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OF THE

TWELFTH LEGISLATURE,

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SENATE JOURNAL.

TWELFTH LEGISLATURE.

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

Senate met at 3 o'clock P. M., pursuant to call by proclamation of his Excellency Edmund J. Davis, Governor.

Senate was called to order by the Hon. James P. Newcomb, Secretary of State.

The Secretary of State then cited the Senate to section sixteen, article fourth, of the Constitution, to-wit:

“Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect from its own members a President for the time being. If during the vacancy in the office of Governor the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or if he be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twice the per diem or pay of a Senator, and no more, and while acting Governor the same compensation as a Governor would receive for a like period of service in his office, and no more. The President of the Senate for the time being, if called upon to administer the Government in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President of the Senate for the time being.”

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The Secretary of the Senate was then directed to read the act of Congress admitting the State to representation, followed by the proclamation of his Excellency Governor E. J. Davis convening the Legislature.

The roll of Senators called.

Present—Alford, Baker, Bell, Bowers, Clark, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor—22.

Absent—Broughton, Campbell, Cole, Evans, Pyle, Rawson, Shannon—7.

Judge M. B. Walker, of the Supreme Court of the State, then administered the required oaths to the following Senators :

Alford, Baker, Bell, Bowers, Clark, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor—22.

The Secretary of State then announced the business in order to be the election of a President of the Senate, and that nominations were in order.

Senator Alford moved that the Senate adjourn until twelve o'clock to-morrow.

Adopted.

SENATE CHAMBER,
AUSTIN, TEXAS, April 27, 1870.

Senate met pursuant to adjournment.

Hon. James P. Newcomb, Secretary of State, presiding.

Roll called.

Quorum present.

Minutes of yesterday read and approved.

Secretary of State then directed the Senators who were present that failed to qualify to come forward and do so.

Senators Henry Rawson and Don Campbell then presented their oaths.

Nominations for President of the Senate for the time being was declared in order.

Senator Fountain nominated Senator Don Campbell, of the Eighth District, for President of the Senate for the time being.

The Chair appointed Senators Flanagan, Ruby, Douglas and Pickett as Tellers.

Vote as follows:

Don Campbell, 22; scattering 2: 24 votes.

Senator Campbell having received the majority of the votes cast was declared duly elected President of the Senate for the time being.

The Chair then appointed Senators Parsons, Bowers, Hall, Baker and Clark a committee to conduct Lieutenant Governor Don Campbell to the chair.

On taking the chair, the President addressed the Senate as follows:

SENATORS: Upon assuming the duties of the distinguished position to which, by your kind partiality, I have been chosen from amongst you, permit me, first of all, to render to you some expression of my profound acknowledgment for the high honor you have been pleased to confer upon me. If in after years and amid the vicissitudes of the future, I shall ever have occasion to look back with pride upon any events of my past life, it will be with peculiar gratification, when memory shall recur to this action of yours to-day, in selecting me, the humblest of the Senate, to this, the highest position within your gift. I accept the position, gentlemen, with mingled emotions of diffidence and pride. Diffidence, as to my ability to discharge with satisfaction the various and often complicated duties which will devolve upon me as your chief officer; and pride, that I have been

thought worthy of being made, by those so much more capable than myself, the chief officer of the first Senate of the new State of Texas. This diffidence is much relieved, however, as I assure myself that your ready assistance will always be rendered without reserve where my weakness and inexperience may fail in the embarrassment that may arise; and this pride, which the most honored could not fail to indulge, will be one of the chiefest incentives in me to merit a continuance of your partiality, and by faithful effort, to meet, as far as may be, the just expectations of the Senate in bestowing this honor upon me.

Senators, we have all, in the respective positions in which we are placed, high trusts confided to our keeping. Five years ago the majesty of the United States Government was vindicated, by the final triumph of her arms over the gigantic rebellion of the South, in which our own State took so active a part. Since that event, rendered so illustrious in history by the mighty results which have followed, and are destined yet to proceed from its achievement, it has been the earnest purpose of that Government to restore all the erring States which participated in that rebellion, to their former positions within the folds of the Union.

Whilst the Congress of the United States have illustrated their beneficence, by restoring us to a position of equality with the most favored of the States, let it be our pleasure, as we all deem it our duty, to make such laws as may proceed from the wisest and most prudent deliberation.

I thank you again, gentlemen of the Senate, for the great honor you have conferred upon me.

Senator Flanagan moved to declare the office of Enrolling Clerk of the Senate vacant.

Carried.

Senator Fountain moved to go into the election of Enrolling Clerk.

Carried.

Senator Mills nominated W. H. Baker for the position of Enrolling Clerk of the Senate.

Senators Mills, Saylor, Pridgen and Pettit, were appointed Tellers. Vote as follows:

Baker received 20 votes; Bryant, 2; blank, 1.

W. H. Baker, having received the majority of the votes cast, was declared duly elected Enrolling Clerk of the Senate.

Senator Bowers moved that a committee of three be appointed to inform the House that the Senate is organized and ready to proceed to business.

The Chair appointed Senators Bowers, Baker and Fountain on said committee.

The following resolution was received from the House :

WHEREAS, It hath pleased Almighty God to remove from among us, by the hand of death, the Honorable A. K. Foster, State Senator from the Twenty-Fifth District, who departed this life at Hallettsville, Texas, on the 9th day of March, 1870 ; and

WHEREAS, it is meet and proper that we should express our sense of regret and sorrow at his loss, and pay a tribute of respect to his memory ; Therefore be it

Resolved, That the members of the House of Representatives have learned with unfeigned regret and sorrow of the death of the Honorable A. K. Foster, Senator from the Twenty-Fifth District.

Resolved, That in the death of Senator Foster the State of Texas has lost an able and worthy representative and public servant, society a useful and upright citizen, and his family an affectionate husband and father.

Resolved, That we deeply sympathize with the bereaved widow and children and relatives of the deceased, and that a copy of these resolutions be forwarded by the Speaker of this House to the widow of the deceased.

Senator Pridgen moved to receive House resolutions on death of Hon. A. K. Foster.

Carried.

Senator Parsons said : In speaking briefly of the resolutions just presented, it but gives true expression to the emotions I experienced when first startled at my home by the unlooked for intelligence of the death of the lamented deceased, to say that I was never so fully made conscious that "in the midst of life we are in death."

When, upon our adjournment, but a few weeks since, I grasped for the last time on earth, the hand of Senator Foster, I then thought he was the finest specimen of vigorous, healthy manhood in this body, and gave promise of as prolonged a career of usefulness as any of its members. In the full plenitude of his powers, physical and mental, he bid fair to adorn his position in this chamber, as well as honor his constituency, by his ripe experience, sterling judgment, and unswerving integrity. In common with his associates and colleagues on this floor, I looked forward to his co-operation in laying the foundations and rearing the superstructure of the new State government, the solemn responsibility of which becomes the more

weighty when such counselors and such moral worth is forever taken from our deliberations.

Thou hast all times for thine own, oh Death!
 " But, come when thou wilt,
 In the earthquake's shock ; the ocean's storm ;
 Come in consumption's ghastly form ;
 Come when the heart beats high and warm,
 With buoyant song and dance and wine,
 And thou art terrible."

Its greatest pang is the world's forgetfulness. For

" The gay will laugh when we are gone,
 The solemn brood of care plod on,
 And each one, as before, pursue his favorite phantom."

He only will be remembered, who, after the consignment of all that is mortal to earth, has left " foot-prints on the sands of time," and reared a monument more enduring than brass, in the hearts of his countrymen, for honest purposes, disinterested acts fearlessly performed, and a blameless life.

Not having enjoyed an intimacy with the distinguished deceased at his home, I have been indebted to those, who for years have been his neighbors and friends, for the assurance that, in all the attributes of a man, he was a representative of the best in our State. If not distinguished for high deeds performed on the field, or for extraordinary ability in council, his was

" A combination
 And a form indeed, where ev'ry god
 Did seem to set his seal, to give the world
 Assurance of a man."

The highest measure of a man is integrity of personal character, singleness of purpose, and devotion to principle and the public good. To say of the lamented deceased that he was an honest man, is the highest encomium ; for that constitutes " the noblest work of God." I feel that this honorable body has lost a useful member, his community one of its first ornaments, and the State a noble citizen. A marked tribute is due to his memory ; and I therefore move that the members of this chamber wear the usual badge of mourning for thirty days ; and that we now adjourn until 10 A. M. to-morrow morning.

Carried.

SENATE CHAMBER.
AUSTIN, TEXAS, April 28, 1870.

Senate met pursuant to adjournment.

President Don Campbell presiding.

Roll called.

Quorum present.

Minutes of yesterday read and approved.

Senator Bowers, of the Committee on Rules, reported as follows :

SENATE CHAMBER,
Austin, April 28, 1870.

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

Your committee appointed to draft and report suitable rules for conducting the business of the Senate have performed that duty and instruct me to report the following and recommend their adoption.

M. H. BOWERS,
Chairman.

Which report was read.

Senator Bowers moved a recess for five minutes.

Which motion was adopted.

Senator Bowers moved to adjourn to Representative Hall.

Adopted.

REPRESENTATIVE HALL,
11 o'clock, A. M.

Senate roll called.

Quorum present.

Prayer by the Rev. Mr. Rogers.

Hon. Ira H. Evans, Speaker of the House of Representatives, then introduced his Excellency Edmund J. Davis, Governor of Texas.

The oath of office was then administered by Chief-Justice Morrill.

The Governor then delivered his inaugural address.

MY FELLOW CITIZENS OF TEXAS: This day the government of your State and the control of your destinies is handed over to you. What may fairly be termed the second annexation of Texas is now consummated; but, a Texas very different from that of 1845 is found assuming her functions as a State. That Texas brought with her single star also her thousands of slaves, this Texas knows no bondmen on her soil. We may differ in our opinion of the manner of bringing about this great change, and the necessity for it. We live too near (in time) the scene of this struggle to ever agree that Providence may have directed the issue as part of the great work of improvement and progress of the human race. But sensible men can even now agree to accept the situation as they find it, and after ten years of war and civil disorganization, take a fresh departure in political affairs.

It may be said that the American revolution, opening in 1776, with the proclamation "that all men are created equal," had its verification, and made its promise good only in 1870. But it is fair to admit that few on either side either calculated or desired the full result when entering this closing struggle. While on the one side, the aid of the God of battles was confidently asked to sustain a structure, of which the very corner-stone was a denial of the truth of this declaration, when applied to those whom habit had divested in our minds of their share of humanity; on the other, the sword was mainly taken to preserve a glorious nationality. We did not see then, and it required those years of misfortune to show us the foundation of our trouble. Let us accept this result as an indication and lesson that there is no safe neutral ground for human judgment between right and wrong—that we cannot afford to be unjust to the weakest of God's creatures. Let us be wholly right.

This struggle has, too, taught us a further lesson in self-government. It had been fondly imagined that our government, in the name and form and as carried out by the general government and the respective States, was perfect; that no human device could improve it. Our education in this belief had been so decided, that we were not even inclined to try to improve it. But we can now see that this, like all other edifices of human creation, had its imperfections, and required repair and improvement. It was designed to, but as time progressed we discovered that it did not "promote the general welfare and secure the blessings of liberty," in all parts of the Union, even to the class which esteemed itself the special object of the provision. While the general government was restrained from all violation of the right of life, liberty and property, it was conceded that the local government had no such restraint, accordingly local despotisms often flourished under the name of State gov-

ernment. There, free speech and thought was limited by the will of the majority, until individual freedom disappeared. It is not so now, and cannot (it is sufficient to say) be so hereafter.

While local self-government still remains, it is within the just bounds that there is a supervisory power over all, far withdrawn from local prejudice and bias, which will temper State action within the limit of security, freedom, and justice to all. This will prove the better government, and under this, freedom at the North or South, on the lakes or on the Pacific, or the Gulf, will be one and the same. Through the length and breadth of the land, free speech and liberty of mind, as well as person, henceforth prevail.

In this faith let us enter upon the great work before us of re-organization, and let us take a survey of the position we are called to occupy. We find that we are about preparing a government for, and shaping the destinies of a territory larger than most of the great earthly powers. Let us realize that we control a part of our globe, large and fertile enough to hold a greater population than the millions now owing allegiance to the National Government. That as it were, we are the advanced guard of this mighty host, and that as we prepare the way for them, so will they find it will be industrious, prosperous, intelligent, law-abiding, temperate; or immoral, lawless, degraded and miserable, as we now plan and devise.

We have it in our hands to place our great State at once among the foremost in wealth, population and civilization, and if we can be made fully sensible of the extent of this, our opportunity and responsibility, we will not fail in the performance of our part. Let us recollect that, in coming years, when time has softened our prejudices and dissipated the memory of the jealousies and party contests of to-day, our reminiscences of this epoch will be pleasant or the contrary, as we now labor for the good of our fellows and the State, or for our own gratification and aggrandizement.

The time has come for us to learn other distinctions than loyal and disloyal. Let us hereafter know no other than that of the good and bad citizen. Let us cultivate a belief that our neighbor who differs in opinion with us, may so differ honestly, and devote ourselves only to emulate him in attachment to the right, and in determination to promote the public good. We must divide into parties, and differ in regard to public policy; and fit and proper is it, in a free country, that this should so be, but let us have this variance with mutual toleration.

Fellow-citizens, the disease under which our political system labored was a severe one, and required a sharp remedy. It unquestionably could only be cured by the application of the national sword. Strange to say, the military, the recognized right arm of

despotism, was here summoned to the aid of liberty, and, against our will, has secured it to us. The day is not distant when we will all assent to this; now the heat of the struggle is too strong with us. In no other land has this phenomenon been seen, and, no where but among people educated from infancy to place the civil superior to the military law, may we expect to see what we now witness—the military coming forward (after tasting for years the seductive sweets of unlimited power) with alacrity, as to an agreeable duty, to surrender into the hands of the people a power always temperately executed. No where else than in a republic, where the military are of and from the people, can they be as here, the defenders of freedom. Let us give them, without stint, the credit and honor which is their due. We must, as fair-minded men, concede so much, though this employment of the military may have been totally against our will.

All, too, can agree that it was an unpleasant necessity which forced upon the Republic the coercion of her citizens; all may grieve that this necessity existed, and all now join in the hope that the same has passed away, never again in our history to return. That with enduring peace, will return the respect for order and the forms and majesty of civil law, which, inherited from our forefathers, has followed the English language to all parts of the world.

(Signed)

EDMUND J. DAVIS,
Governor of Texas.

Senator Bowers moved that the Senators adjourn to the Senate Chamber.

Carried.

SENATE CHAMBER.

Senator Fountain moved the Senate adjourn to ten o'clock tomorrow.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, April 29, 1870.

Senate met pursuant to adjournment.

President Don Campbell presiding.

Roll call.

Quorum present.

Minutes of yesterday read and approved.

Senators Broughton, Cole and Shannon then presented their oaths.

Senator Pridgen arose to a question of privilege.

Granted.

Senator Pridgen then moved that five thousand copies of the Governor's Inaugural Address be printed for distribution by the Senate.

Senator Hertzberg moved to amend the motion by inserting that "one-half of said five thousand copies be printed in German."

Amendment accepted.

Senator Bowers moved to amend by saying "five thousand in English and twenty-five hundred in the German language."

Amendment accepted.

Senator Fountain moved to amend by adding "two hundred and fifty copies in the Spanish language."

Also accepted.

The President then announced the reception of a message from the Governor, and orders the same to be read.

EXECUTIVE OFFICE,
Austin, April 29th, 1870.

GENTLEMEN OF THE SENATE
AND HOUSE OF REPRESENTATIVES OF TEXAS:

So long time has elapsed since the session, within this State, of a body competent to legislate, that your duties must be many, and their performance tedious and laborious. In addition to ordinary matters of legislation, you will find it incumbent upon you to remodel, to a great extent, the General Statutes, and to accommodate them to the new order of things, and to the radical changes engrafted on our institutions by the constitution lately adopted.

In obedience to that section of the constitution which requires the Governor to recommend to the Legislature "such measures as he may deem expedient," I now propose to call to your attention such of these matters as seem to me of especial importance.

At the outset, I give precedence to a subject which is believed to

be of primary importance in the minds of the great mass of our people, by asking your attention to the consideration of measures to establish law and order throughout the State, and the punishment or repression of crime. I esteem this matter of first importance, because, having peace and security for life and property, everything else will follow, of course. I recommend the passage of a law for efficient organization of the militia, embracing all able-bodied males, between the ages of eighteen and forty-five. It has been found, in some States, a good arrangement to embody a smaller force of such of the militia as may be willing to volunteer into a National Guard, and to aid the latter in arms and equipments, by a levy of a tax on all persons liable to militia duty, who may, by paying the same, avoid enrollment. This policy is recommended to your consideration, as I believe we can thereby secure a more effective and easily handled force, disciplined, armed and equipped, sufficient in numbers for all probable necessity, with little or no cost to the State treasury.

The militia, or military, should, however, only be looked to in extreme emergencies, to aid in sustaining the laws. There is no great reason to apprehend resistance to the law by organized bodies of men; it is generally with individuals, acting independently, that the conservators of law have to deal. It is necessary, therefore, to provide a police system that will enable the officers of the law to follow up and arrest offenders, and that will reach efficiently to all parts of the State. Heretofore, while in some counties or cities the laws are enforced, in other counties the authorities are too weak to enforce respect, or indisposed to do so. These parts of the State furnish a sort of neutral ground, where offenders congregate. I recommend that a police system be adopted, embracing the whole State under one head, and that the police of the different cities, the sheriffs and their deputies and constables, be made a part of that general police, to act in concert with it, and to be subject to the orders of the chief. This officer might also conveniently serve as adjutant general of the militia, or military force, to be authorized by you. A system thus organized can be made without great expense, very efficient in pursuing and bringing to justice offenders, and in destroying lawless organizations.

In connection with matters of public justice, I must invite your attention to the want of safe jails in most of the counties. The means appropriated to this purpose by the local authorities has, in many counties, been insufficient to secure good buildings, and has also often been misspent. It would be good economy for the State to take upon itself the burden of building, on an approved plan, jails and court houses where necessary, and provide for expense of same by a special tax on the people of the county.

The practice, which has become common, of mobs of lawless men assembling and operating in disguise, for the carrying out of some unlawful purpose, must receive your attention. The operations of this class of criminals are generally directed against the recently enfranchised, and where repeated instances have occurred in the same neighborhood, without arrest of the offenders, color is given to the charge that the offenders are protected or encouraged by the majority of the people. There is no offense equalling this in danger to the public security, and I recommend such modification of the criminal code as will provide for punishing it with special severity. These measures will not be complete without such powers are conferred on the Executive as will enable him in any emergency to act with authority of law. We may trust that no combinations of lawless men can be made in any part of the State in sufficient numbers or force to be able to resist the local civil authorities, but as long as such a condition is possible, due caution advises me to be prepared for it. It may also happen that the local authorities would be bound in sympathy with the disturbers of the peace. The question of making some provision for the temporary establishment of martial law under certain contingencies, and within limited districts, is therefore submitted to your judgment. The mere knowledge of the fact that such power is given the Executive, and that he will not hesitate to exercise it when the case warrants, will go far toward obviating the necessity for its exercise.

These are measures which I consider necessary to the intimidation of the lawless, and the punishment of offenders, it being, in my opinion, the duty of the State government to see to it that crime is quelled at once. But while the punishment of crime is one of the various objects of human government, the best government, after all, is one that looks rather to the prevention of it.

The establishment of a good system of schools that will secure education to all, will, no doubt, in process of time, operate here, as elsewhere, to the diminishing of offences. But of this I speak hereafter. I would, in this respect of prevention of crimes, call your attention to the provisions of section thirteen of the Bill of Rights, on the subject of bearing arms. The Legislature is there given a control over the privilege of the citizen, in this respect, which was not in the old constitution. There is no doubt that to the universal habit of carrying arms is largely to be attributed the frequency of homicides in this State. I recommend that this privilege be placed under such restrictions as may seem to your wisdom best calculated to prevent the abuse of it. Other than in a few of the frontier counties there is no good reason why deadly weapons should be permitted to be carried on the person.

Next in importance to the measures necessary to the establishment of law and order, you will find the question of providing for the education of the children of the State. No better civilizer has been found than a liberal system of education. Aside from the provisions of our constitution, which make it "the imperative duty" of your body to provide for the education of all children of the scholastic age, experience will hereafter prove that, from any point of view, no money discreetly expended in promotion of universal public education can be considered lost in an economical point of view. It has been found as serviceable to the farmer and artizan as to the professional man.

