

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, August 1, 1870.

EVENING SESSION.

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

Senator Ford, under suspension of the rules, called up Senate bill No. 82, "An Act to amend sections 1, 2, 3, 5, 6, 11, 12, 13, 15, 19 and 20, of 'An Act to incorporate the Waco Tap Railroad Company,'" returned by the House with amendments.

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

Under suspension of rules, Senator Fountain called up House bill No. 294, "An Act to incorporate the Western Narrow Gauge Railway Company."

Read first and second times.

Senator Bell offered the following amendment: Amend by inserting the words "via Bellville," in line five, section eight, after the word "country."

Adopted.

Senator Baker offered the following amendment: Amend section eight, line five, after the words "Lagrange," insert "Lockhart."

Adopted.

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

Yeas and nays taken on final passage and resulted as follows:

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

Nays—None.

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

Bill passed.

Senator Hall called up Senate bill No. 25, regulating the sales and inspection of animals and hides, and on motion of Senator Pickett was made the special order for to-morrow at ten o'clock A. M.

Senator Hall called up Senate joint resolution No. 13, authorizing the Governor to appoint commissioners to locate additional penitentiaries.

Resolution read second time.

Senator Pickett offered the following amendment:

Amend by striking out in the proviso in the resolution, after the words "Trinity river," the words, "and north thirty-second parallel latitude."

Adopted.

Senator Bowers offered the following amendment :

Provided further, that one of said commissioners shall reside in each of said sections to be examined; that is, one commissioner shall reside west of the Colorado, one between the Colorado and Sabine rivers, and one east of the Trinity."

Adopted.

Senator Mills offered the following amendments :

Amend by adding, "And provided further, that no member of the Legislature shall be appointed on either of said commissions."

Pending discussion, Senator Ruby moved to adjourn.

Yeas and nays called for, and resulted as follows :

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

Nays—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Mills, Pridgen, Pyle, Shannon—11.

Absent—Clark, Gaines, Latimer—3.

So the Senate adjourned.

*SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, August 2, 1870.

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

Prayer by the Chaplain.

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

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Public Lands :

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Public Lands, to whom was referred Senate bill No. 140, "To provide for the appointment of county surveyors, and for other purposes," and Senate bill No. 181, "To provide for

surveys and returns of field notes in certain cases," have duly considered the same and instruct me to report them back to the Senate and recommend their passage.

G. T. RUBY,
Chairman.

Laid over under the rules.

Reports of Committee on Judiciary:

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 152, "An Act to incorporate the Germania Club of San Antonio, Texas;" Senate bill No. 154, "An Act to incorporate the San Antonio Hebrew Benevolent Association;" Senate bill No. 190, "An Act to incorporate the town of Fairfield;" Senate bill No. 207, "An Act to incorporate the town of Centerville;" Senate bill No. 216, "An Act to incorporate the town of Bremond;" and Senate bill No. 286, "An Act to incorporate the Marion county Agricultural and Mechanical Association," have carefully considered the same, and instruct me to report them back with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 260, "An Act to incorporate the town of Gatesville, in Coryell county, Texas," and House bill No. 109, "An Act to confer upon the city of Indianola all the rights, title and interest of the State in and to the flats adjacent to said city in the waters of Matagorda Bay, in trust for the purposes and upon the conditions herein specified," have carefully considered the same and instruct me to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman.

Laid over under the rules.

On motion of Senator Bowers the rules were suspended to take up House bill No. 260.

Bill read second time.

Rules further suspended and bill read third time.

Yeas and nays :

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

Nays—None.

Absent—Broughton, Mills, Parsens, Hertzberg.

Bill passed.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 135, entitled "An Act to amend 'An Act, approved May 11, 1846, in reference to district courts;'" Senate bill No. 136, entitled "An Act to amend 'An Act, approved March 31, 1846, in reference to pleadings;'" Senate bill No. 240, entitled "An Act to authorize the district courts to decide in cases of illegal taxes;" and also House bill No. 163, entitled "An Act to provide for the building of court houses and jails," have had the same under careful consideration, and I am instructed to report them back with the recommendation that they do not pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Reports of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON. CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred Senate bill No. 185, entitled "An Act to amend 'An Act to incorporate the Neches Navigation Company,' approved November 8, 1866," and Senate bill No. 237, entitled "An Act to amend 'An Act to incorporate the Neches Navigation Company,' approved November 8, 1866," respectfully report they have considered the same, and beg leave to offer the accompanying substitute and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 248, entitled "An Act to incorporate the Texas and Mexico Railway, Steamship and Telegraph Company," respectfully report they have considered the same, and recommend the passage of the accompanying substitute.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 308, entitled "An Act to incorporate the San Antonio and Rio Grande Telegraph Company," respectfully report they have carefully considered the same, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 299, entitled "An Act to incorporate the Belzora Navigation Company," respectfully report they have considered the same, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your committee, to whom was referred Senate bill No. 296, 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," respectfully report they

have carefully considered the same, and unanimously recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Senator Flanagan moved a suspension of rules to consider the report.

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

Rules suspended, and bill read third time and passed.

BILLS AND RESOLUTIONS.

By Senator Bowers, "A bill authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the school fund."

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

Rules suspended and bill read first, second and third times, and passed.

By Senator Pickett, a bill, to be entitled "An Act supplementary to an act entitled 'An Act to provide for the registration of voters,'" approved the eleventh day of July, A. D. 1870.

On motion of Senator Pickett the rules were suspended, and bill read first and second times, and, on further motion, was made the special order for Thursday, at 11:30 A. M., and one hundred copies ordered to be printed for the use of the Senate.

By Senator Saylor, a bill entitled "An Act to incorporate the Pacific Tap and Gulf Railroad."

Read first time and referred to Committee on Internal Improvements.

By leave, Senator Mills presented the following report of Committee on Contingent Expenses.

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses have had under consideration the following bills, and recommend the payment of the same :

Your committee request that the parties to whom bills are due shall call upon the Secretary of the Senate for their necessary vouchers, &c.

BILLS.

Myles Byrne.....	\$ 8 25
J. H. Burns	45 60
Loomis & Christian.....	103 27
Swante Palm (Postmaster).....	561 32
Swante Palm (Postmaster).....	183 70
Sampson & Henricks.....	132 75
Erastus Reed (cocoa matting).....	548 35

Your committee direct the Sergeant-at-Arms to take possession of 498½ yards of cocoa matting, now lying in the lower hall; said matting will be delivered to him by the Secretary of State.

Baker & Raymond.....	16 82
Slocum & Thompson.....	10 00
T. B. Radkey..	4 50
Tracy, Siemering & Co.....	554 00
Edwards & Mitchell.....	36 80
Nagle & Brother.....	197 50

(Signed.)

JOHN S. MILLS, Chairman.
 M. PRIEST,
 PICKETT,
 SHANNON,
 G. T. RUBY,

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

The hour of special order having arrived for Senate bill No. 25, Senator Bowers moved its postponement for half an hour.

Senator Fountain offered the following report of the Committee on Conference :

COMMITTEE ROOM,
 Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Free Conference, having under consideration House bill No. 341, report the following as the result of their conference :

Your committee agree to accept Senate amendment to section four, lines four and five, by striking out the words "sufficient to pay," and inserting in lieu thereof the words "of two per cent. to be applied to the payment of."

Your committee agree to recede from Senate amendment to section five, which adds to said section the words, "provided, said bonds shall not be sold at less than par."

Your committee agree to adhere to Senate amendment to section five, line five, by striking out the words "and a half."

Your committee agree to the following additional amendments:

Amend section one, lines one and two, by striking out "\$1,500,000" and inserting "\$750,000."

Amend section two, line two, by striking out "five years" and inserting "twenty years," and by striking out the word "twenty," after the word "payable," and inserting "forty."

Amend section six, line two, by striking out the words "proper State officers" and inserting in lieu the words "State Treasurer."

Amend section six, line three, by adding after the word "appropriations" the words "for frontier protection."

Amend section six, line three, by striking out all after the words "heretofore mentioned."

And amend section seven, line one, by striking out the words "with the approval of the Governor and Comptroller," and add, "and no other purpose."

Amend section eight by adding after the word "bonds," in fourth line, the words, "and the plates from which said bonds are printed shall be deposited, for safe keeping, in the vaults of the State Treasury."

FOUNTAIN, BROUGHTON, G. R. SHANNON,	}	Committee on part of Senate.
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Senator Pickett moved to refer the report back to the committee.

Lost.

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

[Senator Flanagan in the Chair.]

Message from the Governor:

EXECUTIVE OFFICE,
 Austin, August 2, 1870.

Honorable Senate

and House of Representatives of Texas:

GENTLEMEN: Among other matters, which I hope may receive attention before your adjournment, is that of providing for ascertaining the present debt of the State, and for the payment of the same.

Section thirty-four of article twelve, general provisions, provides that "all the ten per cent. warrants issued for military services, and exchanged during the rebellion, at the Treasury for non-interest warrants, are hereby declared to have been fully paid and discharged." Under this section some arrangement must be made to ascertain what of those warrants are still valid. I trust that your honorable body may find time to attend to this matter. Justice to the parties

who hold these claims, as well as a due respect for the reputation of the State, requires that we should provide for the payment, without delay, of such of them as are still valid.

Respectfully,

EDMUND J. DAVIS,

Governor.

On motion of Senator Bowers the message was referred to a select committee of five.

Senator Bowers moved a reconsideration of the vote just taken. Carried.

On motion of Senator Bowers it was referred to Committee on Public Debt.

The question recurring upon House bill No. 341, as amended by Committee of Conference, on motion of Senator Fountain bill read third time.

Yeas and nays on final passage.

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

Nays—Alford, Flanagan, Latimer—3.

Absent, Mr. President.

Bill passed and sent to the House.

The Secretary also carried to the House House bill No. 294, "An Act to incorporate the Western Narrow Gauge Railway Company," with amendments.

The hour having arrived for the consideration of special order, Senate bill No. 25, "An Act regulating the sale and inspection of animals and the inspection of hides,"

Senator Douglas moved its indefinite postponement.

Yeas and nays taken.

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

Nays—Baker, Bowers, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Rawson, Ruby, Shannon—11.

Absent, Mr. President, Fountain and Saylor.

Motion to postpone carried.

On motion of Senator Parsons the rules were suspended to take up House bill No. 424, "An Act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county."

And on further motion was made the special order for this evening at 8 1-2 P. M.

The hour arrived for the consideration of special order, Senate bill No. 254, "A bill to be entitled an act to establish a system of Public Free Schools for the State of Texas."

Majority and minority reports read.

Senator Dohoney moved the adoption of the minority report.

Pending discussion, Senator Ruby moved that the bill be made the special order for to-morrow at 11½ A. M., and continue till disposed of.

Carried.

Message from the House informing the Senate the Speaker had signed in open session, enrolled bill "An Act for the relief of the Houston and Texas Central Railway Company."

Also, enrolled bill, "An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas," whereupon they were signed by the President and returned.

Also, that the House had passed Senate bill No. 252, "An Act for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased," with the following amendments :

Amend section three to be section four, and insert the following as section three : "That Hon. H. C. Youngkin be authorized to draw said per diem, and receipt for the same."

On motion of Senator Priest, the Senate went into Committee of the Whole to consider special order, Senate bill 281, "An Act to organize the courts of justices of the peace, etc."

Senator Ruby, Chairman of the Committee of the Whole, presented to the Senate the following report as adopted by the committee, and asked to be discharged from further consideration of the subject.

Report received and committee discharged.

SENATE CHAMBER.

August 2, 1870.

Hon. Chairman of the Senate in Committee of the Whole :

SIR : Your select committee, to whom were 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," beg leave to report that they have had the same under consideration, and herewith report the same back to the Senate and recommend its passage, with the following amendments in addition to those already recommended by the Judiciary Committee, to-wit :

1. In second line of the caption, strike out the word "police," and insert in lieu thereof the word "county."
2. Amend section eight, line third, by striking out the word "plaintiff," and inserting in lieu thereof the word "parties."
3. Amend section thirteen, by striking out all after the word

"court," in the tenth line, and before the word "and" in the twelfth line.

4. Also, amend section thirteen, by striking out all after the word "forthwith," in line forty-six, and before the word "upon," in line fifty-nine. Also, in line fifty-nine, before the word "*certiorari*," strike out the word "such," and insert the word "any." And in the same line, before the word justice, strike out the word "the," and insert the word "a."

5. Amend section fourteen, line twelve, by inserting after the word "sickness," the word "or," and by striking out all after the word "county." And line thirteen by striking out all before the word "any."

6. Amend section fifteen by striking out all from the beginning of line thirty-eight to the end of line fifty-four. Amend same section in line ninety-one by inserting after the word "estates" the words, "and guardians." And line ninety-four by inserting after the word "estates" the words, "and guardians."

7. Amend section sixteen by striking out all from the beginning of said section to the end of line twelve. And in line thirteen by striking out the word "such" and inserting the word "any." And line twenty-two by striking out the word "five" before the word "hundred" and inserting the word "one" in lieu thereof. And in line twenty-three strike out the word "five" before the word "hundred" and insert the word "one."

8. Amend section nine by inserting at the end of line eight the following words:

"Provided, that in civil cases no witness shall be attached, fined or imprisoned unless he shall have refused to obey a subpoena, after having been tendered his fees for one day's attendance."

9. Amend section thirty-two, in line two, by inserting after the word "allowed" the words, "the fees heretofore fixed by law and."

10. Amend sections thirty-four, thirty-five, thirty-six, thirty-seven and thirty-eight by striking out the word "police," wherever it occurs, and inserting in lieu thereof the word "county."

11. If section eighteen be stricken out, as recommended by the Judiciary Committee, we then recommend that section forty be also stricken out, as there will in that event be no real necessity for a county attorney.

All of which is respectfully submitted.

E. L. DOHONEY,
M. PRIEST,
E. B. PICKETT.

On motion of Senator Priest the report, with amendments, was adopted.

On motion of Senator Dohoney the amendment recommended by the Judiciary Committee, to strike out section eighteen, was adopted.

On motion of Senator Ruby the bill, as amended, passed to engrossment, and under suspension of rules passed to its third reading.

Bill read third time and passed.

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. 319, "Authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the school fund now in the State Treasury," find the same to be correctly engrossed.

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

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

IN THE SENATE.

By direction of the Senate the Secretary informed his Excellency the Governor that the Senate, in executive session, refused to advise and consent to the appointment of R. E. Borden for Judge of the District Court of the second judicial district.

And refused to advise and consent to the appointment of T. C. Garland for Judge of the District Court of the seventh judicial district.

Under direction of the President the Secretary carried to the House, House bill No. 260, "An Act to incorporate the town of Gatesville. in Coryell county."

Senate bill No. 319, "Authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the school fund now in the State Treasury."

By leave, Senator Mills introduced "An Act authorizing and requiring the Comptroller of Public Accounts to collect the sixty-one thousand dollars, in five per cent. United States indemnity bonds, due the State of Texas, and deposited in the treasury of the United States, and invest the same in United States bonds, and for other purposes."

