

company from complying with any of the conditions prescribed by said general act for the benefit of railroad companies in this State."

Section nineteen of said charter requires the company to have completed, equipped and in good running order at least fifty miles of their road within two years after the first day of July, 1860, and fifty miles additional every subsequent two years, and that if it fail it shall lose the benefits of the land grant, and shall also forfeit its charter.

If it should be held that the running of the statute against this company was interrupted by the breaking out of the war in the beginning of the year 1861, and that the statute could not again begin to run until the reinauguration of regular civil government within this State (a question believed not to be free from difficulty, but which it is not proposed, because not necessary, to elaborate or discuss here), then this company has neither forfeited its rights to land grants nor its charter, and the act under consideration would only have the effect to remove doubts as to the validity and vitality of the charter, and to extend the time within which work was to be completed. Under this view of the objects and effect of the act in question, it could not, of course, be held to be unconstitutional, for if the company has forfeited neither its rights to land grants nor its charter, an act so declaring and extending the time within which the work is to be completed, would but be in the natural and ordinary channel of legislative relief measures. But if the statute has run, and this company, by non-completion of sections of its road, as required by its charter, has forfeited its charter, it is still a living, subsisting corporation until its charter is declared forfeited by a judicial decree in a proceeding instituted by the State for that purpose. It may go on constructing its road, contracting and being contracted with, suing and being sued, until the State, should it see proper to do so, shall institute proceedings and have its charter declared forfeited. No such proceedings have been instituted, and no such forfeiture declared. So a majority of your committee submit said company is a living corporation, and entitled to corporate rights, privileges and immunities as such.

It is admitted, if it be held that the statute has run against this company, that the State may institute proceedings in the courts and have its charter declared forfeited. But the State is not bound to do this. She may, if she see proper, through her Legislature, waive the forfeiture; and if she should waive the forfeiture, the company would stand upon the very same ground as to its corporate rights and franchises that it would have occupied if it had gone on and complied literally with the requirements of its charter.

In the case under consideration a majority of your committee sub-

mit that the State has waived the forfeiture, if any ever existed; that she did so expressly through her Legislature by an act passed October 8, 1866; that she did so by the convention that framed the constitution, by a declaration passed January 9, 1869; that she seeks through the Legislature, in the bill under consideration, to again declare that she waives any and all forfeitures of this company's charter.

It is believed by a majority of your committee that there is no constitutional inhibition against the Legislature relieving incorporations against acts of forfeiture which they may have committed, especially when such acts of forfeiture affect only the State. Your committee are unable to arrive at the conclusion that section six of article ten of the State constitution contains any such inhibition. Whatever may be the true interpretation of that section of the constitution in its application to grants of land hereafter to be made by the State, it is not believed that it can be so construed as to prohibit the Legislature from relieving from or waiving acts of forfeiture committed by incorporations. Such legislative enactments do not make grants of land—they only relieve from or waive acts of forfeiture. The grants of lands and corporate rights in such cases had already been granted by antecedent existing laws.

An act of the Legislature making a grant of land is believed to be a very different thing from an act waiving a forfeiture of land. In the former case the grant, the right to the land, has its origin in the act, is created by the act, and dates from the time the act goes into effect; in the latter case the land had been already granted by and under pre-existing law, and the legislative act only waives any forfeiture of the land that might exist, and which might enure to the benefit of the State, if she did not see proper to waive it. It is not believed that such a waiver of forfeiture can, in any just sense, be held to be a grant of land.

But a majority of your committee propose to consider this section of the Constitution further, in its application to the provisions of this bill. The section is as follows:

“The Legislature shall not hereafter grant lands to any person or persons; nor shall any certificate for land be sold at the Land Office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres.” What does this section mean? and to what does it apply? Does it apply to the relief sought to be given by this bill? The convention that framed the constitution, passed or adopted a declaration “For the relief of the Eastern Texas Railroad Company.” Section one of said declaration provides, among other things, as follows: “Be it declared by the people of Texas, in convention assembled, that the time within which the

Eastern Texas Railroad Company are required to construct and put in running order fifty miles of their said road; be, and the same is hereby extended until the first day of January, A. D. 1871, and all the rights, privileges and immunities conferred upon said Eastern Texas Railroad Company by the original act of incorporation of the same, and the subsequent acts amendatory thereof, and for the relief of said company be, and the same are hereby renewed and revived in favor of said company." If section six, of article ten of the constitution had contained a provision, that nothing in section six should be so construed as to deprive the Eastern Texas Railroad Company of the benefits of the railroad land grants, or to prohibit the Legislature from granting it any relief it might otherwise have granted, no one would then insist that this section stood in the way of this company's obtaining the renewal of its charter and the railroad land grants. But while the convention that framed the constitution, did not incorporate into section six such a proviso, that body did, it is submitted, in effect, explicitly declare in the declaration above quoted, that section six, of article ten of this constitution, was not to be so construed as to deprive the Eastern Texas Railroad Company of a renewal of its charter, and of the benefits of the railroad State aid land grants. And whether the declaration from which the above extract is quoted may, or may not be valid or subsisting law, it nevertheless throws, it is submitted, explicit light upon the effect intended by the framers of the constitution, to be given to section six. The framers of the constitution declare, in a solemn declaration, made simultaneously with the framing of the constitution, that the Eastern Texas Railroad Company shall have a renewal of its charter, and the full benefits of the railroad State land grants, notwithstanding section six of article ten of the constitution. Is not this, in effect, explicitly declaring that section six of article ten was not intended to operate, and should not be so construed, as to deprive this company of a renewal of its charter, and of the benefits of the land grants?

How then can it be held that section six deprives, or was intended to deprive this company of the privilege of having its charter renewed, and of the benefits of the railroad land grants, when the framers of the constitution, at the very time that they frame the constitution, expressly declare that this company shall have these benefits?

The true interpretation, it is submitted, is that section six was intended to operate as a future rule; and certainly it cannot operate upon things that the framers of the constitution declare it shall not operate upon.

It will be remembered that the convention declared in express

terms that the charter of this company should be renewed, and that it should be entitled to the benefits of the railroad State land grants. The act under consideration adopts this declaration of the convention, and ratifies and confirms what the convention declared should be done. Is it unconstitutional for the Legislature to ratify and confirm what the convention, when it framed the constitution, declared should be done? Under what principle of constitutional law can it be held that such a legislative enactment, with such an object, is unconstitutional?

For the reasons given, a majority of your committee find themselves unable to concur in the opinion expressed by the Governor in his message, that the provisions of this bill are in conflict with section six of article ten of the constitution. Your committee have failed, in their judgment, to discover any well grounded constitutional objections to the bill. They regard it as involving only a great question of public policy, and one that commends itself to the country. They, therefore, report the bill, together with the message of the Governor, back to the Senate, and recommend that the Senate, on reconsideration, do pass the bill notwithstanding the objections of the Governor.

E. B. PICKETT,
THOS. H. BAKER,
D. W. COLE,
J. G. BELL.

Minority report of Select Committee on the veto message :

The Eastern Texas Railroad Company was chartered January --, 1860. Section nineteen of said charter declares, "that when this company shall have equipped and completed, and in good running order, at least fifty miles of their road, within two years' time from the following July, and fifty additional miles every subsequent two years, said company shall then be entitled to the benefits of an act approved January 30, 1854, conferring a land grant of — sections to each and every mile of road," and also to the further "benefits of a loan from the special school fund amounting to ——— the said dollars per mile, approved August 13, 1856." The memorial prefixed to said Eastern Texas Railroad Company's bill, now before this body, states the fact "that in the year 1860 and 1861 twenty-five miles of said road were, according to its charter, put in running order, and that some thirty miles more of the line of said road were already graded, when the then acting Governor of Texas seized, appropriated and held the same until the close of the war," say to 1865. All the rights, immunities, privileges, etc., accruing to said company under this charter were of course forfeited. Notwithstanding, on the eighth of October, 1866, the Legislature of the State of

Texas confirmed the land grant of sixteen sections to the mile for the twenty-five miles of road already constructed, and confirmed the same grant of land per mile to each section of the road of twenty-five miles (instead of fifty), which should be constructed and put in running order as provided for by the charter. But it is a grave question whether the present constitution does not entirely inhibit that species of legislation by this Legislature, viz: of 1866. But aside from the validity of this relief, attempted to be granted by the Legislature, no work was done in the way of extending this road up to this time. We next find the representatives of this same road applying to the Convention of 1868 and 1869. On the fifteenth January, 1869, a declaration passed the Convention extending the time of completing fifty miles of said Eastern Texas Railroad Company to January 1, 1871, and conferring upon said company anew all the rights immunities and privileges of its original act of incorporation. The validity of this species of legislation by the Convention, is even more doubtful than the enactments of the Legislature of 1866. Besides, it is a fact worthy of note that, neither under the enactment of 1866, nor under this declaration, do we find this company able or willing to commence again active operations upon the road. In the meantime the Convention of 1868 and 1869. completes its labors, and proposes to the people a constitution which has been adopted. and under whose authority this present Legislature is now acting; and now again this E. T. R. R. Co., appears by its President and asks—what? Not that the time during the war shall not be allowed to run against said company—not that the time from the close of the war, 1865, to the present time, shall not be allowed to be counted against the company on account of any doubt as to the validity of the enactments in its favor by the Legislature of 1866. Or on account of the validity of any declaration in its favor made and passed by the Convention of 1868-69. There is no denial made of an entire forfeiture of all the rights, immunities and privileges of the original act of incorporation. There is no plea, nor could any be set up, of vested rights, for they were all contingent; but the demand is made that the declaration of the late Constitutional Convention for the relief of the E. T. R. R. Co., be and the same is hereby confirmed and amended, so as to confer upon said E. T. R. R. Co., all the rights, privileges and immunities conferred upon said company by the original act of incorporation; and that said act and amendatory acts be and the same are hereby *renewed* and *revived*. This, we submit, is tantamount to a new charter; at the same time it seeks to retain grants declared to be inconsistent with the new constitution. It was argued, when the bill was before the Senate, that the controversy, viz: whether corporations could re-

ceive grants which the constitution expressly denied to a person or persons, properly belonged to the courts? This view of the case seems plausible, but is, perhaps, specious. This course in the Legislature would intimate either first, a want of due reflection upon the subject matter of legislation; or, second, an attempt to forestall the action of the courts, by forcing a particular interpretation of the constitutional clause in question. We certainly appreciate railroads, and acknowledge that, as a means of civilization, their power has no equal. We would be glad that all our public domain could be granted to railroad companies who *would build* roads. Indeed we are of the opinion that alternate sections could be *sold*, and, if necessary, at a mere nominal price to secure roads; but we cannot agree with the majority of this committee to recommend the *revival* and *renewal* of the rights etc., of the original act of incorporation of this railroad company. Indeed, if this company be *revived* and *renewed*, then all the old forfeited charters which our present constitution seeks to dismiss from the docket of legislation, in justice might and ought to be *revived* and *renewed*. We are for a new system of railroading in this State. The constitution evidently contemplates a new era. Capitalists and live companies are watching the course of events here, but neither will invest until they are assured of hearty co-operation by the people, and a sound basis for future investment. For the above recited reasons, and especially those adduced in the veto message, we feel compelled to withhold our assent to the report made and subscribed to by a majority of this select committee, and would most respectfully present the above minority report, and ask that the same be spread upon the minutes of journal.

E. PETTIT.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 20, 1870.

To the Honorable Senate of the State of Texas:

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

Isaac B. McFarland for Judge Twenty-ninth Judicial District.

John Courtad for Director of the Penitentiary.

Respectfully,

EDMUND J. DAVIS,

Governor.

Under direction of the President the Secretary carried to the House, with action of the Senate, 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, 1855, February 7, 1853, February 8, 1858."

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

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

Senate joint resolution No. 10, concerning the supreme court libraries at Tyler and Galveston.

Bills and resolutions:

By Senator Hertzberg: "An Act to be entitled an act to amend an act to incorporate the Alamo Fire Association of San Antonio, Texas."

Read first time and referred to Committee on Judiciary.

On motion of Senator Dohoney the rules were suspended to take up House bill No. 386, "An Act providing for the payment of the outstanding indebtedness of the several counties."

Bill read first time.

Rules suspended and bill read second time.

And, on motion of Senator Priest, it was referred to Committee on Judiciary, with instructions to report to-morrow.

Special order:

The hour for special order having arrived, to wit: Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas," bill was read second time.

And, on motion of Senator Priest, the bill with all other bills relating to the same matter, was referred to a special committee with instructions to report on Tuesday next at 11 A. M., and made special order for that hour.

The Chair appointed the following named Senators on said committee: Priest, Dohoney, Douglas, Broughton and Ford.

On motion of Senator Ruby the rules were suspended to take up 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 define the powers thereof."

Returned by the House with amendments.

House amendments to Senate bill 55:

Section six, strike out the word "eight" and insert in lieu thereof the word "four."

Section seven, add at the end thereof, "provided that the Governor shall appoint a district attorney for said court, who shall hold his office until the next general election."

Section nine, in line one, strike out the words "there shall be appointed by said judge," and insert in lieu thereof the words, "there

shall be appointed by the Governor ;" and in line six insert the word "Governor" in lieu of the word "judge."

On motion of Senator Ruby the amendments were adopted.

Rules further suspended, read third time and passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 188, entitled "An Act granting certain real estate to the city of Austin," and also Senate bill No. 253, entitled "An Act to organize the county of Presidio," and to-day at 11 o'clock and 40 minutes A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,

Chairman.

Under direction of the President the Secretary was instructed to inform the House the Senate had concurred in House amendments to 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."

On motion of Senator Parsons, the rules were suspended to take up House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

Bill read third time.

Yeas and nays taken :

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

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

Absent--Pridgen.

Bill passed.

Under direction of the President, the Secretary carried to the House with amendments of Senate, House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Senator Parsons moved a reconsideration of the vote taken on House bill No. 405, and to lay the motion to reconsider upon the table.

Yeas and nays taken :

Yeas--Mr. President, Baker, Bell, Flanagan, Ford, Fountain,

Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Rawson—11.

Absent—Pridgen.

Carried.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

On motion of Senator Pickett the rules were suspended to take up Senate bill No. 59, "An Act to incorporate the Sabine and Neches Mutual Insurance Company, of Sabine Pass."

Bill read second time. On further motion, 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, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Nays—None.

Absent—Gaines.

Bill passed.

Under direction of the President, the Secretary carried to the House, with action of the Senate, Senate bill No. 65, "An Act to incorporate the Austin City Ice Company."

