

Call of the Senate suspended.

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 202, "An Act authorizing the Commissioner of the General Land Office to issue patents on certain settler's claims."

Read second time; rules suspended, read third time and passed.

Senator Pettit moved suspension of rules to take up Senate bill No. 26, "An Act to incorporate the Texas Military Institute."

Rules suspended and bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—19.

Nays—Bell, Rawson—2.

Absent—Gaines, Hertzberg, Latimer, Mills, Pickett—5.

Excused—Bowers, Clark—2.

Bill passed.

Senator Dohoney moved suspension of rules to take up Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy."

Rules suspended and bill read second time and passed to engross-

ment; and on further motion the rules were suspended and bill read third time and passed.

Senator Saylor moved suspension of rules to take up House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

Rules suspended, bill read first time, and on motion of Senator Dohoney, the bill was made the special order for Friday at 8½ o'clock P. M.

Senator Pyle moved to adjourn.

Yeas and nays taken:

Yeas--Mr. President, Cole, Dohoney, Douglas, Flanagan, Fountain, Hall, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson--13.

Nays--Baker, Bell, Broughton, Evans, Ford, Ruby, Shannon--7.

Absent--Hertzberg, Latimer, Mills, Pickett--4.

Excused--Bowers, Clark--2.

Senate adjourned.

SENATE CHAMBER,
AUSTIN TEXAS, Wednesday, July 20, 1870.

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

Prayer by the Chaplain.

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

Message from the House with its action, House bill No. 433, "An Act to release A. M. Nips from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas."

Also, House bill No. 350, "An Act for the relief of the Houston and Texas Central Railway Company."

Also, House bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

REPORT FROM STANDING COMMITTEES.

Report from Committee on Judiciary :

COMMITTEE ROOM,
July 19, 1870.

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 258, entitled "An Act to authorize supreme and district judges, district clerks and their deputies, and justices of the peace, to take acknowledgments of deeds and other instruments required by law to be recorded," have had the same under careful consideration, and I am instructed to report the accompanying substitute for said bill and recommend its passage.

M. PRIEST,
Chairman of Committee.

On motion of Senator Priest the rules were suspended and report of committee and substitute for bill adopted. 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.

Message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR : I respectfully ask the withdrawal of my nomination of J. A.

Williamson to your honorable body for district judge of Twenty-eighth District.

EDMUND J. DAVIS,
Governor.

On motion of Senator Pickett leave was granted.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 341, entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier; the erection and maintenance of a frontier telegraph; the organization of the reserve militia, and the organization, arming and equipment of the State Guard," have had the same under careful consideration, and I am instructed by a majority of the committee to report it back with accompanying amendment, and recommend its passage.

M. PRIEST,
Chairman of Committee.

House bill No. 341, amend caption to read as follows: "An Act providing for the issuance and sale of the bonds of the State for certain purposes therein named, and to provide for the payment of the interest thereon, and a sinking fund of two per cent.

Senator Priest moved suspension of rules to consider the report.

Yeas and nays taken :

Yeas---Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor---13.

Nays---Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon---12.

Absent---Bowers, Hall, Mills---3.

The Senate refused to suspend the rules. Laid over under the rules.

Report of Judiciary Committee :

COMMITTEE ROOM,
July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 166, entitled "An Act to amend an act approved August 26, 1856, in reference to community property," have had the same

under careful consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 19, 1870.

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 323, entitled "An Act to incorporate the Bayou City Bank," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Majority report from Select Committee read.

A majority of your committee to whom was referred Senate bill No. 11, entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated," together with the message of his Excellency, Governor E. J. Davis, returning said act to the Senate, the House where it originated, with his objections thereto, and asking that the Senate reconsider its vote thereon, have had the same under consideration, and herewith submit the following report :

Upon a careful examination of the act, and of the Governor's objections thereto, a majority of your committee find that the Eastern Texas Railroad Company was chartered in 1860, that section fourteen of its charter provides "That said company shall be entitled to all the grants, rights, privileges, benefits and immunities of an act to encourage the construction of railroads in Texas by donations of lands, approved January 30, 1854, while said act continues in force, subject to the conditions and requirements contained therein, and in any other general laws of the State, except as hereinafter provided."

Section fifteen provides "That the proviso in the twelfth section of the above mentioned act, which limits the benefits of the same to companies which shall construct and complete at least twenty-five miles of the road contemplated by their charters respectively, within two years after the passage of said act, shall not apply to the companies chartered by this act."

Section eighteen of said act provides "That nothing contained in the four preceding sections shall be so construed as to exempt said