Read first time and referred to Committee on Finance.

Senator Priest introduced a bill to be entitled "An Act to

authorize railroad companies to regulate the gauges of their roads."

Read first time and referred to Committee on Internal Improvements.

Senator Campbell introduced "An Act to incorporate the Board of Fund Commissioners of Trinity Conference, Methodist Episcopal Church South.

Read first time and referred to Judiciary Committee.

Senator Pridgen introduced a bill entitled "An Act fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the courts to establish rules."

Read first time and referred to Committee on Judiciary.

Senator Mills introduced a bill to be entitled "An Act to amend 'An Act entitled an act supplementary to an act supplementary and amendatory of an act to regulate railroad companies, approved February 7, 1853, approved December 9, 1857.'"

Read first time and referred to Committee on Judiciary.

Senator Flanagan introduced a bill to be entitled "An Act concerning railroads.

Read first time and referred to Committee on Internal Improvements.

Senator Bowers, Chairman of Select Committee, offered the following report:

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL

President of the Senate:

SIR: The Select Committee, to whom was referred House bill No. 30, have carefully examined the same, and report it back with the recommendation that it do not pass.

M. H. BOWERS,
E. B. PICKETT,
M. PRIEST,
Committee.

Laid over under rules.

On motion of Senator Bowers, the Senate adjourned.

EVENING SESSION.

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

UNFINISHED BUSINESS.

Senate joint resolution No. 13, "Authorizing the Governor to appoint commissioners for locating new penitentiaries."

Senator Mills moved its indefinite postponement.

Yeas and nays taken:

Yeas—Alford, Bell, Broughton, Dohoney, Evans, Flanagan, Mills, Pickett, Pridgen, Pyle—10.

Nays—Mr. President, Baker, Bowers, Cole, Douglas, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor, Shannon—17.

Absent—Clark, Latimer—2.

Motion to postpone indefinitely, lost.

Amendment of Senator Mills of last evening session, adopted.

Senator Priest offered the following amendment:

Strike out all after the enacting clause and insert, "that the Governor be and he is hereby authorized and requested to invite proposals, by proclamation, for the location of two penitentiaries in this State; one east of the Trinity, and one west of the Colorado rivers, and report the result to the next session of the Legislature."

Adopted.

On motion of Senator Alford Senate joint resolution No. 13 passed to engrossment.

Rules suspended, read third time and passed.

Special order, House bill No. 424. The hour for special order having arrived, on motion of Senator Pickett it was postponed for five minutes.

Senator Ford moved a reconsideration of the vote taken on House amendments to Senate bill No. 82.

Amendment—insert in section two in nineteenth line, by adding, "running in some general direction."

Senator Ford moved the Senate recede from its action in passing House amendment.

Carried.

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

The hour having arrived for the consideration of the postponed special order, House bill No. 424, "A bill to consolidate in one act

and amend the several acts incorporating the city of Houston, in Harris county.

[Senator Dohoney in the Chair.]

Bill read second time.

Senator Bowers offered the following amendment.

Amend so that the salary of the mayor shall be fixed by the aldermen.

Senator Alford offered the following amendment to the amendment:

Amendment—Provided, that before the said charter shall become a law, an election shall be had, and it shall be adopted by a majority of all the legal voters of said city.

Lost.

The question recurring upon the amendment of Senator Bowers, amendment was lost.

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, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Alford, Bowers, Hertzberg—3.

Absent, Clark, Hall, Latimer—3.

Bill passed.

Secretary carried the same to the House.

On motion of Senator Hertzberg the rules were suspended to take up Senate bill No. 238, "An Act to incorporate the United States and Mexico Railroad."

Bill read second time and substitute adopted.

Senator Pickett offered the following amendment:

SEC. 1. In line sixteen strike out after the words, "the United States and Mexico Railroad Company," and substitute the words, "The Pacific and Great Eastern Railway Company of Texas."

SEC. 2. Line second, after the words "commissioners of the" strike out the words "The United States and Mexico Railroad," and insert "The Pacific and Great Eastern Railway Company of Texas."

SEC. 5. Line second, after the words "to the," strike out the words "United States and Mexico Railroad," and insert "The Pacific and Great Eastern Railway Company of Texas."

Adopted.

Also, amended so as to change the caption, "An Act to incorporate the Pacific and Great Eastern Railway Company of Texas."

And to make the same change wherever the same language occurs.
Adopted.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

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

Nays—None.

Absent—Clark, Latimer—2.

Bill passed.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 34, an act to amend an act, entitled "An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, Texas," passed February 16, 1856.

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

Nays—None.

Absent—Alford, Clark, Latimer—3.

Senator Gaines offered the following resolution :

Resolved, That the Sergeant-at-Arms be directed to furnish twenty pounds of ice for night sessions.

Senator Priest moved to amend by inserting "ten," instead of "twenty."

Amendment lost.

The question recurring upon the resolution of Senator Gaines, it was adopted.

On motion of Senator Parsons, the rules were suspended to take up Senate bill No. 32, "An Act to incorporate the Houston Hook and Ladder Company, No. 1."

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

Nays—None.

Absent—Clark, Hall, Latimer—3.

On motion of Senator Pettit, the rules were suspended to take up House bill No. 200, "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch."

Rules suspended and bill read second time.

Senator Broughton offered the following amendment:

Amend section first, line five, by striking out "between Preston and Doaksville," and inserting "at a point within five miles of Preston, on Red River."

Lost.

[Senator Priest in the Chair.]

Message from the House informing the Senate the House had passed House bill No. 486, "An Act to authorize the police courts of counties to levy and collect a special tax for the repair of public buildings."

House bill No. 440, "An Act supplementary to and amendatory of an act entitled 'An Act to incorporate the city of Corpus Christi, approved February 13, 1854.'"

House bill No. 483, "An Act making an appropriation to pay Peter Metzgar for conveying his daughter, Anna Metzgar, from Arkansas to her home in Texas, who was captured by the Indians and recovered at the boundaries of the State."

House bill No. 484, "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 question recurring upon the final passage of House bill No. 200, Senator Bell offered the following amendment:

Amend by striking out section two.

Senator Saylor moved the bill be made the special order for Monday at 12 o'clock.

Yeas and nays taken.

Yeas—Broughton, Evans, Ford, Gaines, Parsons, Pickett, Pridgen, Saylor, Shannon—9.

Nays—Mr. President, Alford, Bell, Bowers, Cole, Dohoney, Douglas, Flanagan, Fountain, Hall, Hertzberg, Mills, Pettit, Priest, Pyle, Rawson, Ruby—17.

Absent—Clark, Baker, Latimer—3.

Motion to postpone lost.

The question recurring upon the adoption of the amendment offered by Senator Bell, amendment lost.

Senator Bowers moved the Senate adjourn.

Lost.

The question recurring upon the passage of House bill No. 200, the yeas and nays were taken :

Yeas—Mr. President, Alford, Bell, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Broughton, Evans, Pickett, Pridgen—4.

Absent—Baker, Bowers, Clark, Latimer—4.

Senator Flanagan moved a reconsideration of the vote just taken, and to lay the motion to reconsider upon the table.

Yeas and nays taken.

Yeas—Mr. President, Alford, Cole, Dohoney, Flanagan, Fountain, Hall, Hertzberg, Mills, Pettit, Priest, Pyle, Rawson, Ruby, Saylor—15.

Nays—Bell, Bowers, Broughton, Douglas, Evans, Ford, Gaines, Parsons, Pickett, Pridgen, Shannon—11.

Absent—Baker, Clark, Latimer 3.

Motion to reconsider and lay on the table carried.

On motion of Senator Campbell the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, August 3, 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.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred claim of S. B. Buckley for services as geologist in 1866 and 1867, have carefully considered the same, and I am instructed to report the accompanying bill entitled "An Act for the relief of S. B. Buckley, late assistant State Geologist," and respectfully recommend its passage.

M. PRIEST,
Chairman.

Laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred Senate bill No. 132, entitled an "Act requiring justices of the peace to tax a jury fee of three dollars in each criminal case tried before them, and to allow fees to juries in such cases," have had the same under consideration, and I am instructed to report it back, with accompanying amendment, and recommend its passage.

M. PRIEST,
Chairman.

Amend section one, line five, by adding after the word "convicted," the words "by a jury."

On motion of Senator Priest the rules were suspended, and report of committee, with amendments, adopted.

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

By leave, Senator Priest offered the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby authorized to employ such assistant clerks as may be necessary to a correct and prompt dispatch of the business of the Senate.

Resolved, That the Secretary require the punctual attendance of the clerks of the Senate, and report to the Senate any delinquents in duty by the clerks or assistants, that proper and just deductions may be made in the payment of their *per diem*.

Adopted.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred "Petition of George Harris and others," having had the same under consideration, instruct me to report the accompanying bill, entitled "An Act to incorporate the Webberville Ferry Company," and recommend its passage.

J. G. BELL,
Chairman.

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

Report read and adopted.

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, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Latimer, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—22.

Nays—None.

Absent—Clark, Fountain, Hertzberg, Mills, Pickett, Parsons, Saylor—6.

Bill passed.

Report of Committee on Engrossed bills:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and

compared Senate bill No. 296, "declaring that the time between the date of the so-called ordinance of secession, and the date of the acceptance by the Congress of the United States of the State Constitution, shall not be counted or reckoned against railroad companies," find the same to be correctly engrossed.

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

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 184, "An Act to incorporate the Superannuated Preachers' Aid Society," and also Senate bill No. 314, "An Act to regulate the disposal of the public lands," have had the same under careful consideration, and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Ruby :

Resolved, That the Chairman of the Committee on Public Buildings be authorized and requested to furnish a room for the engrossing and enrolling clerks, and that the Sergeant-at-Arms be authorized to purchase furniture for the same.

Adopted.

By Senator Bowers :

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

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

Rule suspended and bill read first and second time and passed to engrossment.

Rules further suspended and bill read third time and passed.

By Senator Pickett :

"An Act to aid the construction of railroads."

Read first time and referred to Committee on Internal Improvements.

Senator Pickett offered the following resolution :

WHEREAS, The State of Texas has (art. 9, sec. 8, Con.) resumed all right and title to the public lands heretofore donated to the several counties for educational purposes, by virtue of the act of January 26, 1839, and also the act of February 5, 1840, and also the act of January 15, 1850, and in lieu thereof has become pledged "to establish a uniform system of public free schools, for the gratuitous instruction of all the inhabitants of the State between the ages of six and eighteen years," and

Whereas, the titles to many of these lands are still unperfected, and the lands themselves—generally choice, having been selected with great care—are being trespassed upon and depreciated through neglect, and

Whereas, many of the counties have expended considerable means in locating these lands, and should be remunerated; therefore,

Resolved, That the matter of the public school lands be submitted to a select committee of five, to prepare a bill in reference to said lands.

Adopted

The Chair appointed on said committee Senators Pettit, Flanagan, Gaines, Alford, Evans.

On motion of Senator Flanagan Senator Broughton was added to the committee.

By Senator Alford: "An Act authorizing the county courts to sell the school lands in their respective counties."

Read first time and referred to select committee.

On motion of Senator Flanagan Senator Bowers was added to the Committee on Public Debt.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 93, "An Act for the improvement of the navigation of the Colorado river."

Rules suspended and substitute adopted.

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time and passed.

On motion of Senator Dohoney the rules were suspended to take up Senate bill No. 265, a bill entitled "An Act to incorporate the city of Paris, Texas."

Report of committee, with amendments, adopted.

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, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain,

Hall, Hertzberg, Latimer, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—none.

Absent—Gaines, Mills, Parsons—3.

Bill passed.

On motion of Senator Hall the rules were suspended to take up House bill No. 264, "An Act to incorporate Trinity University, located at Tehuacana Hill, Limestone county, Texas."

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

Nays—None.

Absent—Gaines, Mills, Parsons—3.

Bill passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 13, "An Act to incorporate Big Cypress Bridge Company."

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

Nays—None.

Excused from voting—Gaines.

Absent—Mills, Parsons—2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 105, "An Act to incorporate the Texas Mutual Life Insurance Company."

Rules suspended, bill read first time; rules suspended and 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, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Shannon—24.

Nays—Alford.

Absent—Dohoney, Parsons, Ruby, Saylor—4.

Bill passed.

Senator Pickett offered the following resolution:

Resolved, That the Secretary of the Senate call the roll of Senators alphabetically, and that each Senator when his name is called shall have the right to call up one bill or resolution.

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

Resolution adopted.

On motion of Senator Alford the rules were suspended to take up House bill No. 53, "An Act to incorporate the Jefferson Insurance and Exchange Company."

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, Alford, Baker, Bell, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—none.

Absent—Bowers, Broughton, Parsons—3.

Bill passed.

Message from the House informing the Senate the House had appointed the following Committee of Conference on Senate bill No. 82: Messrs. Harn, Jenkins and Mullins.

Also, that the House had passed Senate bill No. 16, "An Act to incorporate the Germania Saving, Trust and Exchange Company."

Senate bill No. 98, "An Act for the relief of John H. Swoford, assessor and collector of Johnson county and his sureties, and Elbert M. Heath, deputy assessor and collector, and his sureties.

On motion of Senator Baker the rules were suspended to take up House bill No. 438, "An Act to incorporate the Weatherford Masonic Institute."

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, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—none.

Absent—Bowers, Hertzberg, Mills, Parsons, Pickett—5.

Bill passed.

On motion of Senator Bowers the rules were suspended to take up Senate bill No. 97, entitled "An Act or the relief of W. B. Price."

Report and substitute read and adopted.

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Senator Mills moved a call of the Senate.

Senate Bowers rose to a point of order: that a call of the Senate is out of order during a call of the roll.

Chair decided the point not well taken.

Sena or Alford appealed from the decision of the Chair.

The Senate sustained the decision of the Chair.

The question recurring upon the motion of Senator Mills to call the Senate, roll called.

Absent--Senator Parsons.

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

The question recurring upon the final passage of Senate bill No. 97, the yeas and nays were taken:

Yeas--Mr. President, Baker, Bell, Bowers, Clark, Cole, Evans, Flanagan, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon--20.

Nays--Dohoney, Pickett--2.

Absent--Alford, Broughton, Douglas, Ford, Parsons, Priest, Saylor--7.

Bill passed.

Under direction of the President the Secretary carried to the House, House bill No. 200, "An Act in relation to the Missouri, Kansas and Texas Railroad Company."

On motion of Senator Broughton the rules were suspended to take up Senate bill No. 274, a bill to be entitled "An Act to incorporate Troupe Seminary."

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

Nays--None.

Absent--Parsons, Saylor--2.

Bill passed.

On motion of Senator Clark, the rules were suspended to take up Senate bill No. 246, "An Act creating the county of San Jacinto and naming the county site thereof," with amendment.

Bill read second time as amended and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--24.

Nays--Douglas.

Absent--Hall, Parsons, Pettit, Pyle--4.