Also, Senate bill No. 26, "An Act to incorporate the Texas Military Institute"

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

IN SENATE.

On motion of Senator Cole, the Senate adjourned until eight o'clock, P. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 20, 1870.

EVENING SESSION.

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

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

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

Yeas and nays taken on final passage.

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon--24.

Absent--Pridgen, Saylor--2.

Excused--Clark, Bowers--2.

Bill passed.

On motion of Senator Flanagan 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 third time.

Yeas and nays taken on final passage.

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Shannon--24.

Nays--Priest.

Absent--Saylor.

Excused--Bowers, Clark.

Bill passed.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 106, a bill to be entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of "The Western Texas and Pacific Railway Company."

Bill read third time.

Senator Priest offered the following amendment :

Amend by striking out section four entire, and insert :

Section 4. That nothing in this act shall be so construed as to grant, or revive a grant to any of the public lands of this State, which has been heretofore forfeited by a non compliance of said railroad companies, or either of them, with the terms and conditions of the charter.

Yeas and nays taken :

Yeas—Ford, Gaines, Hall, Hertzberg, Latimer, Pettit, Priest—7.

Nays—Messrs. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Absent—Bowers, Clark—2.

Amendment lost.

Senator Flanagan moved the final passage of the bill.

Yeas and nays taken.

Yeas—Messrs. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Gaines, Hall, Pettit, Priest—4.

Absent—Bowers, Broughton, Clark—3.

Bill passed.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 145, "An Act to incorporate the Railroad Real Estate Building and Saving Association of Texas."

On motion of Senator Mills the amendments offered by the committee were adopted, and bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken :

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—None.

Absent—Bowers, Clark, Cole, Evans, Latimer—5.

Bill passed.

On motion of Senator Douglas the rules were suspended to take up Senate bill No. 244, entitled "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville high school.

Report of Committee read and adopted.

Substitute, as reported, adopted, bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Senator Hall moved a call of the Senate.

Call sustained.

Roll called; quorum present.

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

The question recurring upon the passage of Senate bill No. 244, the bill passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 322, "An Act to incorporate the Red River County, Texas Agricultural and Mechanical Association."

Bill read first time, rules suspended, bill read second time; rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Boughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--25.

Nays--None.

Absent--Bowers, Clark, Latimer--3.

Bill passed.

On motion of Senator Priest, the rules were suspended to take up House bill No. 19, entitled "An Act to incorporate Pennington College.

Bill read first time.

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

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Absent--Mills, Broughton--2.

Excused--Bowers, Clark, Latimer, Gaines--4.

Bill passed,

On motion of Senator Priest, the rules were suspended to take up House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas.

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

On motion of Senator Flanagan the rules were suspended to take

up Senate Bill No. 169, "An Act to incorporate the Comal Sanitary Association."

Bill read second time, and passed to be engrossed.

And on further motion the rules were suspended. Bill read third time.

Yeas and nays taken on final passage:

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

Nays—None.

Absent—Bowers, Clark, excused—2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," with House amendments.

House amendments to Senate Bill No. 14, strike out the name of "J. A. Bridgeland."

Amend section three, line five, after the word "bridge," insert "except railroad bridges."

On motion of Senator Flanagan the Senate concurred in the House amendments.

Senator Hall moved the Senate take up the business on the Speaker's table. Carried.

Senator Flanagan moved the Senate adjourn.

Yeas and nays taken:

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

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

Excused—Senators Bowers, Clark, Latimer, Gaines—4.

Senate refused to adjourn.

[General File.]

Senate bill No. 255.

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

Roll called.

Absent—Senators Bowers, Clark, Latimer, Gaines—4.

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

Senator Fountain moved that Senate bill No. 255, "An Act creating the office of State engineer and general superintendent of public works and the duties thereof," be made the special order for Friday at 10½ A. M., and that it be continued from day to day until disposed of. Carried.

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. 186, "To incorporate a Bank of Discount and Deposit at Navasota, Texas"; also, Senate bill No. 196, "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"; also, Senate bill No. 23, "To carry into execution the judgments and decrees of the late county courts, and to perfect the unfinished business of the same"; also Senate bill No. 201, "To prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy," and Senate bill No. 202, "Authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settler's claims of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre," find the same to be correctly engrossed.

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

On motion of Senator Ruby the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 21, 1870.

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

Pending reading of the journal, on motion of Senator Pyle the further reading of the journals were dispensed with.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas;" House bill No. 19, entitled "An Act to incorporate Pennington College;" House bill No. 322, "An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association;" 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;" also, Senate bill No. 202, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims, of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre;" Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male

and Female Academy;" substitute for Senate bill No. 23, "An Act to carry into execution the judgments and decrees of the late county courts, and to perfect the unfinished business of the same;" Senate bill No. 196, "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;" Senate bill No. 186, "An Act to incorporate a Bank of Discount and Deposit at Navasota, Texas."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 386, entitled "An Act providing for the payment of the outstanding indebtedness of the several counties," have carefully considered the same, and instruct me to report it back to the Senate with accompanying amendment, and respectfully recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend section one, line three, by striking out after the word "authorized," the words "and required," and insert in lieu thereof the words "at their discretion."

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

Report and amendments read and adopted.

Rules suspended and bill as amended read first time; rules suspended and bill read second time; rules suspended and bill read third time and passed.

On motion of Senator Fountain two hundred and fifty copies of House bill 386 were ordered to be printed.

Secretary carried House bill 386 to the House with the action of the Senate.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 265, entitled "An Act to incorporate the city of Paris, Texas,"

have carefully considered the same, and instruct me to report it back to the Senate with accompanying amendments, and recommend that it do pass.

M. PRIEST,

Chairman of Committee.

Amend by striking out section two and insert in lieu thereof the following language, to wit:

SEC. 2. The Governor shall, within sixty days from the passage of this act, appoint a mayor, six councilmen and a marshal, who shall reside within the corporate limits of said city, all of whom, except the marshal, shall be freeholders in said city; and who shall hold their respective offices until the next general election, and until their successors are elected and qualified. At the first general election provided for by the laws of the State for members of the Legislature, and every two years thereafter the aforesaid officers shall be elected by the qualified registered voters residing within the corporate limits of said city.

Amend section three, line three, by inserting after the word "judgment" the words "and the oath required by the constitution of the State."

Amend section nine by striking out in lines six and seven the following words: "both the mayor and the councilmen shall be exempt from military duty and from service as jurors and overseers of the poor."

Laid over under the rules.

On motion of Senator Fountain the rules were suspended to take up House bill No. 323, "An Act to incorporate the Bayou City Bank."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—None.

Absent—Bowers, Broughton, Hall—3.

Bill passed.

Under direction of the President the Secretary carried to the House with action of the Senate, House bill No. 323, "An Act to incorporate the Bayou City Bank."

BILLS.

By leave Senator Mills introduced a bill entitled "An Act to incorporate the Austin Gas Light Company."

Read first time and referred to Committee on Judiciary.

Message from the House informing the Senate the House had passed House bill No. 147, "An Act to encourage stock raising, and for the protection of stock raisers," House bill No. 410, "An Act to create the county of Delta," House bill No. 407, "An Act to provide for the salary and fees of district attorneys," House bill No. 437, "An Act authorizing district clerks to take proof or acknowledgments of all instruments of writing for record."

Special Message from the Governor, by his Private Secretary.

EXECUTIVE OFFICE,
Austin, July 21, 1870.

To the Honorable Senate of the State of Texas,

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

Daniel D. Claiborne for judge of the district court for the seventeenth district.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Message from the House informing the Senate the Speaker had signed in open session enrolled bill "An Act legalizing a special tax levied by military order," also enrolled bill "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases. Thereupon they were signed by the President and returned to the House."

Under direction of the President the Secretary carried to the House for signature of the Speaker enrolled bill "An Act to incorporate the City Bank of Houston."

On motion of Senator Saylor the rules were suspended to take up House Bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

Bill read first time; rules suspended and bill read second time; and, on motion of Senator Mills, was made special order for Wednesday at 11:30 A. M.

Special order: On motion of Senator Parsons the consideration of the Governor's veto on Senate bill No. 94 "An Act to expedite the construction of the Southern Pacific Railroad," was postponed, and made special order for to-morrow at 10:30 A. M.

On motion of Senator Pridgen the rules were suspended to take

up 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.

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time and passed.

Senator Saylor offered the following resolution:

Resolved, That A. J. Fountain, Senator from the thirtieth district, be and he is hereby granted leave of absence for the balance of the present session, said leave of absence to date from August 1, 1870.

Adopted.

On motion of Senator Dohoney the rules were suspended to take up Senate bill No. 191, "An Act to incorporate the North Texas Railroad Company."

Senator Bell moved to amend by striking out section ten.

Yeas and nays taken.

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Shannon—21.

Nays—Mr. President, Dohoney, Flanagan, Latimer—4.

Absent—Pyle, Saylor and Mills—3.

Amendment adopted.

Pending the amendment of bill,

Under direction of the President the Secretary carried to the House, 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."

Rules suspended. Senate bill No. 191 read second time, passed to engrossment, and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon—24.

Nays—Hall, Priest, Rawson—3.

Absent—Latimer.

Bill passed.

Message from the House informing the Senate the House had passed Senate bill No. 202, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims of one hundred and sixty acres of land each on payment of a usual office fees and fifty cents per acre."

On motion of Senator Ford the rules were suspended to take up

Senate bill No. 82, "An Act entitled an act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of 'An Act to incorporate the Waco Tap Railroad Company.'"

Senator Ford offered the following amendment:

Amend section thirteen, line five, by striking out the word "ten" and insert "fifteen." Adopted.

Senator Ford offered the following amendment:

Amend section twenty by striking out all of the section after the word "act," in line two, and insert in lieu thereof, "shall take effect from and after its passage and continue in force fifty years."

Adopted.

Senator Ford moved the engrossment of the bill. Carried.

Rules suspended and 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, Fountain, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—26.

Nays—None.

Absent—Mills, Shannon—2.

Bills passed:

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 119, "An Act to incorporate the New Anhold Manufacturing Company of Burleson county, Texas."

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

Yeas and nays taken:

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

Nays—None.

Absent—Hall, Ruby—2.

Bill passed.

Under direction of the President the Secretary informed the House the Senate had concurred in House amendment to Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company."

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

IN SENATE.

The Secretary was instructed to inform his Excellency the Governor that the Senate, in executive session, had advised and consented

to the appointment of John Cou had for director of penitentiary:

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 21, 1870:

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 17, entitled "An Act to incorporate the City Bank of Houston," and to-day at 12 o'clock and twenty-five minutes, P. M., presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report of Committee on Engrossment:

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate joint resolution No. 10, "concerning the supreme court libraries at Tyler and Galveston," find the same to be correctly engrossed.

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

On motion of Senator Flanagan the Senate adjourned to 10 o'clock to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, July 22, 1870.

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

Prayer by the Chaplain.

Journal of yesterday read, corrected and approved, as follows: Senate bill No. 191, "An Act to incorporate the North Texas Railroad Company," amend section six, line two, by striking out "fifty" and inserting in lieu thereof "one hundred."

Message from the House by Chief Clerk: House bill No. 441, "An Act for the permanent location of the county seat of Refugio county;" House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio;" House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston, Texas;" House bill No. 86, "An Act to incorporate the town of Canton, in Van Zandt county;" House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named;" House bill No. 53, "An Act to incorporate the Jefferson Insurance, Savings and Exchange Company;" House bill No. 51, "An Act to incorporate the town of Bonham, in Fannin county;" House bill No. 46, "An Act to incorporate the Powell Bridge Company, in Navarro county;" House bill No. 24, "An Act to authorize John Ferrill and J. J. T. Wright to keep a ferry on Big Cypress Bayou;" House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas;" House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston;" House bill No. 49, "An Act to authorize B. P. Riddle and James Blackburn to erect a toll bridge on Neches river;" also, that the Speaker had signed, in open session, enrolled bill, "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;" enrolled bill, "An Act to prescribe the time of the annual meeting of the Legislature;" enrolled bill, "An Act legalizing the acts of the Police Court of Coliad county in acting under the acts of the Legislature of 1866," whereupon they were signed by the President and returned to the House.

Message from the House informing the Senate the Speaker had appointed a committee of five to draft a suitable school bill, and asked the appointment of a like committee on the part of the Senate.

Petition by Senator Ruby: Petition of members of the bar and citizens of Galveston, praying that the Legislature define the powers and duties of district clerks in probate matters, and for relief.
Read and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Report from Committee on Engrossment:

COMMITTEE ROOM,
Austin, July 22, 1870.

To Hon. DON CAMPBELL,

President of the Senate.

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 139, "to incorporate the Harrison County Agricultural and Mechanical Association," also Senate bill No. 169, "to incorporate the Comal Cemetery Association," also Senate bill No. 258, "to authorize clerks of the district courts, their deputies, and notaries public to take acknowledgements of deeds and other written instruments," and Senate bill No. 200, "to authorize county courts to levy a road tax, and to improve roads and bridges," find the same to be correctly engrossed.

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

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred House bill No. 293, entitled "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands," have carefully considered the same 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 the rules.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 160, entitled "An Act amendatory of and supplementary to an act entitled 'An Act to incorporate the Young Men's Real Estate

and Building Association of Houston," have carefully considered the same, and I am instructed to report it back to the Senate with accompanying amendment, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend by striking out all of section two.

Laid over under the rules.

Special order:

The hour for special order having arrived for consideration of the Governor's veto on Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

Pending discussion,

The hour having arrived for the consideration of special order, House bill No. 169, on motion of Senator Bowers, it was made the special order for Monday, July 25, at eleven o'clock A. M.

Pending discussion,

On motion of Senator Priest, the Senate took a recess for ten minutes.

IN SENATE, 12:30 P. M.

Quorum present.

Pending discussion,

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

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 23, 1870.

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

Absent—Bewers, Broughton, Cole, Deuglas, Evans.
Journal of yesterday read and approved.

REPORT OF STANDING COMMITTEES.

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 246, entitled " An Act creating the county of San Jacinto, and naming the county site thereof," have given the same due consideration, and do hereby return the bill and petition with accompanying amendment and recommend its passage.

J. G. BELL,

Chairman of Committee.

Amend by striking out section three, and inserting the following :

Section 3. That the Governor be, and he is hereby authorized and empowered to appoint county officers, such as other counties have under the laws of this State, for said county of San Jacinto; and that said officers shall hold their offices until the next general election for county officers in this State.

Laid over under the rules.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 178, entitled " An Act to incorporate the San Antonio Shooting Company," and Senate bill No. 208, entitled " An Act to incorporate the Gymnastic Association of New Braunfels," 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.