I have already noticed its effects in abating the catalogue of crimes, but there is a special necessity for education in our country, where the government depends upon the people themselves. The success of Republican institutions and universal suffrage is assured by universal education. The expenditures for this purpose must necessarily be heavy at the outset, in organizing, building school-houses, providing books, apparatus, etc., etc. The perpetual school fund provided in article nine of constitution, sections six and eight, is as follows :

1. All funds, lands and other property heretofore set apart, or that may be hereafter set apart for the support of Public Schools.

2. All sums of money that may come to this State from sale of any portion of the public domain, or sales of public lands.

3. One-fourth of the annual revenue from general taxation, and an annual poll tax of one dollar on all male persons between the ages of twenty-one and sixty years.

4. The public lands heretofore given to counties, to be sold under such regulations as the Legislature may prescribe.

In addition to this "perpetual fund," the Legislature is authorized in Section seven, to provide for the raising of such amount, by taxation, in the several school districts in the State, as will provide the necessary school houses, and insure the education of all. The powers thus given to the Legislature are ample. The summary of means now disposable, which may be considered as included in this "perpetual fund, is :

1. Cash, in specie, \$58,979 31; currency, \$543 19; total, \$59,522 50.

2. State 5 per cent. bonds, under act of November 12, 1866, \$82,168 82 (assuming that this act of the Legislature of 1866 is to be respected). In addition to this sum, the act mentioned provided for placing other similar bonds to credit of school fund, to make up such part of the \$634,000 "indemnity bonds," with the unpaid coupons or their proceeds, as might be recovered from the parties to

whom they had passed from the "Military Board" during the late war. These indemnity bonds and coupons were taken from the school fund, to which they belonged, by an act of the revolutionary government of January 11, 1862, and the act of 1866, was intended to replace them, as far as recovered, by 5 per cent. State bonds. The system of support of schools is now, by the constitution, so fully provided for, that this arrangement seems unnecessary. I, therefore, suggest that in lieu thereof, the amount collected of those bonds and coupons be turned over to the school fund.

3. Principal and interest, \$2,742,198 27, due to the school fund from railroad companies. Included in this amount is the sum of \$320,367 13, pretended to have been paid during 1864 and 1865, in State warrants, for which the 6 per cent. manuscript State bonds (see Comptroller's report, table II), were issued. I assume that this \$320,367 13 is still a legal claim against the roads pretending to have paid the same. I suppose upwards of two millions of the total due by the railroads could be realized with certainty, and perhaps the whole may be eventually saved by the adoption of the proper measures.

In addition to the above, the University fund and lands may, I suppose, properly be considered as part of the Common School fund, though not directly included therein by the constitution. In regard to that part of the school fund in the possession of the railroads, it will be recollected that, by the act of the thirteenth of August, 1856, under which this fund was loaned to the roads, it was provided that the Governor should cause a sale to be made of the roads failing to pay any installment of the interest due on their bonds, or of the two per cent. sinking fund. No part of the sinking fund has been paid by any road since 1860, and of interest the only payments made since that date are by the H. & T. C. R. R., \$38,280, in the years 1866 and 1867, and by the B. B. B. & C. R. R., \$6,120, in 1867. This condition of affairs would warrant a sale at once for the benefit of the School Fund of all the roads indebted to it; but it is suggested, in view of the disturbed state of the country during this period, that these roads be relieved of the forfeiture legally resulting from their default, on payment of the interest now due, and of regular payment hereafter of interest and sinking fund coming due. If this suggestion is not adopted by your body, I will proceed to sell in accordance with the above cited act.

The question of internal improvements will come before you very prominently, and in a variety of ways. There is no doubt that the people of Texas desire the encouragement, in a judicious manner, of such public works as will afford them means of intercommunication, and of connection with the railroad system of the more Eastern

States. In deference to what I believe to be their wishes I recommend your careful development of some system that will secure this desirable end.

But, while the universal desire in this particular will, I have no doubt, be met in your body by a corresponding effort, I am led to believe that great caution will be necessary to avoid encumbering our State with a weighty debt, created in furtherance of the many schemes for private advantage, but calling for State aid, that will be forced upon you in the name of internal improvements. It has become the habit of speculators proposing to invest in internal improvements to come to the State or General Government for aid, and it has now got to be a settled, popular understanding that the State is to be called upon to aid all private schemes of this nature. This sentiment is, I believe, the growth in this country of less than a quarter of a century, and is a very unhealthy indication, and not at all stimulative of legitimate enterprise.

The absolute necessity for State aid (beyond a liberal charter and the right of way) is not apparent to me as a necessity, to insure the success of any honest and feasible enterprise. It is not believed that a road could be planned through any settled part of the State that would not return large interest on the capital honestly invested, and where parties present themselves asking for no special aid or exclusive privileges they should, where evidence is shown that they will be able in good faith to comply with their promises, receive from you the appropriate encouragement; but that even a simple charter should not be granted without this evidence is made apparent by the vast number of schemes of the sort that have never progressed further than to encumber our statute books, and obstruct the ground to other more responsible companies.

The experience of Texas in subsidizing public works has not been very satisfactory. We have invested in this way (including principal and interest due thereon,) near two and three-fourths millions of specie, or its equivalent, and upwards of five millions of acres of our best lands, (worth fully ten millions more in specie,) and we have somewhat less than five hundred miles of railroad, which the State has mainly built, (but does not own or control,) to show for it. But this is not all. Every Legislature, and every convention of the people since these works received subsidies, has been beset by applications, (sometimes not unaccompanied by the odor of corruption,) for relief from the force and effect of the contracts under which the grants were made, while the restrictions placed upon the beneficiaries of these grants to secure the safety and convenience of the people, and moderate rates of fare and freight, have been wholly disregarded. This experience, as well as the danger of incurring

oppressive obligations, from which our State is happily now free, should make us cautious in the future in regard to subsidies, or State aid of any description. If, however, notwithstanding our experience in this respect, it should be deemed advisable by your body to satisfy the general desire, by lending the aid of the State to the opening of Railroad communication, then I recommend that this aid be limited to a work which seems of the most pressing necessity, crossing the State from Red River to the Rio Grande, and which may be of use to the State in general by furnishing a line of communication with the populous States, and the Railroad system north and east of us. One trunk road of that sort is all that ought to be attempted. This is as much as our finances will safely bear, and is all that is immediately of consequence to the people, it being pretty certain that the necessary taps and connections with the coast will be finished by private enterprise as rapidly as the main trunk. If such a work should be determined upon, the location of it, and the time within which it should be constructed, as well as the manner in which State aid may be given it, with other details, are matters to be determined by your body. In the charter of this road and of all others receiving State aid, or enjoying exclusive privileges in any shape, provision should be made, in decisive terms, giving the State government such control and supervision as will secure the safety and good treatment of passengers and reasonable charges for passage and freight. The existing laws, to a large extent, give the Legislature this control over railroads built with subsidies from the State, and I suggest that justice to the people doing business on these roads requires an immediate exercise of that control, and the establishment by you of a fair and moderate tariff of charges.

From the question of internal improvements, in looking to measures for the development of our State, we naturally pass to the subject of immigration. It is to be hoped that when we are understood to have established here such respect for law and order as will relieve new comers of all apprehensions for their personal safety, our extensive territory, sufficient in itself to embrace the whole population of the United States, our very cheap and fertile lands and delightful climate will, of themselves, attract the attention of persons in countries more densely populated. It is necessary, however, as we wish *at once* to turn the tide of immigration in this direction that the Bureau, authorized by the Constitution for this purpose, should be organized on a liberal basis.

A great deal can be accomplished in an economical way by providing for the collection and publication of statistics which will show the price of lands, description of and capabilities of soil, arti-

cles produced and cost of living in different parts of the State, means and cost of transportation, and minerals there found, and the facilities for working and transportation of same. The collection and publication of these statistics, with agencies in this and other States and in Europe to distribute information and direct and take charge of immigrants, and the appropriation of a moderate sum to pay, in part or in full, the transportation of persons who are too poor to pay their own passage to a home with us, are all within the powers given you by the Constitution, and a liberal provision for the support of this Bureau will not, I believe, in any event be bad economy.

Every industrious, able-bodied adult added to our population may be considered an addition of fifteen hundred dollars to the wealth of the State. A system may, too, be devised which in time may be self-paying, even to the extent of returning to the State the amount advanced to pay transportation of immigrants. Your earnest attention to this subject is asked.

In this connection, and as necessary to a full understanding of the capacity of the State, a complete geological survey is advisable. There has already been some work done in this way, with a very favorable result. Enough was ascertained to make clear that the mineral wealth of Texas is not far behind the agricultural. But the practical benefit of what was done has been mostly lost by the confused state of the specimens in the geological cabinet of the State, and it is difficult now to ascertain where most of these came from. Provision should be made for a large collection of the minerals to be found by this survey, so as to enable the proper department to distribute to the national and other geological cabinets duplicates of them, which are frequently called for. I suggest that this survey and the State collection of specimens be made under the control and direction of the Commissioner of the General Land Office, where it can probably be systematized in a better and cheaper way, in connection with surveys of the public lands.

The condition of the asylums and public buildings and grounds at the capital, and of the Penitentiary, at Huntsville, will merit your consideration. The capacity of the asylums for the accommodation of the class of sufferers, to the care of which they are respectfully designed, is entirely inadequate to the present and probable immediate increase of the population of the State. There is no good reason why these unfortunates should not be considered the wards of the State, and taken care of out of the common fund. By proper care the deaf and dumb and blind can, in most cases, be educated during a short term of years to become useful members of society, and take care of themselves. This should be done by the

State, without regard to the willingness or ability of relations to pay a part or all of the cost; though, where pecuniarily able, the parents or guardians, or the patients themselves, might be required to contribute; and accommodations should be provided for all persons not too old for education, and laboring under these defects, who may be bona fide residents of the State.

In the Lunatic Asylum, even such patients as come within the limited requirements of the present law must be denied admittance, because the institution is full to overflowing. This institution is clearly one of as much necessity, on the ground of safety to the public, as the Penitentiary, and a due regard for this safety would require the confinement therein of many unfortunates whose liberty is now a constant menace to the lives of themselves and friends. However, as at the present conducted, not only are the resources of the institution too limited, but the law under which patients are admitted excludes the great mass of the insane. Whether it will be more advantageous to extend the building we now have, in conformity with the original plan, or to seek another locality, where a better supply of water may be had, is open to discussion. The views of the Board of Managers on this subject, and the general condition of the institution presented in their report of April 21, 1870, are worthy of your consideration, but it is submitted that liberal provision be made, either here or elsewhere, and without delay, for the increased wants of the State in this respect.

The Penitentiary has, until lately, been quite an expense to the State, but this is believed to have been largely the consequence of bad management. The total excess of expenditures over receipts in support of that institution (not including the salaries mentioned in Comptroller's report, page 77, table xxxviii,) since the inauguration of the Provisional State Government up to 16th November, 1869, when the present Superintendent took charge, was \$107,645 30. Under the present Superintendent it is self-sustaining. The number of convicts confined within its walls at date of Superintendent's report (10th February last) was four hundred and eighty-nine. Outside of the Penitentiary one hundred and eighty-one convicts were, on the 16th of the present month, laboring on the railroad from Brenham to Austin, under contract with the H. & T. C. R. R. Company, made under orders of General Reynolds.

The convicts at work on the railroad are not an expense to the State, but the system is considered demoralizing to the convicts, and it clearly does not tend to that improvement of their mental and moral capacity which (after the protection of the public) is the main object of the Penitentiary system. An undue proportion (28 out of a total of 259) of the convicts employed on the railroad have

managed to escape, and this because of the difficulty, under the circumstances, of maintaining that complete control and discipline necessary to their restraint.

It is recommended that these convicts be returned to the Penitentiary, and that provision be made for enlarging the capacity of that institution, and for supplying such improvements and new machinery and fixtures as will develop its usefulness to the highest capacity.

This extension and improvement of the Penitentiary will, of course, cause considerable outlay, and perhaps it may now be well to divide the convicts, and have more Penitentiaries than one. Water power (of which there is none at Huntsville, though of great importance,) and equally healthy localities can be had elsewhere. After such additions are made and fairly in use, there is reason to hope that all convicts may be made to sustain themselves within its walls. Touching these points and the general condition of the Penitentiary your attention is called to the accompanying report of Colonel N. A. M. Dudley, the present Superintendent, and the exhibits attached.

The public buildings at the capital are in need of very extensive repairs and enlargement. The Bureaus of Education and Immigration will have to be provided with suitable offices, while the other departments of the government are straightened in their accommodations (built when the public service was on a much smaller scale), and cannot make place for them.

The public grounds around the Capitol should also be improved and ornamented in a style consistent with that originally intended. They are now only public wastes.

In consideration of the possibility that the Capitol may be removed from Austin, at the election to be held in accordance with the 37th section, article III. of the Constitution, it may not be thought advisable to incur any expense of this sort until the seat of government is permanently fixed. But even in this event, or in case of division of the State, all the buildings at Austin can be made use of as a university, or high schools, or as asylums, or for other public purposes not essentially requiring location at the new capital. The report of the Chairman of Commissioners of Public Buildings and Grounds (Secretary of State), will present this subject in a more detailed form, and I recommend that his suggestions be adopted.

I would not be faithful to the trust confided in me, nor to my own sentiments, were I to omit to bring before you the matter of the sufferings of our frontier settlers on account of Indian depredations. Philanthropic people, throughout those parts of the nation where Indian reminiscences exist only in romantic story, are apt to answer all complaints of Indian atrocities by the recrimination that

these are only savage ways of redressing wrongs previously inflicted by the whites. It is not so here. The Indian tribes, which so grievously wound our frontier, travel many hundred leagues across the desert to reach us. They could originally have had no oppression or grievance to avenge, because neither the Texan settlers nor their Mexican or Spanish predecessors ever approached the native haunts of these tribes, unless in pursuit of some flying, predatory band. From time immemorial they have afflicted this country with their murderous visits. No treaty or concession can appease them, or stay their hands, and peace seems absolutely hopeless as long as one of them lives or roams at large. When annexation took place, it was anticipated that the powerful arm of the National Government would soon bring permanent relief, and that this was not the result before the late civil war is, no doubt, largely to be attributed to that same philanthropic spirit which always restrained the hand short of the only result that could be permanently effectual—extermination, or total conquest and submission. But the continuance of this war after twenty-five years of annexation, and the circumstance that the frontier settlements—for the first time in American history—are surrendered and abandoned, are facts that seem now likely to induce some decisive action on the part of the authorities having this matter especially in charge. The present efficient military commander of this department made every effort possible, with the limited resources at his command, to protect the frontier. He has urged on his superiors the establishment of a military telegraph along the frontier, and asked authority to embody, arm and equip the frontiersmen in minute companies, and to pay them when employed in scouting, or on other duty against the Indians. Short of the only remedy that can be effectual—total conquest and submission of these tribes, and their colonization on reserves far from the frontier—these arrangements seem the best calculated for protection; and it is suggested that as there may be delay in adopting them on the part of the general government, it would be well to provide for putting the plan in practice by the State government. There is no doubt that the expense of it will be a considerable addition to the burdens we must prepare to carry, but I am sure that you will agree with me that the settlers must be protected at any cost.

Incidental to this question of the frontier is presented that of a proposition to sell to the United States a part of the north-western unsettled domain, to the end that the same be appropriated as a reserve whereon to colonize the Indians of Texas and the neighboring territories. The attention of the Government of the United States to such arrangement might be asked if your body deems it expedient

to adopt this suggestion, and it is believed that a satisfactory and permanent settlement of our Indian troubles will thereby be soon effected.

You will, without doubt, esteem it within your powers and duty to encourage in every reasonable way, and with a due regard to economy, the growth of every species of manufacture and industry. Much can generally be done in this way without expenditures of the public money, or the grant of exclusive or exceptional privileges, by the passage of general laws affording adequate protection to property. Manufacturers, I believe, can be stimulated by relief from taxation for a short term of years, and the State's income not unfavorably affected thereby; and our broad and treeless prairies invite the experiment here of State encouragement to the planting of trees, which seems to have succeeded well in States similarly conditioned.

Among the most important interests in our State and one to which this necessity for protection more especially applies is that of stock raising. It is estimated that Texas can supply at this time a million of beeves for consumption beyond the State, besides other stock, and under proper encouragement the supply can be largely increased. There has been some unfriendly discrimination against Texas cattle on the part of the authorities of neighboring States, on the charge that our cattle, healthy at home, introduce contagious diseases when driven abroad. However, it is believed that the real motive for this pretence is beginning to be understood, and that the intelligence of those States will soon remove these obstacles to the freedom of commerce. But while the prospects of the stock-raiser are thus improving abroad, the laws for the protection of his property at home are very defective. During the disturbances of late years practices have become common in regard to herding, branding, killing and selling cattle which well nigh destroy all safety for this kind of property. The laws now on the statute books do not provide an adequate remedy for this grievance, and a thorough revision and adaptation of these laws to existing wants is respectfully urged.

Other subjects must receive your immediate attention as essential to the complete re-organization of the State government, and among those which are of sufficient importance to require special notice, I will refer to the organization and appointment of boards of registry of voters, and of judges of elections; the appointment of officers to fill vacancies where the law or constitution does not now provide therefor; to provide for removals and appointments to municipal offices until elections can be held in the respective cities and towns; to provide for and fix time and manner of elections for such officers as are made elective; to provide for the "trial, punish-

ment and removal from office" of the class of officers referred to in section 6, article VIII, and to divide the State into convenient judicial districts, so that the appointment of district judges may be made. Some of these matters are partially provided for in existing laws, which are defective, and should be revised. I here also refer you to the report of the Attorney General, touching especially some suggestions made in regard to suits and prosecutions on behalf of the State, and modifications or amendments to the criminal code.

I have reserved, to the closing of my message, the discussion of the question of finance, as we can better understand what has to be done in this respect, after a review of the various demands that must be provided for. It is not possible, under the circumstances, to make even a fair approximation to an estimate of the expenses of our State government in the future, but it is safe to look to a very large increase of expenditure, even with the greatest care and economy. The population of the State is thought to be near double that of 1860, and the expense of government seems to increase in geometrical proportion to the addition of population of a State. Without more than the school system, the increased judiciary, and the Immigration Bureau provided in the new Constitution, and the necessary police and militia organization, an expense of near \$1,500,000 must be expected, and provision must be made to procure the necessary funds for these purposes by taxation. The amount necessary for each purpose will altogether depend upon the plan adopted respectively. It is not likely, however, that, on the whole, the ordinary expenditures will be less than the sum indicated.

If it is concluded to give the State aid to any work of internal improvement, then a corresponding addition to expenditure may be looked for; it being made by the Constitution the duty of your body in providing for any such work to also enact a law creating adequate means for payment of interest, and two per cent. of principal, annually.

The amount of cash on hand on the third of September, 1867, (when the late provisional government took charge) was \$20,232 26; receipts from that date to sixteenth inst., inclusive, were \$1,384,191 80; total expenditures from the third of September, 1867, to sixteenth inst., \$1,024,851 31. The amount of cash in the treasury, including balance of Convention fund, but exclusive of school and other special funds, on the sixteenth day of the current month, was \$2952 97 in specie, and \$413,746 92 in currency. Of this amount there is covered by appropriations made under military order since March 1, 1870, the sum of \$37,127 14 currency, which, with the sum of \$8193 03 not accounted for by Mr.

J. T. Allan, late State Treasurer, should be deducted from above total, thus leaving \$2,952 97 specie, and \$368,426 75 in the Treasury subject to appropriation for support of the State Government.

The debt of the State is small. Under the act of November 12, 1866, above alluded to, 5 per cent. State bonds, to amount of \$82,168 82 were issued to the School Fund, and \$134,472 26 of same bonds to the University Fund. If this act is to be respected the State is so much indebted to the School Fund. The only other indebtedness is that of the ten per cent. warrants issued before the late war, and not excluded under the 34th Sec., Act XII, General Provisions. It will require some investigation to ascertain what amount of these warrants are valid claims against the State, but this cannot be considerable.

Texas may therefore, substantially, be said to be out of debt.