Bill passed.

On motion of Senator Cole, the rules were suspended to take up House bill No. 463, "An Act for the relief of the heirs of John D. Craig, deceased.

Bill read first time.

Rules suspended and bill read second time.

Senator Bowers offered the following amendment to section one : "Provided that nothing in this act shall be construed to interfere with the rights of third persons."

Adopted.

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

Yeas and nays taken on final passage :

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Latimer, Mills, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--23.

Nays--None.

Absent--Hall, Hertzberg, Parsons, Pettit, Mills, Saylor--6.

Bill passed.

Message from the House informing the Senate the House had passed House bill No. 306, "An Act to amend an act entitled 'An Act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866."

On motion of Senator Campbell, the rules were suspended to take up House bill No. 306, "An Act to amend an act entitled 'An Act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866."

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

Yeas and nays taken on final passage.

Yeas--Mr. President, Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--23.

Nays--None.

Absent--Baker, Hertzberg, Mills, Parsons, Pettit, Douglas--6.

On motion of Senator Dohoney the rules were suspended to take up Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy."

On motion of Senator Dohoney the House amendments were concurred in and bill read third time and passed as amended.

The hour having arrived for the consideration of special order, Senate bill No. 51, "An Act providing for a geological survey of the State of Texas."

Bill read third time and passed.

On motion of Senator Douglas, the rules were suspended to take up Senate bill No. 275, a bill to be entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary."

Substitute bill read first time and adopted.

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

Rules suspended, and bill read third time and passed.

On motion of Senator Evans the rules were suspended, to take up House bill No. 355, "An Act to incorporate the West Fork Male and Female College."

Bill read first time.

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

Yeas and nays taken:

Yeas--Mr. President, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--22.

Nays--None.

Absent--Bowers, Hertzberg, Latimer, Mills, Parsons, Pickett, Saylor--7.

Bill passed.

On motion of Senator Ford the following Committee of two of Conference was appointed to confer with a like committee on part of the House on Senate bill No. 82.

The Chair appointed on said Committee Senators Ford and Douglas.

On motion of Senator Fountain the rules were suspended to take up House bill No. 484, "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."

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

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Clark, Cole, Dohoney, Douglas, Evans, Ford, Fountain, Gaines, Hall, Pickett, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Nays—Alford, Flanagan, Latimer—3.

Absent—Bowers, Broughton, Hertzberg, Mills, Parsons, Pettit, Pridgen—7.

Bill passed.

On motion of Senator Gaines, the rules were suspended to take up House bill No. 314, "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam. Houston from Huntsville to Independence, as contemplated in joint resolution No. 7."

Bill read first time.

Senator Gaines moved the bill be referred to a select committee of four

The chair appointed on said committee Senators Gaines, Bell, Fountain and Parsons.

On motion of Senator Latimer, the rules were suspended to take up House bill No. 60, "An Act to incorporate the Agricultural and Mechanical Association of North Eastern Texas."

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

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bell, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Mills, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Bowers, Broughton, Hertzberg, Parsons, Pickett, Saylor—6.

Bill passed.

On motion of Senator Mills, the rules were suspended to take up House bill No. 123, "An Act to incorporate the Galveston Insurance Company."

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

Yeas and nays taken on final passage:

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

Nays—Alford.

Absent—Clark, Parsons—2.

Bill passed.

The hour having arrived for the consideration of special order, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas,"

Senator Douglas moved that the matter under consideration be postponed until Monday, and it be made the special order for that day at 12 o'clock M.

Yeas and nays taken :

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

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

Absent--Clark, Parsons--2.

Motion to postpone, lost.

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate bill No. 296, "An Act declaring that the time between the date of the so-called ordinance of secession and the date of the acceptance, by the Congress of the United States, of the State Constitution, shall not be counted or reckoned against railroad companies."

Message from the House informing the Senate the House had passed Senate bill No. 15, "An Act to incorporate the German Land and Improvement Association."

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

Also, that the Speaker had signed in open session enrolled bill, "An Act to create the county of Delta."

Also, enrolled bill, "An Act concerning the University lands and confirming the titles thereto."

Enrolled bill, "An Act for the relief of Harvey W. Moore."

Whereupon they were signed by the President and returned to the House.

Senator Pickett moved Senate bill No. 254 be postponed until tomorrow, and that it be made the special order for that day at eleven o'clock, and be continued from day to day until disposed of.

Carried.

The hour having arrived for the consideration of special order, Senate bill No. 315, "An Act to provide for repairing and making additions to the public buildings and property of the State, at Austin, Texas,"

Bill read second time.

Senator Dohoney offered the following amendments :

Strike out \$5000 for Governor's mansion and grounds.

Lost.

Amend by striking out \$5000 for artesian well.

Lost.

Amend by striking out \$3500 for furniture for Capitol.

Lost.

Senator Douglas offered the following amendments :

Strike out the item, Capitol, \$12,500.

Yeas and nays taken :

Yeas—Alford, Broughton, Clark, Dohoney, Douglas, Evans, Flanagan, Hertzberg, Pyle, Ruby, Shannon—11.

Nays—Mr. President, Baker, Bell, Bowers, Cole, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Priest, Pridgen, Rawson, Saylor—16.

Absent—Latimer, Parsons—2.

Amendment lost.

Senator Douglas offered the following :

Amend by striking out "supreme court, \$11,600."

Amendment lost.

Yeas and nays taken on engrossment of bill :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor—18.

Nays—Alford, Broughton, Clark, Douglas, Evans, Flanagan, Pyle, Rawson, Shannon—9.

Absent—Latimer, Parsons—2.

Bill passed to engrossment.

Senator Baker moved a suspension of rules, to put the bill on third reading.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor—19.

Nays—Alford, Broughton, Clark, Douglas, Evans, Flanagan, Pyle, Shannon—8.

Absent—Latimer, Parsons—2.

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

On motion of Senator Alford the Senate adjourned.

EVENING SESSION.

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

Absent—Alford, Bowers, Clark, Pettit, Rawson, Latimer.

Senator Mills moved that Senator Latimer be excused.

Yeas and nays called for :

Yeas—Mr. President, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Gaines, Mills, Parsons, Pickett, Pridgen, Pyle, Ruby, Shannon—17.

Nays—Baker, Ford, Hertzberg, Priest—4.

Absent—Alford, Bowers, Clark, Hall, Rawson, Saylor—6.

Senator Latimer excused.

Under direction of the President the Secretary carried to the House and informed it that the Senate had passed the following bills:

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

House bill No. 463, "An Act for the relief of John B. Craig, deceased," with amendments.

House bill No. 306, "An Act to amend an act entitled 'An Act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866."

House bill No. 484, "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."

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

House bill No. 123, "An Act to incorporate the Galveston Insurance Company."

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

House bill No. 53, "An Act to incorporate the Jefferson Insurance, Savings' and Exchange Company."

House bill No. 105, "An Act to incorporate the Texas Mutual Life Insurance Company."

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

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

Also, that they have passed Senate bill No. 51, "An Act providing for a geological survey of the State of Texas."

Also, that the Senate concurred in House amendments to Senate bill No. 201.

On motion of Senator Pickett the rules were suspended to take up House bill No. 357, "An Act to incorporate the Bolivar Point, East Texas and Red River Company."

Bill 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, Alford, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon—24.

Nays—None.

Absent—Bowers, Clark, Rawson, Saylor—4.

Excused—Latimer.

Bill passed and returned to the House.

On motion of Senator Priest the rules were suspended to take up House bill No. 457, "An Act for the relief of James L. Session and John Blair of Houston county, State of Texas."

Bill read first and second times; rules further suspended and bill read third time and passed, and returned to the House.

On motion of Senator Pridgen the rules were suspended to take up House bill No. 116, "An Act to reorganize the city of Indianola, in Calhoun county."

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon—25.

Nays—None.

Absent—Clark, Saylor, Rawson—3.

Excused—Latimer.

Bill passed and returned to the House.

On motion of Senator Pyle the rules were suspended to take up House bill No. 242, "An Act to incorporate the Houston real estate and banking company."

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines,

Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--24.

Nays--None.

Absent--Clark, Hall, Pickett, Rawson--4.

Excused--Latimer.

Bill passed and returned to the House.

[Senator Dohoney in the Chair.]

On motion of Senator Ruby the rules were suspended to take up Senate bill No. 215, "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 any existing charter."

On motion of Senator Ruby the report of committee was concurred in and amendments adopted.

On motion of Senator Ruby the bill was made the special order for Friday at ten o'clock A. M.

On motion of Senator Pettit the rules were suspended to take up House bill No. 86, "An Act to incorporate the town of Canton, in Van Zandt county."

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

Yeas and nays taken on final passage.

Yeas--Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--23.

Nays--None.

Absent--Mr. President, Clark, Hall, Rawson, Pickett--5.

Excused--Latimer.

Bill passed and returned to the House.

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

On motion of Senator Ruby the substitute was adopted.

Senator Flanagan moved the bill be made the special order for Saturday at twelve M.

Lost.

Rules suspended and bill read second time.

Senator Priest offered the following amendment to section one:

Amend section one, line five, strike out the word "ninety," and insert in lieu thereof "thirty."

Senator Campbell moved to reject the amendment.

Carried.

Senator Hertzberg offered the following amendment to section three:

Amend by inserting in section three, line eleven, after "San Antonio," "Provided, that no branch road of this company shall be established on a line nearer than twenty-five miles of any existing railway."

Adopted.

Pending reading of bill message from the House informing the Senate the House had passed Senate bill No. 50, "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

The question recurring upon Senate bill No. 248, Senator Alford offered the following amendment: Amend by striking out section eleven.

Senator Pettit offered the following amendment to the amendment: Strike out all after "corporations," and add "for ten years."

Amendment accepted and adopted.

Senator Hertzberg offered the following amendment: Strike out section twelve.

Carried.

Pending reading of bill message from the House informing the Senate that the Speaker had signed in open session enrolled House bill No. 306, "An Act to incorporate the town of Jefferson, in Marion county."

Signed by the President and returned to the House.

The question recurring upon Senate bill No. 248, Senator Douglas offered the following amendment:

Amend, adding after the words "San Antonio," in line eleven, section three: "Provided, that this company shall not locate its road within twenty-five miles of any other road running in the same general direction."

Yeas and nays taken.

Yeas--Alford, Broughton, Douglas, Evans, Flanagan, Gaines, Ford, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby--14.

Nays--Mr. President, Baker, Bell, Bowers, Clark, Cole, Dohoney, Fountain, Hertzberg, Mills, Rawson, Saylor, Shannon--13.

Absent--Hall.

Excused--Latimer.

Amendment adopted.

On motion of Senator Alford, the bill passed to engrossment.

Rules suspended, bill read third time.

Yeas and nays taken on final passage.

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Saylor, Shannon--23.

Nays--Evans, Flanagan, Priest, Ruby--4.

Absent--Hall.

Excused--Latimer.

Senator Priest moved the Senate adjourn.

Yeas and nays taken.

Yeas--Bell, Bowers, Clark, Cole, Douglas, Ford, Gaines, Parsons, Pettit, Pickett, Priest--11.

Nays--Mr. President, Alford, Dohoney, Evans, Flanagan, Fountain, Hertzberg, Mills, Pridgen, Pyle, Rawson, Ruby, Saylor--13.

Absent--Baker, Broughton, Hall, Shannon--4.

Excused--Latimer.

So the Senate refused to adjourn.

On motion of Senator Shannon, the rules were suspended to take up Senate bill No. 261, "An Act to incorporate the Acton Masonic Institute."

Substitute adopted.

Rules suspended, 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, Alford, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays--None.

Absent--Baker, Clark, Broughton, Gaines, Hall, Hertzberg, Latimer, Pickett--8.

Bill passed.

On motion of Senator Campbell, the rules were suspended to take up Senate bill No. 286, "An Act to incorporate the Marion County Agricultural and Mechanical Association."

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, Alford, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--25.

Nays--None.

Absent--Baker, Clark, Hall, Latimer.

Bill passed.

On motion of Senator Saylor the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, August 4, 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.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 34, "To amend an act entitled 'An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, Texas,' passed February 16, 1858:" also, Senate bill No. 32, "To incorporate the Houston Hook and Ladder Company No. 1, of the city of Houston;" and substitute for Senate joint resolution No. 13, "Authorizing the Governor to invite proposals for the location of two penitentiaries, and to report the result to the next session of the Legislature," find the same to be correctly engrossed.

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

Report of special committee on House bill No. 314:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The special committee, to whom was referred an act making an appropriation to defray the expenses of removal of the remains of General Sam Houston from Huntsville, etc., beg leave to offer the following amendment, which, it is understood, is made at the suggestion of the surviving relatives of the deceased soldier and statesman:

Sixth line, section one, after the word "Independence," insert

“ or the city of Houston, at the option of the surviving relatives of the deceased.”

MATTHEW GAINES,

Chairman.

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

Report received, bill read second time, and on motion of Senator Ruby the amendment was adopted.

Report of Select Committee on Senate bill No. 332 “ An Act to authorize the county courts to sell the school land in their respective counties.”

COMMITTEE ROOM,

Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate:

A majority of your select committee, to whom was referred the matter of public school lands, with directions to prepare a bill in reference thereto, after a careful consideration of the subject, have directed me to report the Senate bill, No. 332, presented August 2, by Senator Alford, back to the Senate, with the following amendments, and recommend that the same do pass.

E. PETTIT,

Chairman.

Amend section four, by striking out the words “ in good faith,” in the first line, and by striking out all after the word “ lands,” in third line, to the end of the fifth line, same section; and by inserting the word “ sixty,” after the word “ hundred,” in the sixth line, same section.

Bill read second time.

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

Report and amendments adopted; and, on further motion, the consideration of the bill was made the special order for Saturday, at 11 A. M., and that one hundred copies be printed for the use of the Senate.

The special joint committee of conference on Senate bill No. 197, offered the following report:

COMMITTEE ROOM,

Austin, August 4, 1870.

Honorable President of the Senate

and Speaker of the House of Representatives:

Your committee on free conference 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 re-

port that they have agreed on the accompanying amendments to said bill, which they recommend be adopted.

Very respectfully,

B. J. PRIDGEN,
for Senate Committee.
BURNETT,
for House Committee.

1. That the Senate refuse to concur in House amendments to sections eight, twenty-two and thirty, and that the House recede therefrom.

2. That the Senate refuse to concur in House amendment to section ten, and that the following be adopted as a substitute for said section :

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 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.

3. That the Senate refuse to concur in House amendment to section seventeen, and that the following be adopted as a substitute for said section, to-wit :

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 Victoria on the second Mondays in September and January, and third Mondays in April, and may continue in session three weeks.

In the county of Calhoun on the third Monday after the second Mondays in September and January, and third Mondays in April, and may continue in session three weeks.

In the county of Refugio on the sixth Monday after the second Mondays in September and January, and third Monday in April, and may continue in session one week.

In the county of San Patricio on the seventh Monday after the second Mondays in September and January, and third Monday in April, and may continue in session one week.