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

Report read and adopted.

Senate bill No. 178 read second time and passed to engrossment.

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

Yeas and nays taken on final passage :

Yeas--Mr. President, Bell, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor Shannon--22.

Nays--None.

Absent--Baker, Bowers, Broughton, Douglas, Evans, Gaines--6.

Bill passed.

Senate bill No. 208 read second time.

Senator Bell offered the following amendment :

Strike out section three.

Adopted.

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

Yeas and nays taken on final passage :

Yeas--Mr. President, Baker, Bell, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Nays--None.

Absent--Bowers, Broughton, Douglas, Evans, Gaines, Parsons--6.

Bill passed.

Report of Committee on Engrossment :

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Engrossed bills having examined and compared Senate bill No. 90, "to incorporate the Sabine and Neches Rivers and Pine Island Bayou Internal Improvement Companies;" also, Senate bill No. 59, "to incorporate the Sabine and Neches Mutual Insurance Company," and Senate bill No. 145, "to incorporate the Railroad, Real Estate, Building and Savings Associations of Texas," find the same to be correctly engrossed.

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

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 55, entitled, "An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," and Senate bill No. 202, entitled, "An Act authorizing and requiring the Commissioner of General Land Office to issue patents on claims of one hundred and sixty acres of land, each, on payment of usual office fees, and fifty cents per acre," and to-day at 12 M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Message from the House informing the Senate of the action of the House in the Senate amendments to House bill 254, refusing to concur in the amendment striking out the name of Geo. P. Buell.

Senator Dohoney moved to suspend the rules to consider the message from the House.

Rules suspended.

Senator Dohoney moved the Senate recede from its action in striking out the name of George P. Buell.

Yeas and nays taken :

Yeas—Mr. President, Baker, Broughton, Dohoney, Evans, Ford, Fountain, Gaines, Hall, Latimer, Pettit, Priest, Ruby, Saylor, Shannon—15.

Nays—Bell, Bowers, Clark, Douglas, Flanagan, Mills, Parsons, Pickett, Pridgen, Pyle Rawson—11.

Absent—Cole, Hertzberg—2.

Carried.

The Secretary informed the House that the Senate concurred in their action in House bill No. 254.

Message from the House with its action :

House bill No. 260, "An Act to incorporate the town of Gatesville, in Coryell county, Texas."

House bill No. 331, "An Act to incorporate the Liberty County, Texas, Agricultural, Mechanical and Blood Stock Association."

House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

House bill No. 414, "An Act to incorporate the town of Rockport, in Refugio county."

House bill No. 436, "An Act for the relief of John W. High, of the county of Houston."

House bill No. 439, "An Act to authorize the police court of Karnes county to levy and collect a special tax for the purpose of completing the courthouse and jail now in process of construction in said county."

House bill No. 368, "An Act to incorporate the Sabine Valley Agricultural and Mechanical Association."

Under direction of the President the Secretary carried to the House, with the action of the Senate, Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Senate bill No. 169, "An Act to incorporate the Comal Cemetery Association."

Senate bill No. 200, "An Act to authorize county courts to levy a road tax, and to improve roads and bridges."

Senate bill No. 258, "An Act to authorize clerks of the district courts, their deputies, and notaries public, to take acknowledgments of deeds and other written instruments."

Also enrolled bill (Senate bill 202) "An Act authorizing the Commissioner of the General Land Office to issue patents on certain settlers' claims of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre."

Enrolled, (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."

BILLS.

By Senator Priest: A bill to be entitled "An Act to provide that certified copies of written documents filed in any of the State departments shall be admitted in evidence."

Read first time, rules suspended, bill read second time, passed to engrossment. On motion the rules were further suspended and the bill read third time and passed.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill 221, "An Act to incorporate the Savings and Trust Company of Texas."

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

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

Yeas and nays on final passage were as follows:

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertz-

berg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—None.

Absent—Cole, Evans, Mills—3.

UNFINISHED BUSINESS.

The President announced the business before the Senate to be the Governor's veto message on Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

Pending discussion message from the House informing the Senate that the Speaker had signed in open session enrolled Senate bill No. 202, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims, etc."

Also enrolled 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," whereupon they were signed by the President.

Also that the House had passed Senate bill No. 75, "An Act for the relief of the heirs of General Sam Houston, deceased."

Also Senate bill No. 3, "An Act authorizing Thomas M. Harwood, W. G. Belding, and Charles Mason, of Gonzales county, to construct and build a bridge across the Guadalupe River near the town of Gonzales," informing the Senate the House had rejected the same.

Special message from the Governor by his private Secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 23, 1870.

To the Honorable Senate of the State of Texas:

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

Charles Fowler, Joseph Barnard, F. W. Hitchcock, W. S. Davis and John Sealy as Pilot Commissioners for the port of Galveston.

Hugh Brosing, Charles B. Gardner, G. T. Ruby and C. Olsson as Notaries Public for Galveston county, Texas.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Under direction of the President, the Secretary carried to the House Senate bill No. 59, "An Act to incorporate the Sabine and Neches Mutual Insurance Company," Senate bill No. 90, "An

Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company," Senate bill No. 145, "An Act to incorporate the Railroad Real Estate Building and Savings Association of Texas."

Pending discussion, on motion of Senator Baker, the further consideration of the subject under debate was postponed until Monday at eleven A. M.

On motion of Senator Mills the Senate adjourned till Monday at ten A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, July 25, 1870.

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

Absent—Bowers and Rawson.

Journal of Saturday read and approved.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 125, entitled "An Act to amend the ninth section of 'An Act to amend the charter of the town of Goliad,'" have had the same under consideration 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 Pridgen the rules were suspended to consider the report.

Report read and adopted.

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

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clarke, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Nays—None.

Absent—Hall.

Bill passed.

Message from the House informing the Senate the House had passed House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

House bill No. 22, "An Act to incorporate and grant a new charter to the town of Georgetown, and repeal 'An Act approved September 26, to incorporate the town of Georgetown, in Williamson county, Texas.'"

House bill No. 457, "An Act for the relief of James L. Lipscomb and John Blair, of Houston county and State of Texas."

House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

House bill No. 428, "An Act to legalize the organization and qualifications of the county officers of Hamilton county, and to legalize the acts of the same."

House bill No. 364, "An Act to incorporate the city of Columbus, and for other purposes."

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 259, entitled "An Act to establish and incorporate the Beneficial Society of Galveston," have had the same under 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 Engrossment :

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 106, "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,'" also Senate bill No. 82, "to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of an act to incorporate the Waco Tap Railroad Company;" also, Senate bill No. 119, "to incorporate the New Anhalt Manufacturing Company;" also, Senate bill no 208, "to incorporate the Gymnastic Association of New Braunfels," and Senate bill No. 284, "to provide that certified copies of written documents, filed in any of the State departments, shall be admitted in evidence in the courts of this State," find the same to be correctly engrossed.

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

BILLS.

By Senator Campbell: "An Act to incorporate the Marion County Agricultural and Mechanical Association."

Read first time and referred to Committee on Judiciary.

By Senator Baker: "An Act incorporating the Texas Coal and Mining Company."

Read first time, referred to Committee on Internal Improvements.

By Senator Priest: "An Act to authorize the County Court of the county of Cherokee to levy a special tax for the payment of jail expenses."

Read first time.

On motion of Senator Priest the rules were suspended to consider the bill.

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Clark, Cole, Donohy, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawsen, Ruby, Saylor Shannon—24.

Nays—None.

Absent—Bowers, Douglas, Latimer, Mills—4.

Bill passed.

By Senator Saylor: A bill entitled "An Act providing for the creation of a normal university, and to provide for the support and maintenance of the same."

Read first time and referred to Committee on Education.

By Senator Baker: "An Act to provide suitable chambers for the Supreme Court."

Read first time and referred to Committee on Public Buildings.

By Senator Pridgen: A bill to be entitled "An Act to incorporate the Beaumont, Galveston and Coast Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Hertzberg: An act to be entitled "An Act to incorporate the San Antonio Meat Extract Company, of the city of San Antonio."

Read first time and referred to Committee on Judiciary.

By Senator Parsons: "An Act to incorporate Waco Female College."

Read first time and referred to Committee on Judiciary.

On motion of Senator Baker the rules were suspended to take up Senate bill 87, "An Act providing for the payment of district at-

torneys *pro tem.*," with the following amendment by the House: Amend section one by inserting after the word "judges," in line four, the words "or the Commanding-General Fifth Military District."

On motion of Senator Pridgen, the Senate concurred in House amendments.

Bill read third time, and passed as amended, and the House informed of the concurrence of the Senate.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 331, "An Act to incorporate the Liberty County Texas Agricultural, Mechanical and Blood Stock Association."

Bill read first time; rules suspended, bill read second time.

Senator Pickett offered the following amendment:

Amend section one by striking out the word "commissioners," and insert "incorporators."

Amendment adopted.

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

Yeas and nays taken on final passage:

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

Nays none.

Absent--Hall, Mills--2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston, Texas."

Read first time; rules suspended, read second and third times and passed.

Yeas--Mr. President, Bell, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--21.

Nays none.

Absent--Baker, Bowers, Broughton, Gaines, Latimer Mills, Pyle--7.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston."

Bill read first time; rules suspended and 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—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Pridgen, Pyle, Rawson, Ruby—22.

Nays none.

Absent—Latimer, Mills, Pettit, Pickett, Saylor, Shannon—6.

Bill passed.

On motion of Senator Bowers the rules were suspended to take up House bill No. 428, "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same."

Read first time and referred to Committee on Judiciary.

The hour having arrived for the consideration of special order (House bill No. 167), on motion of Senator Ruby the special order was postponed and made the special order for to-morrow at 11:30 A. M. and thereafter until disposed of.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe."

Bill read second time.

Senator Priest offered the following amendment:

In lines one and two, section one, strike out the words "Senate and House of Representatives," and insert "Legislature."

Amendment adopted; rules suspended and bill read third time and passed.

On motion of Senator Bowers the rules were suspended to take up House bill No. 260, "An Act to incorporate the town of Gatesville, in Coryell county, Texas."

Bill read first time and referred to Committee on Judiciary.

Under direction of the President the Secretary carried to the House, with action of the Senate, (Senate bill No. 82), "An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of an act to incorporate the Waco Tap Railroad Company."

Senate bill No. 106, "An Act to authorize the consolidation of the Indianola Railroad with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the 'Gulf, Western Texas and Pacific Railway Company.'"

Senate bill No. 208, "An Act to incorporate the Gymnastic Association of New Braunfels."

Senate bill No. 119, "An Act to incorporate the New Anhalt Manufacturing Company."

Senate bill No. 284, "An Act to provide that certified copies of written documents, filed in any of the State departments, shall be admitted in evidence in the courts of this State."

Message from the House informing the Senate the House had concurred in Senate amendments to House bill No. 386.

Also, Senate amendments to House bill No. 139.

Also, that the Speaker had signed in open session enrolled bill, "An Act for the relief of the heirs of General Sam Houston, deceased.

Also, enrolled bill, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," whereupon they were signed by the President.

Special order :

The hour for special order, the consideration of the Governor's veto on Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

[Senator Pickett in the chair.]

Pending discussion, Senator Pettit offered the following resolution :

Resolved, That 'the veto message of his Excellency, Governor Davis, upon the bill to expedite the construction of the Southern Pacific Railroad Company be referred to a special committee of five, with instructions to investigate the issues raised, and report Wednesday at 11 A. M.

Yeas—Messrs. President, Gaines, Hall, Pettit, Pickett, Ruby, Saylor—7.

Nays—Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Latimer, Mills, Parsons, Priest, Pridgen, Pyle, Rawson, Shannon—21.

Resolution lost.

[President resumed the chair.]

The question recurring upon the passage of Senate bill No. 94, Senator Parsons moved that, on reconsideration of the vote, the Senate decide to pass the bill.

Yeas and nays taken :

Yeas—Messrs. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Shannon—19.

Nays—Fountain, Gaines, Hall, Hertzberg, Latimer, Pettit, Pickett, Priest, Saylor—9.

Carried.

Bill passed.

Under direction of the President, the Secretary informed the House that the Senate, on reconsideration, had passed Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad Company," vetoed by the Governor, July 18, 1870.

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

IN THE SENATE.

Under direction of the President, the Secretary informed his Excellency, the Governor, that the Senate had, in executive session, advised and consented to the following appointments, to-wit: Charles Fowler, W. S. Davis, John Sealy, F. W. Hitchcock, Joseph Bernard, Pilot Commissioners of the Port of Galveston; Daniel D. Claiborne, for Judge of the District Court for the Seventeenth District.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 14, entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bridge Company," and Senate bill No. 75, entitled "An Act for the relief of the heirs of General Sam Houston, deceased," and to-day, at 12 o'clock and twenty-five minutes, presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Special Message from the Governor, by his Private Secretary:

EXECUTIVE DEPARTMENT,
Austin, July 25, 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. M. Onins, for Judge of the District Court for the Twenty-eighth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Senator Mills moved the Senate stand adjourned till to-morrow at ten o'clock A. M.

Yeas--Baker, Bell, Dohoney, Douglas, Evans, Mills, Pyle, Shannon--8.

Nays--Mr. President, Bowers, Clark, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor--17.

Absent--Flanagan, Broughton, Latimer--3.

Lost.

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 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 Guards."

Report of committee read and adopted.

Senator Fountain offered the following amendment:

Section first, strike out all after the word "frontier."

Carried.

On motion of Senator Fountain, the bill was referred to the Committee on Judiciary with instructions to report on Wednesday, at 10:30 A. M., made the special order for that time.

On motion of Senator Bowers the Senate adjourned,

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 26, 1870.

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

Message from the House informing the Senate the House have passed Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Senate bill No. 101, "An Act for the relief of J. H. Hallanquist."

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

Also House bill No. 458, "An Act to create the county of Neches."

House bill No. 60, "An Act to incorporate the Agricultural and Mechanical Association of Northeastern Texas."

House bill No. 459, "An Act to incorporate the town of Springfield."

House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

Also enrolled bill "An Act to incorporate the Trans-Continental Railroad Company."

Signed by the President and returned to the House.

PETITION AND MEMORIALS.

By Senator Saylor—Memorial of Mary A. Hale, asking for relief.

Read and referred to Committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Counties and County Boundaries.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your committee on Counties and County Boundaries, to whom was referred Senate bill No. 262, entitled an Act to change the boundary lines of Burleson and Brazos counties, have duly considered the same and hereby return it, recommending its passage.