It will be noticed that in the Comptroller's report of assets the accounts bear from year to year the items "Special School Fund," \$79,409 50, "University Land Sale," \$10,300 41," and "6 per cent. manuscript State bonds" for School Fund, \$320,367 13. These items represent State warrants or State bonds issued during the war, and representing obligations which are now void, should no longer be borne on the Comptroller's reports. But the Comptroller considers it his duty to continue them until the Legislature directs otherwise.

The whole system of collection of revenue must be revised and made more effective. The Constitution has made considerable change in respect to the manner of collecting the land tax, and it is to be hoped that a system may be devised that will secure a larger share of collections from the taxes on this class of property than has heretofore been the case. Under Section 22, Article XII, you are required at once to provide for the condemnation and sale of all lands or taxes due. On this particular question, as well as the general regulation of the manner of collecting the taxes, I recommend favorably to your examination the suggestions contained in the two communications to me from Hon. A. Bledsoe, the Comptroller, of 20th inst., copies of which are herewith placed before you. Your attention is also called to the biennial report of the late Comptroller of August 31, 1869, with appendices, and the annual report of the late Treasurer, Hon. John T. Allan, now laid before you. Therein the condition of the finances, school and other special funds, and of the railroads is more fully presented.

This report from the Comptroller, and similar reports from all other officers, should hereafter be made annually, in conformity with the Constitutional provision for annual sessions of the Legislature.

Finally, gentlemen, I trust that in these and other matters that will come before you, your deliberations will result in the establishment of security and harmony within our State, and the general prosperity and happiness of our fellow-citizens.

EDMUND J. DAVIS,
Governor.

Senator Fountain offered the following as a substitute to motion of Senator Pridgen:

Resolved, That the Committee on Printing be instructed to have printed ——— copies of the Governor's Inaugural, Message and accompanying documents for the use of the Senate, and ——— copies printed in English, German and Spanish.

Senator Parsons moved to fill the blanks as follows:

“Ten thousand copies; seven thousand copies in English, twenty-five hundred copies in German, and five hundred copies in Spanish.
Carried.

Senator Priest offered the following amendment proviso:

Provided, That one-half of the above number shall be reserved for the use of the Bureau of Immigration.

Senator Douglas offered the following substitute:

Resolved, That (3000) three thousand copies of the Governor's message and accompanying documents be printed for the use of the Senate.

Senator Parsons moved to reconsider amendment by striking out after inaugural address and message the words “accompanying documents and (500) five hundred copies accompanying documents.

Yeas and nays called for.

Vote as follows:

Yeas—Messrs. Flanagan, Fountain, Hall, Hertzberg, Parsons, Rawson, Ruby—7.

Nays—Alford, Bacon, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Ford, Gaines, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Saylor, Shannon—19.

Resolution lost.

Senator Fountain moved to reconsider the vote filling blanks:

Carried.

Senator Baker offered the following:

To fill the blank by inserting (3000) three thousand printed in

English, (1500) fifteen hundred printed in German, and (500) five hundred printed in Spanish.

Yeas and nays called for.

Result as follows :

Yeas—Messrs. Baker, Bowers, Clark, Flanagan, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor—20.

Nays—Messrs. Alford, Bell, Broughton, Dohoney, Douglas, Shannon—6.

Resolution carried.

Senator Fountain moved to amend original resolution by striking out the words accompanying documents.

Carried.

Original resolution as follows was then carried :

Resolved, That the Committee on Printing be instructed to have printed five thousand (5,000) copies of the Inaugural Address and Message of His Excellency, the Governor.

3,000 copies to be printed in English,

1,500 copies to be printed in German,

500 copies to be printed in Spanish.

Senator Ruben offered the following :

Moved, that the report of Committee on Rules be printed and laid on the member's desks to-morrow, as the special order of business at 1 o'clock, P. M.

Which motion was lost.

Senator Fountain offered the following :

Resolved, That the President of the Senate be and he is hereby authorized to appoint pages and porters whenever he shall deem such appointment necessary.

Carried.

Senator Priest offered the following resolution :

WHEREAS, It has to some extent prevailed, as a custom in legislative assemblies, to elect Chaplains, as a demonstration of reverence and dependence on the Great Ruler and Lawgiver of the Universe, and

WHEREAS, In making such elections, some are necessarily preferred, to the exclusion of others, and thus, to some extent, exciting denominational rivalry, and perhaps jealousy, and this in connection with the officers of the State. And

WHEREAS, Such demonstrations are more formal than is consistent with deep and fervent piety, and often made the subject of light remarks, to the prejudice of religion, therefore

Resolved, That the Senate dispense with this formality, and as a body, at the beginning of the responsible and arduous duties devolving

upon us, we fully realize and recognize our dependence on God as the Great Ruler of nations, and look to him for aid, support, wisdom and guidance, toward us individually, and as a Senate, that we may be enabled so to act that he may be glorified, and the best interest of all the citizens of the Great State we represent, may be promoted and secured.

Senator Parsons offered the following substitute :

Resolved, That the clergy of this city be invited in routine, as adjusted by the Secretary of this Senate, to officiate in the position of chaplain of this body.

Senator Priest moved to lay the substitute upon the table.

Yeas and nays called for.

Result as follows :

Yeas—Messrs. Alford, Baker, Bell, Bowers, Clark, Cole, Douglas, Fountain, Gaines, Hertzberg, Mills, Priest, Saylor, Shannon—14.

Nays—Messrs. Broughton, Dohoney, Flanagan, Ford, Hall, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby—11.

Senator Flanagan moved to lay the original resolution by Senator Priest upon the table.

Carried.

Senator Saylor offered the following resolution :

Resolved, That the Senate will, at eleven o'clock, A. M., on Saturday, the thirtieth day of April, 1870, proceed to the election of a chaplain.

Senator Alford moved to lay the resolution upon the table.

Yeas and nays called for.

Result as follows :

Yeas—Alford, Baker, Bell, Broughton, Clark, Fountain, Gaines, Hertzberg, Priest, Shannon—10.

Nays—Bowers, Cole, Dohoney, Douglas, Flanagan, Ford, Hall, Mills, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor—15.

Motion to table resolution lost.

Senator Bowers moved to adopt the resolution.

Yeas and nays called for.

Result as follows :

Yeas—Messrs. Bowers, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Pridgen, Ruby, Saylor—15.

Nays—Alford, Baker, Bell, Broughton, Clark, Fountain, Hertzberg, Priest, Rawson, Shannon—10.

Resolution was carried.

The President announced the reception of a communication from the House as follows, by chief clerk :

Resolved, That a joint committee of two senators and three representatives be appointed from the Senate and House of Representatives to fix and report the distances by which the mileage of members of both Houses shall be computed.

Senator Priest moved to concur with House resolution, and a committee of two be appointed.

Carried.

The Chair appointed Senators Fountain and Mills on said committee.

Senator Parsons requested that for the information of the Senate the following telegraphic dispatch be read from the Mayor and other citizens of Houston :

Houston, April 28, 1870.

HON. W. H. PARSONS :

A telegram appears in the Galveston News stating that the Legislature is disposed to remove to Houston for the session. Is this true? If so we can guarantee all necessary buildings and accommodations, and will be in all respects as liberal as can be asked.

J. R. MORRIS,
A. B. HALL,
J. C. C. WINCH, and others.

Senator Bowers moved to adjourn until four o'clock this P. M.
Carried.

SENATE CHAMBER,
Four o'clock, P. M., April 29, 1870.

Senate met pursuant to adjournment.

Roll call.

Quorum present.

Senator Fountain moved that the Senate take a recess until five o'clock, P. M.

SENATE CHAMBER,
Five o'clock, P. M.

Senate met at five o'clock.

Roll call.

No quorum present.

Senator Bell moved to adjourn until to-morrow at ten o'clock.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, April 30, 1870.

Senate met pursuant to adjournment.

President, Don Campbell, presiding.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The President announced that members who have not qualified come forward and file their oaths.

Senator Pyle then filed his oath.

Senator Priest moved that Judge J. H. Latimer be invited to a seat on the Senate floor.

Senator Priest withdrew his motion.

Senator Bell moved that the rules regulating the Senate, as reported, be taken up.

Carried.

Senator Clark moved the Senate go into a Committee of the Whole.

Carried.

Senate went into committee of the whole.

[Senator Fountain in the chair.]

Committee arose, reported progress, and asked to sit at 11 30 A. M

The hour set, on motion of Senator Saylor, to go into an election for a Chaplain of the Senate having arrived, the President announced nominations in order.

Senator Fountain nominated Rev. J. W. Tays.

Senator Alford nominated Rev. Antonio Barajo.

Senator Clark nominated Rev. Mr. Rodgers.

Senator Bowers nominated Rev. Mr. Buffington.

Senator Dohoney nominated Rev. Mr. Thomas.

The Chair appointed Senators Saylor and Flanagan tellers.

Vote as follows :

Rev. J. W. Tays received	17	votes
Rev. Mr. Buffington "	4	"
Mr. Barajo "	1	"
Rev. Mr. Rodgers "	3	"
Rev. Mr. Thomas "	2	"

Rev. Mr. Tays having received the majority of the votes cast was declared duly elected Chaplain of the Senate.

Senator Douglas offered the following resolution :

Resolved, That the Senate dispense with the office of Assistant Post Master during the current session.

Which resolution was withdrawn.

Senator Bowers offered the following resolution :

Resolved, That the President of the Senate be requested to furnish the Senate with a list of officers now serving in the Senate, whether elected or appointed.

Which resolution was withdrawn.

Senator Parsons offered the following resolution :

Resolved, That the Hon. T. V. Coupland, a member of the Senate of the Legislature of our sister State of Louisiana, now in this city, be extended the courtesy of an invitation within the bar of the Senate chamber of Texas.

Senator Saylor moved the adoption of the resolution.

Senator Bowers moved to a point of order.

The Chair decided the motion in order, and the resolution was adopted.

Senator Priest moved that as the hour had arrived as fixed, the Senate go into a committee of the whole.

The Senate then went into committee of the whole.

Message from the Governor announced.

President took the chair.

Message read.

The President announced the reception of communications from the Governor, as follows :

EXECUTIVE OFFICE,
Austin, April 30, 1870.

TO THE HON. SENATE
of the State of Texas:

Gentlemen :

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

James P. Newcomb, Secretary of State.

Respectfully, EDMUND J. DAVIS, Governor.

EXECUTIVE OFFICE,
Austin, April 30, 1870.

TO THE HON. SENATE
of the State of Texas :

Gentlemen :

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

Joseph W. Talbot, Superintendent of Public Instruction.

Respectfully, EDMUND J. DAVIS, Governor.

Senator Flanagan moved the communications be laid over until they can be referred to the Committee on Nominations.

Carried.

Senate went into Committee of the Whole.

Committee rose, reported progress, and asked leave to sit on Monday at 11 A. M.

Carried.

Senator Bowers moved that the following rules be adopted :

RULE 79.—All committees shall be appointed by the presiding officer, unless otherwise directed by the Senate.

RULE 80.—The following standing committees shall be appointed at the commencement of each session :

A Committee on Judiciary.

A Committee on Internal Improvements.

A Committee on Penitentiary.

A Committee on Private Land Claims.

A Committee on Education.

A Committee on Immigration.

A Committee on Finance.

A Committee on Militia.

A Committee on Public Lands.

A Committee on State Affairs.

[To consist of not less than five members.]

A Committee on Privileges and Elections.

A Committee on Counties and County Boundaries.

A Committee on Roads, Bridges and Ferries.

A Committee on Claims and Accounts.

A Committee on Contingent Expenses.

A Committee on Nominations by the Governor.

A Committee on Printing.

[To consist of not less than three members.]

A Committee on Federal Relations.

[To consist of not less than five members.]

A Committee on Public Buildings.

A Committee on Public Debt.

A Committee on Land Office.

A Committee on Indian Affairs and Frontier Protection.

A Committee on Stock and Stock Raising.

A Committee on Retrenchment and Reform.

A Committee on Agricultural Affairs.

A Committee on Engrossed Bills.

A Committee on Enrolled Bills.

[To consist of not less than three members.]

A Committee to examine Comptroller's and Treasurer's offices, and that no such committee shall consist of more than nine members.

RULE 81—Any member may excuse himself from serving on a committee at the time of his appointment if he is already a member of three standing committees.

Senator Alford moved the Senate adjourn until ten o'clock, A. M., Monday.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 2, 1870.

Senate met pursuant to adjournment.

President Don Campbell presiding.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted

Senator Flanagan moved to reconsider rule 81.

Carried.

Senator Flanagan then moved to strike out rule 81.

Carried.

By instructions from the President the Secretary announced the following committees :

COMMITTEE ON JUDICIARY.

Priest.....	Chairman
Parsons	Member
Bowers.....	Member
Dohoney,.....	Member
Alford	Member
Ruby	Member
Pickett.....	Member

INTERNAL IMPROVEMENTS.

Flanagan.....	Chairman
Parsons	Member
Mills.....	Member
Cole.....	Member
Bell.....	Member
Douglas.....	Member
Baker.....	Member
Saylor.....	Member
Pyle.....	Member

PENITENTIARY.

Hall.....	Chairman
Ford.....	Member
Gaines	Member
Clark.....	Member
Latimer.....	Member

PRIVATE LAND CLAIMS.

Pridgen.....	Chairman
Clark.....	Member
Ford.....	Member
Bowers.....	Member
Rawson.....	Member

EDUCATION.

Pettit.....	Chairman
Hertzberg.....	Member
Rawson.....	Member
Broughton.....	Member
Pridgeon.....	Member
Dohoney.....	Member
Cole.....	Member

IMMIGRATION.

Parsons.....	Chairman
Pickett.....	Member
Hertzberg.....	Member
Pettit.....	Member
Evans.....	Member
Rawson.....	Member
Pyle.....	Member

FINANCE.

Mills.....	Chairman
Ford.....	Member
Evans.....	Member
Saylor.....	Member
Dohoney.....	Member

MILITIA.

Hertzberg.....	Chairman
Ruby.....	Member
Rawson.....	Member
Shannon.....	Member
Hall.....	Member
Clark.....	Member
Mills.....	Member

PUBLIC LANDS.

Alford.....	Chairman
Evans.....	Member

Fountain	Member
Ruby	Member
Broughton	Member

STATE AFFAIRS.

Parsons	Chairman
Priest	Member
Pickett	Member
Pettit	Member
Douglas	Member

PRIVILEGES AND ELECTIONS.

Baker	Chairman
Hertzberg	Member
Cole	Member
Gaines	Member
Clark	Member

COUNTIES AND COUNTY BOUNDARIES.

Bell	Chairman
Latimer	Member
Gaines	Member

ROADS, BRIDGES AND FERRIES.

Bell	Chairman
Cole	Member
Flanagan	Member

CLAIMS AND ACCOUNTS.

Rawson	Chairman
Pyle	Member
Priest	Member

CONTINGENT EXPENSES.

Mills	Chairman
Priest	Member
Pickett	Member
Ruby	Member
Shannon	Member

NOMINATIONS BY THE GOVERNOR.

Parsons	Chairman
Broughton	Member
Fountain	Member

PRINTING.

Fountain.....	Chairman
Douglas.....	Member
Saylor.....	Member

FEDERAL RELATIONS.

Alford ..	Chairman
Flanagan.....	Member
Latimer.....	Member
Ford.....	Member
Bowers.....	Member

PUBLIC BUILDINGS.

Saylor.....	Chairman
Bowers.....	Member
Fountain.....	Member

PUBLIC DEBT.

Pettit.....	Chairman
Douglas.....	Member
Baker.	Member

LAND OFFICE.

Ford.....	Chairman
Alford.....	Member
Evans.....	Member

INDIAN AFFAIRS AND FRONTIER PROTECTION.

Fountain	Chairman
Hertzberg	Member
Gaines	Member
Pyle.....	Member
Shannon	Member
Bowers.....	Member
Broughton	Member

STOCK AND STOCK RAISING.

Flanagan	Chairman
Bell	Member
Shannon	Member
Baker ..	Member
Latimer	Member

RETRENCHMENT AND REFORM.

Saylor	Chairman
Pickett	Member
Pettit	Member

AGRICULTURAL AFFAIRS.

Baker	Chairman
Shannon	Member
Pridgen	Member

ENGROSSED BILLS.

Ruby	Chairman
Dohoney	Member
Hall	Member

ENROLLED BILLS.

Pridgen	Chairman
Douglas	Member
Priest	Member

EXAMINE COMPTROLLER'S AND TREASURER'S ACCOUNTS.

Hall	Chairman
Bowers	Member
Broughton	Member
Pyle	Member
Mills	Member
Pridgen	Member
Alford	Member

Senator Fountain moved that the Committee on Printing be requested to have the names of the several committees printed on slips of paper, and placed upon the desks of the members.

Carried.

Senator Pettit moved that the question of seats be settled.

Senator Cole moved that the Senators retain the seats they now occupy.

Carried.

Senator Latimer offered the following resolution :

1. *Resolved*, That the Senate do now proceed, in accordance with the provisions of article three, section eight of the Constitution, to classify the terms of office of the respective members.

2. *Resolved*, That the drawing be by districts, and that the roll

for this purpose be called accordingly, beginning at the first and following up the calling in regular order.

Which motion was carried.

Senator Flanagan offered the following:

That the Sergeant-at-Arms be instructed to procure thirty white marbles, numbered 2, 4 and 6, equally divided.

Senator Douglas offered as an amendment that one of the pages draw for the members.

Accepted and carried.

Senator Parsons moved that the same be the special order of the day for 12 M. to-day.

Which motion was carried.

Senator Priest offered a bill as follows:

“An act for the benefit of freedmen and freedwomen.”

Which was read first time.

Senator Parsons moved that the Senate go into a committee of the whole.

Carried.

[Senator Fountain in the Chair.]

Committee of the whole arose and reported the adoption of rules under consideration, and asked to be discharged.

The hour having arrived of special order of business.

Senator Fountain moved the special order be postponed until 12½ o'clock P. M.

Senator Pickett moved to amend rules as reported by Committee of the Whole, by inserting as rule 76 the following:

A bill or resolution having been indefinitely postponed shall not be acted on during the same session, nor shall any other bill or resolution containing the same substance be passed into law during the same session.

Carried.

Senator M. Priest moved to reject rule 52 as reported by the Committee, and adopt the old rule, with the comma between the words “Senate” and “to” stricken out.

Which motion was lost.

Senator Bowers moved that the rules as amended be adopted.

Carried.

RULES, ETC.

QUORUM.

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. [Con., Art. 3, Sec. 15.]

2. In case a less number than a quorum shall convene, the members present may send the Sergeant-at-Arms, or any other person or persons, for any or all absent members.

ABSENTEES.

3. No member shall absent himself from the services of the Senate without leave unless he be sick or unable to attend.

4. A call of the Senate may be demanded by five members; and if there be any absent, the names of the absentees shall be called again; if they do not answer, the Sergeant-at-Arms, or a special messenger, may be sent for them; and the question pending shall be, without a motion, laid on the table until the absentees appear, or the call be suspended.

OFFICERS OF THE SENATE.

5. The Lieutenant-Governor of the State shall, by virtue of his office, be President of the Senate. [Constitution, Article 4, Section 15.]

6. When the Lieutenant-Governor does not attend to preside, the Senate shall elect one of their own members as President for the time being. [Con., Art. 4, Sec. 15.]

7. The Lieutenant-Governor, or President for the time being, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

8. The presiding officer shall have control of such parts of the Capitol as have been, or may be, set apart for the use of the Senate and its officers.

9. A Secretary, Assistant Secretary, Sergeant-at-Arms, Door-keeper, and Enrolling and Engrossing Clerks, and such other officers as a majority vote may determine to be necessary, shall be elected the first session of the Legislature, to continue in office until discharged by order of the Senate.

OPEN DOORS.

10. The doors of the Senate shall be kept open, except upon a call of the house, and when there is an executive session. [Constitution, article 3, section 22.]

ORDER OF BUSINESS.

11. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

12. The names of the Senators shall be called alphabetically; should a quorum not be in attendance, a majority of those present

shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum assembled, the journal of the preceding day shall be read, and corrected if necessary. [Constitution, article 3, section 15.]

13. The presiding officer shall then call—

- 1st. For Petitions and Memorials;
- 2d. For Reports from Standing Committees;
- 3d. For Reports from Select Committees;
- 4th. For Bills and Resolutions;

which shall be disposed of in the order in which they were presented, unless otherwise directed by the Senate.