In the county of Nueces on the eighth Monday after the second Mondays in September and January, and third Monday in April, and continue in session three weeks.

4. That the following be adopted as a substitute for section twenty :

SEC. 20. That the district courts of the nineteenth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Montgomery on the second Monday in September, and first Mondays in February and June, and may continue in session three weeks.

In the county of Harris on the first Mondays in October, March and July, and may continue in session until the business is disposed of.

5. That the following be adopted as section thirty-seven, and that thirty-seven be numbered thirty-eight:

SEC. 37. 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 said first named county is attached.

But if the terms of the courts of the attached county shall occur before those of the courts of the county to which it is attached, then the terms of the courts of the latter county shall commence at the times appointed by law for the commencement of the terms in the attached county.

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

Report read.

Senator Alford moved the matter be made the special order for tomorrow at half past nine A. M.

Lost.

On motion of Senator Dohoney the report of committee was concurred in and the House notified of the same.

Message from the House informing the Senate the House had appointed the following committee of free conference—Messrs. Burnett, Mullins and Jenkins—on Senate bill No. 82, entitled "An Act to amend sections 1, 2, 3, 5, 6, 11, 12, 13, 15, 19 and 20 of an act to incorporate the Waco Tap Railroad Company."

Also, that the Speaker had signed in open session enrolled bill, "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company."

Signed and returned to the House.

Also, that the House had passed House bill No. 389, "An Act to incorporate the land owners' association of Texas."

House bill No. 185, "An Act to incorporate the Cedar Bayou Bar Company."

House bill No. 152, "An Act to prohibit the sale of intoxicating liquors within two miles of Greenwood Masonic Institute."

House bill No. 154, "An Act to amend 'An Act to incorporate the Caddo Lake Manufacturing Company,' approved first November, 1866."

House bill No. 195, "An Act for the relief of James P. Good-night, late assessor and collector of Dallas county, and his sureties."

House bill No. 356, "An Act to prohibit the sale of spirituous, vinous and other intoxicating liquors, or the establishing of any drinking saloon, gambling house, or house of ill fame, within certain limits."

House bill No. 487, "An act to repeal 'An Act to prevent the sale of intoxicating drinks within the limits of the league of land in Fayette county, granted to Franklin Lewis, on which the town of Rutgersville is situated.'"

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

Senate bill No. 38, "An Act to incorporate the Galveston Horticultural Society."

Also, that the House had passed Senate bill No. 262, "An Act to change the present boundaries of Burleson and Brazos counties," with the following amendments :

Amend by striking out in second section, fifth and sixth lines, the words, "the town of Lexington," and inserting instead the words, "the place receiving the majority of the votes cast at said election, as the county seat."

Eighth line, same section, strike out the words "town of Lexington," and inserting the words, "county seat so chosen."

BILLS AND RESOLUTIONS.

By Senator Dohoney: "An Act to be entitled 'An Act to incorporate the Lamar Female Seminary.'"

Bill read first time.

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

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, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall,

Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Nays—None.

Absent—Clark, Fountain—2.

Bill passed.

By Senator Pridgen: "An Act to add a point of the county of Refugio, herein described, to the county of San Patricio."

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

Also, "An Act to permanently create the county seat of San Patricio county."

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

Also, "An Act to incorporate the Lavaca River and Jackson County Dredging and Navigation Company."

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

On motion of Senator Pettit the rules were suspended to take up House bill No. 364, "An Act to incorporate the city of Columbus and for other purposes."

Bill 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, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—Alford.

Absent—Bowers, Clark, Fountain, Parsons, Saylor—5.

Bill passed and returned to the House.

On motion of Senator Pickett the rules were suspended to take up Senate joint resolution No. 5, proposing amendments to sections two, three and four of article five of the Constitution of the State of Texas.

Read second time.

Senator Pickett moved that section two be adopted.

Carried.

Senator Pickett moved that section three be adopted.

Carried.

Senator Pickett moved that section four be adopted.

Carried.

On motion, passed to engrossment.

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—24.

Nays—Ford.

Absent—Bell, Parsons, Pettit, Saylor—4.

Passed.

[Senator Ruby in the Chair.]

By leave, Senator Pickett introduced an act supplementary to and amendatory of an act entitled "An Act to organize, incorporate and aid the East Line and Red River Railroad Company."

Bill read first time.

Senator Pickett moved the rules be suspended to consider the bill.

Rules suspended and bill read second time.

Senator Priest offered the following amendment:

Strike out "twenty-five thousand," and insert "twenty thousand."

Lost.

Bill passed to engrossment.

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, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Alford, Priest—2.

Absent—Gaines, Latimer, Parsons, Pettit—4.

Bill passed.

On motion of Senator Priest the rules were suspended to take up House bill No. 436 "An Act for the relief of John W. High, of the county of Houston."

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

Yeas and nays taken on final passage.

Yeas—Mr. President, Bell, Bowers, Broughton, Clark, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Absent—Alford, Baker, Cole, Dohoney, Gaines, Parsons, Pettit, Pickett—8.

Bill passed, and sent to the House.

On motion of Senator Pridgen, the rules were suspended to take up House bill No. 109, "An Act to cede to and confer upon the city of Indianola all the rights, title and interest of the State in

and to the flats adjacent to said city in the waters of Matagorda Bay, in trust for the purpose and conditions herein specified."

Report of committee concurred in.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Alford, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—None.

Absent—Mr. President, Baker, Broughton, Parsons, Pickett, Priest—6.

Bill passed and sent to House.

Report from Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared substitute for Senate bill No. 238, "To incorporate the Pacific and Great Eastern Railway Company of Texas," find the same to be correctly engrossed.

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

On motion of Senator Pyle, the rules were suspended to take up House bill No. 70, "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the city of Galveston."

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

The hour having arrived for special order, the consideration of House bill No. 30,

On motion of Senator Pyle, it was postponed until the business before the Senate was disposed of.

The question recurring upon House bill No. 70, Senator Douglas offered the following amendment :

Section one, line fourteen, strike out the words "a switch," and insert "switches, turnouts, side switches, etc."

Amendment adopted.

The question recurring upon the third reading of said bill, the bill was read third time.

Yeas and nays were taken :

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall,

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

Nays—None.

Absent—Bowers, Fountain, Mills, Parsons—4.

Bill passed and returned to the House.

Under direction of the President the Secretary carried to the House, with action of the Senate, substitute for Senate bill No. 238, "An Act to incorporate the Pacific and Great Eastern Railway Company of Texas."

Also, substitute, Senate bill No. 34, "An Act to amend an act entitled 'An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, Texas, passed February 16, 1858.'"

Substitute, Senate joint resolution No. 13, "Authorizing the Governor to invite proposals for the location of two penitentiaries, and to report the result at the next session of the Legislature."

Senate bill No. 32, "An Act to incorporate the Houston Hook and Ladder Company No. 1 of the city of Houston."

Enrolled Senate bill No. 16, "An Act to incorporate the Germania Saving, Trust and Exchange Company," signed by the Speaker and returned to the Senate.

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

Report of select committee read.

Senator Bowers moved the indefinite postponement of the bill.

Carried.

The hour having arrived for the consideration of special order, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas,"

Pending discussion,

Message from the House informing the Senate the House had passed Senate bill No. 200, "An Act to authorize county courts to levy a road tax, and to improve roads and bridges."

Also, that the House had adopted concurrent resolution No. 3, relating to the division of the State of Texas, and asks the concurrence of the Senate in the same.

Also, that the House had passed Senate bill No. 106, "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the Gulf, Western Texas and Pacific Railway Company," with the following amendments :

Amend section three as follows: "Provided, that if said company shall fail to construct and put in good running order thirty miles of said road above Victoria by the first day of January, eighteen hundred and seventy-two, or shall thereafter fail to construct, as aforesaid, thirty additional miles of said road during each and every year until the same shall have reached San Antonio or Austin, then, in either event, the said company shall forfeit all rights, privileges and immunities granted by this act."

Amend section four by adding that: "Provided that this section shall not be construed to revive any grant or grants to lands in favor of said corporations, if such grants are prohibited by the constitution of the State; but they shall be entitled to such grants as are provided for in their charters, if it shall be decided judicially that the same are constitutional."

The question recurring upon the consideration of Senate bill No. 254,

Pending discussion, on motion of Senator Rawson the Senate adjourned to 8 P. M.

EVENING SESSION.

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

Senator Pickett moved a committee of three of free conference be appointed to act with a like committee on part of the House on Senate bill No. 82, "An Act to incorporate the Waco Tap Railroad Company."

The Chair appointed Senators Pickett, Ford and Shannon.

On motion of Senator Alford the rules were suspended to take up House bill No. 28, "An Act to incorporate the Alumina Association, of LaGrange, Texas."

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Pettit, Parsons, Priest, Pridgen, Pyle, Saylor, Shannon—21.

Nays—None.

Absent—Bowers, Clark, Evans, Flanagan, Hall, Pickett, Rawson, Ruby—8.

Bill passed, and returned to the House.

S J—66.

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

House amendments read, and, on motion of Senator Pridgen, concurred in.

[Senator Flanagan in the Chair.]

On motion of Senator Baker the rules were suspended to take up Senate bill No. 257 "A Bill to be entitled 'An Act for the relief of M. B. McLennan.'"

Bill read second time and passed to engrossment.

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

On motion of Senator Bell the rules were suspended to take up Senate bill No. 267, "An Act to incorporate the Hempstead Eastern and Western Railway Company of Texas," with amendments.

Report of committee read and adopted.

Bill read second time.

Senator Ruby moved to amend by striking out section eight, and inserting the following in lieu thereof:

Any person or persons whose land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the district court of the county in which said land is situated, for the appointment of appraisers, and said court shall thereupon appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant and said company, to whom shall be given by said freeholders reasonable notice of the time and place of said hearing; and said freeholders shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding term of said court; and said award, if not rejected by said court for sufficient cause then shown, shall be entered upon as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of said land at the time it was taken, taking into consideration the benefits or injuries done to other lands or property of its owner by the establishment of said railway. And if the amount of compensation awarded by said freeholders shall not exceed that offered by said company to the owner, prior to said application to the court, the applicant shall pay the cost of the proceedings, otherwise the company shall pay the same. During the inquiry as to the value of said land, or the damage done to the estate of the owner, said company shall in no

manner be molested or hindered in the prosecution of their work thereon, or occupation of the same, by any writ or process from any court of this State; but all officers of the law are authorized and required to render prompt assistance to said company in the premises.

Amendment adopted.

Passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken on final passage.

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

Nays--Latimer.

Absent---Bowers, Clark, Saylor---3.

Bill passed.

Under direction of the President the Secretary carried to the House enrolled Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy."

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

Enrolled Senate bill No. 15, "An Act to incorporate the German, Land and Improvement Association."

Signed by the Speaker, returned and signed by the President.

Also, enrolled House bill No. 484, "An Act providing for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriations for maintaining ranging companies on the frontier."

Signed and returned to the House.

On motion of Senator Cole the rules were suspended to take up House bill No. 176, "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same."

Bill read first time.

Senator Pickett moved a call of the Senate.

Call sustained.

Absent, Bowers and Clark.

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

Senator Priest moved the Senate adjourn.

Motion lost.

Senator Priest moved a call of the Senate.

Call sustained.

Roll called. Absent, Bowers and Clark.

On motion of Senator Ruby the call was suspended.

Pending discussion, message from the House informing the Senate the House had passed House bill No. 274, "An Act to exempt the wages of laborers and others from the writ of garnishment."

House bill No. 478, "An Act to establish a system of public free schools for the State of Texas."

House bill No. 429, "An Act to incorporate the Colorado Valley Immigration Company."

House bill No. 416, "An Act to incorporate the Screwman's Benevolent Association of Galveston."

House bill No. 358, "An Act to incorporate the Bean's Wharf, Warehouse and Cotton Compress Company of the city of Galveston."

House bill No. 283, "An Act to incorporate the Houston City Street Railway Company."

House bill No. 395, "An Act making an appropriation for the purpose of covering a deficiency in the amount appropriated by the commanding general fifth military district for the purpose of having made a copy of the lists of registered voters in the State of Texas."

House bill No. 263, "An Act to prohibit the sale of spirituous liquors, and the establishing or keeping of any gambling table or device within two miles of Trinity University, in Limestone county."

Also, that the House has adopted the report of the Committee of Free Conference on Senate bill No. 197, entitled "An Act prescribing the time of holding the district courts in the several judicial districts in the State."

The House has concurred in the Senate amendments to House bill No. 463, entitled "An Act for the relief of the heirs of John B. Craig, deceased," by adding to section one, "provided, nothing in this act shall be construed to interfere with the rights of third persons."

Also, to Senate amendments to House bill No. 70, entitled "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the the city of Galveston," by striking from section one, line fourteen, the words "a switch," and inserting in lieu thereof the words "switches, turn-outs, side-switches, etc."

And to the amendments to House bill No. 294, entitled "An Act to incorporate the Western Narrow Gauge Railway Company," viz: by inserting in line five of section eight, after the words "La Grange," the word "Lockhart;" in same line, after the word "county," the words "via Bellville."

Pending discussion,

On motion of Senator Mills Senator Clark was excused.

Senator Priest moved that the Senate adjourn.

Yeas and nays taken :

Yeas—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Absent—Bowers.

Excused—Clark.

So the Senate refused to adjourn.

Senator Pickett moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Bowers.

Excused—Senator Clark.

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

Senator Pyle moved that Senator Bowers be excused.

Yeas and nays taken.

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

Nays—Evans, Latimer, Pickett, Priest, Shannon—5.

So the Senate excused Senator Bowers from attendance.

The question recurring upon House bill No. 176, on motion of Senator Ruby, the rules were suspended, and bill read second time.

Senator Priest offered the following :

Strike out section ten, and insert in lieu thereof the following :

SEC. 10. In consideration of the bonds herein prescribed to be issued in aid of said road, the State of Texas shall have an interest in said road, and in the net profits of said road of one-third, and shall have a corresponding influence and control of said road, as if one-third of the entire stock was taken by the State of Texas, and paid for by said bonds—said State of Texas to be considered as a stockholder to the extent of one-third of the entire stock of said road, with all the rights, privileges and immunities of a stockholder, to the extent aforesaid, with the right to withhold and cease to issue bonds at any time, on failure of said company to comply with the terms of this charter. All the profits derived by the State from her interest as aforesaid in said road, shall go to and constitute a part of the school fund of the State, to be disposed of as other school funds for purposes of education annually, as received. Said company shall issue and deliver to the State of Texas, one-third of the stock of said road, and the interest of said State in said road shall never be mortgaged or in any wise encumbered by said com-

pany, without the consent of the State of Texas, expressed by act of the Legislature.

Senator Mills moved the amendment be rejected.

Yeas and nays taken.

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Nays—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Excused—Bowers, Clark—2.

Amendment rejected.

Senator Priest moved to strike out section twelve.

Yeas and nays taken.