J. G. BELL, Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 272, entitled "An Act to incorporate the North Texas Manufacturing Company," have had the same under consideration and respectfully report the same back, with the following amendment, and recommend its passage.

Amend by striking out section ten.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your committee on Internal Improvement, to whom was referred Senate bill No. 267, entitled "An Act to Incorporate the Hempstead, Eastern and Western Railway Company," have carefully considered the same, and most respectfully report it back to the Senate with the accompanying amendment, and recommend its passage:

Amend, by stopping at Belleville for three years; provided, the Narrow Gauge is not there at the expiration of that time; then to proceed as in section two to Lagrange.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 238, entitled "An Act to Incorporate the United States and Mexico Railroad Company," have duly considered the same, and most respectfully report herewith a substitute, with the following amendments, and recommend its passage.

Amend, by striking out in section five, line ten, commencing after

the word "etc.," with the word, "all of which shall be exempt from taxation."

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Education :

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee, to whom was referred Senate bill No. 274, entitled "An Act to incorporate Troupe Seminary," also Senate bill 275, entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary," have had the same under consideration, and beg leave to report the following substitutes, and recommend their passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 26, 1870.

To the Honorable Senate of the State of Texas :

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

R. E. Borden, for Judge of the District Court for the Second District.

C. T. Garland, for Judge of the District Court for the Seventh District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

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. 138, "To change the name of Anna O. Donnell to Anna Rowe," also Senate bill No. 178, "To incorporate the San Antonio Shooting Company," also Senate bill No. 226, "To incorporate the Navasota, Washington and Brazos Bridge Company," and Senate bill No. 287, "To authorize the county court of the

county of Cherokee to levy a special tax for the payment of jail expenses," find the same to be correctly engrossed.

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

BILLS AND RESOLUTIONS.

By Senator Mills: "A bill to incorporate the Navasota Narrow Gauge Railroad Company."

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

By Senator Bell: "An Act to legalize the levying and collecting of a special tax in Austin county in accordance with military order No. 41."

Read first time, and referred to Committee on Judiciary.

Also, an act entitled "An Act to regulate the sale of spirituous liquors in the State of Texas."

Read first time, and referred to Committee on Judiciary.

By Senator Baker: A bill to be entitled "An Act declaring that the time between the date of the ordinance of secession, and the acceptance by the Congress of the United States of the Constitution of the State, shall not be counted or reckoned against railroad companies."

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

On motion of Senator Ruby the following resolution was called up:

Resolved, That the rules of order of the Senate be and are hereby amended by the following addition 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."

On motion of Senator Bowers it was referred to a select committee of three.

The Chair appointed on said committee, Senators Bowers, Parsons and Ruby.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 28, 1870.

To the Honorable Senate of the State of Texas:

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

Samuel Dodge for Judge of the Criminal District Court of Galveston and Harris counties.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Senator Bell offered the following resolution :

Resolved, That the Sergeant-at-Arms is hereby directed to inform the county authorities of the annoyance of a crazy man who haunts the capitol building day and night, and see that this unfortunate person is taken care of.

Adopted.

[General File.]

Senate bill No. 24, "An Act to make valid the official acts of certain surveyors."

Bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed.

On motion of Senator Dohoney the rules were suspended to take up House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time and passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named."

Bill read first time.

Rules suspended, bill read second and third time and passed.

On motion of Senator Fountain the rules were suspended to take up House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Clarke, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Broughton, Hall, Mills, Pickett—4.

Bill passed.

Message from the House informing the Senate the Speaker had

signed in open session enrolled bill, "An Act to authorize John J. Blenkinship to erect a toll bridge over Tehuacana Creek, in the county of McLennan, Texas."

Enrolled bill, "An Act to incorporate the Bayou City Bank."

Enrolled bill, "An Act to incorporate Pennington College."

Enrolled bill, "An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College, in Trinity county, Texas. whereupon they were signed by the President and returned to the House.

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 98, "An Act for the relief of E. M. Heath and others."

Bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Broughten, Douglas, Latimer, Pickett—4.

Bill passed.

Under direction of the President, the Secretary carried to the House Senate bill No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe;" Senate bill No. 178, "An Act to incorporate the San Antonio Shooting Company;" Senate bill No. 226, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company;" Senate bill No. 287. "An Act to authorize the county court of Cherokee county to levy a special tax for the payment of jail expenses."

Also, House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston;" House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston;" House bill No. 331, "An Act to incorporate the Liberty County, Texas, Agricultural, Mechanical and Blood Stock Association," with amendments.

On motion of Senator Priest the special committee appointed to draft a school bill was allowed further time.

Senator Flanagan moved the consideration of the Governor's veto on Senate bill No. 11, "An Act for the relief of the East Texas Railroad Company," be made the special order for to-morrow at 11½ A. M.

Carried.

[Senator Flanagan in the chair.]

On motion of Senator Parsons the rules were suspended to take up House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken:

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

Nays—None.

Absent—Mr. President, Hall, Saylor—3.

Bill passed.

Special order:

The hour for special order having arrived, 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."

Bill read third time.

[President resumed the Chair.]

Senator Pickett offered the following amendment: Strike out all after the fourth section.

Lost.

The question recurring upon the final passage of House bill No. 167, yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Broughton, Clarke, Cole, Gaines, Hall, Latimer, Pickett, Priest—8.

Bill passed.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio."

House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named."

House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

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."

On motion of Senator Hall the rules were suspended to take up Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof."

Bill read third time.

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

IN SENATE.

[Senator Ruby in the Chair.]

By leave, Senator Parsons introduced "An Act amendatory to an act to expedite the construction of the Southern Pacific Railroad."

Bill read first time.

Rules suspended, bill read second time.

[President resumed the Chair.]

Senator Gaines moved to strike out section four.

Carried.

Passed to engrossment; on further motion the rules were suspended and 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, Fountain, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Gaines, Hall, Hertzberg, Priest—4.

Absent—Latimer.

Bill passed.

Senator Fountain offered the following resolution:

Resolved, That J. P. Douglas, Senator from sixth district is hereby granted thirty days' leave of absence to date from August first, proximo.

Adopted.

Senator Bowers moved the Senate adjourn to 10 o'clock A. M. to-morrow.

Yeas and nays taken:

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Gaines, Mills, Pickett—11.

Nays—Mr. President, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—16.

Absent—Latimer.

Lost.

Senator Fountain moved to adjourn till 8 o'clock P. M.

Yeas and nays taken :

Yeas—Mr. President, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shamon--16.

Nays--Baker, Bell, Bowers, Broughton, Clark, Cole, Gaines, Mills, Parsons, Pickett, Pridgen--11.

Absent--Latimer.

Senate adjourned.

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

EVENING SESSION.

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

Absent—Bowers, Clark, Gaines, Hertzberg, Parsons, Pickett, Rawson.

On motion of Senator Baker the rules were suspended to take up House bill No. 6, "An Act to amend the seventy-first and ninety-second sections of 'An act to regulate proceedings in the district courts,'" approved May 13, 1846.

Read first time and referred to Committee on Judiciary.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 177, "An Act for the relief of Harvey W. Moore."

Bill read first time; rules suspended and bill read second time; rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Pickett, Rawson—8.

Bill passed.

On motion of Senator Broughton the rules were suspended to take up House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

Bill read first time; rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—19.

Nays—Mills.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Rawson, Pickett—8.

Bill passed.

On motion of Senator Shannon, the rules were suspended to take up Senate bill No. 210, "An Act restricting the sale of vinous and

spirituous liquors within the immediate vicinity of Caddo Grove Seminary.

Report of committee and substitute adopted.

Read second time and passed to engrossment.

Rules suspended and bill read third time and passed.

On motion of Senator Flanagan, the rules were suspended to take up Senate bill No. 100, "A bill making an appropriation for the relief of A. H. Cook."

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Parsons, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Hertzberg, Gaines, Latimer, Petit, Pickett, Rawson—8.

Bill passed.

On motion of Senator Fountain, the rules were suspended to take up House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

Read first time.

Rules suspended. Bill read second time.

Senator Fountain offered the following amendment:

Amend section one by inserting in the blank, after the words "margin of the Rio Grande, at the," the word "southeast" before the word "corner."

Adopted.

Rules suspended, bill read third time and passed.

Senator Saylor asked leave to introduce the following bill:

Leave granted.

"An Act appropriating \$1500 for repairs on Treasury buildings."

Read first time, and referred to Committee on Finance.

On motion of Senator Mills the rules were suspended to take up House bill No. 98, "An Act to extend the time for the location of certain land certificates.

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

On motion of Senator Broughton the rules were suspended to take up Senate bill No. 272, "An Act to incorporate the North Texas Manufacturing Company," with amendment, striking out section ten.

Report of committee read and adopted; bill read second time.

Senator Pridgen offered the following amendment:

Amend section one, last line, by striking out, after the word "shall," the words "be perpetual," and insert, "exist for thirty years."

Adopted.

Bill as amended passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Pickett, Rawson—8.

Bill passed.

By leave Senator Douglas introduced the following bill:

A bill to be entitled "An Act to incorporate the Belzora Navigation Company."

Read first time and referred to Committee on Internal improvements.

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 262, "An Act to change the boundary line of Burleson and Brazos counties."

Bill read second time and passed to engrossment.

Rules suspended and bill read third time and passed.

On motion of Senator Priest the rules were suspended to take up House bill No. 548, "An Act to create the county of Neches," read first time; rules suspended, bill read second time.

Senator Saylor moved to amend by striking out the word "Neches" of the county wherever it occurs and insert "Lincoln."

Yeas and nays called for:

Yeas—Mr. President, Baker, Ford, Fountain, Hall, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor—11.

Nays—Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Priest, Pyle—9.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Pickett, Rawson, Shannon—8.

Adopted.

Senator Priest moved the bill be referred to Committee on Counties and County Boundaries.

Carried.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 160, "An Act amendatory of and supplementary to

an act to incorporate the Young Men's Real Estate and Building Association of Houston," with amendment:

Strike out section two.

Report of committee and amendment adopted, and bill read the second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken:

Yeas--Mr. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Parsons, Pettitt, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--20.

Nays--None.

Absent--Bowers, Broughton, Clark, Gaines, Hertzberg, Latimer, Pickett, Rawson--8.

Bill passed.

Senator Pettitt offered the following resolution:

Resolved, That with a view to facilitating the business of the evening sessions, and of affording to Senators equal opportunities of calling up bills, that hereafter the Secretary shall call the names of Senators as they appear upon the roll, and as each Senator's name is called he will be entitled to call up *one* bill. The calling of the roll shall commence every evening where it was left off the preceding evening.

Adopted.

On motion of Senator Baker the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 27, 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.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary on House bill No. 428 :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your committee on Judiciary, to whom was referred House bill No. 428, entitled "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same," have carefully considered the same, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee. -

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

Report adopted.

Bill read first and second times; rules suspended and bill read third time and passed.

Report of Committee on Judiciary on House bill No. 341, with amendments :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was recommitted House bill No. 341, entitled "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.," have carefully considered the same, and instruct me to report it back with accompanying amendments and recommend that it do pass.

M. PRIEST,

Chairman of Committee.

Amendments to House bill No. 341 :

Amend section one, line three, by striking out the word "eight" and insert in lieu thereof the word "seven."

Add, after the word "semi-annually," in line four, the words "in gold."

Amend section four, line one, by striking out the words, "the Comptroller of the State shall cause to," and insert in lieu thereof the words "there shall."

In section four, line four, strike out the words "to create."

Strike out in line four and five the words "sufficient to pay," and insert in lieu thereof the words "of two per cent. to be applied to the payment of."

Strike out in line five the words "at maturity," and insert in lieu thereof the words "as hereinafter provided."

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

Report of committee with amendments adopted.

[Senator Ruby in the chair.]

Pending discussion.

[President resumed the chair.]

Senator Mills offered the following amendment :

Amend section five, in line two, after the word "advantage," "provided, the said bonds shall not be sold at less than par."

Yeas and nays taken :

Yeas—Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Hall, Latimer, Mills, Fridgen, Pyle, Shaanon—15.

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

Absent—Pickett.

Amendment adopted.

Under direction of the President the Secretary carried to the House, House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

House bill No. 177, "An Act for the relief of Harvey W. Moore."

House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces," with amendments.

House bill No. 341.

[Senator Ruby in the Chair.]

Senator Dohoney offered the following amendment : Amend section five, line five, by striking out the words "and a half."

Senator Douglas offered the following amendment to the amendment : Strike out "one per cent." and insert "one-eighth of one per cent." Lost.

The question recurring upon the adoption of the amendment, yeas and nays called for :

Yeas--Baker, Bell, Broughton, Clark, Dohoney, Douglas, Evans, Flanagan, Gaines, Latimer, Mills, Pettit, Pridgen, Shannon--14.

Nays--Mr. President, Bowers, Cole, Ford, Fountain, Hall, Hertzberg, Parsons, Pyle, Rawson, Ruby, Saylor--12.

Absent--Priest, Pickett--2.

Adopted.

Senator Douglas offered the following amendment : Amend section fifth, line one, strike out "Governor" and insert "Comptroller."

Amendment lost.

Bill read second time.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Shannon--21.

Nays--Douglas, Latimer, Saylor--3.

Absent--Hertzberg, Priest, Pickett, Pridgen--4.

Bill passed.

Senator Parsons offered the following resolution :

Resolved, That the Governor of Texas, upon the passage of the Frontier Protection Appropriation bill, be requested at once to organize, and throw in the direction of the head waters of the Colorado and Brazos rivers, the companies of the frontier regiments authorized by law, as fast as organized, in order to meet the Indian invasion now upon our people.

Adopted.

Under direction of the President, the Secretary carried to the House for signature of the Speaker, enrolled Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Enrolled Senate bill No. 87, "An Act providing for the payment of District Attorneys, *pro tem*."

Enrolled Senate bill No. 101, "An Act for the relief of J. H. Hallonquist."

They were signed by the Speaker in open session and returned to the Senate, and thereupon signed by the President.

Message from the House informing the Senate the House had passed House bill No. 463, "An Act for the relief of John B. Craig, deceased."

House bill No. 455, "An Act to repeal an Act entitled an Act

regulating contracts for Labor." Approved November 1, 1866.

House bill No. 376, "An Act for the relief of Andrew J. Nichols."

House bill No. 394, "An Act to incorporate Salter's Commercial Literary College."

House bill No. 317, "An Act supplementary to the Act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company, and to the other special acts relating to said Company."

House bill No. 294, "An Act to incorporate the Western Narrow Gauge Railway Company."