14. The unfinished business in which the Senate was engaged at its last preceding adjournment, if any there be, shall then be disposed of.

15. The Special Orders of the Day shall then be taken up and disposed of; after which the Senate shall proceed with the business on the table.

DECORUM AND DEBATE.

16. When a Senator is about to speak in debate, or to communicate any matter to the Senate, he shall address the presiding officer, standing in his place; and when he has finished shall sit down.

17. When two or more members rise at the same time, the presiding officer shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

18. No member shall speak more than once in any one debate until every member designing to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

19. When a member shall be called to order by the presiding officer, or by a Senator, he shall sit down until the question of order be decided; if the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

20. If a member be called to order for using exceptionable words, they shall be immediately taken down in writing, that the presiding officer may be better enabled to judge of them.

21. Every question of order shall, in the first instance, be decided by the presiding officer, from whose decision any member may appeal to the Senate.

22. The presiding officer may call for the opinion of the Senate on any question of order.

23. While the presiding officer is putting a question, or addressing the Senate, he shall not be interrupted.

24. While a member is speaking, no other member shall interrupt

him, except by leave, to explain; nor shall a member speak to any one, or walk across the floor, or otherwise interrupt the business of the Senate. No smoking shall be allowed in the Senate Chamber during the session of the Senate.

25. When a question is under debate, no motion shall be received except—

- 1st. To adjourn;
- 2d. To reconsider;
- 3d. For the previous question;
- 4th. To lay on the table;
- 5th. To postpone indefinitely;
- 6th. To postpone to a time certain;
- 7th. To commit; or
- 8th. To amend;

which several motions shall have precedence in the order in which they stand arranged.

26. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn.

27. The Senate may punish any member for disorderly conduct, and, with the consent of two-thirds, may expel a member; but not a second time for the same offense. [Constitution, article 3, section 16.]

28. The Senate, during its session, may imprison for forty-eight hours any person not a member for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. [Constitution, article 3, section 21.]

29. Any member who shall receive or offer a bribe, or who shall suffer his vote influenced by promise of preferment or reward, shall, on conviction, be expelled. [Constitution, article 3, section 22.]

BILLS.

30. Every bill shall be read in the Senate on three several days, and free discussion allowed thereon, before it shall have the force of a law: unless, in case of great emergency, four-fifths of the members present may deem it expedient to dispense with this rule. [Constitution, article 3, section 24.]

31. The presiding officer shall, at each reading, announce whether the bill originated in the Senate or in the House of Representatives; and whether it be the first, second, or third reading.

32. The first reading of the bill shall be for information, but it may then be rejected; if no motion be made to reject, it shall then be read by its caption and referred.

33. No bill shall be committed, or amended, until it shall have been twice read.

34. Upon the second reading of a bill it shall be subject to commitment or amendment.

35. The final question upon the second reading of a bill originating in the Senate shall be, "*Whether it shall be engrossed and read a third time.*"

36. The final question upon the second reading of a bill that originated in the House of Representatives shall be, "*Whether it shall pass to a third reading.*"

37. No amendment shall be received at the third reading of a bill without the consent of two-thirds of the members present.

38. It shall be in order, at the third reading of a bill, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill shall be considered as on its second reading.

BILLS THAT HAVE PASSED THE SENATE AND BEEN AMENDED IN THE HOUSE OF REPRESENTATIVES.

39. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate, and been sent to the House, said substitute shall be acted on by the Senate, in the same manner as a bill that originated in the House of Representatives.

40. When a bill that originated in the Senate shall be returned by the House of Representatives, with amendments, said bill shall be subject to commitment, and the same rules that govern bills on a second reading.

RESOLUTIONS.

41. Every resolution that requires the approval of the Governor, shall be subject to the rules that govern the proceedings on bills.

42. All resolutions except those named in the 41st and 68th rules, shall be acted on, upon their introduction.

AMENDMENTS TO THE CONSTITUTION.

43. All amendments proposed to the Constitution shall be subject to the rules that govern the proceedings on bills, except that they shall, in all cases, be read on three several days, and shall only be passed by a vote of two-thirds of the Senate. [Con. Art. 12, Sec. 50.]

44. When a proposed amendment to the Constitution may be under consideration, the votes of the majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question short of the final question.

MOTIONS.

45. No motion shall be debated until it shall have been seconded.
46. All motions shall be reduced to writing and read by the secretary, if desired by the presiding officer or any Senator present.
47. After a motion has been stated by the presiding officer, or read by the secretary, it shall be deemed to be in the possession of the Senate; but it may be withdrawn at any time before it has been amended or decided.
48. On motion to fill a blank, the largest sum and the longest time shall have precedence.
49. Any member may have the question before the Senate divided, if it be susceptible of a division into distinct questions.
50. A motion to strike out being lost, shall not preclude a motion to amend or to strike out and insert.
51. No motion to postpone, or to commit, having been once decided, shall be again allowed on the same day, at the same stage of a bill or other questions before the Senate.
52. No motion to admit any person whomsoever within the bar of the Senate shall be in order.

PETITIONS AND MEMORIALS.

53. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief verbal statement of its contents shall be made by the person presenting it.

PROTESTS.

54. Any member shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for dissent entered on the journals. [Con. Art. 3. Sec. 18.]

REPORTS.

55. All reports shall be in writing.
56. It shall be in order for the committees on Engrossed and Enrolled Bills to report at any time.
57. All reports, except reports from the committees on Engrossed and Enrolled Bills, shall, after being read, lie on the table one day for consideration, unless committed.
58. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the secretary as having been read the first time.

COMMITMENT.

59. Motions in writing, reports, and all resolutions, except such

as require the approval of the Governor, may be committed at the pleasure of the Senate.

60. When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order :

- 1st. To a committee of the whole Senate.
- 2d. To a standing committee.
- 3d. To a select committee.

RECONSIDERATION.

61. After a question shall have been decided in the affirmative or negative, any member who voted with the majority may, on the day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof, unless the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have passed out of the possession of the Senate.

62. In all cases, a motion to reconsider shall be decided by a majority of the votes.

READING OF PAPERS.

63. When the reading of a paper is called for by a member, it shall be read, unless the Senate object.

QUESTIONS—MODE OF STATING AND VOTING ON.

64. All questions shall be distinctly put by the presiding officer, and the members shall signify their assent or dissent by answering "yea" or "nay."

EQUAL DIVISION OF THE SENATE.

65. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. [Con. Art. 4, Sec. 15.]

66. The President of the Senate for the time being shall not, by virtue of his office, be entitled to give the casting vote in any case.

67. If the Senate be equally divided on any question or motion when the Lieutenant Governor is not present, such question or motion shall be lost.

YEAS AND NAYS.

68. On the call of three members for the yeas and nays on any question, they shall be taken; and each member, upon his name being called, unless excused by the Senate, shall, without debate, answer "yea" or "nay." [Con., Art. 3, Sec. 14.]

69. Upon the final passage of all amendments proposed to the

Constitution; of all bills or joint resolutions appropriating money or lands for any purpose; and of all other questions that require a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the journal. [Con., Art. 3, Sec. 24.]

70. At the desire of any three members present, the yeas and nays shall be entered on the journal; and the names of the members not voting shall be recorded immediately after those voting in the affirmative and negative. [Con., Art. 3, Sec. 17.]

TWO-THIRDS VOTE—ON WHAT QUESTIONS REQUIRED.

71. A vote of two-thirds of the Senate shall be required for the final passage of amendments to the Constitution. [Con., Art. 12, Sec. 50.]

Bills making appropriation for private or individual purposes, or for purposes of internal improvement. [Con., Art. 12, Sec. 6.]

Bills exempting property from taxation. [Con., Art. 12, Sec. 29.]

Bills creating private corporations.

Bills to revoke or repeal private corporations.

Bills to authorize the State to borrow money.

Bills that have been returned by the Governor with his objections. [Con., Art. 4, Sec. 25.]

Bills to reduce a county to a less area than nine hundred square miles. [Con., Art. 12, Sec. 24.]

An address to the Governor for the removal of a Judge of the Supreme or District Court, or any other civil officer. [Con., Art. 12, Sec. 41.]

In cases of impeachment, a vote of two-thirds shall be required to convict. [Con., Art. 8, Sec. 3.]

No amendment shall be received at the third reading of a bill without the consent of two-thirds present. [Sec R. 37.]

Order of business shall not be postponed or changed without a two-third vote. [Sec R. 73.]

No rule of the Senate shall be suspended unless by a vote of two-thirds. [Sec R. 72.]

A two-thirds vote is necessary for the expulsion of a member. [Con., Art. 3, Sec. 16.]

SUSPENSION AND REVISION OF THE RULES.

72. It shall require a vote of four-fifths of the Senate to suspend the rule requiring bills to be read on three several days; and no other rule of the Senate shall be suspended, unless by the votes of two-thirds of the members present. [Con., Art. 3, Sec. 24.]

73. The order of business, as established by the rules of the Senate; shall not be postponed or changed, except by a vote of two-thirds of the members present.

74. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

REJECTION OF BILLS, RESOLUTIONS AND MOTIONS.

75. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session. [Con., Art. 3, Sec. 26.]

76. A bill or resolution having been indefinitely postponed shall not be acted on during the same session; nor shall any other bill or resolution containing the same substance be passed into law during the same session.

ELECTIONS.

77. In all elections by the Senate the vote shall be given *viva voce*, except in the election of officers of the Senate. [Con., Art. 11, Sec. 4.]

78. A majority of the whole number of votes shall be necessary for a choice in all elections by the Senate.

COMMITTEES.

79. All committees shall be appointed by the presiding officer, unless otherwise directed by the Senate.

80. The following standing committees shall be appointed at the commencement of each session :

1. A Committee on the Judiciary.
2. A Committee on Internal Improvements.
3. A Committee on Penitentiary.
4. A Committee on Private Land Claims.
5. A Committee on Education.
6. A Committee on Immigration.
7. A Committee on Finance.
8. A Committee on the Militia.
9. A Committee on Public Lands.
10. A Committee on State Affairs.
[To consist of not less than five members.]
11. A Committee on Privileges and Elections.
13. A Committee on Roads, Bridges and Ferries.
12. A Committee on Counties and County Boundaries.
14. A Committee on Claims and Accounts.
15. A Committee on Contingent Expenses.

16. A Committee on Nomination by the Governor.
17. A Committee on Printing.
[To consist of not less than three members.]
18. A Committee on Federal Relations.
[To consist of not less than five members.]
19. A Committee on Public Buildings.
20. A Committee on Public Debt.
21. A Committee on Land Office.
22. A Committee on Indian Affairs and Frontier Protection.
23. A Committee on Stock and Stock-raising.
24. A Committee on Retrenchment and Reform.
25. A Committee on Agricultural Affairs.
26. A Committee on Engrossed Bills.
27. A Committee on Enrolled Bills.

[To consist of not less than three members.]

28. A Committee to examine Comptroller's and Treasurer's Accounts, and that no such committee shall consist of more than nine members.

COMMITTEE OF THE WHOLE.

81. It shall be in order for the Senate, at any time after bills and resolutions have been called for, to resolve itself into committee of the whole.

82. In forming a committee of the whole Senate, the presiding officer shall leave the Chair, and shall appoint a chairman to preside in committee.

83. When in committee of the whole, the Lieutenant-Governor shall have a right to debate and vote on all questions. [Con. Art. 4, Sec. 5.]

84. The rules of the Senate, as far as applicable, shall be observed in committee of the whole.

85. Upon bills committed to a committee of the whole Senate, the bill shall be first read throughout by the Secretary, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined: but all amendments, noting the page or line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report, the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

NOMINATIONS BY THE GOVERNOR.

86. When nominations shall be sent to the Senate by the Governor, the same shall be referred to the Committee on Nominations by the Governor, a future day shall be assigned for hearing the report

and acting thereon, unless the Senate unanimously direct otherwise.

87. Nominations shall only be acted on in executive session.

88. All nominations approved, or definitely acted on by the Senate, shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

EXECUTIVE SESSION.

89. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons, except the secretaries, Door-keeper and Assistant Door-keeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms, who shall keep secret the proceedings of such session, until the injunction of secrecy is removed by a unanimous vote of the Senate.

90. All information or remarks touching the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

91. Any officer or member convicted of violating any provision of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate; and if a member, to expulsion.

MESSAGES.

92. Messages, bills, resolutions, and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

93. Messages may be received at any time except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

JOURNAL OF THE SENATE.

94. The proceedings of the Senate when not in committee of the whole or in executive session, shall be entered on the Journal as concisely as possible—care being taken to detail a true and accurate account of the proceedings; the titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals; every report of a committee and vote of the Senate; and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted on the Journal.

95. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the Journals. [Con. Art. 4, Sec. 25.]

96. The proceedings of the Senate when in executive session, acting upon nominations made by the Governor, shall be kept in a separate and distinct book.

ADJOURNMENT.

97. A motion to adjourn shall always be in order, and shall be decided without debate.

98. The Senate shall not adjourn for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. [Con. Art. 3, Sec. 23.]

ADMISSION OF PERSONS WITHIN THE BAR OF THE SENATE CHAMBER.

99. The Governor and ex-Governor of the State, the ex-Presidents of the Republic of Texas, the members of the House of Representatives, and such other persons as the presiding officer, or any member of the Senate, may invite within the bar of the Senate Chamber, shall be supplied with seats therein.

100 The presiding officer of the Senate shall decide all questions not provided for by the standing rules and orders of the Senate, and joint rules and orders of both branches of the Legislature, according to parliamentary practice as laid down by modern approved authors, subject to appeal to the Senate, as in other cases.

Senator Saylor offered the following resolution:

Resolved, That one hundred and fifty copies of the Senate rules be printed for the use of the Senate, and that the Committee on Rules be requested to superintend the printing thereof.

Carried.

President announced the hour had arrived for special order.

Senate then proceeded to the drawing of terms of office, with the following result:

DISTRICT.	NAME.	NO. OF YEARS.
First	E. B. Pickett	Four years
Second	Amos Clark.	Four years
Third	M. Priest	Two years
Fourth	E. Pettit	Two years
Fifth	Webster Flanagan	Four years
Sixth	J. P. Douglas	Two years
Seventh	Henry Rawson	Six years
Eighth	Don Campbell	Six years
Ninth	H. R. Latimer	Six years
Tenth.	D. W. Cole	Four years
Eleventh	E. L. Dohoney	Four years
Twelfth	G. T. Ruby	Six years
Thirteenth	John G. Bell	Two years
Fourteenth	W. H. Parsons	Two years
Fifteenth	J. S. Mills	Two years

DISTRICT.	NAME.	NO. OF YEARS.
Sixteenth	Matthew Gaines	Six years
Seventeenth	W. A. Saylor	Six years
Eighteenth	P. W. Hall	Six years
Nineteenth	S. W. Ford	Four years
Twentieth	W. H. Pyle	Four years
Twenty-first	Samuel Evans	Six years
Twenty-second	E. T. Broughton	Six years
Twenty-third	G. R. Shannon	Two years
Twenty-fourth	B. J. Pridgen	Two years
Twenty-fifth	Vacant.	Four years
Twenty-sixth	E. L. Alford	Two years
Twenty-seventh	Thomas H. Baker	Six years
Twenty-eighth	M. H. Bowers	Two years
Twenty-ninth	Theodore Hertzberg	Four years
Thirtieth	A. J. Fountain	Four years

Senator Flanagan moved to adjourn until ten o'clock to-morrow.
Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 3, 1870.

Senate met pursuant to adjournment.

President Don Campbell in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Bowers offered a memorial in behalf of the heirs of General Sam Houston, and asked that it be referred to the Judiciary Committee.

Which was granted.

Senator Bowers presented the petition of W. B. Price, applying for headright land certificate.

On motion, it was referred to Committee on Private Land Claims.

Senator Ruby moved that all bills, memorials, petitions and resolutions on their first reading be read by caption, unless by special request of some member.

Carried.

Senator Alford moved that the Senate go into executive session as soon as they get through the business of the morning.

Carried.

Senator Flanagan presented a bill to incorporate the Jefferson and Shreveport Railroad.

Referred to the Committee on Internal Improvements.

Senator Baker presented a bill to construct and build a bridge across the Guadalupe river.

Referred to Committee on Roads, Bridges and Ferries.

Senator Bell presented a bill to authorize District Judges to grant corporations.

Referred to the Judiciary Committee.

Senator Baker presented a bill authorizing certain parties to build a bridge across the Guadalupe river at Seguin.

Referred to Committee on Roads, Bridges and Ferries.

Senator Priest offered the following resolution :

Resolved, The Committee on the Judiciary, Internal Improvements, Education and Immigration, be each authorized to employ a clerk at five dollars per day whenever a majority of said Committee shall consider it necessary.

Senator Fountain moved to amend said resolution by inserting Committees on Indian Affairs and Frontier Protection.

Carried.

Senator Ruby offered the following resolution :

Resolved, That the Committee on Public Buildings be instructed to confer with similar House Committee with a view to plans and estimates for the immediate erection of a building, or buildings, within the capitol grounds, suitable for the location of fifteen (15) committee rooms, now demanded by the necessities of labor of the present Legislature.

Senator Bowers offered the following amendment :

Provided, nothing in this resolution contained shall be construed to authorize the building of any room, or rooms, until the same shall be provided for hereafter.

Yeas and Nays called for.

Result as follows :

Yeas—Bowers, Flanagan, Ford, Fountain, Hall, Pettit, Rawson, Ruby, Saylor—9.

Nays—Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Gaines, Hertzberg, Latimer, Mills, Parsons, Pickett, Priest, Pridgen, Pyle, Shannon—18.

Senator Bowers offered the following resolution :

Resolved, That the Judiciary Committee be instructed to inquire into the authority of the officers under the late Provisional Government to continue their action as officers under the State Government, and to report by bill or otherwise.

Adopted.

Senator Priest presented a joint resolution to authorize officers elect to act under existing laws till further legislation.

Referred to Committee on Judiciary.

Senator Bowers offered a bill entitled an act to establish a code of civil procedure for the State of Texas.

Referred to the Judiciary Committee.

Senator Flanagan offered a bill to incorporate Hallsville, Harris county, Texas.

Referred to the Committee on Counties and County Boundaries.

Senator Clark moved that two hundred copies of the bill introduced by Senator Bowers, entitled "an act to establish a code of civil procedure for the State of Texas," be printed for the use of the Senate.

Senator Parsons moved to amend by inserting five hundred in the place of two hundred.

Carried as amended.

The President announced the reception of a communication from J. M. Gibbs, Sergeant-at-Arms of the Senate, and ordered the same to be read, as follows :

AUSTIN, May 3, 1870.

To HON. DON CAMPBELL,

President of the Senate :

The undersigned, Sergeant-at-Arms of the Senate, respectfully represents that at the election of November, 1869, he was elected Sheriff of Grimes county. That to enable him to execute the necessary bond as such sheriff it is important for him to visit the said county of Grimes. He therefore respectfully asks for leave of absence for fifteen days for that purpose.

Should the Senate deem it improper to hold the position of Sergeant-at-Arms while holding the office of Sheriff of Grimes county, then he hereby tenders this his resignation of the position of Sergeant-at-Arms of the Senate.

Very respectfully,

Your obedient servant,

J. M. GIBBS,

Sergeant-at-Arms Senate.

Senator Flanagan moved that a leave of absence be granted him.

Senator Douglas moved to refer it to the Judiciary Committee.

The President called Senator Alford to the Chair.

Motion of Senator Douglas lost.

Senator Flanagan's motion carried, and leave of absence granted

J. M. Gibbs, Sergeant-at-Arms.

Senator Hertzberg offered the following resolution :

Resolved, That the Committee on Militia be authorized to employ a clerk for such length of time as it may deem necessary, at a rate of five dollars per day.

Carried.

Senator Mills moved to amend by adding Contingent Expenses and Finances.

Carried.

Senator Parsons moved to add Committee on State Affairs.

Carried.

Senator Latimer moved to add Committee on Roads, Bridges and Ferries.

Carried.

Senator Baker offered the following as a substitute for the whole

Resolved, That each of the standing committees be and they are hereby authorized to employ a clerk, at a salary of five dollars per day, when, in the opinion of a majority of any one committee, a necessity for a clerk exists, the same to be reported by the committees to the Senate.

Carried.

Senator Fountain moved to adopt the substitute.

Carried.

Senator Ruby moved to adopt the resolution as substituted.