Yeas—Dohoney, Douglas, Evans, Hall, Hertzberg, Latimer, Pickett, Priest, Shannon—9.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Flanagan, Ford, Fountain, Gaines, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Excused—Bowers, Clark—2.

The Senate refused to strike out section twelve.

Senator Dohoney offered the following amendment: amend by striking out "section nine."

Yeas and nays taken.

Yeas—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Excused—Bowers, Clark—2.

The Senate refused to strike out section nine.

Senator Hertzberg offered the following amendment:

Amend by striking out in section ten and line seven all after the words "obligates itself" and inserting the following words, "to guarantee the interests of the bonds of said company to the amount of \$25,000 dollars per mile; provided, that the State of Texas shall have a first mortgage upon the road and its property."

Senator Cole moved the rejection of the amendment.

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—19.

Nays—Douglas, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Excused from voting—Dohoney.

Excused—Bowers, Clark—2.

The Senate rejected the amendment.

Senator Priest offered the following amendment :

Amend section nine by the following proviso at the end of the bill :
 “ provided, that no bonds herein authorized to be issued and donated to said railroad company shall be sold or negotiated for less than par by said company or its authority.”

Yeas and nays taken.

Yeas—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Excused—Bowers, Clark—2.

Amendment lost.

Senator Latimer offered the following amendment :

Section twelve, line three, after the words “ period of,” strike out “ five ” and insert two.”

Amendment lost.

Senator Dohoney offered the following amendment :

Amend section thirteen, line two, by striking out the word “ fifty ” and inserting the words “ one hundred ; ” and in line four strike out the words “ seventy-five ” and insert “ one hundred ; ” also, strike out in same line, “ one hundred and fifty ” and insert “ two hundred.”

Yeas and nays taken :

Yeas—Dohoney, Evans, Ford, Hall, Hertzberg, Latimer, Pickett, Priest, Shannon—9.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Fountain, Gaines, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Excused—Bowers, Clark—2.

Amendment lost.

Senator Pyle moved the previous question.

Previous question seconded.

Question put, “ Shall the bill pass to its third reading ? ”

Yeas and nays :

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Nays—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Excused—Bowers, Clark—2.

Bill passed to its third reading.

Senator Pickett moved that the Senate adjourn to 9 o'clock A. M.

Yeas and nays taken :

Yeas—Broughton, Dohoney, Evans, Ford, Gaines, Latimer, Pickett, Priest, Shannon—9.

Nays—Mr. President, Alford, Baker, Bell, Cole, Douglas, Flanagan, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Excused—Bowers, Clark—2.

So the Senate refused to adjourn.

Senator Parsons moved that rule seventy-four be suspended.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bell, Cole, Douglas, Flanagan, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—19.

Nays—Broughton, Dohoney, Evans, Ford, Latimer, Pickett, Priest, Shannon—8.

Excused—Bowers, Clark—2.

Rule suspended.

Senator Pickett moved the Senate adjourn.

Lost.

On motion of Senator Pyle the Senate adjourned to fifty-five minutes of one o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, August 5, 1870.

Senate met pursuant to adjournment. Senator Flanagan in the Chair. Roll called; quorum present.

Absent, excused—Senators Clark and Bowers.

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

Senator Parsons moved that the Senate take a recess until nine o'clock A. M., and that the matter before the Senate be made the special order for 9:30 o'clock this morning.

Carried.

IN SENATE, 9 o'Clock A. M.

President in the Chair. Roll called; quorum present.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and compared Senate bill No. 315, "To provide for repairing and making additions to the public buildings, the property of the State, at Austin, Texas;" also Senate bill No. 132, "Requiring justices of the peace to tax a jury fee of three dollars in each criminal case tried before them, and to allow fees to jurors in such cases;" also Senate bill No. 330, "A Bill to be entitled 'An Act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement;" also substitute for Senate bill No. 261, "To incorporate the Acton Masonic Institute;" and substitute for Senate bill No. 275, "To prohibit the sale of intoxicating and spirituous liquors in the vicinity of Troupe Seminary," find the same to be correctly engrossed.

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

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and

compared Senate bill No. 337, "Supplementary to and amendatory of an act entitled 'An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas,'" find the same to be correctly engrossed.

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

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 164, "An Act to incorporate the Navasota Insurance Company," have had the same under careful consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Under direction of the President the Secretary carried to the House for signature enrolled Senate bill No. 200, "An Act to authorize county courts to levy road tax, and to improve roads and bridges."

Enrolled Senate bill No. 50, "An Act to incorporate the Young Men's Real Estate and Building Association, of the city of Austin," whereupon they were signed by the Speaker of the House and returned to the Senate and signed by the President.

Also, the Secretary carried to the House for its concurrence Senate bill No. 132, "An Act requiring justices of the peace to tax a jury fee of three dollars in each criminal case tried before them, and to allow fees to jurors in such cases."

Senate bill No. 330, "An Act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement."

Substitute for Senate bill No. 275, "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary."

Substitute for Senate bill No. 261, "An Act to incorporate the Acton Masonic Institute."

Also, substitute for Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

Message from the House informing the Senate the Speaker had signed in open session enrolled bill, "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad."

Signed by the President and returned to the House.

BILLS AND RESOLUTIONS.

By Senator Gaines :

Be it resolved by the Senate, That the Sergeant-at-Arms be instructed to leave the keys of the ward room with the Assistant Sergeant-at-Arms, so that the members can get what they want.

Lost.

By Senator Pridgen: An Act conferring authority upon the justices of the peace in precincts Nos. 1 and 2, of the county of Victoria, to hold their respective courts at the court house.

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

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

By Senator Parsons, "a bill to be entitled "An Act to aid in the construction of the Southern Pacific Railroad."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Bell the rules were suspended to take up House bill No. 368, "An Act to incorporate the Sabine Valley Agricultural and Mechanical Association."

Bill 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, Alford, Baker, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor Shannon--26.

Nays—none.

Absent—Bell, Bowers, Mills—3.

Bill passed.

By leave, Senator Saylor offered the following report :

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. DON CAMPBELL

President of the Senate :

SIR: Your Committee on Internal Improvements to whom was referred Senate bill No. 273, entitled "An Act to provide for the sale of the Houston Tap and Brazoria Railway Company," respectfully report they have examined the same, and recommend its passage.

W. A. SAYLOR,
Chairman.

On motion of Senator Cole the report and bill were made special

order for Tuesday at 10 1-2 o'clock, and one hundred copies of the bill ordered to be printed for the use of the Senate.

Message from the House informing the Senate that the House had adopted the report of the joint committee on conference in relation to Senate bill No. 82.

Also, that the House had passed Senate bill No. 162, "An Act to incorporate the Austin Bridge Company," and House bill No. 278, "An Act granting the right of way to the Thirty-fifth Parallel Railroad Company."

Report of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred Senate bill No. 291, entitled "An Act to incorporate the Beaumont, Galveston and Coast Railway Company," have duly considered the same, and report it back to the Senate, recommending its passage, with the following amendment.

W. A. SAYLOR,
Chairman.

Amend by striking out all of section eight, after the word "therein," in line twenty-three, and inserting the following :

"And that whenever the said company, through its president, shall notify the Governor that a section of ten miles or more of its road has been completed in compliance with its charter, the Governor shall cause the State engineer, or other suitable person, to examine the same and report thereon, and if the Governor shall be satisfied that said section of road has been so completed, he shall give a certificate of the same, and upon the delivery of said certificate and the request of the company, the Treasurer of the State shall cause to be entered upon the bonds of said company to the amount of twenty-five thousand dollars per mile for each mile of road so completed, the guaranty of the State of Texas to the holders of the said bonds for the payment of the interest coupons as the same become due and payable, which said bonds thus guaranteed shall be delivered to the said company on its request, and said guaranty shall be in the following form :

"TREASURY OF THE STATE OF TEXAS, }
AUSTIN, TEXAS, ---, A. D. 18---. }

"The State of Texas hereby guarantees to pay the interest coupons attached to this bond, as the same shall become due and payable.

[SEAL.]

Treasurer State of Texas."

And it shall be the duty of the Treasurer to have said bonds duly numbered and abstracted, and a copy of the abstract delivered to the Comptroller for file in his office.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. DON. CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred Senate bill No. 327, entitled " An Act concerning railroads," respectfully report they have had the same under consideration, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Joint Committee of Conference on Senate bill No. 82 :
COMMITTEE ROOM,
Austin, August 5, 1870.

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

SIRS : Your Joint Committee of Free Conference, to whom was referred Senate bill No. 82, have fully conferred upon the same, and herewith submit the following report :

The House Committee agree, the Senate concurring, to adhere to the amendment proposed by the House.

And, in addition, propose the following amendment, and recommend its adoption :

Amend by adding to section one the following : " Provided that nothing in this act contained shall not be considered as reviving any land grant to said railroad company."

PICKETT,
for the Senate.
JENKINS,
for the House.

On motion of Senator Pickett the rules were suspended to consider the report ; and on motion of Senator Ford the report was received and adopted.

On motion of Senator Rawson the rules were suspended to take up Senate bill No. 209, " An Act to incorporate the East Texas Cotton, Woolen and Cotton Oil Manufacturing Company."

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

The hour having arrived for the consideration of special order, House bill No. 176, on motion of Senator Parsons it was postponed until eleven o'clock this morning.

The question recurring upon Senate bill No. 209, the bill was read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—29.

Nays—None.

Bill passed.

Reports of Committee on Enrolled Bills :

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 16, entitled "An Act to incorporate the Germania Saving, Trust and Exchange Company," and to-day, at twelve o'clock and fifteen minutes, presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 50, entitled "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Houston," and Senate bill No. 200, entitled "An Act to authorize the county courts to levy a road tax, and to improve roads and bridges," and to-day, at eleven o'clock and twenty minutes, presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Senator Flanagan moved a reconsideration of the vote taken on the postponement of special order, House bill No. 176.

Carried.

And, on further motion, it was made the special order for 10:30 A. M.

On motion of Senator Parsons the rules were suspended to take up Senate bill No. 29, "An Act to incorporate the Stonewall Fire Company, of the city of Houston."

Report of Committee received and amendment adopted, striking out section two.

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

Nays—None.

Absent—Fountain.

Bill passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 416, "An Act to incorporate the Screwman's Benevolent Association of Galveston."

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

Nays—None.

Absent—Fountain.

Bill passed.

On motion of Senator Saylor the rules were suspended to take up House bill No. 152, "An Act to prohibit the sale of intoxicating liquors within two miles of Greenwood Masonic Institute.

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

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 314, a bill entitled "An Act to regulate the disposal of the public lands."

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

On motion of Senator Flanagan the rules were suspended to take up House bill No. 465, "An Act making an appropriation to recover the Treasury building."

Bill 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, Bell, Bowers, Broughton, Clark, Cole, Flanagan, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor—19.

Nays—Alford, Dohoney, Douglas, Evans, Hertzberg, Pyle, Shannon—7.

Absent—Fountain, Latimer, Priest—3.

Bill passed.

The hour having arrived for the consideration of special order, Senate bill No. 215, "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,"

Senator Flanagan offered the following amendment:

Amend section three, second line: strike out "six administrators," and insert "three aldermen" to each ward.

Adopted.

On motion of Senator Ruby, the bill under consideration was postponed until the third Monday in January, A. D. 1871.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 248, "To incorporate the Texas and Mexico Railway Company," find the same to be correctly engrossed.

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

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 83, "To incorporate the Cat Springs Social Turn Verein," have had the same under consideration, and beg leave to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman.

Laid over under the rules.

On motion of Senator Alford, the rules were suspended to take up House bill No. 487, "An Act to repeal 'An Act to prohibit the sale of intoxicating drinks within the limits of the league of land in Fayette county granted to Franklin Lewis, on which the town of Rutersville is situated.'"

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

On motion of Senator Baker, the rules were suspended to take up House bill No. 376, "An Act for the relief of Andrew J. Nichols."

Bill read first time, and on further motion was referred to Committee on Public Lands.

On motion of Senator Bell, the rules were suspended to take up Senate bill No. 83, a bill to be entitled "An Act to incorporate the Cat Springs Social Turn Verein."

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

Yeas and nays taken on final passage.

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

Nays—None.

Absent—Fountain.

Bill passed.

On motion of Senator Bowers, the rules were suspended to take up House bill No. 486, "An Act to authorize the police courts of counties to levy and collect a tax for the repair of public buildings."

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

The hour having arrived for the consideration of special order, House bill No. 176,

On motion of Senator Bowers, it was postponed until the matter before the Senate was disposed of.

The question recurring upon House bill No. 486, on motion of Senator Bowers the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—25.

Nays—None.

Absent—Fountain, Hertzberg, Latimer, Shannon—4.

Bill passed.

The hour having arrived for the consideration of special order, House bill No. 176, "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same,"

Bill read third time.

Senator Pickett offered the following amendment and moved its adoption:

Amend by striking out the beginning word "donate," in line seven, section nine, and insert in lieu thereof the word "loan."

Also, in line twenty-eight of section nine, after the word "charter," and before the words "the Comptroller," insert the following: "provided, that three-fourths of the gross receipts for freight of the United States government, transported over said road within the limits of this State, shall be paid semi-annually into the Treasury of the State until the amount so received into the Treasury shall equal the amount of principal and interest of said bonds; which said amount shall be invested, from time to time, in United States bonds and set apart to the common school fund of the State, as the Legislature may hereafter direct."

Also, in line seven, section ten, strike out the word "donation," and insert in lieu thereof the word "loan."

Yeas and nays taken on adoption of amendment :

Yeas—Bowers, Clark, Dohoney, Evans, Hall, Hertzberg, Pickett, Priest, Shannon—9.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Fountain, Gaines, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—19.

Absent—Ford.

Amendment lost.

The question recurring upon the final passage of said bill, the yeas and nays were taken :

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—19.

Nays—Bowers, Clark, Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—9.

Absent—Alford.

Bill passed and returned to the House.

Senator Flanagan moved a reconsideration of the vote just taken, and to lay the motion to reconsider upon the table.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Bowers, Clark, Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—9.

Absent—Alford, Fountain—2.

Motion to reconsider and to lay that motion on the table, carried.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 301, entitled "An Act to incorporate the Calvert Bridge Company," and Senate bill No. 201, entitled "An Act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy," and Senate bill No. 15, entitled "An Act to incorporate the German Land and Improvement Association," and to-day, at ten o'clock and fifteen minutes, presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

By, leave, Senator Priest presented the following report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred bill No. 171, "To incorporate the Houston Hebrew Benevolent Society;" Senate bill No. 189, "To incorporate Burgess Business College of Galveston;" Senate bill No. 249, "To incorporate the Young Men's Beneficial Club of Harris county;" and Senate bill No. 292, "To incorporate Waco Female College," have carefully considered the same, and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

[Senator Flanagan in the Chair.]