House bill No. 200, "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company—Southern branch."

House bill No. 135, "An Act to incorporate the Waco Insurance Company."

House bill No. 127, "An Act to repeal an act entitled 'an act to amend articles 756 and 767 of an act to establish a penal code for the State of Texas,' approved November 12, 1866."

House bill No. 107, "An Act repealing an act entitled 'an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentices,' approved October 27, 1866."

Also, the Speaker had signed in open session enrolled bill "An Act to relinquish the titles and to confirm the patents to certain lands therein named."

Enrolled bill "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Enrolled bill "An Act providing for the payment of the outstanding indebtedness of the several counties," whereupon they were signed by the President.

Special order—The hour for special order, the consideration of House bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

Bill read third time.

[Senator Ruby in the Chair.]

Yeas and nays taken on final passage of bill.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Gaines, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Hall, Hertzberg, Priest—3.

Absent—Douglas, Ford, Pickett, Fountain—4.

Bill passed and sent to the House.

Message from the House informing the Senate the House had concurred in the following Senate amendments to House bill No. 352:

Amend section one by inserting in the "blank" after the words

“margin of the Rio Grande at the” the words “southeast” before the word “corner.”

Senate amendments to House bill No. 331 : amend section one by striking out the words “commissioners” and insert “incorporators.”

Under direction of the President, the Secretary carried to the House House bill No. 341, “An Act providing for the issuance and sale of the bonds of the Stat for certain purposes therein named.”

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,

Austin, Texas, July 27, 1870.

To the Honorable Senate of the State of Texas :

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

C. H. Alexander, Westley Garner, H. C. Smith, William Harris and Edward Fink for Pilot Commissioners at Sabine Pass, Texas.

Respectfully,

EDMUND J. DAVIS,

Governor.

Senator Flanagan rose to a question of Privilege and asked that the consideration of the Governor's veto on Senate bill No. 11, “An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated,” be taken up.

Granted.

Report of majority and minority committee read.

Senator Parsons moved that on reconsideration the Senate pass Senate bill No. 11.

The Chair put the question “Shall the Senate on reconsideration of the vote, pass the bill over the Governor's veto?”

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Shannon—19.

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

Absent—Pettit, Pickett—2.

Bill passed.

Report of Committee on Enrolled Bills :

COMMITTEE ROOM,

Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 87, entitled “An Act providing for the payment of district attorneys *pro tem.* ;” and also Senate bill No.

101, entitled "An Act for the relief of J. H. Hallonquist;" and also Senate bill No. 139, entitled "An Act to incorporate the Harrison County Agricultural and Mechanical Association," and to-day at 12 o'clock and fifty minutes P. M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 221, "to incorporate the Saving and Trust Company of Texas;" also, Senate bill No. 24, "to make valid the official acts of certain surveyors," and Senate bill No. 191, "to incorporate the North Texas Railroad Company," find the same to be correctly engrossed.

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

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Private Land Claims, to whom was referred the petition of John B. Millerman for a land certificate, have had the same under consideration, and I am instructed to report it back with the accompanying bill and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid over under the rules.

Senator Bowers moved the Senate adjourn to 10 o'clock to-morrow.

Yeas and nays taken :

Yeas—Bell, Bowers, Broughton, Clark, Evans, Ford, Gaines, Latimer, Mills, Parsons--10.

Nays—Mr. President, Baker, Cole, Dohoney, Douglas, Flanagan, Fountain, Hall, Hertzberg, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--17.

Absent—Pickott.

Lost.

Senator Campbell moved to adjourn till 8 o'clock to-night.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Cole, Dohoney, Douglas,

Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Priest, Pridgen,
Pyle, Rawson, Ruby, Saylor, Shannon—18.

Nays—Bell Bowers, Broughton, Clark, Gaines, Latimer, Mills,
Parsons—8.

Absent—Pettit, Pickett—2.

Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 27, 1870.

EVENING SESSION.

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

By leave, the following bills were introduced :

By Senator Hall, "An Act to incorporate the Calvert Bridge Company."

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

By Senator Dohoney, "An Act for the relief of the Memphis, El Paso and Pacific Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Also, a bill to be entitled "An Act to provide for the location and pre-emption of lands within the Memphis, El Paso and Pacific Railroad Reservation."

Read first time and referred to Committee on Judiciary.

REPORTS FROM STANDING COMMITTEES.

Reports of Committee on Internal Improvements : -

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL

President of Senate :

Your Committee on Internal improvements, to whom was referred Senate bill No. 183, entitled "An Act to incorporate the Callahan Oil Manufacturing Company, of Hempstead, Texas," respectfully report they have duly considered the same, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 235, entitled "An Act incorporating the Texas

Coal and Mining Company," beg leave to report they have had the same under careful consideration, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 209, entitled " An Act to incorporate the Eastern Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company," respectfully report they have, with care, considered the same and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your committee to whom was referred Senate bill No. 283, entitled " An Act to incorporate the Austin Gas Light Company," respectfully report they have duly considered the same and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Reports of Committee on Education :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your committee to whom was referred the petition of certain citizens of Johnson and Hood counties, asking the prohibition of the sale of intoxicating and spirituous liquors within one mile of George's Creek Seminary, have had the same under careful consideration, and would beg leave to report the accompanying bill and recommend its passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your committee to whom was referred Senate bill No. 49, entitled "An Act to incorporate Lampasas College," have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

Report of Committee on Counties and County Boundaries:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petitions of citizens of Bexar and Medina counties, asking for, and protesting against, the cutting off from Bexar county a part thereof, to annex the same to Medina county, return the same; recommending that the matter be left to, and determined by, a majority vote of the citizens of Bexar county.

J. G. BELL, Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, July —, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 297, "Amendatory of an act entitled 'An Act to expedite the construction of the Southern Pacific Railroad Company,'" and Senate bill No. 125, to amend the ninth section of an act entitled "An Act to amend the charter of the town of Goliad," find the same to be correctly engrossed.

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

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Counties and County Boundaries, to

whom was referred petitions of citizens of Grimes county, asking for, and protesting against the removal of the county site from Anderson to Navasota, return the same recommending that the matter be left to and determined by a majority vote of the citizens of Grimes county.

J. G. BELL,
Chairman.

Laid over under the rules.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee, to whom was referred the petition of Jas. S. Patterson, have had the same under consideration, and I am instructed to report it back with the accompanying bill, and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was referred Senate bill No. 257, entitled "An Act for the relief of H. E. McLelland, have considered the same and instruct me to report it back, with the recommendation that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid over under the rules.

[Senator Fountain in the Chair.]

On motion of Senator Baker the rules were suspended to take up Senate bill No. 285, "An Act incorporating the Texas Coal and Mining Company."

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

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Par-

sons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Nays--None.

Bill passed.

Senator Campbell offered the following resolution :

Resolved, That in order to expedite the business of the evening sessions of the Senate, that when the rules are suspended at the commencement of roll call, they shall remain so suspended during the evening for calling up bills.

Adopted.

Senator Bell moved to take up Senate bill No. 183, "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas."

Bill read second and third times.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flauagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--23.

Nays--None.

Bill passed.

Senator Pyle offered the following resolution, and moved a suspension of the rules to consider the resolution :

Resolved, That the latter clause of rule No. 24 be suspended, so far as it effects evening sessions, and that smoking be allowed during evening sessions.

Yeas and nays taken :

Yeas--Mr. President, Bell, Broughton, Cole, Fountain, Hertzberg, Mills, Parsons, Pridgen, Pyle, Ruby, Saylor, Shannon--13.

Nays--Baker, Dohoney, Douglas, Evans, Flanagan, Ford, Hall, Pettit, Priest, Rawson--10.

Absent--Bowers, Clark, Gaines, Latimer, Pickett--5.

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

Senator Broughton moved to take up Senate bill No. 180, entitled "An Act for the relief of Cain T. Brush."

Bill read second time and passed to engrossment.

Rules suspended, bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--22.

Nays--None.

Bill passed.

Senator Cole moved to take up House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

Bill read first time.

Rules suspended, bill read second time.

Senator Dohoney offered the following amendment:

Amend section five, line eleven by striking out the word "ten" and insert in lieu thereof the word "five."

Yeas and nays taken:

Yeas—Broughton, Dohoney, Douglas, Evans, Shannon--5.

Nays—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle Rawson, Ruby, Saylor--16.

Absent—Bowers, Clark, Gaines, Hall, Latimer, Pickett, Priest--7.

Amendment lost.

Rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor--16.

Nays--Broughton, Dohoney, Douglas, Evans, Rawson, Shannon--6.

Bill passed.

Senator Dohoney moved to take up House bill No. 51, "An Act to incorporate the town of Bonham, in Fannin county."

Read first time.

Rules suspended, bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays—None.

Bill passed.

Senator Douglas moved to take up Senate bill 47, "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company.'"

Rules suspended and bill read second time.

Senator Ruby moved the reference of the bill to the Judiciary Committee.

Lost.

Senator Priest offered the following amendment to to the bill:

Provided, That this bill is not intended to interfere with any

pre-existing rights or forfeitures, but its object is plainly expressed to change the name of the company and gauge of the road.

Yeas and nays taken :

Yeas—Evans, Fountain, Hall, Hertzberg, Mills, Pettit, Priest, Pridgen, Ruby, Saylor—10:

Nays--Baker, Bell, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Parsons, Pyle, Rawson, Shannon--12.

Absent--Mr. President, Bowers, Clark, Gaines, Latimer, Pickett.
Amendment lost.

Senator Ruby offered the following amendment :

Amend section two, line one, by striking out the word "exceeding" and inserting the words "less than" in lieu thereof.

Lost.

Rules suspended and bill read third time.

Yeas and nays called for :

Yeas--Baker, Bell, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Hertzberg, Parsons, Pridgen, Pyle, Rawson, Shannon--15.

Nays—Evans, Hall, Mills, Pettit, Priest, Ruby, Saylor--7.

Bill passed.

Senator Evans moved to take up House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays—Broughton.

Bill passed.

Senator Flanagan moved to take up House bill No. 317, "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company, and to the other special acts relating to said company."

Senator Mills moved the bill be made the special order for Tuesday, at half-past eleven A. M.

Lost.

Bill read first time.

Senator Dohoney moved the further consideration of the bill be postponed until Saturday, at half-past ten A. M., and that it be made the special order for that time.

Yeas and nays taken :

Yeas--Dohoney, Ford, Fountain, Mills, Pettit, Pridgen, Shannon--7.

Nays—Mr. President, Baker, Bell, Cole, Douglas, Evans, Flanagan, Hall, Hertzberg, Parsons, Priest, Pyle, Rawson, Ruby, Saylor—15.

Absent—Bowers, Broughton, Clark, Gaines, Latimer, Pickett—6.

Motion to postpone lost.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Cole, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Priest, Pyle, Pridgen, Rawson, Ruby, Saylor—19.

Nays—Pettit, Shannon—2.

Absent—Bowers, Broughton, Clark, Dohoney, Gaines, Latimer, Pickett—7.

Bill passed.

On motion of Senator Pyle the Senate adjourned.

SENATE CHAMBER,

AUSTIN, TEXAS, Thursday, July 28, 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.

REPORTS.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,

Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 301, entitled "An Act to incorporate the Calvert Bridge Company," return the same, recommending its passage, with the following amendment: Add to section seven, "Provided, that nothing in this charter shall be so construed as to interfere with any chartered ferry, and this bridge company is to have no exclusive rights until after the completion of said bridge."

J. G. BELL,

Chairman.

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

Report and amendments adopted.

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

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby—24.

Nays—None.

Absent—Dohoney, Evans, Saylor, Shannon—4.

Bill passed.

Report of Committee on Judiciary.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 281, entitled "An Act to organize the courts of Justices of the Peace and Police courts, and to define their jurisdiction and duties," have carefully considered the same, and instruct me to report it back to the Senate with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Amendments to Senate bill 281 :

Amend by striking out all of section three and section four, down to and including the word "costs," in line five.

Amend section five, by striking out all in line eight, after the word "county;" and all of line nine, and insert in lieu thereof the words "in which the contract by its terms is to be performed, or in which the defendant resides."

Strike out all in lines ten, eleven, twelve.

Amend section twelve, line two, by striking out all after the word "peace," down to, and including the word "detainer," in line three.

In section sixteen, strike out in lines twenty-two and twenty-three the word "five," before the word "hundred," and insert the word "one," in lieu thereof.

In section seventeen, strike out all of lines three and four down to, and including the word "courts" in line five.

Strike out all of section eighteen.

Amend by adding to the end of section twenty-two, the words "and attachments may issue for such witnesses."

In section thirty-five, line thirty, strike out all after the words "counties," and in line thirty-one the words "in the county or."

Amend section forty, by adding at the end the following words: "He shall assist the District Attorney in the final prosecution of all cases represented by him in the examining courts."

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

Report adopted, and on further motion was made the special order for to-morrow at 10½ A. M.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 30, entitled "An Act to authorize the clerks of the supreme and district courts, and the justices of the peace, to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same," have carefully considered the same, and I am instructed to report it back with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Amend by striking out section two.

In section five, line five, strike out all after the word "four" down to and including the word "case."

In section six, line three, strike out all after the word "days."

In section eight, line seven, strike out all after the word "execution."

Laid over under rules.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 239, entitled "An Act to incorporate the Bank of Sabine Pass," 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.

Message from the House informing the Senate the House had passed House bill No. 105, entitled "An Act to incorporate the Texas Mutual Life Insurance Company."

House bill No. 465, "An Act making an appropriation to re-cover the treasury building."

House bill No. 438, "An Act to incorporate the Weatherford Masonic Institute."

House bill No. 11, "An Act to repeal an act to provide for the assessing and collection of a tax on dogs in certain counties therein named, approved November 13, 1866."

Also, the House has reconsidered its vote by which it concurred in Senate amendment to House bill No. 331, and return said bill, the Senate amendment not being adopted.

BILLS AND RESOLUTIONS.

By Senator Hertzberg: An act to be entitled "An Act to incorporate the San Antonio Turners' Hook and Ladder Company No. 1."

Read first time and referred to Committee on Judiciary.

By Senator Fountain: "An Act for the relief of Mrs. Alwin Sumner, widow of August Sumner."

Read first time and referred to Committee on Judiciary.

Senator Flanagan offered the following resolution.

Resolved, That Hon. John Bell, Senator from the Thirteenth Senatorial District, be granted leave of absence for thirty days from and after Saturday, 30th July.

Adopted.