Yeas and nays called for.

Vote as follows :

Yeas, 11.

Nays, 16.

Yeas—Baker, Bell, Bowers, Ford, Fountain, Gaines, Hertzberg, Mills, Pettit, Ruby, Saylor—11.

Nays—Alford, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Hall, Latimer, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Shannon—16.

Senator Parsons moved a recess of five minutes.

Carried.

IN SENATE, 12:30 M.

Senate went into executive session.

Senator Priest requested that the bill introduced by him yesterday, in regard to Freedmen and women be referred to the Judiciary Committee.

Granted.

Senator Saylor offered the following resolution:

Resolved, That the Committee on Rules be authorized and requested to confer with a similar committee of the House for the purpose of drafting and reporting joint rules for the two Houses.

Carried.

Senator Ruby moved to adjourn until 12 M., to-morrow.

Carried

SENATE CHAMBER,
AUSTIN, TEXAS, May 4, 1870.

Senate met pursuant to adjournment.

Senator Parsons in the Chair, *pro tem.*

Roll call.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected and adopted.

Senator Priest presented a petition of B. J. Riddle and others, asking for a charter to build a bridge across the Neches river.

Referred to Committee on Roads, Bridges and Ferries.

Senator Dohoney presented a petition of George W. Wright, asking for special relief.

Referred to Committee on Private Land Claims.

Senator Alford presented a petition of D. W. Hancock for relief.

Referred to Committee on Claims and Accounts.

Senator Priest, Chairman of Committee on Judiciary, offered the following report :

COMMITTEE ROOM,
May 4, 1870.

Hon. DON CAMPBELL,

President of the Senate :

The Judiciary Committee, to whom was referred "Joint Resolution, No. 6," to authorize officers elect to act under existing laws, etc., have had the same under consideration, and instruct me to report the same back and recommend its passage, with the accompanying amendment :

Amend by adding "And that this resolution take effect and be in force from and after its passage."

Report received.

On motion Joint Resolution, No. 6, was placed on first reading.

Senator Bowers moved the suspension of the rules, to bring the resolution to a second reading.

Carried.

On motion of Senator Flanagan it was ordered to be engrossed.

Senator Latimer moved to strike out the word constables.

Lost.

Rules suspended, read third time and passed.

Under direction of the President *pro tem.* the Secretary carried the same to the House of Representatives, and informed them the Senate had passed the same and request their concurrence.

Senator Alford presented a joint resolution instructing Senators and Representatives in Congress to urge a sixteenth amendment to the Constitution of the United States, granting the right of suffrage to all persons without regard to sex, race or color.

Referred to Committee on Federal Relations.

Senator Bell offered the following resolution :

Resolved, That the President, as our Sergeant-at-Arms has leave of absence for fifteen days, be authorized to appoint a second-assistant Sergeant-at-Arms for the same period.

Carried.

Senator Ruby introduced a bill entitled an act to provide for the Geological and Agricultural survey of the State.

Referred to Committee on Public Lands.

Senator Flanagan introduced a bill entitled an act for the relief of the Eastern Texas Railroad Company.

Referred to Committee on Internal Improvements.

Senator Baker introduced a bill entitled an act repealing all laws passed from and after February 1st, 1861.

Referred to Committee on Judiciary.

Senator Gaines introduced a joint resolution to prevent lawlessness and crime in the State of Texas.

Referred to Committee on Judiciary.

Senator Parsons introduced a bill entitled an act to incorporate Jefferson, Marshall and Big Cypress Bayou Bridge Company.

Referred to Committee on Internal Improvements.

Senator Parsons introduced a bill entitled an act to incorporate the Germania Land and Improvement Association.

Referred to Committee on Judiciary.

Senator Parsons introduced a bill entitled an act to incorporate the Germania Savings, Trust and Exchange Company.

Referred to Committee on Judiciary.

Senator Parsons introduced a bill entitled an act to incorporate the City Bank of Houston.

Referred to Committee on Judiciary.

Senator Bell introduced a bill entitled an act to incorporate the Dallas Bridge Company.

Referred to Committee on Roads, Bridges and Ferries.

Senator Bell introduced a bill entitled an act to incorporate the Cedar Creek Bridge Company.

Referred to Committee on Roads, Bridges and Ferries.

Communication from Camillus Jones, first assistant secretary of the Senate :

AUSTIN, May 4, 1870.

To the President and

Gentlemen of the Senate :

Thanking you for the honor conferred in electing me to the position as first assistant secretary of this body, I have to request of you the acceptance of my resignation herewith tendered, as the duties of the office to which I have been elected in Colorado county require my immediate attention.

Very respectfully,
CAMILLUS JONES,

First Assistant Secretary of the Senate.

Senator Fountain moved the resignation be received and accepted.
Carried.

Senator Flanagan moved that the Senate go into the election of first assistant secretary of the Senate to-morrow at one o'clock, P. M.

Carried.

Senator Ruby offered the following resolution :

Resolved, That the Committee on Printing be and are hereby authorized to make all necessary arrangements for the reporting and printing of the debates of this body.

Carried.

Senator Flanagan moved to add Senators Broughton and Bowers to Committee on Indian Affairs and Frontier Protection.

Carried.

Senator Cole moved that the Senate adjourn until to-morrow at twelve o'clock, M.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 5th, 1870.

Senate met pursuant to adjournment.

Senator Parsons informed the Senate that President Don Campbell was sick and would very likely be unable to be present for several days, and asked that the Senate choose a President *pro tem.*, when, upon motion, Senator Parsons was called to the chair, *ad interim.*
[Senator Parsons in the chair.]

Roll call.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Petitions and memorials.

Senator Douglas offered a memorial from J. H. Hallonquist.

Referred to the Committee on Claims and Accounts.

Senator Priest, Chairman of Judiciary Committee, offered the following report:

SENATE CHAMBER,
Austin, May 5th, 1870.

To HON. DON CAMPBELL,

President of Senate:

The Judiciary Committee, to whom was referred Senate bill No. 1, "a bill to be entitled an act for the benefit of freedmen and freedwomen," have had the same under consideration, and have instructed me to report the accompanying substitute for said bill and recommend its passage.

Respectfully submitted,

M. PRIEST,
Chairman.

Report of committee received.

Substitute for Senate bill No. 1 read first time and placed on general file.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

To THE HON. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having carefully examined and compared Senate Joint Resolution No. 6, "To authorize officers elect to act under existing laws until further legislation," find the same to be correctly engrossed.

Respectfully,

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

Senator Priest offered the following resolution:

Resolved, That the Secretary of State be requested to furnish,

for the use of the Judiciary Committee, seven copies of the following books:

Paschal's Digest of the Laws of Texas,
 Paschal's Annotated Constitution,
 Constitution of the State of Texas,
 Declarations and Ordinances of the Conventions of 1868 and 1869.

Also a copy of the statutes of various States of the Union, and a copy of all the general and special laws of the State of Texas, so far as they are now in his office. If copies of Paschal's Digest and Annotated Constitution are not in the State Department, then the Secretary of State is requested to purchase the number above mentioned.

Adopted.

Senator Bell offered a resolution relative to the re-districting of the State.

Referred to Committee on Judiciary.

Senator Priest introduced a bill entitled "An act to suppress the practice of carrying fire-arms and other deadly weapons about the person."

Read and referred to Committee on Judiciary.

Senator Hall introduced a bill entitled "An act to authorize the Governor to fill vacant offices by appointment."

Read and referred to Committee on Judiciary.

Senator Baker introduced a bill entitled "An act to promote home industry."

Referred to Committee on State Affairs.

Senator Bowers introduced a bill entitled "An act to carry into execution the judgments and decrees of the late County Courts, and to perfect the unfinished business thereof."

Referred to Judiciary Committee.

The President *pro tem.* called Senator Fountain to the Chair.

Senator Priest introduced a bill entitled "An act to make valid the official acts of certain surveyors."

Referred to Judiciary Committee.

Senator Baker introduced a bill entitled "An act regulating the sale and inspection of animals and the inspection of hides."

Referred to Committee on Stock and Stock-raising.

Senator Bowers introduced a bill entitled an act to incorporate the Texas Military Institute.

Referred to Committee on Education.

Senator Priest introduced a bill to be entitled an act relative to the New Orleans, Mobile and Chattanooga Railroad Company.

Referred to Committee on Internal Improvements.

Senator Parsons introduced the following bills :

A bill entitled an act for the relief of the heirs of James S. Holman, deceased.

Referred to Committee on Private Land Claims.

A bill entitled an act to incorporate the Stonewall Fire Company of the city of Houston.

Referred to Judiciary Committee.

A bill entitled an act to incorporate the Home Insurance Company of Houston, Texas.

Referred to Judiciary Committee.

A bill entitled an act to amend an act to provide the mode of trying titles to lands, etc., and for the benefit of settlers in good faith.

Referred to Judiciary Committee.

A bill entitled an act to incorporate Houston Hook and Ladder Company.

Referred to Judiciary Committee.

Senator Dohoney offered the following resolution :

Resolved, That the Secretary of State be respectfully requested to furnish each member of the Senate with a copy of Oldham & White's Digest.

Senator Bowers moved to amend by adding, " and a copy of all the general laws of the State passed since the publication of Oldham & White's Digest.

Accepted and carried.

Senator Ruby moved a recess until one o'clock, P. M.

Carried.

ONE O'CLOCK, P. M.

The hour having arrived for the election of a first assistant secretary of the Senate, the President *pro tem.* announced nominations in order.

Senator Hall nominated W. E. Horne.

Chair appointed Senators Alford and Rawson tellers.

Vote as follows :

W. E. Horn, seventeen votes.

Stocker, one.

Blank, one.

W. E. Horn having received the majority of the votes cast, was declared duly elected first assistant secretary of the Senate.

Senator Flanagan moved that the Senate adjourn until tomorrow at twelve o'clock.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 6, 1870.

Senate met pursuant to adjournment.

Senator Parsons in the Chair, *pro tem*.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Alford introduced a petition for the relief of N. W. Faison.

Referred to Committee on Claims and Accounts.

Senator Flanagan introduced a petition for the relief of A. H. Cook.

Referred to Committee on Claims and Accounts.

Senator Hertzberg introduced a bill entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense.

Pending its reference to a committee, Senator Flanagan moved to adjourn until to-morrow at twelve o'clock, M.

Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 7, 1870.

Senate met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted

PETITIONS AND MEMORIALS.

Senator Bowers presented a petition for the relief of the estate of Thomas Carothers, deceased.

Referred to Committee on Claims and Accounts.

Senator Bowers presented a petition for the relief of Jeremiah Morton.

Referred to Committee on Claims and Accounts.

Senator Hall presented a petition from the citizens of Robertson county, asking the Legislature to remove the county seat from Owensville to Calvert.

Referred to Committee on Counties and County Boundaries.

Senator Hall presented a communication from Geo. W. Honey, State Treasurer, asking for further legislation regarding trust funds in his hands.

Referred to Committee to examine Comptroller's and Treasurer's accounts.

REPORT OF JOINT SELECT COMMITTEE ON MILEAGE.

COMMITTEE ROOM,
May 6, 1870.

To the Hon. DON CAMPBELL,

President of the Senate:

Your select joint committee, to whom was referred the resolution to prepare a schedule of mileage to govern the payment of members of the Legislature, respectfully report the accompanying schedule, and recommend its adoption, together with the following concurrent resolution:

Resolved by the Senate, the House concurring, That the Comptroller be instructed to audit all mileage accounts in conformity with the subjoined schedule; that for every fraction of mileage under twenty-five miles, one day's pay be additionally computed; and such members who may have received less mileage at the provisional session of this Legislature than is allowed in conformity with

this resolution, are hereby authorized to demand and collect any balance that may be due and unpaid by the State Treasurer.

A. J. FOUNTAIN,
Chairman Committee
On part of the Senate.

Report read and received.

Senator Fountain moved a suspension of the rules, and it be placed on its second reading.

Carried.

Senator Latimer moved to amend by striking out "800 miles from Red river." and inserting "760."

Lost.

Senator Fountain moved suspension of the rules, and that the report be put upon its third and final reading.

Carried.

Report read third time and passed.

SCHEDULE OF DISTANCES TO AUSTIN AND RETURN.

COUNTY.	MILES.	COUNTY SEAT.
Anderson.....	550.....	Palestine
Angelina.....	640.....	Homer
Archer.....		
Atascosa.....	270.....	Pleasanton
Austin.....	260.....	Bellville
Bandera.....	260.....	Bandera
Bastrop.....	80.....	Bastrop
Baylor.....		
Bee.....	340.....	Beeville
Bell.....	120.....	Belton
Bexar.....	170.....	San Antonio
Blanco.....	100.....	Blanco
Bosque.....	250.....	Meridian
Bowie.....	96.....	Boston
Brazoria.....	400.....	Brazoria
Brazos.....	376.....	Boonville
Brown.....	300.....	Brownwood
Burleson.....	400.....	Caldwell
Burnet.....	120.....	Burnet
Caldwell.....	60.....	Lockhart
Calhoun.....	300.....	Indianola
Callahan.....		
Cameron.....	970.....	Brownsville
Chambers.....	620.....	Waller'sville

COUNTY.	MILES.	COUNTY SEAT.
Cherokee	540	Rusk
Clay		
Collin	500	McKinney
Colorado	210	Columbus
Coleman	360	Camp Colorado
Comal	100	New Braunfels
Comanche	280	Cora
Concho		
Cooke	600	Gainesville
Coryell	200	Gatesville
Dallas	400	Dallas
Davis	800	Linden
Dawson		
Denton	500	Denton
De Witt	208	Clinton
Dimmitt		
Duval		
Eastland		
Edwards		
Ellis	400	Waxahachie
El Paso	1700	San Elisario
Encinal		
Erath	400	Stephensville
Falls	234	Marlin
Fannin	600	Bonham
Fayette	176	Lagrange
Fort Bend	350	Richmond
Freestone	330	Fairfield
Frio		
Galveston	476	Galveston
Gillespie	310	Fredericksburg
Goliad	240	Goliad
Gonzales	180	Gonzales
Grayson	622	Sherman
Grimes	330	Anderson
Guadalupe	126	Seguin
Hamilton	220	Hamilton
Hardeman		
Hardin	600	Hardin
Harris	376	Houston
Harrison	830	Marshall
Haskell		
Hays	60	San Marcos

COUNTY.	MILES.	COUNTY SEAT.
Henderson	630	Athens
Hidalgo	800	Edinburgh
Hill	300	Hillsboro
Hood	430	Stockton
Hopkins	650	Tarrant
Houston	490	Crockett
Hunt	550	Greenville
Jack	550	Jacksboro
Jackson	300	Texana
Jasper	864	Jasper
Jefferson	790	Beaumont
Johnson	400	Buchanan
Jones		
Karnes	240	Helena
Kaufman	400	Kaufman
Kendall	230	Boerne
Kerr	200	Kerrville
Kimble		
Kimney		
Knox		
Lamar	700	Paris
Lampasas	130	Lampasas
La Salle		
Lavaca	200	Hallettsville
Leon	300	Coutreville
Liberty	692	Liberty
Limestone	300	Springfield
Live Oak	300	Oakville
Llano	180	Llano
McCulloch		
McLennan	200	Waco
McMullen		
Madison	300	Madisonville
Marion	850	Jefferson
Mason	250	Mason
Matagorda	400	Matagorda
Maverick		
Medina	210	Castroville
Menard		
Milam	240	Cameron
Montague	600	Montague
Montgomery	450	Montgomery
Nacogdoches	560	Nacogdoches

COUNTY.	MILES.	COUNTY SEAT.
Navarro	340	Corsicana
Newton	700	Newton
Nueces	560	Corpus Christi
Orange	600	Orange
Palo Pinto	500	Palo Pinto
Panola	756	Carthage
Parker	480	Weatherford
Polk	460	Livingston
Presidio		
Red River	800	Clarksville
Refugio	350	Refugio
Robertson	430	Owensville
Runnels		
Rusk	700	Henderson
Sabine	742	Milam
San Augustine	650	San Augustine
San Patricio	400	San Patricio
San Saba	200	San Saba
Shackelford		
Shelby	600	Canton
Smith	800	Tyler
Starr	1000	Rio Grande City
Stephens		
Tarrant	470	Fort Worth
Taylor		
Throckmorton		
Titus	800	Mount Pleasant
Travis		Austin
Trinity	40	Sumpter
Tyler	600	Woodville
Upshur	790	Gilmer
Uvalde	460	Uvalde
Van Zandt	526	Canton
Victoria	260	Victoria
Walker	410	Huntsville
Washington	220	Brenham
Webb	700	Laredo
Wharton	320	Wharton
Wichita		
Wilbarger		
Williamson	52	Georgetown
Wilson	160	Sutherland Springs
Wise	600	Decatur

COUNTY.	MILES.	COUNTY SEAT.
Wood	714	
Young		
Zapata	800.	Carivo
Zavalla		

Senator Rawson, Chairman of Committee on Claims and Accounts, reports action of committee on petition of D. W. Hancock, and recommends its rejection.

Read first time and placed on file.

Senator Bowers, Chairman Select Committee on Joint Rules for both Houses, made the following report:

SENATE CHAMBER,
AUSTIN, May 7, 1870.

To THE HON. DON CAMPBELL,
President of Senate:

The committee appointed to prepare and report joint rules of the two Houses, having performed that duty, instruct me to report the accompanying, and to recommend their adoption.

M. H. BOWERS,
On part of Senate committee.

JOINT RULES OF THE TWO HOUSES.

DISAGREEMENTS BETWEEN THE TWO HOUSES.

1. In every case of an amendment in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. After each House shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

COMMUNICATION BETWEEN THE TWO HOUSES.

4. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Door-keeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

5. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

6. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

7. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

8. Each House transmits to the other all papers on which any bill or resolution may be founded.

ENROLLING AND SIGNING OF BILLS AND RESOLUTIONS, AND THEIR PRESENTATION TO THE GOVERNOR.

9. After a bill shall have passed both Houses, it shall be duly enrolled on paper by the Clerk of the House of Representatives, or of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

10. When bills are enrolled, they shall be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

11. After examination and report, each bill shall be signed in the respective Houses—first, by the Speaker of the House of Representatives, then by the President of the Senate.

12. After a bill shall have been thus signed in each House, it shall be presented by said committees to the Governor, for his approbation—it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the journal of each House. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of each House.

13. All orders, resolutions, and votes which are to be presented to the Governor of the State for his approbation, shall, also in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

ELECTIONS BY JOINT VOTE OF THE TWO HOUSES.

14. In all elections by joint vote of the two Houses of the Legislature, the Senate will, upon invitation, meet the House in the Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats

in front of the Speaker's desk. The Speaker of the House shall preside. The names of the Senators shall then be alphabetically called; after which the names of the Representatives shall be called in like manner: and if a quorum of both houses answer to their names, the two Houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by their Secretary, and their votes recorded by him; the names of the Representatives shall then be called by their Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receive a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two Houses have met in joint session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered on the Journal of each House.

15. If a quorum of either House shall fail to attend a joint session, or absent themselves therefrom, without the permission of such House, the members of the House so wanting a quorum, if ten in number, shall have the right to compel the attendance of the absentees, in accordance with its own rules; and after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either House; which vote shall be taken by the presiding officer of either House, on the motion of any one of its members, without debate.

16. If no choice shall have been made on the first ballot or vote, at any time thereafter, the joint session may be adjourned with or without naming another day for meeting, by the vote of a majority of either House, which vote shall be taken by the presiding officer of either House, on the motion of any one of its members, without debate.

Report of committee received, read, and, on motion of Senator Bowers, adopted and ordered to be printed.

Senator Hertzberg introduced a bill entitled an act to incorporate the Western Texas Life, Fire and Marine Insurance Company of San Antonio.

Read first time and referred to Committee on Judiciary.

Also, a bill entitled an act to incorporate the officers and members of San Antonio Harmonia Lodge No 1, O. D. H. S.

Read first time and referred to Judiciary Committee.

Senator Rawson introduced a bill entitled an act to establish a ferry across the Sabine river at or near Red Rock, Upshur county..

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

Senator Baker introduced a bill entitled an act for the support and employment of the poor.

Read first time and referred to Committee on State Affairs.

Also, a bill entitled an act to incorporate Belton Male and Female Academy.

Read first time and referred to Committee on Education.

Also, a bill entitled an act to amend articles 698, 699 and 700 of the Code of Criminal Procedure.