The hour having arrived for the consideration of special order, Senate bill No. 320, a bill to be entitled "An Act supplementary to an act entitled 'An Act to provide for the registration of voters,' approved the eleventh day of July, A. D. 1870,"

Senator Priest offered the following amendment :

Amend section four, by inserting after the word "Treasury," in line eleven, the following : "The costs in such cases shall be paid out of the county treasury only when final judgment is in favor of the appellant; when final judgment shall be rendered against the appellant, the judgment shall be against him for all costs."

Amendment adopted.

Senator Pickett offered the following amendment :

Amend section two, line eight, after the word "remaining," by inserting the word "member."

Adopted.

Senator Priest offered the following :

Strike out the proviso in lines four and five, in section five.

Adopted.

Senator Broughton moved a call of the Senate.

Call sustained.

Roll called.

Absent---Baker, Ruby, Saylor.

On motion of Senator Hall the call was suspended.

On motion of Senator Hall the Senate adjourned. till nine o'clock to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, August 6, 1870.

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

Prayer by the Chaplain.

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

Senator Pickett moved a suspension of the rules to take up the report of committee on free conference on Senate bill No. 82, "An Act to incorporate the Waco Tap Railroad Company."

The following amendments offered by the committee, were concurred in on motion of Senator Pickett:

Amend section second, line nineteen: after the word "company," insert "running in the same general direction."

Add to section one: "Provided nothing in this act contained shall be considered as reviving any land grant to said railroad company."

Report of Committee on Private Land Claims:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred "Memorial of the heirs of James Rogers, praying relief," have considered the same, and I am instructed to report it back to the Senate with the recommendation that it be referred to the Judiciary Committee, for the reason that it involves propositions in law and State policy upon which the committee are unwilling to pronounce an opinion.

B. J. PRIDGEN,
Chairman.

Report of committee received and adopted; petition referred to Committee on Judiciary.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 286, "To incorporate the Marion County Agricultural and Mechanical Association;" also, Senate bill No.

246, "Creating the county of San Jacinto and naming the county site thereof;" also, Senate bill No. 257, "For the relief of N. B. McClelland;" also, Senate bill No. 333, "To incorporate Lamar Female Seminary;" also, Senate bill No. 329, "To incorporate the Webberville Ferry Company;" also, Senate joint resolution No. 5, "Proposing amendments to section two, section three and section four of article five of the constitution of the State of Texas," and substitute for Senate bill No. 97, "For the relief of W. B. Price," find the same to be correctly engrossed.

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

BILLS AND RESOLUTIONS.

By Senator Bowers: A bill to be entitled "An Act to provide for the payment of attorneys-at-law in *habeas corpus* cases."

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

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

Senator Bowers moved the engrossment of the bill.

Yeas and nays taken.

Yeas—Mr. President, Bowers, Clark, Dohoney, Evans, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Shannon—12.

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

Absent—Bell, Broughton, Cole, Douglas, Flanagan, Fountain, Parsons, Pyle, Saylor—9.

Bill passed to engrossment.

On motion of Senator Bowers the rules were suspended to put the bill on third reading and final passage.

Yeas and nays taken on final passage.

Yeas—Mr. President, Bowers, Clark, Dohoney, Evans, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Shannon—12.

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

Absent—Bell, Broughton, Cole, Douglas, Flanagan, Fountain, Parsons, Pyle, Saylor—9.

Bill passed.

Special message from the Governor.

EXECUTIVE OFFICE,
Austin, Texas, August 5, 1870.

To the Honorable Senate of the State of Texas:

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

F. A. Banton, for judge of the district court, eighteenth judicial district.

H. C. Pedigo, for judge of the district court for the second district.

James H. Rogers, for judge of the district court for the seventh district.

Respectfully,

EDMUND J. DAVIS,
Governor.

Message from the House informing the Senate the Speaker had signed in open session enrolled bill "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharfs and their railroads entering the city of Galveston."

Signed and returned.

Also, "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern branch."

Signed and returned.

Also, enrolled bill "An Act to incorporate the Texas Mutual Life Insurance Company,"

Signed and returned.

Also, that the House had passed House bill No. 493, "An Act to prohibit the sale of intoxicating liquors within certain limits of Johnson's Station High School, in the town of Johnson's Station, in Tarrant county."

Under direction of the President the Secretary carried to the House, for its concurrence, Senate bill No. 333, "An Act to incorporate Lamar Female Seminary."

Senate bill No. 246, "An Act creating the county of San Jacinto, and naming the county site thereof."

Senate bill No. 257, "An Act for the relief of N. B. McClelland."

Senate bill No. 286, "An Act to incorporate the Marion county Agricultural and Mechanical Association."

Senate joint resolution No. 5, "Joint Resolution proposing amendments to section two, section three, and section four of article five of the constitution of the State of Texas."

Senate bill No. 97, "An Act for the relief of W. B. Price."

Senate bill No. 329, "An Act to incorporate the Webberville Ferry Company."

Under direction of the President, the Secretary carried to the House enrolled Senate bill No. 36, "An Act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur."

Also, enrolled 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."

Also, enrolled Senate bill No. 58, "An Act to incorporate the Galveston Horticultural Society."

Also, House bill No. 152, "An Act to prohibit the sale of intoxicating liquors within two miles of Greenwood Masonic Institute."

Also, House bill No. 416, "An Act to incorporate the Seamen's Benevolent Association of Galveston."

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

House bill No. 486, "An Act to authorize the police courts of counties to levy and collect a special tax for the repair of public buildings.

House bill No. 465, "An Act making an appropriation to recover the Treasury building."

House bill No. 487, "An Act to repeal an act to prevent the sale of intoxicating drinks within the limits of the league of land in Fayette county," granted to Franklin Lewis, on which the town of Rutersville is situated.

Also, Senate bill No. 337, "An Act supplementary to and amendatory of an act entitled 'An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas.'"

Message from the House informing the Senate the Speaker had signed in open session, enrolled bill "An Act to establish a ferry across the Sabine river at or near Red Rock, county of Upshur."

Also, enrolled bill "An Act for the relief of John Swofford, Assessor and Collector of Johnson county, and his sureties, and Elbert M. Heath, Deputy Assessor and Collector, and his sureties."

Also, "An Act to incorporate the Galveston Horticultural Society."

Whereupon they were signed by the President.

BILLS.

By Senator Campbell, "An Act to incorporate the Hebrew Benevolent Association of Jefferson, Texas."

Bill read first time.

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

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, Alford, Baker, Bowers, Clark, Dohoney, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Absent—Bell, Broughton, Cole, Douglas, Evans, Flanagan, Fountain, Parsons—8.

Bill passed.

By Senator Bowers: "An Act making an appropriation for maintaining ranging companies on the frontier."

Bill read first time.

On motion of Senator Ruby, the rules were suspended to consider the bill

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, Bowers, Clark, Dohoney, Evans, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Shannon—19.

Nays—Alford.

Absent—Bell, Broughton, Cole, Douglas, Flanagan, Fountain, Parsons, Pyle, Saylor—9.

Bill passed.

Senator Pridgen offered the following resolution :

Resolved, That the Sergeant-at-Arms be required to report all delinquency and misconduct of the postmaster, doorkeepers, porters, pages, and all others under his immediate command, so that a proper deduction can be made from their per diem.

Resolution adopted.

Senator Gaines offered the following resolution :

Resolved, That the Sergeant-at-Arms be, and he is hereby required to preserve order and keep silence within the Senate chamber, and also in the passage, during the business hours of the Senate, and if necessary for the enforcement of this resolution, the presiding officer may appoint as many as three additional sergeants-at-arms.

Senator Rawson moved to lay the resolution upon the table.

Carried.

By Senator Hall: "An Act to incorporate a bank of discount and deposit at Calvert."

Read first time and referred to Committee on Judiciary.

On motion of Senator Pickett the rules were suspended to take up Senate bill No. 320, a bill to be entitled 'An Act supplementary to an act entitled 'An Act to provide for the registration of voters,' approved the 11th day of July, A. D. 1870.'

Senator Pickett offered the following amendments :

Amend line one, of section two, by striking out the words "board of."

Adopted.

Amend line two, of section two, by striking out the word "registrars," and inserting the word "registrar."

Adopted.

Amend section four, line three, by striking out the word "any," and inserting in lieu thereof the words "the same;" and by striking out all of the section after the word "cause."

Amend section nine by striking out lines four and five.

Amend by striking out section ten.

Amend section four, line four, by striking out after the words "and said," the word "court," and inserting in lieu thereof the word "judge."

Adopted.

Also strike out lines four and five in section nine.

Lost.

Moved to strike out section ten.

Carried.

On motion of Senator Pickett the bill passed to engrossment.

Rules further suspended and bill read third time and passed.

On motion of Senator Broughton the rules were suspended to take up House bill No. 278, "An act granting right of way to the Thirty-fifth Parallel Railroad Company."

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

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Dohoney, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--25.

Nays—None.

Absent—Cole, Douglas, Fountain, Saylor—4.

Bill passed and sent to the House.

On motion of Senator Clark the rules were suspended to take up Senate bill No. 237, "An Act to amend an act entitled 'An Act to incorporate the Neches Navigation Company, approved November 8, 1866.'"

Substitute adopted; rules further suspended, bill read second time and 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, Alford, Baker, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--25.

Nays--None.

Absent--Broughton, Fountain, Mills, Priest--4.

Bill passed.

On motion of Senator Clark the rules were suspended to take up House bill No. 85, "An Act to incorporate the Belton Bridge Company."

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, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Shannon--24.

Nays--None.

Absent--Fountain, Mills, Pickett, Ruby, Saylor--5.

Bill passed.

On motion of Senator Cole the rules were suspended to take up Senate bill No. 216, "An Act to incorporate the town of Bremond."

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

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--22.

Nays--Alford.

Absent--Broughton, Flanagan, Fountain, Mills, Pickett, Saylor--6.

Bill passed.

By leave Senator Dohoney offered the following report of the Judiciary Committee on Senate bill No. 309:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 309, "An Act allowing further time for the redemption of land sold for taxes between March 2, 1861, and March 30, 1870," have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman.

On motion of Senator Dohoney, the rules were suspended to take up Senate bill No. 309, "An Act allowing further time for the redemption of land sold for taxes between March 2, 1861 and March 30, 1870."

Report received and adopted.

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time and passed.

[Senator Ruby in the Chair.]

By leave, Senator Saylor offered the following reports:

Report of Committee on Internal Improvements:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 339, entitled "An Act to aid in the construction of the Southern Pacific Railroad," respectfully report they have considered the same, and instruct me to offer the accompanying substitute and recommend that it do pass.

W. A. SAYLOR,
Chairman.

On motion of Senator Parsons, the report and bill was made special order for Monday at eleven o'clock, A. M.

Report of Committee on Internal Improvements:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. DON. CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 260, entitled "An Act to incorporate the Texas Timber and Prairie Railroad Company," respectfully report they have considered the same and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

On motion of Senator Douglas, the rules were suspended to take up Senate bill No. 299, "An Act to incorporate the Belzora Navigation Company."

Report received and adopted; 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, Alford, Baker, Bell, Bowers, Clark, Cole,

Dohoney, Douglas, Evans, Ford, Gaines, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays--Latimer.

Absent--Broughton, Flanagan, Fountain, Hall, Hertzberg, Mills, Pettit--7.

Bill passed.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and compared Senate bill No. 265, " For the incorporation of the city of Paris, in the county of Lamar," find the same to be correctly engrossed.

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

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate bill No. 58, entitled " An Act to incorporate the Galveston Horticultural Society," and Senate bill No. 98, entitled " An Act for the relief of John H. Swofford, assessor and collector of Johnson county, and his sureties, and Elbert N. Heath, deputy assessor and collector, and his sureties," and Senate bill No. 36, entitled " An Act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur," and to-day at ten o'clock and twenty minutes A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Message from the House informing the Senate the House had passed House bill No. 491, " An Act to prohibit the sale of or otherwise disposing of intoxicating or spirituous liquors within two miles of Sulphur Bluff Academy, Hopkins county."

House bill No. 480, " An Act for the relief of David Cole, or his assigns."

House bill No. 466, " An Act to aid the Brazos Branch Railroad, to change the gauge, extend the time of construction, erect a

telegraph line, and permit the company to extend the road to the International Railroad."

House bill No. 461, "An Act to incorporate the town of Carthage, in Panola county."

House bill No. 454, "An Act providing for the appointment of public weighers of cotton and wool within the State of Texas, and prescribing the fees and duties thereof."

House bill No. 336, "An Act to incorporate Austin Hook and Ladder Company No. 1, of the city of Austin."

House bill No. 327, "An Act to incorporate the Galveston and Northeastern Railway Company."

House bill No. 324, "An Act supplementary to an act entitled 'An Act to provide for the protection of the frontier,' approved June 13, 1870."

House bill No. 289, "An Act for the relief of the heirs of Alexander Smith, deceased."

House bill No. 197, "An Act to incorporate the Lone Star Express and Transportation Company."

House bill No. 84, "An Act to incorporate the town of Hallettsville, in Lavaca county."

House bill No. 79, "An Act to incorporate the stockholders of the Union, Marine and Fire Insurance Company of the city of Galveston."

House bill No. 77, "An Act for the relief of certain parties therein named."

Also Senate bill No. 90, "An Act to incorporate the Sabine and Neches rivers and Pine Island Bayou Internal Improvement Company," with amendments.

Also, 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."

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

The hour having arrived for the consideration of special order, Senate bill No. 332, on motion of Senator Alford, it was made the special order for Monday, at half-past nine o'clock A. M.

On motion of Senator Evans, the rules were suspended to take up House bill No. 356, "An Act to prohibit the sale of spirituous, vinous and other intoxicating liquors, or the establishing of any drinking saloon, gambling house, or house of ill-fame within certain limits."

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

The hour having arrived for the consideration of special order, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas."

Senator Dohoney moved a call of the Senate.

Call sustained.

Roll called.

Absent--Senator Fountain.

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

Senator Flanagan moved the Senate adjourn to Monday.

Lost.

Senator Bell moved a call of the Senate.

Call sustained.

Roll called.

Absent--Senator Fountain.

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

[President in the Chair.]

Senator Pettit offered the following :

Resolved, That the school bill, No. 254, and all reports and school bills pending before the Senate, be referred to a select committee of five, to-wit: Pettit, Ruby, Pickett, Bowers, Priest, with instructions to report on next Wednesday, at twelve M.; and that this bill be made the special order for that hour.

Senator Mills moved a call of the Senate.

Call sustained.

Roll called.

Absent--Flanagan, Fountain, Pyle, Shannon.

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

Senator Parsons moved the Senate adjourn until eight o'clock this evening.

Carried.

EVENING SESSION.

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

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate bill No. 265, "An Act for the incorporation of the city of Paris, in the county of Lamar."

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

House bill No. 356, "An Act, to prohibit the sale of spirituous, vinous and other intoxicating liquors, or the establishing of any drinking saloon, gambling house, or house of ill fame, within certain limits."