Report of Committee on Engrossment:
Hon. DON CAMPBELL,

President of Senate:

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 98, "for the relief of John H. Swofford, assessor and collector of Johnson county, and his sureties, and Elbert M. Heath, deputy assessor and collector, and his sureties," and Senate bill No. 244, "to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starville Female High School," find the same to be correctly engrossed.

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

Senator Pyle offered the following resolution:

Resolved, That the Senate, the House concurring, will adjourn *sine die* on the fifteenth day of August at 11 o'clock A. M.

Senator Pridgen offered the following amendment :

" Provided, that before said time of adjournment the Legislature shall have passed laws prescribing the jurisdiction of magistrates and their duties, together with the duties of sheriffs as collectors, and also the duties and functions of district clerks."

Senator Priest offered the following amendment to the amendment:

Add to amendment, "laws providing for elections, tax law, and law making appropriations for support of State government."

Senator Bowers moved that the resolution and amendments be referred to a joint committee of two from the Senate and three from the House.

Carried.

Under direction of the President the Secretary, carried to the House, with action of the Senate, Senate bill No. 24, "An Act to make valid the official acts of certain surveyors."

Senate bill No. 125, "An Act to amend the ninth section of an act entitled 'An Act to amend the charter of the town of Goliad.'"

Senate bill No. 191, "An Act to incorporate the North Texas Railroad Company."

Senate bill No. 221, "An Act to incorporate the Savings and Trust Company of Texas."

Senate bill No. 297, "An Act amendatory of an act entitled 'An Act to expedite the construction of the Southern Pacific Railroad Company.'"

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

House bill No. 51, "An Act to incorporate the town of Bonham, in Fannin county."

House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

House bill No. 317, "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company."

Senate bill No. 98, "An Act for the relief of John H. Swofford, Assessor and Collector of Johnson county, and his sureties, and Elbert M. Heath, Deputy Assessor and Collector, and his sureties."

Substitute for Senate bill No. 244, "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville Female High School."

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

Whereupon they were signed by the Speaker and returned to the Senate, and signed by the President.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 197, "An Act prescribing the time of holding the

district courts in the several judicial districts in the State, returned from the House amended.

The following amendments, as reported from the House, were concurred in by the Senate:

SUBSTITUTE FROM SECTION SIX.

SEC. 6. That the district courts of the fifth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Sabine on the first Mondays in October, February, and June, and may continue in session three weeks.

In the county of Shelby on the the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Panola on the first Mondays in December, April and August, and may continue in session four weeks.

AMEND SECTION ELEVEN.

Strike out the words "until the business is disposed of," and insert instead thereof the words "four weeks."

AMEND SECTION THIRTY-FIVE.

Amend section thirty-five by adding the following: In the county of Bosque, on the second Mondays in December, April and August, and may continue in session two weeks.

SUBSTITUTE FOR SECTION THIRTY-SIX.

SEC. 36. That the district courts for the thirty-fifth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Navarro, on the first Mondays in October, February and June, and may continue in session four weeks.

In the county of Hill, on the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Limestone, on the first Mondays in December, April and August, and may continue in session three weeks.

The Senate do not concur in the following House amendments:

SUBSTITUTE FOR SECTION EIGHT.

SEC. 8. That the district courts of the seventh judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Davis on the first Mondays in October, February and June, and may continue in session two weeks.

In the county of Titus, on the third Mondays in October, February and June, and may continue in session three weeks.

In the county of Marion, on the third Mondays in November, March and July, and may continue in session seven weeks.

SUBSTITUTE FOR SECTION TEN.

SEC. 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur, on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Rain's, on the fourth Mondays in October, February and June, and may continue in session one week.

In the county of Wood, on the first Mondays in November, March and July, and may continue in session three weeks.

In the county of Smith, on the fourth Mondays in November, March and July, and may continue in session six weeks.

SUBSTITUTE FOR SECTION SEVENTEEN.

SEC. 17. That the district courts of the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Calhoun, on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Victoria, on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Refugio, on the third Mondays in November, March and July, and may continue in session one week.

In the county of San Patricio, on the fourth Mondays in November, March and July, and may continue in session one week.

In the county of Nueces, on the first Mondays in December, April and August, and may continue in session three weeks.

AMEND SECTION TWENTY-TWO.

Strike out section twenty-two and insert instead thereof the words :
" That the district courts of the twenty-first judicial district shall be holden at the times herein specified, to-wit :

In the county of Colorado, on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Fort Bend, on the second Mondays in November, March and July, and may continue in session three weeks.

In the county of Austin, on the second Mondays in December, April and August, and may continue in session four weeks.

AMEND SECTION THIRTY.

Strike out section thirty and insert instead thereof: "That the district courts of the twenty-ninth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Fayette, on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Washington, on the second Mondays in November, March and July, and may continue in session till the business is disposed of.

Senator Mills moved a committee of conference of three be appointed on the part of the Senate to confer with a like committee on part of the House on Senate bill No. 197.

Carried.

The Chair appointed Senators Douglas, Dohoney and Priest.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, July 28, 1876.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrolled Bills have examined and find correctly enrolled substitute for Senate bill No. 130, entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," and to-day at 1 o'clock and 10 minutes P. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

On motion of Senator Baker, the rules were suspended to take up House bill No. 350, "An Act for the relief of the Houston and Texas Central Railway Company."

Bill read first time.

Rules suspended and bill read second time.

Senator Broughton offered the following amendment :

Amendment, section three, to come in after the word "Dallas," and before the word "as," in fifth line, insert "and to a point on Red river, within fifteen miles of Preston."

Adopted.

Rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannen—21.

Nays—Douglas, Evans, Hall, Hertzberg, Pettit, Priest—6.

Absent—Latimer.

Bill passed.

Message from the House informing the Senate that the House do not concur in the following Senate amendments to House bill No. 341 "An Act providing for the issuance and sale of the State bonds," etc :

Strike out in lines four and five, the words "sufficient to pay," and insert in lieu thereof the words, "of two per cent to be applied to the payment of."

Amend section five, line two, after the word "advantage" add "provided the said bonds shall not be sold at less than par."

Amend section five, line five, by striking out the words and a half."

Pending discussion, message from the House informing the Senate the House has appointed Messrs. Burnett, Jenkins, Cooper, Hawkins and Hughes to confer with a like committee on part of the Senate, and agree upon amendments to Senate bill No. 197.

The question recurring upon amendments to House bill No. 341, the Chair put the question, " Shall the Senate adhere to its amendments to House bill No. 341 ?"

Yeas and nays demanded and resulted as follows :

Yeas—Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Mills, Pickett, Pridgen, Shannon—13.

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

Senator Bowers moved the Senate adjourn till to-morrow 10 A. M.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Mills, Pickett, Priest, Pridgen, Shannon—17.

Nays—Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Rawson, Ruby, Saylor—9.

So the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, July 29, 1870.

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

Absent, Latimer.

Journal of yesterday read and corrected, so as to show that the Senate by its vote did not adhere to its amendment to section five (of House bill No. 341), line two, to wit: After the word "advantage," add "provided the said bonds shall not be sold at less than par," and that the Senate did adhere to its amendment to section four, to-wit: "To strike out in lines four and five, the words "sufficient to pay," and insert in lieu thereof the words "of two per cent. to be applied to the payment of."

The chair, under resolution of yesterday, appointed Senators Fountain and Pyle a committee to confer with a committee of three, on the part of the House, to agree upon the time of adjournment, and the House was informed of the same.

Report of Committee on Penitentiary:

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Penitentiary, to whom was referred that part of the message of his Excellency the Governor, calling the attention of the Legislature to the necessity of providing for the location and construction of branch Penitentiaries, have had the same under careful consideration and recommend the adoption of the following joint resolution:

Resolved by the Legislature of the State of Texas, That his Excellency the Governor, by and with the advice and consent of the Senate, be and he is hereby authorized to appoint three commissioners at a salary of eight dollars a day and traveling expenses, to visit during the vacation of the Legislature, that part of the State known as Western Texas, and that part known as North and Northeastern Texas, for the purpose of fixing and determining suitable locations for two additional State Penitentiaries; provided, one of said locations is east of the Trinity river, and north of thirty-second parallel of latitude, and one west of the Colorado river.

P. W. HALL,
Chairman.

Laid over under the rules.

Report of Committee on Private Land Claims: •

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 108, entitled "An Act for the relief of the heirs of Benjamin Franklin, deceased, have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

B. J. PRIDGEN,
Chairman.

Laid over under the rules.

On motion of Senator Cole the rules were suspended to take up House bill No. 410, "An Act to create the county of Delta."

Bill read first time.

Rules suspended and bill read second time.

Senator Hall moved to amend by striking out the word "Delta" and inserting "Latimer."

Lost.

Rules suspended and bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Clark, Cole, Douglas, Ford, Fountain, Gaines, Hall, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—21.

Nays—Dohoney, Evans—2.

Absent—Broughton, Flanagan, Mills, Hertzberg, Pyle—5.

Bill passed.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 210, "To prohibit the sale of intoxicating or spirituous liquors within the immediate vicinity of Caddo Grove Seminary;" also, Senate bill No. 47, "To amend an act entitled 'An Act to incorporate the Western and Great Northern Railroad Company;'" also, Senate bill No. 100, "For the relief of A. H. Cook;" also, Senate bill No. 180, "For the relief of Cain T. Brush;" also, Senate bill No. 160, "Amendatory of and supplementary to an act entitled 'An Act to incorporate the Young Men's Real Estate and Building Association,' approved November 6, 1866;" also, Senate bill No. 183, "To incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas;"

and Senate bill No. 262, "To change the present boundaries of Burleson and Brazos counties," find the same to be correctly engrossed.

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

Report of Select Committee on Rules :

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Select Committee, to whom was referred the following resolution :

"Resolved, That the rules of order of the Senate be and are here 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."

Having had the same under consideration, respectfully report it back to the Senate and recommend its passage.

M. H. BOWERS,
W. H. PARSONS, } Committee.
G. T. RUBY,

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

Message from the House, transmitting House bill No. 357, "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad."

House bill No. 467, "An Act legalizing certain writs and process issued by or from district courts."

House bill No. 194, "An Act to incorporate the Bosque Bridge and Manufacturing Company of McLennen county."

Also, enrolled House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston."

Signed by the President and returned to the House.

The Secretary carried to the House for concurrence, Senate bill No. 47, "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company.'"

Senate bill No. 100, "An Act for the relief of A. H. Cook."

Senate bill No. 180, "An Act for the relief of Cain T. Brush."

Senate bill No. 183, "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas."

Senate bill No. 210, "An Act to prohibit the sale of intoxicating or spirituous liquors within the immediate vicinity of Caddo Grove Seminary."

Senate bill No. 262, "An Act to change the present boundaries of Burleson and Brazos counties."

BILLS AND RESOLUTIONS.

By Senator Fountain: "An Act to incorporate the San Antonio and Rio Grande Telegraph Company."

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

By Senator Dohoney: A bill to be entitled "An Act allowing for further time for the redemption of land sold for taxes between March 2, 1861 and March 30, 1870."

Read first time, and referred to Committee on Judiciary.

By Senator Saylor: "An Act creating the office of superintendent of public buildings."

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

Senator Gaines offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to purchase twenty-five pounds of ice daily in place of ten pounds, as heretofore directed.

Adopted.

Senator Ruby offered the following resolution:

WHEREAS, A large number of bills will probably be passed to engrossment and enrollment before adjournment; and

Whereas, it is probable that the enrolling and engrossing clerks will be unable alone to promptly return said bills; therefore be it

Resolved, That the chairman of the aforesaid committee be authorized to appoint such assistants to said officers as may be necessary to secure the prompt execution of their duties, thereby preventing delay in legislation.

Senator Priest offered the following amendment:

Resolved, That the chairman of the several committees who can dispense with their clerks be authorized to do so at the earliest day practicable.

The hour for special order having arrived, on motion of Senator Douglas it was postponed for five minutes to consider the following:

Motion to suspend rule sixty-one to permit a motion to reconsider the action of the Senate in passing a bill to be entitled "An Act to amend an act to incorporate the Houston and Great Northern Railroad Company."

Special order having arrived, Senator Douglas moved its postponement until the matter before the Senate is disposed of.

Lost.

Special Order :

The hour for special order having arrived, Senate bill No. 281, a bill to be entitled "An Act to organize the courts of justices of the peace and police court, and to define their jurisdiction and duties."

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

Senator Ruby, Chairman of Committee of the Whole, having under consideration Senate bill No. 281, asked leave to set on Monday, at eleven o'clock A. M.

Report received and leave granted.

Senator Mills moved the Senate go into executive session.

Lost.

The question recurring upon resolution of Senator Douglas—

Yeas and nays called for :

Yeas—Mr. President, Bowers, Clarke, Cole, Dohoney, Douglas, Evans, Parsons, Pickett, Priest, Pyle, Shannon—12.

Nays—Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Pettit, Pridgen, Rawson, Ruby, Saylor—12.

Absent—Bell, Broughton, Flanagan, Mills—4.

Motion lost - two-thirds not voting in the affirmative.

Message from the House, Senate bill No. 201 "An Act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy," with amendments.

House amendments to Senate bill No. 201 :

Amend section one by striking out the words "four miles," and inserting in lieu thereof the words "two miles."

Amend section two by striking out the word "fifty," and inserting the word "twenty," and by striking out the words "five hundred," and inserting in lieu thereof the words "one hundred."

Also, by amending the caption to read "two," instead of "four miles."

Senator Cole offered the following resolution :

Resolved, That H. R. Latimer, Senator of the Ninth District, be allowed absence from this body from and after Wednesday, the third day of August, and during the remainder of the session.

Senator Bowers moved its postponement till Tuesday, August 2.

Carried.

The question recurring upon the amendment offered by Senator Priest to resolution of Senator Ruby, Senator Priest moved the adoption of the amendment.

Carried.

On motion of Senator Ruby the resolution as amended was adopted.

By Senator Baker, an act amendatory to an act entitled "An Act donating one hundred and sixty acres of land to actual settlers upon the public domain."

Read first time and referred to Committee on Judiciary.

Senator Ruby moved the Senate proceed with the business on the Speaker's table.

Senator Bowers moved the Senate go into executive session.

Carried.

IN SENATE.

Under direction of the President, the Secretary informed his Excellency, the Governor, that the Senate in executive session had advised and consented to the following appointments, to-wit :

Samuel Dodge, for Judge of the Criminal District Court of Galveston and Harris counties.

C. H. Alexander, Westley Gardiner, H. C. Smith, William Harris and Edward Fink, for Pilot Commissioners at Sabine Pass, Texas.