Read first time and referred to Committee on Judiciary.

Senator Hall introduced a bill entitled an act to remove the county seat of Robertson county from Owensville to Calvert.

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

Senator Ruby introduced a bill entitled an act to confirm the compromise and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company and the Galveston Wharf Company.

Read first time and referred to Committee on Judiciary.

Senator Gains introduced a joint resolution referring to the same person holding two offices in this State.

Read first time and referred to Committee on Judiciary.

Senator Pettit introduced a bill entitled an act for the erection of a monument to the late General Sam Houston.

Read first time and referred to Committee on Public Buildings.

Also a bill entitled an act for the suppression of malpractice in medicine.

Read first time and referred to Judiciary Committee.

Also a bill entitled "An act to incorporate the Butler Male and Female College."

Read first time and referred to Committee on Education.

Also a bill entitled "An act to repeal an act, approved January 14, 1860, entitled 'An act to authorize and require the clerks of the District Courts of Cherokee, Smith, Anderson, Panola and Angelina counties, to apportion the causes on the dockets of said courts.'"

Read first time and referred to Committee on Judiciary.

Senator Priest introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Houston and Great Northern Railroad Company.'"

Read first time and referred to Committee on Internal Improvements.

Also an act concerning insolvent estates, and to regulate administrations thereon.

Read first time and referred to Committee on Judiciary.

Senator Bowers introduced a bill entitled "An act to incorporate Lampasas College."

Read first time and referred to Committee on Education.

Also a bill entitled "An act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Read first time and referred to Judiciary Committee.

Also a bill entitled "An act providing for the geological survey of the State."

Read first time and referred to Committee on Public Lands.

Senator Pettit offered a resolution changing county boundaries so as to conform to the cardinal points of the compass.

Referred to Committee on Counties and County Boundaries.

Also a resolution that so much of the Governor's message establishing asylums be referred to the Committee on Public Buildings, with instructions to inquire into the eligibility of Eastern Texas for the location of one or more of said institutions.

Senator Priest offered the following resolution:

Resolved, That the Committee on Education be instructed to inquire into the expediency of organizing a public school system in this State, in accordance with the requirements of the Constitution, so as to ensure an equal distribution of the school fund to all citizens, without distinction, who are entitled to the same, under such rules and regulations as will make the system a success, by enlisting in its support all classes interested, embracing therein the following provisions; and that said Committee report by bill or otherwise:

1. The Superintendent to have supervisory control over the schools of the State.

2. That each organized county shall constitute a school district, and the Police Court, composed of the five Justices of the Peace of each county, to constitute a Board of School Directors of the county.

3. That said Police Court shall appoint, in each justice's precinct, two Boards of School Trustees, one of said Boards to be composed of the recently enfranchised citizens. These Boards each to engage suitable teachers, and to make schools at such points as may seem to the best interest of students of their precincts, respectively.

4. That the Police Court shall appoint a board of competent persons to examine teachers, and none but competent and sober persons shall be recommended as teachers, having reference in regard to competency, to special localities, and none but teachers thus recommended to be employed.

5. No teacher shall be employed at a greater price per month than two dollars.

Said committee, also, to require, in their bill, all parents and guar-

dians to send their children and wards, of proper age, to school, under the penalty of forfeiting their rights, *pro rata*, to the school fund, for the time they thus fail or refuse to send.

Referred to Committee on Education.

The question recurring upon the ruling of Senator Parsons, President *pro tem.*, that a bill, when read by caption and referred without a call for the reading of the same, was in pursuance of parliamentary usage, deemed a first reading.

Appeal having been taken from the decision of the chair, the decision was sustained.

On question of reference of bill to Committee on Militia, entitled "an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense," introduced by Senator Hertzberg, Senator Pickett moved to refer to Committee on State Affairs.

Senator Fountain moved previous question.

Motion sustained.

Senator Bowers moved to adjourn.

Motion lost.

The question recurring upon the previous question, the main question was put, "Shall the bill be referred to the Committee on Militia?"

Yeas and nays called for: vote as follows:

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

Nays—Messrs. Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Latimer, Pickett, Pridgen, Pyle, Shannon—11.

Referred to Committee on Militia.

The President directed the Secretary to read the following dispatch:

HOUSTON, May 3d, 1870.

His Excellency Gov. E. J. DAVIS:

The Agricultural, Mechanical and Blood Stock Association of Texas cordially invites your Excellency, Gen. J. J. Reynolds and staff, the Judges of the Supreme Court, the members of the Senate and House of Representatives, and heads of Departments, to attend the first grand State Fair to be held in Houston, commencing May 17th. Arrangements will be made for free passes over the railroads. Be pleased to communicate this invitation to the parties named.

JNO. T. BRADY,
President.

Senator Bowers moved to adjourn till Monday 12 M.
Carried.

SENATE CHAMBER,
AUSTIN, TEXAS, May 9, 1870.

Senate met pursuant to adjournment.

Roll called.

Quorum present.

[Senator Parsons in the chair, *pro tem.*]

Journal of Saturday read and, on motion of Senator Bowers, the resolution of Senator Baker, omitted in Saturday's minutes, was made a part of the Journal.

Resolved, That the various standing committees to whom petitions, memorials or bills are referred, be requested to notify the Senator introducing such petition, memorial or bill, of the time when the same will be acted on; and that the Secretary furnish the chairman of each standing committee with a copy of this resolution.

Resolution adopted.

Senator Latimer moved correction of minutes of Saturday by inserting the resolution of Senator Ruby.

Resolved, That the Senate disallow the correspondent of the Houston Times the privilege of a seat as reporter on this floor, because of indecorous and abusive language of the State administration and members of the present Legislature.

Resolution withdrawn by consent of the Senate.

Minutes adopted as corrected.

Senator Alford presented a memorial from the citizens of La Grange, asking for power to elect municipal officers.

Referred to Committee on Judiciary.

Senator Herzberg presented a petition from Bexar county, protesting against cutting off from Bexar county precinct number twenty-seven, or any part thereof.

Referred to Committee on Counties and County Boundaries.

Senator Dohony presented a memorial of Professor W. C. Hurley, asking an appropriation to enable him to publish a book on Practical Pirenology, Physiology, and Hygiene.

Referred to Committee on Education.

Senator Fountain offered concurrent resolution amending schedule of distances by which the Comptroller is to be governed in auditing the payment of mileage accounts of members of the Twelfth Legislature. Amend by inserting distance from Nacogdoches to Austin, 320 miles; distance from Kaufman to Austin, 240 miles.

Senator Douglas moved to amend, "From Smith county to Austin, three hundred and twenty-five miles."

Amendment accepted.

Concurrent resolution as amended read first time, and on motion of Senator Fountain rules suspended and placed on second reading.

Resolution engrossed.

Senator Fountain moved further suspension.

Resolution put on its third reading and final passage.

Read third time and passed.

Under direction of President pro tem. the Secretary carried the same to the House.

Senator Mills introduced a bill entitled "An act appropriating seventy-five thousand dollars (\$75,000) for pay of mileage and per diem of members of Twelfth Legislature, and per diem of officers of same."

Read first time.

On motion of Senator Pickett rules suspended.

Read second time and ordered to be engrossed.

On motion of Senator Cole placed on third reading and final passage.

Bill read third time and passed by the following vote:

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

Nays—Latimer—1.

Under direction of President pro tem. the Secretary carried the same to the House for concurrence.

Senator Alford introduced a bill authorizing county courts to sell the public school lands belonging to their respective counties.

Read first time and referred to Committee on Education.

Also, a bill entitled "An act requiring supreme and district judges and district attorneys to be citizens of Texas."

Read first time and referred to Committee on Judiciary.

By Senator Ruby:

A bill entitled "An act to define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

Read first time and referred to Committee on Judiciary.

By Senator Parsons,

A bill to be entitled an act to prevent cessation of judicial functions, and to avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts.

Read first time and referred to Committee on Judiciary.

By Senator Dohoney,

A bill entitled an act to amend the Penal Code of the State of Texas by inserting chapter 4 under title XI of said Code in reference to the use of deadly weapons.

Read first time and referred to Committee on Judiciary.

By Senator Ruby,

A bill entitled an act to incorporate the Galveston Horticultural Society.

Read first time and referred to Committee on Judiciary.

By Senator Pickett,

A bill to incorporate the Sabine and Neches Mutual Insurance Company.

Read first time and referred to Committee on Judiciary.

Also, a bill entitled an act to incorporate the city of Sabine Pass.

Read first time and referred to Committee on Judiciary.

By Senator Priest,

A bill to be entitled an act to amend article 271, Code of Criminal Procedure, and other purposes.

Read first time and referred to Committee on Judiciary.

Also a bill entitled an act to amend articles 379 and 380 of the Code of Criminal Procedure.

Read first time, and referred to Committee on Judiciary.

Also a bill entitled an act concerning judgments and mortgage liens upon real estate.

Read first time and referred to Committee on Judiciary.

Also a bill to be entitled an act to regulate the lien of mechanics and artizans.

Read first time, and referred to Committee on Judiciary.

Senator Hertzberg offered the following resolution :

Resolved, That the Committee on Public Buildings is hereby authorized and requested to furnish suitable rooms for the several Senate committees, now urgently needing the same.

On motion of Senator Ruby, adopted.

Senator Baker offered the following resolution :

Resolved, That the Clerk on the Committee on Elections be required to act also for the Committees on Public Debt, Agriculture and on Stock and Stock Raising, at a salary of one clerk.

Adopted.

Senator Bell offered the following resolution :

Resolved, That the Chairman of Committee on Counties and County Boundaries be authorized to employ a clerk.

Carried.

Senator Douglas offered the following resolution :

Resolved, That the Committee on State Affairs be required to inquire fully into the condition of the State with reference to the

peace and order of its inhabitants, and report upon the necessity or non-necessity of providing by law for the organization of an active military force for the preservation of order, or for other purposes.

Senator Priest moved to refer the resolution to the Committee on Militia.

Senator Bowers made the point of order that the resolution could not be referred.

The chair ruled the reference of the resolution to the Committee on Militia to be in order.

Senator Alford appealed from the decision of the chair.

Pending the appeal, Senator Hall moved to lay on the table.

Yeas and nays called for.

Yeas—Messrs. Baker, Bell, Ford, Fountain, Gaines, Hall, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Nays—Messrs. Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Hertzberg, Latimer, Mills, Pickett, Pyle, Shaamon—14.

Motion to lay on table lost.

Senator Pettit asked that Senator Pridgen be excused, absent on account of sickness.

Granted.

Senator Bowers moved the adoption of the resolution.

Pending discussion, on motion of Senator Pyle, Senate adjourned till to-morrow morning 11 o'clock.

SENATE CHAMBER,
AUSTIN, TEXAS, May 10, 1870.

Senate met pursuant to adjournment.

Senator Parsons in the chair presiding.

Roll call.

On suggestion of Senator Priest, Senator Flanagan was excused.

Minutes of yesterday read.

Senator Parsons moved correction of minutes so as to show the ruling of the Chair upon the question of reference to the Militia Committee of the resolution referred to, to have been a division of the resolution, and reference of only a part thereof to the committee.

Minutes approved.

Senator Bowers introduced a bill to be entitled "An act to incorporate the Austin City Ice Company."

Read first time and referred to Committee on Judiciary.

Senator Priest introduced a bill to be entitled "An act to exempt certain property therein named from forced sale."

Read first time and referred to Committee on Judiciary.

Senator Priest introduced a bill to be entitled "An act to amend an act better defining the marital rights of parties."

Read first time and referred to Judiciary Committee.

Senator Gaines introduced a bill entitled "An act authorizing the Police Court of Washington county to levy a special tax for the support of the lunatics in said county."

Read first time and referred to Committee on Judiciary.

Senator Pyle introduced a bill to be entitled "An act to incorporate the Kaufman County Bridge Company."

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

Senator Dohoney introduced a bill to be entitled "An act to repeal part of an act entitled an act to levy taxes, approved November 6, 1866."

Read first time and referred to Judiciary Committee.

Senator Baker introduced a bill to be entitled "An act to further the agricultural development of the State of Texas."

Read first time.

Referred to Committee on Agricultural Affairs.

Senator Ruby offered the following resolution:

Resolved, That one hundred copies each of the bills now before the Committee on Public Lands, relative to the Geological Survey of the State, be printed for the use of members of this Senate.

Adopted.

Senator Hertzberg presented the report of the Committee on Militia, recommending the passage of Senate bill No. 33, entitled an act to provide for the enrollment of the militia, etc.

Laid over under the rules.

Senator Priest offered the following:

Resolved, That all general bills reported favorably by committees shall be printed one hundred copies each for the use of the Senate. Bills of special character to be printed when ordered by the Senate.

Adopted.

Senator Alford offered a resolution to allow a member of the Senate to have his vote, when in executive session, recorded by the Secretary.

Referred to Committee on Rules.

Senator Ruby presented the following:

To the Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having carefully examined and compared concurrent resolution amending schedule of distances, by which the Comptroller is to be governed in auditing the payment of mileage accounts of members of the 12th Legislature, and an act making an appropriation for the mileage and per diem pay of the officers and employes of the 12th Legislature of the State of Texas, find the same to be correctly engrossed.

Respectfully,

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

Committee.

Communication from the House from the hands of the chief clerk.

Concurrent resolution in regard to the distances of members, and how the same shall be computed, laid over under the rules.

Senator Douglas offered the following:

Resolved, That the Secretary of the Senate be required to procure from the Secretary of State one copy of Oldham & White's Digest of the Laws of Texas, and one copy of the general and special laws of the Legislature of 1866, and one copy of the ordinances of the Constitutional Convention of 1868, for the use of each member of the Senate.

Adopted.

Senator Latimer offered the following:

Resolved, That a committee of three be appointed to wait on Mrs. Dr. Mary Walker and extend to her the use of the Senate chamber for lecturing purposes, at any time when the Senate is not in session.

Adopted.

Chair appointed on committee Senators Latimer, Priest and Clark.

The hour having arrived, the Senate, after a recess of five minutes, went into executive session.

In Senate—Senator Bowers moved that the Senate adjourn till to-morrow at 11:45 A. M.

Adjourned.

SENATE CHAMBER,

AUSTIN, TEXAS, May 11, 1870.

President Don Campbell in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senator Douglas presented a memorial of certain citizens of Smith county, asking charter for ferries at King's Crossing, on Sabine river.

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

Senator Douglas presented a bill to be entitled "An Act granting the right of way to John W. King to establish and operate a ferry at King's Crossing, on Sabine River.

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

Senator Ruby called the attention of the Chair to the fact that the hour had arrived for the executive session of the Senate.

Senate went into executive session.

In the Senate.

Senator Bowers moved that the Secretary be instructed to inform His Excellency, the Governor, that the Senate respectfully declines to advise and consent to the appointment of Joseph W. Talbot as Superintendent of Public Instruction.

Senator Baker made a point of order that the motion was not in order under the rules.

Senator Bowers moved a suspension of the rules to consider the motion.

Rules suspended, and motion carried.

Communication from the House, by the Chief Clerk, transmitting House Joint Resolution, No. 3, asking the Congress of the United States to prevent the republic of Mexico from harboring certain bands of hostile Indians, who devastate the south-western frontier of Texas.

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

Laid over under the rules.

Senator Baker presented the report of Committee on Election, in case of Peterson vs. Dohoney.

Senator Parsons moved the report be made the special order of the day to-morrow at 12:30 P. M. Adopted.

The special committee of Senators Latimer, Priest and Clark reported the acceptance of the Senate Chamber by Mrs. Dr. Walker, who returned thanks to the Senate for the compliment paid to woman and her cause, and stated that she would be pleased to lecture on Thursday evening at 8 o'clock.

Senator Fountain moved that the House concurrent resolution upon schedule of mileage be taken from the file, and the Senate concur in the same.

Carried; resolution read first time.

On motion of Senator Fountain, the rules were suspended and the resolution placed on its second reading and engrossment.

Senator Fountain moved a further suspension of the rules and the resolution be placed on its third reading and final passage.

Read third time and passed.

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

Communication from the Governor by the hands of his private Secretary, transmitting communication of J. T. Allen, late State Treasurer.

Senator Fountain moved the communication be referred to Committee on Finance.

So referred.

Senator Fountain introduced a bill entitled an act to appropriate fifteen thousand dollars to defray the contingent expenses of the 12th Legislature.

Read first time.

Senator Fountain moved suspension of rules; bill passed to engrossment, and further suspension of rules, and the bill passed to its third reading and final passage.

Read third time and passed.

The yeas and nays were as follows:

Yeas—Messrs. Alford, Bell, Baker, Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Senator Bowers introduced a bill entitled an act to incorporate the Austin Joint Stock Building Company.

Read first time, referred to Committee on Judiciary.

Senator Hall moved adjournment till to-morrow at 11 A. M.

Carried.

SENATE CHAMBER.
AUSTIN, TEXAS, May 12, 1870.

Senate met pursuant to adjournment.

President Don Campbell in the Chair

Roll called.

SIC

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Alford, for Committee on Judiciary, reported back a substitute for Senate Bill No. 54, and recommended its passage.

Read first time and laid over under the rules.

Senator Priest, from same committee, introduced a minority report by leave of the Senate.

Read and laid over under rules.

Senator Ruby presented report from the Committee on Judiciary recommending the passage of Senate Bill No. 55, entitled "An act to incorporate the Galveston Horticultural Society."

Laid over under the rules.

Senator Bell presented report from Committee on Counties and County Boundaries, recommending the passage of a bill entitled "An act to incorporate the town of Hubbardville, Harrison county, Texas," with the exception of this clause in section six:

"And that the citizens who reside in said corporation shall be exempt from road duty, except such as may be employed on them by the board of aldermen."

Read and laid over under the rules.

Senator Priest presented report of Judiciary Committee on memorial of the heirs of General Sam Houston, recommending a bill for the relief of the heirs of General Sam Houston.

Read first time and laid over.

A message was received from the House informing the Senate that the House had passed Senate Bill No. 52, "An act appropriating seventy-five thousand dollars for pay and per diem of members of the Twelfth Legislature, and per diem pay of officers of the same."

Senator Pridgen, Chairman of the Committee on Enrolled Bills, reported on Senate Bill No. 52, entitled "An act making an appropriation for the mileage and per diem pay of members and the per diem pay of officers and employes of the Twelfth Legislature of the State of Texas," and that the same had been correctly enrolled.

Senator Ruby, for the Committee on Engrossed Bills, reported that the Senate Bill No. 74, entitled "An act to appropriate fifteen

thousand dollars for the payment of contingent expenses of the Twelfth Legislature," had been correctly engrossed.

Senator Parsons presented report for Judiciary Committee, recommending the passage of Senate bill No. 56, "entitled an act to prevent cessation of judicial functions and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and courts," with amendments.

Bill read as amended.

Senator Parsons moved suspension of rules.

Rules suspended.

Senator Bowers moved adoption of amendments.

Amendments adopted.

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

Senator Flanagan moved further suspension of rules.

Rules suspended, and bill as amended put on its third reading and final passage.

Senator Alford moved to strike out 2d Section. Motion lost.

Read third time and passed.

Senator Mills offered the following :

SENATE CHAMBER,
AUSTIN, TEXAS, May 10, 1870.

Resolved, That the Comptroller, the State Treasurer, the Commissioner of the Land Office, the Secretary of State and the Judges of the Supreme Court, be requested to furnish the Senate with a list of the employes of their respective departments, whose salaries are drawn from the public treasury, together with nationality, age, and length of residence in Texas; whether they are respectively registered voters, and by whom appointed, and also the number of vacancies.

Senator Pickett moved adoption of resolution. Adopted.

Senator Fountain offered the following :

Resolved by the Senate, That the Secretary be authorized to employ a journal and a calendar clerk.

Adopted.

Senator Gaines introduced a bill to be entitled An Act to authorize the police court of Washington county to levy a special tax to build a jail at the county seat.

Read first time.

Referred to the Committee on Judiciary.

[Senator Fountain called to the Chair.]

Senator Hall introduced a bill entitled "An Act to establish a State Police, and provide for the regulation and government of the same."

Read first time, and referred to Committee on Militia.

[President resumed the Chair.]

Senator Ruby called attention to special order of yesterday, on the report of Committee on Elections, in case of Peterson vs. Dohoney.

Majority report read.

Minority report read.

Senator Baker moved a suspension of the rules, and adoption of majority report.

Lost.