By leave, Senator Dohoney introduced report of Judiciary Committee:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The Judiciary Committee, to whom was referred Senate bill No. 146, have had the same under consideration, and herewith report the accompanying substitute, and recommend its passage.

E. L. DOHONEY,
For Committee.

On motion of Senator Dohoney, the rules were suspended to take up Senate bill No. 146, "An Act to establish an act to prescribe the powers and duties of clerks of the district court."

Substitute for bill read and adopted.

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

On motion of Senator Douglas, the rules were suspended to take up House bill No. 414, "An Act to incorporate the town of Rockport, in Refugio county."

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, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—25.

Nays—None.

Absent—Bowers, Fountain, Pickett, Rawson—4.

Bill passed.

On motion of Senator Evans the rules were suspended to take up House bill No. 186, "An Act to incorporate the East Fork Plank Road Company."

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

Yeas and nays taken on final passage:

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

Nays—None.

Absent—Bowers, Broughton, Fountain, Pickett, Rawson—5.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 395, "An Act making an appropriation for the purpose of covering a deficiency on the amount apportioned by the Commanding General of the Fifth Military District for the purpose of having made a copy of the list of registered voters in the State of Texas."

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

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—Alford, Clark, Evans, Latimer—4.

Absent—Bowers, Broughton, Fountain, Pickett, Rawson—5.

Bill passed.

On motion of Senator Ford the rules were suspended to take up Senate bill No. 239, "An Act to incorporate the Bank of Sabine Pass."

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, Alford, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Bowers, Clark, Fountain, Pickett, Rawson—5.

Bill passed.

On motion of Senator Saylor the rules were suspended to take up House bill No. 440, "An Act supplementary to and amendatory

of an act entitled, 'An Act to incorporate the city of Corpus Christi,' approved February 13, 1854."

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

Yeas and nays taken on final passage:

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

Nays--Alford.

Absent--Bowers, Fountain, Pickett, Rawson--4.

Bill passed and sent to the House.

On motion of Senator Gaines the rules were suspended to take up House bill 314, "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam. Houston from Huntsville to Independence, as contemplated in joint resolution No. 7."

Rules suspended; bill read third time.

Yeas and nays taken on final passage:

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

Nays--None.

Absent--Bowers, Evans, Fountain, Pickett, Rawson--5.

Bill passed and sent to the House.

On motion of Senator Gaines the rules were suspended to take up House bill No. 358, "An Act to incorporate the Bean's Wharf Warehouse and Cotton Compress Company, of the City of Galveston."

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, Alford, Baker, Bell, Broughton, Clark, Cole, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Shannon--23.

Nays--None.

Excused from voting--Dohoney.

Absent--Bowers, Fountain, Pickett, Rawson, Saylor--5.

Bill passed.

On motion of Senator Hall the rules were suspended to take up Senate bill No. 260, "An Act to incorporate the Texas Timber and Prairie Railroad Company."

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons Pettit, Priest, Pridgen, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Bowers, Fountain, Pickett, Pyle, Rawson—5.

Bill passed.

On motion of Senator Hertzberg the rules were suspended to take up House bill No. 132, "An Act to incorporate the Fire Association of San Antonio."

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, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Ruby, Saylor, Shannon—23.

Nays—None.

Absent—Bowers, Fountain, Ford, Pickett, Pyle, Rawson—6.

Bill passed.

Message from the House, informing the Senate the House had passed House bill No. 392, "An Act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled 'An Act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'An Act to amend the act to incorporate the city of San Antonio,' approved February 11, 1866."

House bill No. 496, "An Act to require the judge of the twentieth judicial district to hold a special term of the district court of Lavaca county."

House bill No. 492, "An Act to amend an act entitled 'An Act authorizing quarantine on the coast of Texas and elsewhere within the State, approved June 10, 1870.'"

House bill No. 413, "An Act to incorporate the Jefferson Fire Company No. 1 of the city of Jefferson."

House bill No. 309, "An Act to incorporate the Gregory Institute of Harris county."

House bill No. 390, "An Act to incorporate the Texas Land Company."

House bill No. 276, "An Act to authorize C. C. DeWitt, of Gonzales county, to construct a bridge across the Guadalupe river near the town of Gonzales."

House bill No. 262, "An Act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas."

House bill No. 166, "An Act to incorporate the Southwestern Insurance and Trust Company."

House bill No. 256, "An Act to amend an act entitled 'An Act to incorporate the Sulphur Bridge and Turnpike Company,' approved November 6, 1866."

House bill No. 172, "An Act to amend an act to incorporate Herman's University, approved January 27, 1844, as amended by an act passed April 11, 1844."

House bill No. 228, "An Act to extend and define the limits of the city of Waco, and for other purposes."

Senate bill No. 26, "An Act to incorporate the Texas Military Institute," *and rejected.*

Also informing the Senate that the House, on reconsideration, had passed "An Act for the relief of the Houston and Texas Central Railway Company," vetoed by the Governor, August 6, 1870."

Also that the House, on reconsideration, had refused to pass Senate bill No. 11, "An Act for the relief of the East Texas Railroad Company," vetoed by the Governor July 13, 1870.

On motion of Senator Latimer, the rules were suspended to take up House bill No. 362, "An Act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas."

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, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Ruby, Saylor—21.

Nays—None.

Absent—Bowers, Evans, Ford, Fountain, Pickett, Pyle, Rawson, Shannon—8.

Bill passed.

On motion of Senator Mills the rules were suspended to take up House bill No. 454, "An Act providing for the appointment of public weighers of cotton and wool within the State of Texas, and prescribing the fees and duties thereof."

Bill read first time."

Senator Alford moved the bill be postponed until Tuesday August ninth, and made the special order for that day at ten o'clock A. M. Carried.

On motion of Senator Parsons the rules were suspended to take

up House bill No. 283, "An Act to incorporate the Houston City Street Railway Company."

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, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor—21.

Nays—None.

Absent—Bowers, Ford, Fountain, Gaines, Latimer, Pickett, Rawson, Shannon—8.

Bill passed:

On motion of Senator Pettit the rules were suspended to take up Senate bill No. 45, "An act to incorporate Butler Male and Female College."

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

Yeas and nays taken on final passage:

Yeas—Mr. President Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Hall, Hertzberg, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor—20.

Nays—None.

Absent—Bowers, Ford, Fountain, Gaines, Latimer, Mills, Pickett, Shannon, Rawson—9.

Bill passed.

On motion of Senator Cole Senator Clark was excused for the remainder of the session.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 124, "An Act to incorporate Cuero Bridge Company."

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor—20.

Nays—None.

Absent—Bowers, Clark, Ford, Fountain, Gaines, Latimer, Pickett, Rawson, Shannon—9.

Bill passed.

On motion of Senator Priest the rules were suspended to take up House bill No. 478, "An Act to establish a system of public free schools for the State of Texas."

Bill read first time.

On motion of Senator Priest the rules were suspended to take up House joint resolution No. 2, in regard to authorizing the Chief Clerk to advertise for proposals for stationery for the use of both Houses.

Bill read second time.

Senator Mills moved its indefinite postponement.

Carried.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 141 "An Act to incorporate Victoria Fire Company No. 1."

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, Alford, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Shannon--20.

Nays—None.

Absent—Bowers, Clark, Ford, Fountain, Gaines, Latimer, Pickett, Rawson, Saylor—9.

Bill passed.

On motion of Senator Mills the Senate adjourned until Monday.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, August 8, 1870.

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

Prayer by the Chaplain.

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

Under direction of the President the Secretary carried to the House for signature of the Speaker, enrolled bill, "An Act to authorize clerks of the district courts, their deputies and notaries public to take acknowledgments of deeds." Signed by the Speaker, returned and signed by the President.

Also "An Act to carry into execution the judgments and decrees of the late county courts and to perfect the unfinished business thereof." Signed by the Speaker, returned and signed by the President.

"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.'" Signed by the Speaker, returned and signed by the President.

"An Act to incorporate the Austin Bridge Company." Signed by the Speaker, returned and signed by the President.

Message from the House transmitting following enrolled bills :

"An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same." Signed and returned.

"An act making appropriation to re-cover the Treasury building." Signed and returned.

"An Act to incorporate the Western Narrow Gauge Railway Company." Signed and returned.

"An Act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county." Signed and returned.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Counties and County Boundaries :

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Counties and County Boundaries, to

whom was referred Senate bill No. 334, entitled "An Act to add a part of the county of Refugio, herein described, to the county of San Patricio," have considered the same, and I am instructed to report it back with the recommendation that it do pass.

J. G. BELL,
Chairman.

Laid over the rules.

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 335, entitled "An Act to permanently locate the county seat of San Patricio county," have considered the same, and I am instructed to report it back and recommend that it do pass.

J. G. BELL,
Chairman.

Laid over under the rules.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 28, "To organize the courts of justices of the peace and county courts, and to define their jurisdiction;" also, Senate bill No. 29, "To incorporate the Stonewall Fire Company of the city of Houston;" also, Senate bill No. 83, "To incorporate the Cat Spring Social Turn Verein;" also, Senate bill No. 93, "For the improvement of the navigation of the Colorado river;" also, Senate bill No. 209, "To incorporate the East Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company;" also, Senate bill No. 314, "To regulate the disposal of the public lands of the State of Texas;" also, Senate bill No. 338, "Conferring authority upon the justices of the peace in precincts No. 1 and No. 2 in the county of Victoria to hold their respective courts at the court house," and Senate bill No. 340, "To provide for the payment of attorneys-at-law in *habeas corpus* cases," find the same to be correctly engrossed.

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

BILLS AND RESOLUTIONS.

By Senator Hall: "An Act to incorporate the city of Calvert."
Read first time.

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

On motion of Senator Flanagan the following House amendments were concurred in:

House amendment to Senate bill No. 90:

Amend section three by striking out the words "make, alter and change the same at pleasure."

Strike out section six.

Amend section five, line twenty-nine, after the word "than," strike out "two feet" and insert "three and a half feet."

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 299, "To incorporate the Belzoria Navigation Company;" also, Senate bill No. 342, "To incorporate the Hebrew Benevolent Association of Jefferson, Texas," and substitute for Senate bill No. 237, "To amend an act entitled 'An Act to incorporate the Neches Navigation Company,' approved November 8, 1866," find the same to be correctly engrossed.

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

[General file.]

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

On motion of Senator Flanagan, the following House amendments were concurred in:

Section three to be section four, and insert the following as section three:

"That Hon. H. C. Youngkin be authorized to draw said per diem, and receipt for the same."

On motion of Senator Flanagan the rules were suspended to take up House bill No. 77, "An Act for the relief of certain persons therein named."

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

Special order, Senate bill No. 332, "An Act authorizing the county courts to sell the school land in their respective counties."

On motion of Senator Alford bill passed to engrossment; rules suspended, bill read third time and passed.

By leave, Senator Pridgen introduced "An Act to authorize the Presbyterian Church in Victoria to sell their church square."

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

Under direction of the President, the Secretary carried to the House House bill No. 281, "An Act to organize the courts of justices of the peace and county courts, and to define them their jurisdiction"

Senator Flanagan moved that Mr. Leigh Chalmers be invited to assist the Secretary as reading clerk at the desk.

Carried.

The question recurring upon the final passage of House bill No. 77, the yeas and nays were taken:

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon—19.

Nays—Alford, Douglas, Mills, Pickett. Priest—5.

Absent—Bell, Clark, Fountain, Saylor—4.

Senator Dohoney excused from voting.

Bill passed and sent to the House.

On motion of Senator Ford the rules were suspended to take up House bill No. 327, "An Act to incorporate the Galveston and Northeastern Railway Company."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Hertzberg the rules were suspended to take up House bill No. 172, "An Act to amend an act to incorporate Herman's University, approved January 27, 1844, as amended by an act passed April 11, 1846."

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, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Shannon—23.

Nays—None.

Absent—Clark, Flanagan, Fountain, Latimer, Ruby, Saylor—6.
Bill passed and sent to the House.

Under direction of the President, the Secretary carried to the House, with action of the Senate, House bill No. 414, "An Act to incorporate the town of Rockport, in Retugio county."

House bill No. 358, "An Act to incorporate the Bean's Wharf, Warehouse and Cotton Compress Company, of the city of Galveston."

House bill No. 283, "An Act to incorporate the Houston City Street Railway Company."

House bill No. 362, "An Act to incorporate the Agricultural, Mechanical and Blood Stock Association, of Jasper, Texas."

House bill No. 132, "An Act to amend an act to incorporate the Fire Association of the city of San Antonio."

House bill No. 395, "An Act making an appropriation for the purpose of covering a deficiency in the amount appropriated by the Commanding General of the Fifth Military District for the purpose of having made a copy of the lists of registered voters in the State of Texas."

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

Senate bill No. 340, "An Act to provide for the payment of Attorneys-at-law in *habeas corpus* cases."

Senate bill No. 29, "An Act to incorporate the Stonewall Fire Company of the city of Houston."

Senate bill No. 93, "An Act for the improvement of the navigation of the Colorado river."

Senate bill No. 83, "An Act to incorporate Cat Spring Social Turn Verein."

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

Also, Senate bill No. 237, "An Act to amend an act to incorporate the Neches Navigation Company," approved November 8, 1866.

Senate bill No. 342, "An Act to incorporate the Hebrew Benevolent Association of Jefferson, Texas."

Senate bill No. 299, "An Act to incorporate the Belzora Navigation Company."

Senate bill No. 338, "An Act conferring authority upon the justices of the peace in precincts Nos. 1 and 2, in the county of Victoria, to hold their respective courts at the court-house."

Senate bill No. 209, "An Act to incorporate the East Texas Cotton, Woolen and Seed Oil Manufacturing Company."

Senate bill No. 314, "An Act to regulate the disposal of the public lands of the State of Texas."

On motion of Senator Gaines the rules were suspended to take up House bill No. 478, "An Act to establish a system of public free schools for the State of Texas."

Bill read second time.

[Senator Pickett in the Chair.]

Senator Flanagan moved the adoption of Senate bill No. 312, as a substitute for House bill No. 478.

Senator Parsons moved that Senator Pridgen be allowed to pair off with Senator Fountain, absent on account of sickness.

Carried.

Yeas and nays called on adoption of the substitute.

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

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

Message from the House informing the Senate that the House had passed Senate bill No. 265, "An Act for the incorporation of the city of Paris, Lamar county," without amendments; also Senate bill No. 272, "An Act to incorporate the North Texas Manufacturing Company."

The question recurring upon House bill No. 478, Senator Alford offered the following amendment:

Amend article nine, section three, by striking out all after the word "act," in line four, and before the word "said" in third line.

Adopted.

Senator Dohoney offered the following amendment:

Move to amend section three, clause seven, by adding the following proviso, to-wit: "Provided, that in no case shall white and colored children be required to attend the same school without the unanimous consent of the parents and guardians of such white and colored children."

Amendment lost by the following vote:

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

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

Absent—Fountain, Pridgen, excused from voting.

On motion of Senator Priest, the Senate adjourned.

EVENING SESSION.