J. M. Onins, for Judge of the Twenty-eighth Judicial District.

On motion of Senator Mills the Senate adjourned till to-morrow, at ten o'clock A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 30, 1870.

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

Prayer by the Chaplain.

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

Senator Fountain to a question of privilege moved that a Committee of Free Conference of five be appointed on the part of the Senate to confer with like committee of the House on House bill No. 341, "An Act for the sale of the bonds of the State, etc.

Carried.

The Chair appointed Fountain, Broughton, Shannon, Hall and Ruby as the committee.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred House bill No. 98, entitled "An Act to extend the time for the location of certain land certificates, having carefully considered the same, beg leave to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

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

Report read and adopted.

Rules suspended, bill read third time and passed.

Special message from the Governor:

EXECUTIVE OFFICE,
Austin, July 29, 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 to provide for the registration of voters," approved July 11, 1870.

"An Act to provide for permanently locating the county seat of Robertson county," approved July 12, 1870.

"An Act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas," approved July 13, 1870.

"An Act making an appropriation for certain purposes," approved July 13, 1870.

"An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," approved July 19, 1870.

"An Act granting certain real estate to the city of Austin," approved July 19, 1870.

"An Act to organize the county of Presidio," approved July 19, 1870.

"An Act to incorporate the City Bank of Houston," approved July 21, 1870.

"An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866," approved July 22, 1870.

"An Act to prescribe the time of the annual meetings of the Legislature," approved July 22, 1870.

"An Act legalizing a special tax levied by military order," approved July 22, 1870.

"An Act authorizing district judges and district clerks to approve bonds of county officers in certain cases," approved July 22, 1870.

"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," approved July 23, 1870.

"An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," approved July 28, 1870.

"An Act to incorporate the Harrison County Agricultural and Mechanical Association," approved July 28, 1870.

"An Act to incorporate Pennington College," approved July 28, 1870.

"An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College, in Trinity county, Texas," approved July 28, 1870.

"An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," approved July 28, 1870.

"An Act to authorize John J. Blankenship to erect a toll bridge over Tehuacana Creek in the county of McLennan, Texas," approved July 28, 1870.

"An Act providing for the payment of district attorneys *pro tem.*," approved July 28, 1870.

Respectfully,

EDMUND J. DAVIS,

Governor.

Report from Committee on Engrossment :

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COMMITTEE ROOM,
Austin, July —, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 285, "incorporating the Texas Coal and Mining Company," and Senate bill No. 301, "to incorporate the Calvert Bridge Company," find the same to be correctly engrossed.

G. T. RUBY,

P. W. HALL,

E. L. DOHONEY.

Senator Priest offered the following report of Select Committee on School Bills.

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. DON CAMPBELL,

President of the Senate:

The special committee, to whom was referred the several bills pending in the Senate, in relation to public free schools, have, in connection with a similar committee appointed by the House, duly considered the subject, and the result of their consideration is as follows:

1. They considered the absolute importance of the subject, and the necessity of adopting some system in conformity with the laws of the country and the provisions of the constitution of the State.

2. They were perfectly aware of the conflicting views in relation to free schools, and the difficulty of harmonizing those views on a constitutional basis.

3. They felt constrained to avoid extreme views—mixed schools on the one hand, and separate schools on the other—by legislative enactment.

4. They concluded that, as all philanthropists and patriots desire the education of all the citizens of the State, without distinction of sex or race, color or previous condition, that our whole citizenship may be elevated, so essential to a republican government, that we might adopt a system based on a compromise of views, in order to an agreement on some system, as, that without some concession and compromise, we will adjourn and return to our constituents without redeeming our pledges on this subject, to their great disappointment. We have therefore agreed on the following basis, comprehensive and equal, yet plain, simple and economical, essential, as we think, to a successful inauguration of our system:

To insure equal benefits to all, we make each county a school dis-

trict, and authorize the district boards to divide the counties into as many sub-districts as the convenience of the people may require.

As agents to carry out this system we provided, as required by the constitution, a Superintendent of Public Instruction, allowing a salary of two thousand five hundred dollars per annum, and authorize a clerk at a salary of twelve hundred dollars.

We make the county court of each county *ex-officio* a board of school directors, and give this board power to impose taxes for the building of school houses; to make all rules and regulations necessary to the success of the system; the peace and prosperity of the schools, and to appoint a board of school trustees for each sub-district. We provide that teachers may be removed for sufficient cause, and students expelled or separated when necessary for the promotion of peace, success and harmony of the institution, so as none shall be deprived of scholastic benefits, except when expelled.

We make the district attorneys inspectors of the actions of the boards of school directors in their several districts, requiring them to report to the Superintendent.

This is briefly the system presented for the consideration of the Senate and the House, embodied in the accompanying bill, taken mostly from the bills submitted, the work of the joint committee of the two Houses, by whom I am authorized to report the same and recommend its passage.

M. PRIEST,

Chairman Select Committee.

Senator Dohoney offered the following minority report:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned members of the Select Committee on Education, to whom were referred certain bills for establishing a system of public free schools in the State, beg leave to submit the following report:

They say that they differ from the majority of the joint committee of five from the Senate and ten from the House, and, therefore, make this separate report. The establishment of a system of public free schools in the State of Texas is a subject of vast magnitude and importance, and one that is full of difficulties. The inauguration of such a system on a proper basis demands and requires more time and attention than this Legislature, now on the eve of adjournment, can at the present session possibly give it.

It is, therefore, the decided opinion of the undersigned members of your committee that the further consideration of this measure be

postponed until the next session of the Legislature. But if the majority of the Senate should be of opinion that some action should be had at the present session, then we report herewith the accompanying bill and recommend its passage.

E. L. DOHONEY,
E. T. BROUGHTON,
J. P. DOUGLAS.

On motion of Senator Priest the rules were suspended to consider majority and minority reports.

Reports received, and, on motion of Senator Priest, made special order for Tuesday, at 11 A. M.

Senator Douglas offered the following report of the Committee of Conference on Senate bill No. 197, "An Act prescribing the time of holding the courts in the several judicial districts."

COMMITTEE ROOM;
Austin, July, 29, 1870.

To the Honorable President of the Senate
and House of Representatives:

SIRS: Your Joint Conference Committee on Senate bill No. 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," have the honor to report the accompanying amendments and agreements as the result of the conference.

Very respectfully,

J. P. DOUGLAS,
Chairman on part of the Senate.
J. R. BURNETT,
Chairman on part of the House.

Accompanying amendments and agreements:

That the Senate refuse to concur in House amendments to sections eight and thirty, and that the House recede from its said amendments.

That the Senate refuse to concur in House amendment to section ten, and that the following substitute for said section be adopted in place of the original section, to-wit:

SECTION 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur on the first Mondays in October, February and June, and may continue in session three weeks

In the county of Wood on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains on the third Mondays in November, March and July, and may continue in session one week.

In the county of Smith, on the fourth Mondays in November, March and July, and may continue in session six weeks.

That the Senate refuse to concur in House amendment to section seventeen, and that the following substitute for said section be adopted in the place of the original section, to-wit :

SEC. 17. That the district courts for the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Calhoun on the first Mondays in September, January and April, and may continue in session three weeks.

In the county of Victoria on the fourth Mondays in September, January and April. and may continue in session three weeks.

In the county of Refugio on the third Mondays in October, February and May, and may continue in session one week.

In the county of San Patricio on the fourth Mondays in October, February and May, and may continue in session one week.

In the county of Nueces on the first Mondays in November, March and June, and may continue in session three weeks."

That section thirty-six (36) be numbered thirty-seven (37), and the following new section be adopted as section thirty-six (36), to-wit :

SEC. 36. That whenever any county to which, by this or any other law, a term of court may be assigned, shall be attached for judicial purposes to another county, then the time assigned for the holding of the courts in such county shall be added to the length of time provided for the county to which such first mentioned county is attached.

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

Report of committee read and rejected.

Senator Ruby moved that a committee of three be appointed as a committee of free conference to confer with a like committee of the House.

Carried.

The Chair appointed Senators Parsons, Pridgen and Ruby as the committee.

• Under direction of the President the Secretary carried to the House Senate bill No. 160, "An Act amendatory of and supplementary to "An Act entitled an Act to incorporate the Young Men's Real Estate and Building Association." Approved November 6, 1866.

House bill No. 410, "An Act to create the County of Delta."

Also Senate bill No. 285, "An Act incorporating the Texas Coal and Mining Company."

Senate bill No. 301, "An Act to incorporate the Calvert Bridge Company."

BILLS AND RESOLUTIONS.

By Senator Dohoney, a bill entitled "An Act to regulate the disposal of the public lands."

Read first time and referred to Committee on Judiciary.

On motion of Senator Bowers, the rules were suspended to take up Senate bill No. 51, "An Act providing for a geological survey of the State of Texas; and on further motion was made the special order for Wednesday at 11 A. M.

By leave, Senator Saylor offered report of Committee on Public Buildings.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Buildings having examined carefully the public buildings at the capital, the property of the State of Texas, ask leave to submit the enclosed report, and to recommend the passage of the accompanying act.

W. A. SAYLOR,
Chairman of Committee on Public Buildings.

Laid over under the rules.

Report received, bill read first time, and, on motion of Senator Fountain, the rules were suspended and the bill and report of Committee on Public Buildings made special order for Wednesday, at 12 M.

Senator Cole offered the following resolution:

Resolved, That the resolution adopted by the Senate on the 29th day of June, 1870, expelling E. L. Alford, Senator from the Twenty-sixth District, be and the same is hereby rescinded, and said Alford is restored to all the rights and privileges of a member of this body the same as if said resolution had not been adopted, on his signing the disclaimer filed by other Senators who had been ordered under arrest.

Senator Fountain made the point of order that the resolution was out of order.

Point sustained, and the resolution held by the President to be out of order.

Senator Flanagan appealed from the decision of the Chair.

Yeas and nays taken:

Yeas—Mr. Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor—11.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas,

Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon--15.

Excused from voting, Senator Bell.

The Senate refused to sustain the ruling of the Chair.

Senator Cole moved the adoption of the resolution.

Senator Bell asked to be excused from voting.

Yeas and nays demanded, and resulted as follows :

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

Nays—Mr. President, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor—11.

Absent—Senator Baker.

So the Senate excused Senator Bell from voting.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted as follows :

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

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

Excused from voting—Bell.

Resolution adopted.

Senator Flanagan moved a committee of three be appointed to inform Senator Alford of the action of the Senate.

The Chair appointed Senators Parsons, Latimer and Flanagan as said committee.

On motion of Senator Ruby the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, August, 1, 1870.

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

Prayer by the Chaplain.

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

Message from the House informing the Senate the Speaker had signed in open session enrolled bills "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

"An Act to incorporate the Dallas Wire Suspension Bridge Company."

"An Act to incorporate the Gulf Land Company of Galveston, Texas."

"An Act to incorporate the Society Las Indisobles of the city of San Antonio."

"An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

"An Act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

"An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

"An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association."

"An Act to incorporate 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."

Whereupon they were signed by the President and returned to the House.

Also, that the House had concurred in Senate amendments to House bill No. 350.

Also, returned Senate bill No. 82, "An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of an act to incorporate the Waco Tap Railroad Company," passed the House with the following amendments:

Amend section two line, nineteen, after the words "Railroad Company," insert the words, "running in the same general direction."

Also, that the House had passed the following bills:

House bill No. 460, "An Act to incorporate the San Antonio River Valley Irrigation Company."

House bill No. 362, "An Act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas."

House bill No. 123, "An Act to incorporate the Galveston Insurance Company."

House joint resolution No. 24, "Joint Resolution providing for the collection of taxes."

House joint resolution No. 23. "Joint Resolution extending the time for completing the assessment of taxes in certain counties."

House bill No. 424, "An Act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county."

Also, the House has appointed a committee of conference, composed of Messrs. Burnett, Grothaus and McLean, to confer with a like committee of the Senate upon amendments to Senate bill No. 197.

Also the House has appointed a committee of conference, composed of Messrs. Tegener, Cox, Hughes and George, to confer with a like committee on the part of the Senate upon amendments to House bill No. 341.

Also, that the House, on reconsideration, has refused to pass Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad, etc.," vetoed by the Governor July 18, 1870.

Report of Committee on Finance :

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR : Your Committee on Finance, to whom was referred Senate bill No. 298, "An Act appropriating fifteen hundred dollars (\$1500) for repairs on treasury building," have had the same under consideration, and recommend its passage.

J. S. MILLS,

Chairman of Committee on Finance.

Report of Committee on Finance :

COMMITTEE ROOM,
Austin, July 30, 1870

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Finance, to whom was referred a communication from his Excellency, E. J. Davis, Governor of Texas (together with communication from Hon. A. Bledsoe, Comptroller), relative to the assessment and collection of taxes, have had the same

under consideration, and beg leave to submit the following report. The communications above referred to are marked respectively "A" and "B," and appended hereto.

J. S. MILLS,
Chairman of Committee on Finance.
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.

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,
STATE OF TEXAS,
Austin, July 18, 1870.

His Excellency E. J. DAVIS,

Governor of Texas :

SIR: I beg leave to invite your attention to the fact that the Legislature has, as yet, taken no action whatever relative to levying, assessing and collecting taxes, and would respectfully request that your Excellency address a message to them upon this subject, urging upon them the necessity of the immediate enactment of such laws as will enable the provisions of the Constitution, in this particular, to be carried out.

The old laws for levying, assessment and collection of taxes are inoperative, and virtually void and of no effect; so that, unless the Legislature shall at once enact laws under which an entirely new system can be inaugurated, it will be impossible to proceed with the assessment and collection of taxes for the ensuing year, and the State revenue will thereby be seriously affected.

Under the old system, our assessor and collector in each county, performed all the work of assessing and collecting taxes, while now,

under the Constitution, the assessment in each county is required to be made by five justices of the peace, and the collection by the sheriff; and unless some machinery is put in motion, adapted to this new order of things, the taxes of the current year cannot be fully collected, and the work of this office will be greatly retarded.

I trust that your Excellency will see the necessity for speedy action, and give this matter your early attention, to the end that the Legislature may enact the necessary laws at as early a day as practicable.

I have the honor to be, very respectfully, your obedient servant,
[Signed.]

A. BLEDSOE,
Comptroller.

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Finance beg leave to submit the following report and accompanying bill, (as a substitute for House bill No. 299,) "An Act making appropriations for the support of the State government for the fiscal year, commencing September 1, 1870, and ending August 31, 1871; and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870," and recommend its passage; in support of which recommendation we present the following facts and reasons:

The aggregate amount proposed to be appropriated for the support of the State government, in the House bill, is \$1,646,800; whereas in the accompanying bill it is only \$380,586 11, thus showing a difference in favor of the latter of \$1,266,213 89.