Senator Fountain moved that the Senate go into a Committee of the Whole to-morrow, at twelve o'clock, M., and take up the whole matter of contest.

Carried.

Senator Bowers presented a petition from Mayor and Aldermen of the city of Austin.

Referred to Committee on Judiciary.

Senator Shannon presented petition of E. M. Heath for relief.

Referred to Committee on Judiciary.

Senator Hertzberg introduced a bill entitled "An Act concerning the Levy of Taxes for Bexar County."

Read first time.

Referred to Committee on Judiciary.

Also a petition from the members of the County Court of Gillespie county, to authorize said court to levy a special tax.

Referred to Committee on Judiciary.

Senator Alford introduced a bill entitled An Act to amend article two hundred and thirty of the penal code.

Read first time.

Referred to Committee on Judiciary.

Also a bill entitled An Act to amend third section, act of 1846, in respect of the jurisdiction of the Supreme Court, being article 562 of Paschal's Digest.

Read first time.

Referred to Committee on Judiciary.

Senator Ford introduced the following bills :

A bill entitled An Act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties.

Read first time.

Referred to Committee on Finance.

A bill entitled An Act to amend sections one, two, three, five, six,

twelve, thirteen, nineteen and twenty of an act to incorporate the Waco Tap Railroad Company.

Read first time.

Referred to Committee on Internal Improvements.

Senator Bell introduced a bill to be entitled An Act to incorporate the Cat Springs Social Turn Verein.

Read first time.

Referred to Committee on Judiciary.

Senator Priest introduced a bill to be entitled An Act concerning juries, and in relation to jury certificates.

Read first time.

Referred to Committee on Judiciary.

Senator Priest introduced a bill entitled An Act to amend an act entitled an act to regulate juries, and concerning challenges.

Read first time.

Referred to Committee on Judiciary.

On motion of Senator Pridgen, the Senate adjourned till tomorrow at eleven o'clock, A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, May 13, 1870.

Senate met pursuant to adjournment.

Roll call.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senator Baker offered an additional report of Committee on Privileges and Elections.

Read and laid over under the rules.

Senator Cole informed the Senate that he, as a member of the committee, had not been notified of their action.

Senator Baker offered report of Committee on Agricultural Affairs.

Read and laid over under the rules.

Senator Pettit offered a report of Committee on Education relative to memorial of Professor W. C. Hurley.

Read and laid over under the rules.

Senator Pettit offered a report of Committee on Education relative to bill incorporating the Texas Military Institute.

Read and laid over under the rules.

Senator Dohoney introduced a bill entitled "An Act to regulate the punishment of misdemeanors and the manner of enforcing the laws." Read first time.

Referred to Committee on Judiciary.

Senator Baker introduced a bill entitled "An Act to provide for the payment of district attorneys pro. tem." Read first time.

Referred to Committee on Judiciary.

Senator Dohoney introduced a bill to be entitled "An Act to provide for a manual labor system in each county in the State." Read first time.

Referred to Committee on Judiciary.

Senator Pettit introduced a bill entitled "An Act to exempt undertakers from serving on juries." Read first time.

Referred to Committee on Judiciary.

Senator Baker, Chairman of the Committee on Agricultural Affairs, reported back to the Senate, Senate Bill, No. 71, entitled "An Act to further the agricultural development of the State of Texas," with a recommendation that it do not pass.

Laid over under the rules.

Senator Alford, Chairman of Committee on Public Lands, presented the following report :

To the Hon. DON CAMPBELL,

President of Senate :

The Committee on Public Lands, to whom was referred the bills of Senators Ruby and Bowers, to provide for the geological survey of the State, have instructed me to report the bill of Senator Bowers back to the Senate, with the following amendments, and recommend its adoption :

Amend by striking out all after the word " necessary," in Section 2, line five, and the sixth and seventh lines in same section, and amend by striking out the word " twelve" and insert " twenty," in Section 7, line thirteen, and filling the blank in eighth line, 1st Section, with " five thousand."

E. L. ALFORD,
Chairman.

Laid over under the rules.

Senator Priest moved that the Senate take up the unfinished business on the President's table. Carried.

From President's table :

Substitute for Senate Bill, No. 1.

A bill entitled " An Act for the relief of freedmen and freedwomen." Read second time

Senator Bowers moved the engrossment of the bill.

Senator Douglas moved that the second section be stricken out.

Pending motion, a message from the Governor was announced by the President. Message read.

Senator Ruby moved the message be referred to Committee on Judiciary. Carried.

The following bills were announced from the House by the chief clerk :

House Bill No. 1—" An Act making an appropriation of (\$10,000) ten thousand dollars to pay contingent expenses of 12th Legislature."

Joint resolution in regard to instructing our Senators and requesting our Representatives to urge the passage of the bill for the protection of the frontier of Texas.

Laid over under the rules.

Senate Joint Resolution No. 6--Authorizing officers elect to act under existing laws until further legislation.

Laid over under the rules.

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

Laid over under the rules.

The question then recurred upon the motion of Senator Douglas to strike out 2d section of substitute for Senate Bill No. 1.

Motion to strike out lost.

Bill passed to its engrossment.

The hour having arrived under the special order of yesterday, the Senate went into a committee of the whole:

[In Senate, President Don Campbell, presiding.]

Senator Fountain, Chairman of the Committee of the Whole, reported progress, and asked leave to sit again.

Senator Bowers moved that the rules be suspended and the additional report of the Committee on Elections be read.

Carried; report read.

Senator Ruby moved that the additional report as read be received by the Senate as supplemental to the original majority report, and filed as part of the proceedings in the contested case of Peterson vs. Dohoney. Carried.

Senate, on motion of Senator Parsons, went into Committee of the Whole.

[In Senate, President Don Campbell, presiding.]

Senator Fountain, as Chairman of the Committee of the Whole, reported progress, and asked leave to sit again on Monday at 10 o'clock. Granted.

On motion of Senator Parsons, the Senate adjourned till Monday next, 9 A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, May 16, 1870.

Senate met pursuant to adjournment.

President Don Campbell in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Friday read and approved.

Senator Ruby presented a memorial from the citizens of Liberty county, asking an appropriation for an amount sufficient to make a good road from Liberty to Menard Creek.

Referred to Committee on Roads, Bridges and Ferries.

Also, a memorial of P. H. Moser, in reference to immigration.

Referred to Committee on Immigration.

Senator Bowers presented a petition of W. C. Philips for relief.

Referred to Committee on Claims and Accounts.

Report from standing committees.

Senator Bell, Chairman of Committee on Roads, Bridges and Ferries, reported back Senate bill No. 36, entitled "An Act to establish a ferry across the Sabine river, at or near Red Rock, Upshur county, and recommend its passage.

Laid over under the rules.

Also, Senate bill No. 69, entitled "An Act to incorporate the Kaufman County Bridge Company," and recommend its passage.

Laid over under the rules.

Also, Senate bill No. 72, entitled "An Act granting the right to John W. King to establish and operate a ferry at King's Crossing, on Sabine river," and recommend its passage.

Laid over under the rules.

Senator Pridgen, Chairman of Committee on Private Land Claims, reported back the petition of W. B. Price, applying for headright certificate with accompanying bill; authorizing and requiring the Commissioner of the General Land Office to issue to W. B. Price a certificate for one-third of a league of land, and recommend its passage.

Laid over under the rules.

On motion of Senator Bowers the rule to refer a bill on first reading to a committee, unless otherwise disposed of, was adopted.

Senator Flanagan moved to postpone the special order of to-day until Wednesday, May 25, at 10 o'clock A. M.

The Committee on Engrossed Bills offered the following report :

To the Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate Bill No. 56, entitled " An Act to prevent cessation of judicial functions and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts," and also substitute for Senate Bill No. 1, entitled " An Act for the relief of freedmen and freedwomen," find the same to be correctly engrossed.

Senator Mills, Chairman of Committee on Finance, reported back application of John T. Allen, with joint resolution, recommending the sum of \$8,193 be placed to his credit on settlement of his accounts with the State Treasurer.

Read and laid over under the rules.

Senator Gaines offered the following resolution :

Resolved, That the Committee on Counties and County Boundaries be more fully informed by the permanently located citizens of Robertson county, Texas, as to the general desire of said citizens regarding the removal of the county seat from Owensville to the town of Calvert on the Central Railroad. Adopted.

Senator Fountain offered the following resolution :

Resolved, That the Committee on Public Buildings are hereby instructed to make inquiry as to whether there are any rooms in the Land Office, suitable for committee rooms, that are not being used for public purposes, and that said committee make an early report of the result of their inquiry. Adopted.

Senator Pickett introduced a bill entitled " An Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company."

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

Also, a bill entitled " An Act authorizing the Commissioner of the General Land Office to appoint county surveyors until otherwise provided by law."

Read first time, and referred to Committee on Judiciary.

Senator Hall introduced a bill entitled " An Act to establish a system of registration."

Read first time, and referred to Committee on Judiciary.

Senator Baker introduced a bill entitled " An Act for the improvement of the navigation of the Colorado river."

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

Senator Flanagan introduced a bill entitled " An act to expedite the construction of the Southern Pacific Railroad."

Read first time and referred to Committee on Internal Improvements.

Senator Fountain moved the usual number of copies be printed for the use of the Senate. Carried.

Senator Dohoney introduced a bill entitled "An act to legalize an election held in the city of Paris, Texas, on the third day of December, 1869, for municipal officers of said city."

Read first time and referred to Committee on Judiciary.

Senator Hertzberg introduced a bill entitled "An act regulating the creation of private corporations, their powers, duties and liabilities."

Read first time and referred to Committee on Judiciary.

By leave of the Senate, Senator Parsons, for Committee on Judiciary, reported back Senate bill No. 15, entitled "An act to incorporate the German Land and Improvement Association;" also Senate bill No. 16, entitled "An act to incorporate the Germania Saving, Trust and Exchange Company;" also Senate bill No. 17, entitled "An act to incorporate the City Bank of Houston;" and recommend their passage.

Laid over under the rules.

Senator Ruby, for Committee on Judiciary, reported back Senate bill No. 41, entitled "An act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company;" and recommended its passage.

Laid over under the rules.

The reports of Comptroller and Treasurer, in response to resolution of the Senate requesting them to furnish the Senate with a list of their employes, their salary, nationality, &c., read, and, on motion, received.

Senator Hertzberg offered the following resolution:

Resolved. That the Committee on Militia shall be authorized to employ a clerk, for such length of time as his services may be deemed necessary, at a salary of five dollars per day during actual service.

Adopted.

Senator Ruby moved the Senate go into committee of the whole to take up the Governor's message. Carried.

In the Senate—Senator Ruby, for the Committee of the Whole, recommended that the Governor's message, as subdivided in the journal of the twenty-seventh, be referred to the appropriate committee. Carried.

Senator Cole moved the Senate adjourn till to-morrow morning at nine o'clock. Carried.

SENATE CHAMBER,
AUSTIN, May 17, 1870.

Senate met pursuant to adjournment.

[President Don Campbell in the chair.]

Roll call.

No quorum present.

On motion of Senator Cole, the Senate adjourned until 10 o'clock to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, May 18, 1870.

Senate met pursuant to adjournment—Roll called—Quorum present—Prayer by the Chaplain—Journals of Monday and Tuesday read and approved.

Senator Bowers presented a petition of James S. Patterson for land certificate due him.

Referred to Committee on Private Land Claims.

Also, a petition of the heirs of W. J. Cowan, dec'd, for relief-headright certificate.

Referred to Committee on Private Land Claims.

Also, a petition of H. Clay Eanes, for relief.

Referred to Committee on Claims and Accounts.

Senator Priest, Chairman of Committee on Judiciary, presented the following report on Senate Bill No. 59 :

COMMITTEE ROOM,

Austin, May 18, 1870.

To the Hon. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred Senate Bill No. 59, entitled "An Act to incorporate the Sabine and Neches Mutual Insurance Company," have carefully considered the same and instruct me to report it back to the Senate and recommend its passage.

M. PRIEST,

Chairman of Committee.

Also, report of committee on petition of E. M. Heath :

COMMITTEE ROOM,

Austin, May 18, 1870.

To the Hon. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred petition of E. M. Heath for special relief as deputy assessor and collector of taxes, have carefully considered the same and believe the petitioner entitled to the relief prayed for, we therefore report the accompanying bill and recommend its passage.

M. PRIEST,

Chairman of Committee.

Message from the House by the chief clerk, asking concurrence in House Bill No. 16, entitled "An Act to incorporate the Magnolia Grove Association of Galveston, Texas."

Also, House Bill No. 28, entitled "An Act to incorporate the Allemania Association of La Grange, Texas."

Laid over under the rules.

Also, report of committee on Senate bill No. 65 :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

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

The Judiciary Committee, to whom was referred Senate bill No. 65, entitled "An Act to incorporate the Austin City Ice Company," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 66 :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

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

The Judiciary Committee, to whom was referred Senate bill No. 66, entitled "An Act to exempt certain property therein named from forced sale," have had the same under consideration, and instruct me to report the accompanying substitute for said bill and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 62 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

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

The Judiciary Committee, to whom was referred Senate bill No. 62, entitled "An Act to amend articles 379 and 380 of the Code of Criminal Procedure," have had the same under consideration, and instruct me to report it back with accompanying amendment and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 50 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

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

Your Committee on Judiciary, to whom was referred Senate bill No. 50, entitled "An Act to incorporate the Young Men's Real Estate and Building Association of the City of Austin," have carefully considered the same, and instruct me to report it back to the Senate and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 24 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 24, entitled "An Act to make valid the official acts of certain surveyors," have duly considered the same and instruct me to report it back to the Senate with accompanying amendment, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on memorial of the citizens of LaGrange :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

To the HON. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred memorial of the citizens of LaGrange, asking for an election of town officers, have instructed me to report the accompanying general bill, authorizing the incorporated towns and cities of the State of Texas to elect municipal officers, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 63 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 63, entitled "An Act concerning judgment and mortgage liens upon real estate," have carefully considered the same and instruct me to report it back to the Senate, and recommend that the bill do not pass.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 20 :

JUDICIARY COMMITTEE ROOM,
Austin, May 17, 1870.

To the HON. DON CAMPBELL,

President of Senate :

The Judiciary Committee, to whom was referred Senate bill No. 20, entitled "An Act to suppress the practice of carrying fire arms and other deadly weapons about the person," have had the same un-

der consideration, and instruct me to report the accompanying substitute for said bill and recommend its passage.

M. PRIEST,
Chairman of Committee.

Report of committee on Senate bill No. 60 :

JUDICIARY COMMITTEE ROOM,
Austin, May 18, 1870.

To the HON. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary to whom was referred Senate bill No. 60, entitled "An act to incorporate the City of Sabine Pass, have had the same under consideration, and instruct me to report it back to the Senate, and recommend its passage.

M. PRIEST,
Chairman Committee.

Senator Cole presented the following minority report from the Committee on Militia. Read.

Senator Pickett moved that the report be received, spread upon the journals, and that two hundred copies of majority and minority reports be printed for the use of the Senate. Carried.

AUSTIN, TEXAS, May —, 1870.

To the Hon. DON CAMPBELL,

President of the Senate :

The undersigned, members of the Committee on Militia, cannot agree with the majority of the committee, who have reported favorably on Senate bill No. 33, entitled "An act to provide for the enrollment of the militia, the organization and discipline of the State guard, and for the public defense." We very much regret that differences of opinion should exist as to the power of the Legislature to pass such a law as is contemplated by the bill reported by the majority of the committee, or as to the policy of such a law.

We regret still more that the action of the majority of the committee has been such as to require from us a dissent therefrom. But, believing, as we do, that the bill is clearly in violation of the Constitution of the United States and of the State of Texas, and that if passed into a law would be ruinous in policy, we feel constrained to submit this minority report, together with our reasons for dissenting from the conclusions arrived at by the majority of the committee. We are free to admit that "a well regulated militia is necessary to the security of a free State;" and if the bill under consideration contemplated no more than this, we would cheerfully favor its passage into a law, if not in violation of the constitution. But it goes further, and, under the mask of organizing the militia, provides for calling into active service, in time of peace, a large armed military force in the nature

of a standing army, whose number is only limited by the will of the Executive, he having power also to determine what particular persons are to be enrolled in this force, and to "reject any person offering himself for enrollment in the same." This army is placed at the unlimited control of the Governor, and he is authorized to order the whole or any part of it into active service "in time of war, rebellion, insurrection, invasion, resistance of civil process, breach of the peace or imminent danger thereof."

It is also made "the duty of the Governor, whenever in his opinion the enforcement of the laws of this State is obstructed within any county or counties by combination of lawless men too strong for the control of the civil authorities, to declare such county or counties under martial law, and to suspend the laws therein.

"In this event, the Governor, by his proclamation, shall designate the county or counties in which the laws are to be so suspended, and the Governor shall call out such part of the State guard or reserved militia or State police, as may in his opinion be necessary to the suppression of disorder. The expense of maintaining the State guard or reserve militia, called into active service under this section, may, in whole or in part, in the discretion of the Governor, be assessed upon the people of the county or counties where the laws are suspended. The Governor may provide, and he may also prescribe the necessary regulations therefor, and may designate the officer or officers who shall make such assessment and collection thereof."

The bill further provides that "whenever the laws may be suspended, as provided for in the last preceding section, it shall be the duty of the Governor to provide for the trial and punishment of offenders, and the Governor shall make all details of officers for this purpose, and prescribe all necessary regulations for the formation and government of courts-martial and military commissions established for this purpose."

From these extracts, taken from the bill under consideration, it will be seen that the Executive is authorized at any time, when he has reason to believe that "a breach of the peace" has been made in any county of this State, or that there is "imminent danger" of a breach of the peace, to suspend all the civil laws in such county, and to declare martial law therein; to station in such county or counties as many troops of his own selection, and officered by himself, as in his opinion may be necessary for the suppression of disorder, and to tax the citizens of the particular county where the troops are so sent, with the expense of the same; to suspend the functions of all civil officers, and to cause detailed military officers to perform the duties that should be performed by the regular constituted civil authorities; to cause arrests and imprisonments to be made

without warrant or known cause; to suspend the writ of *habeas corpus*; to try, condemn and punish supposed offenders by courts-martial and military commissions, thus depriving the citizens of "the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed;" to hold a person, in no way connected with the army or navy, to answer criminal charges, otherwise than on indictment or information; to close the courts of the country, and thus deprive the person who has suffered injury to his "lands, goods, person, or reputation," of all remedy by due course of law; to disregard and abrogate Section XII of the Bill of Rights, which provides that "the right of trial by jury shall remain inviolate;" to deprive citizens of this State of life, liberty and property, otherwise than by due course of the law of the land; to compel the citizens of the county in which these troops may be sent to pay the expenses of the same, furnish rations for the men and forage for their horses, without compensation--thus taking private property for "public use without just compensation being made." In short, the bill favorably reported by the majority of the committee, seeks to create an army, and make the civil authority subordinate and subservient thereto, with the Executive of the State as commander-in-chief of the army thus provided for.

We believe these powers have not been delegated by the people to the Legislature, but have been carefully reserved and excepted out of the general powers of government, and should ever remain inviolate. We believe that in the administration of the government, the Executive, the Legislature, and every officer and citizen, is bound by, and entitled to, the benefits of the following liberal guarantees:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation.

"In all criminal prosecutions, the accused shall have a speedy public trial by an impartial jury. No person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offenses against the laws regulating the militia.

"All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

"The right of trial by jury shall remain inviolate.

"No person's property shall be taken or applied to public use without just compensation being made, unless by the consent of such person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMOS CLARK,
G. R. SHANNON.

REPORT OF COMMITTEE ON CLAIMS AND ACCOUNTS.

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

Hon. DONALD CAMPBELL,
President State Senate:

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

HENRY RAWSON,
Chairman.

REPORT OF COMMITTEE ON CLAIMS AND ACCOUNTS.

SENATE CHAMBER,
Austin, May 16, 1870.

Hon. DON CAMPBELL,
President State Senate:

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

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

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

Respectfully,
HENRY RAWSON,
Chairman of Committee.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
Austin, May 18, 1870

To Hon. DON CAMPBELL,

President of Senate :

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

B. J. PRIDGEN,
Chairman.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

Senator Fountain offered the following resolution :

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

Adopted.

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

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

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

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

Read first time.

Referred to Committee on Internal Improvements.