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

On motion of Senator Pyle the rules were suspended to take up House bill 389, "An Act to incorporate the Land Owners' Association of Texas."

Read first time; rules suspended, read second time; and on further motion was put on third reading; rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Evans, Hertzberg, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon—19.

Nays—Senator Priest.

Absent—Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Parsons, Rawson—8.

Bill passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 197, "An Act to incorporate the Lone Star Express and Transportation Company."

Read first time; rules suspended, bill read second time, and on further motion put on third reading; rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Cole, Dohoney, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Broughton, Clark, Douglas, Evans, Flanagan, Fountain, Gaines, Latimer, Rawson—9.

Bill passed.

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 304, entitled "An Act to prohibit the sale of intoxicating or spirituous liquors within the vicinity of George's Creek Seminary."

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

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 344, "Incorporating the town of Calvert."

Read first time; rules suspended, bill read second time; and on further motion rules suspended, bill read third time.

Yeas and nays taken on final passage:

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

Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--21.

Nays--Alford.

Absent--Clark, Flanagan, Fountain, Gaines, Latimer, Pickett, Rawson--7.

Bill passed.

The Senate concurred in House amendments to Senate bill No. 186, "An Act to incorporate a bank of discount and deposit at Navasota, Texas."

On motion of Senator Baker the rules were suspended to take up House bill No. 390, "An Act to incorporate the Texas Land Company."

Read first time; rules suspended, bill read second time; on further motion rules were suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--22.

Nays--None.

Absent--Clark, Flanagan, Fountain, Gaines, Latimer, Parsons, Rawson--7.

On motion of Senator Bell the rules were suspended to take up House bill No. 262, "An Act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas."

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

On motion of Senator Alford it was made the special order for Wednesday at 11 o'clock A. M., and one hundred copies ordered to be printed.

Message from the House informing the Senate that the House had passed

House bill No. 58, "An Act to incorporate the Jefferson Gas Light Company."

House bill No. 99, "An Act donating public lands to actual settlers upon the same."

House bill No. 203, "An Act to incorporate the Caranchua Bridge and Road Company."

House bill No. 205, "An Act to incorporate the Bryan Bridge Company, and allow them certain privileges therein named."

House bill No. 233, "An Act to incorporate the Indianola Hook and Ladder Company No. 1, of the city of Indianola."

House bill No. 446, "An Act supplementary to 'An Act to incorporate the Victoria and Columbia Railroad Company,' approved November 13, 1866."

House bill No. 468, "An Act further regulating juries."

House bill No. 502, "An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pittsburg Institute, Upshur county, Texas."

House bill No. 477, "An Act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat."

Message from the House informing the Senate that the House had passed

Substitute for Senate bill No. 237, "An Act to amend an act entitled 'An Act to incorporate the Neches Navigation Company,' approved November 8, 1866."

Also that the Speaker had signed in open session :

Enrolled House bill No. ---, "An Act for the relief of John W. High."

Enrolled House bill No. —, "An Act granting right of way to the Thirty-fifth Parallel Railroad Company."

Enrolled House bill No. —, "An Act to incorporate the Screwmen's Benevolent Association of Galveston."

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

Whereupon they were signed by the President.

On motion of Senator Bowers the rules were suspended to take up House bill No. 212 "An Act to incorporate and grant a new charter to the town of Georgetown, and to repeal an act approved September 26, A. D. 1866, entitled 'An Act to incorporate the town of Georgetown, in Williamson county, Texas.'"

Rules suspended, bill read first, second and third times.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon—22.

Nays—None.

Absent—Alford, Clark, Flanagan, Fountain, Gaines, Rawson, Saylor—7.

Bill passed.

On motion of Senator Broughton the rules were suspended and House bill No. 256 "An Act to amend an act entitled 'An Act to incorporate the Sulphur Bridge and Turnpike Company' approved November 6th, 1866."

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

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Dohoney, Evans, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon—20.

Nays—None.

Absent—Alford, Clark, Douglas, Flanagan, Fountain, Gaines, Rawson, Saylor—8.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 345 "To authorize the Presbyterian church in Victoria to sell their church square ;" also Senate bill No. 267 "To incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas ;" also Senate bill No. 216 "To incorporate the town of Bremond ;" also Senate bill No. 320 "Supplementary to an act' entitled 'An Act to provide for the registration of voters,' approved the 11th day of July, A. D. 1870 ;" also Senate bill No. 309 "allowing further time for the redemption of lands sold for taxes between March 2, 1861, and March 30, 1870 ;" also Senate bill No. 124, "to incorporate the Cuero Bridge Company ;" also Senate bill No. 341, "making appropriations for the payment of the expenses of maintaining ranging companies on the frontier ;" also Senate bill No. 141 "To incorporate Victoria Fire Company No. 1, " and Senate bill No. 45 "To incorporate Butler Male and Female College," find the same to be correctly engrossed.

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

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined, and find correctly enrolled Senate bill No. 82, entitled " An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty-five of an act to incorporate the Waco Tap Railroad Company," and Senate bill No. 258, entitled " An Act to authorize clerks of the district courts, their deputies and notaries public to take acknowledgments of deeds and other written instruments," and Senate bill No. 23, entitled " An Act to carry into execution the judgments and decrees of the late county courts, and to perfect the unfinished business of the same," and Senate bill No. 162, entitled " An Act to incorporate the Austin Bridge Com-

pany," and to-day, at 10:45 o'clock presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

On motion of Senator Dohoney the rules were suspended, to take up Senate bill No. 264, "An Act to provide for the relief of the heirs of Lynn Babo, deceased."

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

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Shannon—19.

Nays—Priest.

Absent—Clark, Flanagan, Fountain, Gaines, Hall, Hertzberg, Latimer, Rawson, Saylor—9.

Bill passed.

On motion of Senator Bowers 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."

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

Yeas and nays taken on final passage:

Yeas—Mr. President Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon—22.

Nays—None.

Absent—Clark, Flanagan, Fountain, Gaines, Latimer, Rawson, Saylor—7.

Bill passed.

On motion of Senator Cole, rules suspended, House bill No. 491, "An Act to prohibit the sale or otherwise disposing of intoxicating or spirituous liquors within two miles of the Sulphur Bluff Academy, Hopkins county."

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

On motion of Senator Evans the rules were suspended, House bill 493, "An Act to prohibit the sale of intoxicating liquors within certain limits of Johnson Station High School, in the town of Johnson Station, in Tarrant county."

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

On motion of Senator Douglas, rules suspended, House bill No.

79, "An Act to incorporate the stockholders of the Union Marine and Fire Insurance Company, of the city of Galveston."

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

Yeas and nays taken on final passage:

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon--23.

Nays--None.

Absent--Clark, Flanagan, Fountain, Gaines, Rawson, Saylor--6.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 174, "An Act to incorporate the Kemper City Bridge Company."

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

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon--22.

Nays--None.

Absent--Alford, Clark, Flanagan, Fountain, Gaines, Rawson, and Saylor--7.

Bill passed.

On motion of Senator Ford rules suspended to take up House bill No. 477, "An Act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat."

Rules suspended, bill read first, second and third times, and passed.

On motion of Senator Hertzberg rules suspended to take up House bill No. 315, "An Act to incorporate the town of Round Top, county of Fayette."

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

Senator Parsons offered the following amendment

Article ten in line four, insert after the words "violating this act," "shall be guilty of a misdemeanor, and on conviction thereof."

Amendment adopted.

Rules suspended, bill read third time.

Yeas and nays on final passage:

Yeas--Bell, Douglas, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Ruby--11.

Nays--Mr. President, Alford, Baker, Bowers, Broughton, Cole, Dohoney, Evans, Pickett, Pridgen, Pyle, Shannon--12.

Absent—Clark, Flanagan, Fountain, Gaines, Rawson, Saylor--6.
So the Senate refused to pass House bill No. 315.

On motion of Senator Priest the rules were suspended to take up House bill No. 49, "An Act to authorize B. P. Riddle to erect a toll bridge on Neches river."

Rules suspended; bill read first, second and third times.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon--21.

Nays—Broughton.

Absent—Clark, Flanagan, Fountain, Gaines, Mills, Rawson, Saylor--7.

Bill passed.

On motion of Senator Hall the rules were suspended to take up Senate bill No. 308, "An Act to incorporate the San Antonio and Rio Grande Telegraph Company."

Read second time and passed to engrossment.

Rules suspended; bill read third time and passed.

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon--23.

Nays—None.

Absent—Clark, Flanagan, Fountain, Gaines, Rawson, Saylor--6.

On motion of Senator Hertzberg the rules were suspended to take up Senate bill No. 35, "An Act to incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. D. H. A. S."

Rules suspended, 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, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--21.

Nays—None.

Absent—Clark, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Rawson--8.

Bill passed.

On motion of Senator Latimer the rules were suspended to take up House bill No. 203, "An Act to incorporate the Carancuha Bridge and Road Company."

Rules suspended and bill read first, second and third times.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Cole, Dohoney,

Douglas, Evans, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--22.

Nays--None.

Absent--Broughton, Clark, Flanagan, Ford, Fountain, Gaines, Rawson--7.

Bill passed.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 164, "An Act to incorporate the Navasota Insurance Company."

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

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon--20.

Nays--None.

Absent--Broughton, Clark, Flanagan, Ford, Fountain, Gaines, Latimer, Rawson, Saylor--9.

Bill passed.

On motion of Senator Parsons the rules were suspended to take up Senate bill No. 171, "An Act to incorporate the Houston Hebrew Benevolent Society."

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

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--21.

Nays--None.

Absent--Broughton, Clark, Flanagan, Ford, Fountain, Gaines, Latimer, Rawson--8.

Bill passed.

On motion of Senator Parsons the Senate, at half-past ten P. M., adjourned until Tuesday, at 9 A. M., August 9, 1870.

**SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, August 9, 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.

Secretary carried to the House for concurrence Senate bills Nos. 45, 124, 141, 216, 309, 320, 341, 345, 146 and 332.

Also, House bills Nos. 49, 79, 197, 203, 389, 390, 493, 212, 256, 423, 491, and 417.

Reports of Committee on Judiciary :

**COMMITTEE ROOM,
Austin, August 6, 1870.**

Hon. DON CAMPBELL

President of the Senate :

SIR: The Committee on Judiciary, to whom was referred House bill No. 297, respectfully return the same to the Senate for its consideration. The business of the committee is such that due consideration of the bill cannot be had at present. Its object is certainly a good one, and many of the provisions of this bill are in accord with a bill heretofore passed by the Senate and sent to the House; the additional provisions of this bill we most respectfully refer to the consideration of the Senate, and if approved, the passage of the bill is earnestly recommended.

**M. PRIEST,
Chairman.**

Laid over under the rules.

**COMMITTEE ROOM,
Austin, August 8, 1870.**

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 325, "An Act fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the court to establish rules," have carefully considered the same, and I am instructed to report it back, with the recommendation that it do pass.

**M. PRIEST,
Chairman of Committee.**

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred petition of George W. G. Brown, have had the same under consideration, and I am instructed to report the accompanying bill, entitled "An Act for the relief of George W. G. Brown, late clerk of the Supreme Court," and respectfully recommend its passage.

M. PRIEST,

Chairman of Committee.

Report and bill read first time, and laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 282, "An Act to amend an act, to incorporate the Alamo Fire Association of San Antonio, Texas;" Senate bill No. 290, "An Act to incorporate the San Antonio Meat Extract Company;" Senate bill No. 306, "An Act to incorporate the San Antonio Turners' Hook and Ladder Company No. 1.;" Senate bill No. 324, "An Act to incorporate the Board of Fund Commissioners of the Trinity Conference, M. E. Church, South," and also, Senate bill No. 343, "An Act to incorporate a Bank of Discount and Deposit at Calvert," have had the same under consideration, and I am instructed to report them back, with the recommendation that they do pass.

M. PRIEST,

Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 269, "An Act to provide substitutes for certain documents and books destroyed by fire in the courthouse at Goliad;" also Senate bill No. 270; "An Act for the relief of Goliad county;" and Senate bill No. 187, "An Act for the relief of Harriet Williams, and the issue of said Harriet and Louis J. Brissette, deceased," have had the same under careful consideration, and I am instructed to report them back with the recommendation that they do pass.

M. PRIEST,

Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 219, "An Act for the incorporation of the Freedmen's Union Mutual Life Insurance and Trust Company of Texas;" Senate bill No. 271, "An Act to incorporate the town of Independence, Washington county, Texas;" and also Senate bill No. 182, "An Act to incorporate the Merchants' and Planters' Savings Bank of Texas," have carefully considered the same, and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Public Lands :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Public Lands, to whom was referred House bill No. 376, "for the relief of Andrew J. Nichols," having duly considered the same, instruct me to report it back to the Senate, and recommend its passage.

G. T. RUBY,
Chairman.

Report of Committee on Finance :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Finance Committee, to whom was referred "An Act for the relief of Jacob T. Chandler," instruct me to report it back to the Senate with a recommendation that it do pass.

J. S. MILLS,
Chairman.

Laid over under the rules.

Majority report of select committee on House bill No. 381 :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your special committee, to whom was referred House bill No. 381, entitled "An Act to provide for the mode and manner of

conducting elections, making returns, and for the protection and purity of the ballot-box," have carefully considered the same, and I am instructed by a majority of the committee to report it back, with accompanying amendments, and recommend that it do pass.

E. T. BROUGHTON,
Chairman of Committee.

Amendments to House bill No. 381 :

First amendment: Amend section three by striking out in the second line, after the word "office," and before the word "such," in the fourth line, the words "when there is no provision made for appointments to fill the same."

Second amendment: In section three, fourth line, strike out the word "sixty" and insert "thirty."

Third amendment: In section five, in line one, after the word "next," and before the word "general," insert the words "special or."

Fourth amendment: In section six insert before the first word "all," the words "until otherwise provided by law."

Fifth amendment: Substitute for section seven: Sec. 7. A special election shall be held on the first Tuesday after the first Monday in November, A. D. 1870, at which time district attorneys for the several judicial districts of the State shall be elected to serve until the next general election; and there shall be elected, at the same time, Senators and Representatives to the State Legislature to fill such vacancies as may then exist; also, at the same time, officers shall be elected to fill all State and county offices in which vacancies may exist, when the officers are required to be elected by the constitution; and there shall be held at the same time, in the several Congressional districts of the State, as prescribed by the Constitutional Convention of 1869, an election for members to the Congress of the United States.

Sixth amendment: In section nine, strike out all of the section after the word "election," as it first occurs in third line.

Seventh amendment: Strike out all of section ten.

Eighth amendment: In section fourteen, in first line, after the words "clerks of elections" and before the word "shall," insert "and electors."

Ninth amendment: In section sixteen, in line two, after the word "vacant," and before the word "and," insert "after the special election hereinbefore provided to be held on the first Tuesday after the first Monday in November, 1871."

Tenth amendment: In section nineteen, in the third line from the bottom, strike out all after the word "misdemeanor."

Eleventh amendment: Strike out all of section twenty-one.