This large difference in the two totals is mainly occasioned by the omission of the following items:

1. Public schools \$702,500, which we contend ought to be appropriated exclusively out of the public school fund, and not out of the general State revenue.

2. Immigration \$52,000.

3. State Police \$200,000.

4. Penitentiary \$50,000.

5. Cost of Legislature \$200,000.

These five items account for the greater part of the difference in the estimates in the House bill and this. They cannot be regarded as proper items to be embodied in a bill appropriating money for the support of the State government, and certainly ought to be provided for in each case by special appropriations.

Your committee would call attention to the following fact in connection with the item of \$50,000 for the penitentiary:

That there is now due the penitentiary from various sources a sum of more than \$140,000, while the total outstanding indebtedness of the same does not exceed \$40,000, not counting accrued interest.

To secure the payment of this debt with as little delay as possible, a bill has been introduced by the Honorable Julius Schutze, of Bastrop, providing for the appointment of a Financial Agent (in conformity with the recommendation of the late Comptroller, Honorable M. C. Hamilton), with full powers to adjudicate and finally settle all accounts of the penitentiary; and your committee feel convinced that the adoption of that measure would do away with the necessity for any appropriation at all for this purpose, as the balance in favor of the penitentiary is much larger than the amount named in the bill.

In the bill reported by the House Finance Committee, under the head of Executive Department, appear these items, to wit:

For furnishing and miscellaneous repairing of Governor's mansion, \$3500. For repairs and improvements on public buildings and Capitol grounds, \$20,000. For the contingent expenses of the Governor's mansion, \$5000. For porter and gardener for Governor's mansion, \$600.

Your committee submit that all expenses of this kind should be, in each case, provided for by special appropriation, specifying as nearly as is possible the nature of such repairs and improvements.

The item of \$5000 for contingent expenses of Governor's mansion, as well as that of \$600 for porter and gardener, are expenditures that, to your committee, seem excessive, and virtually and in fact increase the salary of the Governor to \$10,600, which is in direct and open violation of section five of article four, of the State Constitution, which says: "The Governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law, exclusive of the use and occupation of the Governor's mansion, fixtures and furniture."

The appropriation of twenty thousand dollars for repairs and improvements on public buildings and Capitol grounds, if expended under the direction of the Governor, will nullify the statute creating the Board on Public Buildings and Grounds. Taking these views on the foregoing items, your committee have omitted them from this bill. Your committee would also invite your attention to the following facts: That in this bill the appropriation for the support of the Lunatic Asylum is decreased from thirty thousand dollars

to ten thousand dollars. This alteration was made for the reason that there is now lying in the State Treasury the sum of twenty-one thousand five hundred and ninety-seven dollars and forty-seven cents, to the credit of the Lunatic Asylum, due the same for the maintenance of indigent lunatics from different counties of the State, which amount will shortly be turned over to the Treasurer of that institution, thereby rendering unnecessary an appropriation of more than ten thousand dollars.

The item in the original bill, under the head of "deficiencies for 1870," of five hundred dollars for "fees of courts in bond cases," is an item of expenditures that seems to be entirely unknown heretofore, by the financial officers of the State government.

In the accompanying bill the sum of five thousand dollars is appropriated for pensions. This amount is reduced in the proposed bill to the sum actually required and authorized for the payment of pensions, of two thousand and seventy-five dollars, and the pensioners are enumerated, with the amount due to each one respectively.

In this bill the appropriation for the General Land Office has been increased from thirty-four thousand five hundred dollars, to forty-two thousand seven hundred dollars, for the following reasons:

The business of the Land Office will be materially increased, owing not only to the tide of immigration now flowing into the State, but also to the fact that the constitution requires the location and survey of and return of field notes in all outstanding claims for land by the first of January 1875.

A thoroughly competent clerk cannot average more than five patents per day; so that, at least, four clerks for this particular purpose are positively indispensable to meet the demands of the public.

The number of letters received at that office from various sources, will not be less than from five hundred to seven hundred per week; and it is impossible for less than two good clerks to perform the work of corresponding, and answering the numerous inquiries constantly flowing into the office.

The Receiver is required to give bond in the sum of twenty thousand dollars, and should be a trustworthy and competent man, and paid accordingly.

The old maps on file in the office are, in a great measure, worn out; and it will require the services of at least two draughtsmen, of first class abilities, to complete new ones from the records of the office. A slight mistake or error in the compilation of a map might be the cause of endless litigation, and result in the great injury of land-holding citizens. Four assistant draughtsmen, capable of making correct plats from returns of field notes, and of making sketches of separate tracts of land from the same, are as few as can conduct this part of the business of that office expeditiously.

In reference to the drafting of new maps, it may not be irrelevant to mention that a good draughtsman can only execute one in six months, and in these days of a multiplicity of railroads, competent draughtsmen are in large demand, and can only be secured by offering a liberal salary.

With less than the force provided for in this bill, your committee are of the opinion that the business of the Land Office cannot be conducted in a manner to meet the wants of the public; and even with this number it will be necessary for the employes to be thoroughly competent in the various branches to which they are respectively assigned.

As regards the heading, "miscellaneous" in the House bill:

1. For cost of Legislature, two hundred thousand dollars, your committee cannot see the necessity for providing in advance for the next Legislature; as, when that body shall have convened and ascertained for itself what amount is necessary to be appropriated to defray its expenses, it certainly will possess the same authority as the present Legislature to provide for the payment of its own expenses.

2. For extra clerk hire, books and stationery, for bringing up and collecting back taxes, the appointment and expenditure under direction of the Governor, twelve thousand dollars.

In the first place, the amount twelve thousand dollars is entirely inadequate to accomplish the work contemplated, as any person familiar with the subject and the difficulties to be encountered and overcome, will readily concede.

The matter of bringing up and collecting back taxes is a very important one, and the expense of the work cannot be increased or diminished by any appropriation. To complete the work will cost a certain sum; and the amount appropriated in the bill will only pay that proportion of the whole expense, and only that proportion of the whole work contemplated will be accomplished.

J. S. MILLS,

Chairman of Committee on Finance.

Report of committee read, and, on motion of Senator Pickett, one thousand of bill and report were ordered to be printed.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 272, "To incorporate the North Texas

Manufacturing Company," find the same to be correctly engrossed.

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

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Private Land Claims, to whom was referred the petition of Mary A. Hale, have duly considered the same, and I am instructed to report it back with the accompanying bill and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid over under the rules.

Report of Committee on Judiciary, with amendments :

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 215, entitled "An Act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter," have carefully considered the same, and I am instructed to report it back with accompanying amendments and recommend that it do pass.

M. PRIEST,
Chairman of Committee.

Amendments to Senate bill No. 215 :

Amend by striking out the word "administration, wherever it occurs in the charter, and insert the word "superintendent" in lieu thereof.

Amend by adding to the end of section two the following words :

"Provided, that nothing in this section shall be so construed as to authorize the extension of the corporate limits of the city over any portion of the main land, nor give to the city any exclusive control over any of the navigable channels in the bay, except those directly communicating with the city of Galveston."

To section twenty-three add the following words :

"Provided, that the city council shall not expend more than five

hundred thousand dollars in any one year, unless so authorized by a majority of the legal voters of said city."

In section twenty-six, line three, insert after the word "dollars," the following words: "provided, that the administration of finance shall give bonds in the sum of twenty thousand dollars."

Laid over under the rules.

On motion of Senator Hall the rules were suspended to offer the following resolution:

WHEREAS, It is claimed by certain Senators that E. L. Alford is entitled to be reelected by a majority of this Senate, after having been expelled by a two-thirds vote; and,

Whereas, It is believed by many that such proceeding would be in violation of all law and parliamentary rules; therefore,

Resolved, That the case of E. L. Alford be referred to the Attorney-General of the State, with a request that he give his opinion to this Senate on said case at the earliest possible moment.

Senator Flanagan moved its indefinite postponement.

Yeas and nays taken:

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

Nays—Mr. President, Baker, Ford, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Saylor—10.

Absent—Fountain, Ruby—2.

Not voting—Alford.

Excused—Senator Bell.

Carried.

By leave, Senator Hall presented the following protest:

AUSTIN, August 1, 1870,

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned members of the Senate respectfully show that by the constitution of the State, article three, section fifteen, it is provided that "two-thirds of each House shall constitute a quorum to do business," and by the same article, section sixteen, each House, with the consent of two-thirds, may expel a member. A quorum thus formed constitutes the Senate, and by a vote of two-thirds of this Senate a member may be expelled, and when so expelled the action is legal, is final, from which there is no appeal; an absolute vacancy results, to be filled by an election, as the only constitutional mode of filling vacancies. Article three, section nineteen.

On the — day of —, 1870, the Senate did, by a two-thirds vote of a constitutional Senate, expel from his seat in the Senate,

E. L. Alford, Senator of the Twenty-sixth Representative District of Texas, whose place and whose seat thereupon became vacant, according to the provisions of the constitution and the laws of this State.

There having been no election ordered and held, as the law directs to fill the vacancy thus created, it still exists; no power is anywhere conferred on the Senate, by resolution or otherwise, directly or indirectly, to fill a vacancy, and any attempt to do so is and must be regarded by us as null and void.

A pretended plea that said Senator was wrongfully expelled avails nothing, as the action of the Senate is conclusive and cannot be reviewed.

Yet a majority of the Senate, on the thirtieth of July, 1870, passed a resolution to reseat said expelled Senator, and thus to fill the vacancy caused by his expulsion, contrary to all law and all precedent, and said act of the majority, in our opinion, confers no right on said expelled Senator, but is null and void *ab initio*.

We therefore, avail ourselves of our constitutional right of entering this our solemn protest against said action of the majority of the Senate. We can only regard the expulsion of said Senator, and the vacancy thereby caused, as an accomplished fact, and we therefore cannot recognize him as a member of this body. We solemnly protest against his taking his seat and participating in the acts and deliberations of the Senate, as, in our opinion, it would be an illegally constituted body, and its acts tainted with illegality, at least so far as his participation is concerned, against which, however, as a minority, we can only appeal to the authorities to preserve the integrity of the Senate, and ask that this our protest be spread upon the journals.

M. PRIEST,
A. J. FOUNTAIN,
S. N. FORD,
THEO. HERTZBERG,
THOS. H. BAKER,
MATTHEW GAINES,
E. PETTIT,
W. A. SAYLOR,
HENRY RAWSON,
G. T. RUBY,
P. W. HALL.

Report of Joint Committee on Adjournment :

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: The undersigned members of a joint committee of two from the Senate and three from the House, to whom was referred the matter of adjournment, have unanimously agreed as to the same, and beg leave to offer the following :

Resolved, That the President of the Senate and Speaker of the House of Representatives are hereby authorized and required to adjourn their respective bodies *sine die* upon the fifteenth day of August, at twelve o'clock, M.

Upon the part of the Senate :

FOUNTAIN,
PYLE.

Upon the part of the House :

MOORE of Red River,
CHAMBERS,
LOCKE.

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

Report read and adopted.

Senator Pyle moved to reconsider the vote just taken and to lay the motion to reconsider upon the table.

The hour for special order having arrived, Senator Saylor moved its postponement until the business before the House is disposed of.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Douglas, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Priest, Pyle, Rawson, Saylor, Shannon—19.

Nays—Alford, Bowers, Clark, Dohoney, Flanagan, Pettit, Pickett, Pridgen, Ruby—9.

Absent—Parsons.

Special hour postponed.

The question recurring upon the motion to reconsider, made by Senator Pyle,

Senator Bowers moved a division of the question.

The Chair ruled the motion out of order.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays taken :

Yeas—Baker, Bell, Broughton, Douglas, Evans, Flanagan, Ford,

Fountain, Gaines, Hall, Latimer, Mills, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon--19.

Nays--Alford, Bowers, Clark, Cole, Dohoney, Hertzberg, Pickett, Pridgen--8.

Absent--Parsons.

The Senate sustained the decision of the Chair.

The question recurring upon the motion of Senator Pyle,

The yeas and nays were taken :

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Fountain, Gaines, Hall, Hertzberg, Latimer, Priest, Pyle, Rawson, Ruby, Saylor, Shannon--19.

Nays--Alford, Bowers, Clark, Flanagan, Ford, Pettit, Pickett, Pridgen--8.

Absent--Mills, Parsons--2.

Motion to reconsider and to lay that motion on the table carried.

Special order :

The hour for the consideration of special order, Senate bill No. 281, a bill to be entitled "An Act to organize the courts of justices of the peace and police courts, and to define their jurisdiction and duties."

Bill read second time.

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

Senator Ruby, Chairman of Committee of the Whole, having under consideration Senate bill No. 281, reported progress and asked leave to sit again to-morrow at twelve o'clock M. •

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

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

Bill read first time.

By leave, Senator Pridgen presented the following bill :

An act to amend section three of an act concerning divorce and alimony.

Read first time and referred to Committee on Judiciary.

The question recurring upon House bill No. 381, the rules were suspended and bill read second time, and on motion of Senator Flanagan was referred to a select committee of three and made the special order for to-morrow at half past ten A. M.

The Chair appointed on said committee Senators Broughton, Hall and Douglas.

On motion of Senator Dohoney, Senators Bowers and Flanagan were added to said committee.

On motion of Senator Bell the rules were suspended to take up House bill No. 30, "An Act to authorize the clerks of the Supreme and District Courts and justices of the peace to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same."

Bill read second time and report of committee adopted.

Senator Ruby moved the adoption of the amendments as reported by the committee.

Senator Bowers moved the bill as amended be referred to a special committee of three, and that one hundred copies of the bill be printed for the use of the Senate.

Carried.

The Chair appointed on said committee Senators Bowers, Priest and Pickett.

On motion of Senator Bowers House bill No. 30 was made the special order for Thursday, at eleven o'clock A. M.

Senator Ruby offered the following resolution:

WHEREAS, The Senate, by resolution, have agreed to adjourn on the fifteenth instant, therefore be it

Resolved, That hereafter the daily sessions of the Senate shall commence at nine o'clock A. M.

Adopted.

Senator Pickett offered the following resolution:

Resolved, That no special bill or resolution shall be taken up or acted on in the Senate, until all bills and resolutions of a general character before the Senate shall have been finally disposed of, excepting in night sessions.

Adopted. *

On motion of Senator Flanagan the Senate adjourned till eight o'clock to-night.