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

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

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

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

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

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

Senator Pickett offered the following resolution :

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

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

Amendment accepted.

Senator Flanagan moved a suspension of rules.

Rules suspended.

Resolution as amended adopted.

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

Senator Latimer offered the following resolution :

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

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

Adopted.

Senator Hall offered the following resolution :

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

Adopted.

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

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

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

PETITIONS AND MEMORIALS.

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

Referred to Committee on Judiciary.

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

On motion of Senator Flanagan, the Senate excused him.

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

Read and referred to Committee on Counties and County Boundaries.

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

Read first time and referred to Committee on Finance.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

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

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

Communications from the Supreme Court, Secretary of State and

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

Reports read and received.

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

Read first time and referred to Committee on Internal Improvements.

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

Read first time and referred to Committee on Internal Improvements.

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

Read first time and referred to Committee on Judiciary.

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

Senator Fountain moved to suspend the rules.

Rules suspended and resolution put upon its second reading.

Read second time and passed to engrossment.

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

[General file.]

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

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

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

Read first time and referred to Committee on Internal Improvements.

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

Referred to Committee on Claims and Accounts.

[General file resumed.]

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

Senator Pickett moved suspension of rules.

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

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

Read third time and passed.

House Joint Resolution No. 3, asking the Congress of the United States to prevent the Republic of Mexico from harboring certain bands of hostile Indians who devastate the South-Western frontier of Texas. Read first time.

Senator Fountain moved suspension of rules.

Rules suspended, and resolution put upon second reading.

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

Bill read third time and passed.

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

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

SENATE CHAMBER,

AUSTIN, TEXAS, Friday, May 20, 1870.

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

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

Yeas and nays called for, and resulted as follows:

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

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

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

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

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

Journals of Thursday and Friday read and approved.

PETITIONS AND MEMORIALS.

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

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

Referred to Committee on Judiciary.

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

Referred to Committee on Finance.

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

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

Referred to Committee on Counties and County Boundaries.

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

COMMITTEE ROOM,
Austin, May 21, 1870.

HON. DON CAMPBELL,

President of the Senate :

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

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

For Chairman of Committee.

WEBSTER FLANAGAN.

Laid over under the rules.

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

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

WEBSTER FLANAGAN,
for Committee.

Laid over under the rules.

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

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

WEBSTER FLANAGAN,
for Committee.

Laid over under the rules.

REPORT OF COMMITTEE ON FINANCE.

COMMITTEE ROOM,
May 21, 1870.

To Hon. DON CAMPBELL,

President of Senate:

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

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

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

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

J. S. MILLS,
Chairman.

Laid over under the rules.

REPORT OF COMMITTEE ON FINANCE.

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

Hon. DONALD CAMPBELL,
President State Senate:

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

J. S. MILLS,
Chairman Committee on Finance.

Leave granted.

REPORT OF COMMITTEE ON SENATE BILL NO. 81.

COMMITTEE ROOM,
Austin, May 19, 1870.

To the HON. DON CAMPBELL,
President of Senate:

The Committee on Finance to whom was referred Senate bill No. 81, entitled "An Act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties," present this report. That the committee, having examined the ordinance in question, find that by its terms it was left to the people of the counties of McLennan and Falls to decide by an election to be held by the qualified voters of said counties whether they would tax themselves in conformity with said ordinance, to aid in building the Waco Tap Road. Evidence

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

IN McLENNAN COUNTY.

For the tax	632	votes
Against	43	"
Majority for	589	"

FALLS COUNTY.

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

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

J. S. MILLS,

Chairman Finance Committee.

Laid over under the rules.

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

COMMITTEE ROOM,

Austin, May 21, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

J. S. MILLS,

Chairman of Finance Committee.

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

JUDICIARY COMMITTEE ROOM,

Austin, May 20, 1870.

To the Hon. DON CAMPBELL,

President of the Senate :

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

the same, and instruct me to report it back to the Senate and recommend that the bill do not pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

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

Read first time and referred to Committee on Education.

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

Read first time and referred to Committee on Internal Improvements.

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

Read first time and referred to Committee on Judiciary.

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

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

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

Senator Clark offered the following resolution :

A RESOLUTION TO DETECT CRIME AND PUNISH CRIMINALS.

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

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

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

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

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

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

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

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Internal Improvements.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

Senator Latimer offered the following resolution:

Resolved, That the Judiciary Committee be requested to inquire

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

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

(General file.)

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

Read second time, and passed to engrossment.

(Senator Flanagan called to the chair.)

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

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

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

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

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

Read second time as amended, and passed to engrossment.

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

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

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

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

Senate bill No. 41, "An Act to Confirm the Compromises and Settlements between the Corporation of the City of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Read second time, and passed to engrossment.

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

Rules suspended.

Bill read third time and passed.

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

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

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

Read second time and passed to engrossment.

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

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

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

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

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

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

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

SENATE CHAMBER,
AUSTIN, May 23, 1870.

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

PETITIONS AND MEMORIALS.

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

MESSAGE FROM THE HOUSE.

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

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

Laid over under the rules.

REPORT OF STANDING COMMITTEE.

To the Hon. DON CAMPBELL,

President of Senate :

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

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

REPORT OF COMMITTEE ON ENROLLMENT

COMMITTEE ROOMS,
May 23, 1870.

To the Hon. DON CAMPBELL,

President of the Senate :

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

B. J. PRIDGEN,
Chairman of Committee.

BILLS AND RESOLUTIONS.

Senator Mills offered the following resolution :

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

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

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

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

Adopted.

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

Read first time, and referred to Committee on Education.

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

Read first time and referred to the Committee on Judiciary.

Senator Priest offered the following resolution :

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

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

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

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

Senator Bowers offered the following amendment :

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

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

Yeas and nays called for. Result as follows :

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

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

Motion to postpone lost.

Senator Ruby moved the previous question. Lost.

Vote taken upon original resolution.

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

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

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

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

Resolution adopted.

Senator Baker offered the following resolution :

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

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

Read first time and referred to Committee on Agricultural Affairs.

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

Read first time and referred to Committee on Public Lands.

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

Read first time and referred to Committee on Judiciary.

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

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

It was so referred.

Senator Gaines offered the following resolution :

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

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

Adopted.

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

Read first time and referred to Committee on Judiciary.

Senator Saylor offered the following resolution :

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

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

Read first time and referred to Committee on Judiciary.

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

Also Senate Bill No. 41, entitled "An Act to Confirm the Compromise and Settlement Between the Corporation of the City of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

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

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

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

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

Senator Fountain moved to adjourn and said :

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

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

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

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

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

Motion carried; Senate adjourned.

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

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

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

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

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

PETITIONS AND MEMORIALS.

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

Read and referred to Committee on Finance.

REPORTS FROM COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, May 24, 1870.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 73, entitled "An Act to incorporate the Austin Joint Stock Building Company," have had the same under consideration and instruct me to report it back to the Senate, and recommend its passage.

M. PRIEST, Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, May 24, 1870.

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

M. PRIEST, Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

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

Laid over under the rules.

COMMITTEE ROOM, Austin, May 25, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

THOS. H. BAKER,

Chairman Committee on Agriculture.

Laid over under the rules.

COMMITTEE ROOMS, May 24, 1870.

To the Hon. DON CAMPBELL,

President State Senate :

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

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the Hon. DON CAMPBELL,

President of State Senate :

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

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the Hon. DON CAMPBELL,

President State Senate :

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

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President State Senate :

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

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President State Senate :

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

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President of Senate :

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

HENRY RAWSON, Chairman.

Laid over under the rules.

COMMITTEE ROOM, Austin, May 24, 1870.

To the HON. DON CAMPBELL,

President of Senate :

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

HENRY RAWSON,
Chairman of Committee.

Laid over under the rules.

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

Laid over under the rules.

BILLS AND RESOLUTIONS.

Senator Flanagan offered the following resolution :

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

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

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Finance.

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

Read first time and referred to Committee on Finance.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

Senator Pickett offered the following resolution :

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

On motion of Senator Fountain the resolution was adopted.

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

Read first time and referred to Committee on Finance.

By leave, Senator Mills presented report of Finance Committee :

COMMITTEE ROOM, Austin, May 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

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

MILLS, Chairman of Finance Committee.

Report received and referred to Committee on State Affairs.

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

Read first time and referred to Committee on Judiciary.

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

[General file.]

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

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

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

Read first time; rule suspended.

Read second time; rule suspended.

Read third time and passed.

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

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

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

Read third time and passed.

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

Senator Flanagan moved its indefinite postponement. Carried.

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

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

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

Read first time.

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

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

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

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

Read second time and passed to engrossment.

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

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

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

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

Amendment lost.

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

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

Nays—Douglas, Clark—2.

Passed.

By leave, Senator Mills introduced the following resolution :

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

[Senator Flanagan in the chair.]

Senator Pridgen offered the following amendment :

By adding ten copies of the Austin Republican.

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

Senator Ruby moved the previous question.

Previous question ordered.

Original resolution adopted.

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

Senator Ruby moved suspension of rules.

Rules suspended.

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

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

SENATE CHAMBER,
AUSTIN, May 27, 1870.

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

PETITIONS AND MEMORIALS.

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

Read and referred to Committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Roads, Bridges and Ferries :

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

Hon. DONALD CAMPBELL,

President State Senate:

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

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

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

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

J. G. BELL,
Chairman of Committee.

Laid over under the rules.

REPORT OF COMMITTEE ON INTERNAL IMPROVEMENTS.

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

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

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

WEBSTER FLANAGAN,
Chairman.

Laid over under the rules.

REPORT OF COMMITTEE OF CONFERENCE.

SENATE CHAMBER,
Austin, May 27, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

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

FOUNTAIN,

Chairman Committee of Conference.

Report received and resolution adopted.

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

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

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

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

REPORT OF COMMITTEE ON ENGROSSED BILLS.

To Hon. DON CAMPBELL,

President of the Senate :

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

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

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

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

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

By leave, Senator Fountain introduced the following resolution :

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

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

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

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

Senator Mills offered the following resolution :

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

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

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

[General File.]

Senator Flanagan in the chair.

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

On motion of Senator Mills, Senate adjourned.

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

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

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

REPORT FROM COMMITTEE ON ROADS, BRIDGES
AND FERRIES.

COMMITTEE ROOM,
Austin, May 28, 1870.

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

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

J. G. BELL,
Chairman.

Laid over under the rules.

REPORT OF COMMITTEE ON JUDICIARY.

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

G. T. RUBY,
For Committee.

Laid over under the rules.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

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

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

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

Senator Pickett offered the following resolution :

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

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

Amendment accepted. Resolution, as amended, adopted.

Senator Broughton introduced the following :

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

Senator Mills introduced the following :

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

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

BILLS.

By Senator Flanagan;

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

Read first time and referred to Committee on Internal Improvements.

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

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

Read first time, and referred to Committee on Judiciary.

[General File.]

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

Read second time, and passed to Engrossment.

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

Read second time, and passed to engrossment.

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

COMMITTEE ROOM,
Austin, May 28, 1870.

HON. DON CAMPBELL,

President of the Senate :

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

M. PRIEST,
Chairman.

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

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

Yeas and nays called for. Result as follows :

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

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

Absent—Senator Bowers.

Motion to suspend the rule lost.

11½ o'clock A. M.

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

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

Senator Priest moved to indefinitely postpone the resolution. Carried.

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

[Senator Pickett in the chair.]

SPECIAL ORDER, 12 M.

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

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

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

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

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

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

Original motion adopted.

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

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

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

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

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

SENATE CHAMBER,
AUSTIN, May 31, 1870.

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

PETITIONS AND MEMORIALS.

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

Read and referred to Committee on Counties and County Boundaries.

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

Read and referred to Committee on Judiciary.

Senator Parsons offered a memorial of Louisa H. McDonald.

Referred to Committee on Internal Improvements.

REPORTS.

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

COMMITTEE ROOM,
Austin, May 31, 1870.

To the HON. DON CAMPBELL,

President State Senate:

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

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

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

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

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

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

Very respectfully,

WEBSTER FLANAGAN,

Chairman.

Laid over under the rules.

COMMITTEE ROOM,

AUSTIN, May 31, 1870.

Hon. DON CAMPBELL,

President of the Senate:

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

WEBSTER FLANAGAN,

Chairman.

Laid over under the rules.

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

Senator Hertzberg, for minority, presented a report.

Laid over under the rules.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and

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

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

REPORT OF COMMITTEE ON COUNTIES AND COUNTY BOUNDARIES.

Hon. DON CAMPBELL,
President of Senate:

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

J. G. BELL,
Chairman of Committee.

Laid over under the rules.

BILLS.

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

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

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

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

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

Read first time, and referred to Committee on Education.

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

Read first time, and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

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

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

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

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

Senator Mills offered the following:

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

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

Senator Priest moved the indefinite postponement.

Yeas and Nays called for:

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

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

Motion lost.

Senator Bowers offered substitute for caption of resolution.

Senator Priest moved to lay substitute on table.

Yeas and nays called for:

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

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

Motion lost.

Senator Douglas moved the adoption of the substitute.

Yeas and nays called for:

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

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

The following substitute adopted :

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

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

Resolution as amended adopted.

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

Rules suspended.

Bill read second time.

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

Senator Parsons moved a recess of five minutes. Carried.

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

[In Senate.]

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

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

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

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

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

Absent—Senators Alford and Saylor.

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

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

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

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

Read and referred to Committee on State Affairs.

REPORTS.

Report of Committee on Counties and County Boundaries:

COMMITTEE ROOM,
Austin, June 1, 1870.

Hon. DONALD CAMPBELL,

President State Senate:

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

J. G. BELL,
Chairman of Committee.

Report received.

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

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

[Senator Fountain in the chair.]

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

Senate went into Committee of the Whole.

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

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

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

In Senate—President Don Campbell in the chair.

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

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

SENATE CHAMBER—AFTERNOON SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding.

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

FOUR P. M., IN SENATE.

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

Senator Parsons offered the following :

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

Senator Flanagan offered the following substitute :

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

Substitute adopted.

On motion of Senator Cole, the Senate adjourned.

SENATE CHAMBER.

AUSTIN, June 2, 1870.

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

PETITIONS AND MEMORIALS.

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

Read and referred to Committee on Private Land Claims.

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

Read and referred to Committee on Internal Improvements.

REPORT FROM COMMITTEES.

Committee on Claims and Accounts :

COMMITTEE ROOM,

June 1, 1870.

HON. DON CAMPBELL,

President of Senate :

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

Very respectfully,

HENRY RAWSON,

Chairman of Committee.

Laid over under the rules.

Report of Committee on Judiciary :

JUDICIARY COMMITTEE ROOM,

Austin, May 31, 1870.

To the Hon. DON CAMPBELL,

President of State Senate :

SIR: The Judiciary Committee, to whom was referred Senate bill No. 29, entitled "An Act incorporating the Stonewall Fire Company of the city of Houston," have had the same under consideration and instruct me to report it back with accompanying amendment, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend bill by striking out section two.

Laid over under the rules.

JUDICIARY COMMITTEE ROOM,
Austin, May 31, 1870.

To the HON. DON CAMPBELL,
President State Senate :

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

M. PRIEST,
Chairman of Committee.

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

Laid over under the rules.

Report of Committee on Private Land Claims:

COMMITTEE ROOM,
Austin, June 1, 1870.

To the HON. DON CAMPBELL,
President of Senate :

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

B. J. PRIDGEN,
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills :

To the HON. DON CAMPBELL,
President of Senate :

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

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

BILLS AND RESOLUTIONS.

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

Read first time and referred to Committee on Finance.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

Senator Priest offered the following resolution :

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

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

Amendment accepted. Resolution as amended adopted.

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

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

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

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

AFTERNOON SESSION—2:25 O'CLOCK, P. M.

Senate met pursuant to adjournment. Quorum present.

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

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

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

On motion of Senator Fountain, the Senate adjourned.

SENATE CHAMBER,

AUSTIN, TEXAS, Friday, June 3, 1870.

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

PETITIONS AND MEMORIALS.

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

Read and referred to Committee on Judiciary.

BILLS AND RESOLUTIONS.

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

Read first time and referred to Committee on Immigration."

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

Read first time and referred to Committee on Judiciary.

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

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

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

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

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

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

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

Read first time and referred to Committee on Judiciary.

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

[Senator Fountain in the chair.]

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

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

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

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

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

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

Report received and adopted.

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

Yeas and nays called for. Result as follows:

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

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

Motion to table motion to reconsider carried.

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

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

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

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

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

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

Senators Hall and Parsons tellers. Vote as follows:

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

Total.....29 votes.

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

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

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

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

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

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

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

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

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

Rules suspended and bill read third time.

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

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

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

On motion of Senator Bowers the Senate adjourned.



SENATE CHAMBER,
AUSTIN, June 4, 1870.

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

BILLS AND RESOLUTIONS.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Immigration.

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

Read first time and referred to Committee on Internal Improvements.

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

Read first time and referred to Committee on Judiciary.

GENERAL FILE.

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

Senator Ruby moved a suspension of the rules.

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

Yeas and nays taken, which resulted as follows:

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

Absent—Messrs. Alford and Douglas.

Bill passed.

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

Read second time and passed to engrossment.

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

Yeas and nays called for.

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

Absent—Messrs. Alford and Douglas.

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

Read second time and passed to engrossment as amended.

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

Rules suspended.

Bill read third time.

Yeas and nays taken on final passage resulted as follows :

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

Absent—Douglas.

Bill passed.

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

Read second time and passed to engrossment.

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

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

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

Absent—Douglas.

Bill passed.

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

Read and referred to Committee on Judiciary.

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

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

Senator Ruby moved adoption of the report of the committee.

Report adopted.

Bill as amended read second time and passed to engrossment.

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

Rules suspended.

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

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

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

Majority and minority reports read.

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

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

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

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

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

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

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

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

EXECUTIVE OFFICE,

Austin, May 23, 1870.

To the Honorable Senate and House of Representatives

of the State of Texas:

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

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

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

Were all approved on the dates mentioned above.

Respectfully,

EDMUND J. DAVIS,

Governor.

EXECUTIVE OFFICE,

Austin, June 1, 1870.

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

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

Respectfully,

EDMUND J. DAVIS,

Governor.

Senator Cole moved to adjourn. Lost.

Senator Parsons moved to adjourn. Lost.

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

SENATE CHAMBER,

AUSTIN, Texas, June 6, 1870.

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

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
June 6, 1870.

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

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

FLANAGAN,
for Committee.

Laid over under the rules.

Reports of Finance Committee:

COMMITTEE ROOM,
June 6, 1870.

To Hon. DON CAMPBELL,
President of the Senate:

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

JOHN S. MILLS,
Chairman Financial Committee.

Laid over under the rules.

COMMITTEE ROOM,
June 6, 1870.

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

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

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

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

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

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

J. S. MILLS,
Chairman Finance Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, June 6, 1870.

To the HON. DON CAMPBELL,
President State Senate:

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

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

JOHN S. MILLS,
Chairman of Finance Committee.

Laid over under the rules.

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM,
Austin, June 6, 1870.

Hon. DONALD CAMPBELL,

President State Senate:

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

J. G. BELL,
Chairman of Committee.

Rules suspended.

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

Yeas and nays were taken on final passage:

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

Nays—Parsons—1.

Absent—Latimer.

Bill passed.

REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

COMMITTEE ROOM,
Austin, June 6, 1870.

To the Hon. DON CAMPBELL,

President State Senate:

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

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

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

Respectfully,

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

Members of Committee on Contingent Expenses.

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

COMMITTEE ROOM,
 Austin, June 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

Respectfully,

J. S. MILLS,
 Chairman.

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

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

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
 AUSTIN, June 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

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

Very respectfully,

B. J. PRIDGEN,
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, June 6, 1870.

HON. DON CAMPBELL,

President of the Senate:

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

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

BILLS AND RESOLUTIONS.

Senator Priest offered the following resolution:

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

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

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

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

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

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

Senator Pickett moved to lay the resolution upon the table.

Yeas and nays called for. Result as follows:

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

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

Motion to lay on the table lost.

Laid over under the rules.

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

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

GENERAL FILE.

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

Read second time and passed to engrossment.

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

Read second time and passed to engrossment.

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

Yeas and nays taken on final passage.

Result as follows :

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

Absent—Senators Gaines, Latimer, Saylor.

Bill passed.

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

Rules suspended.

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

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

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

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

[Senator Flanagan in the chair.]

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

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

On motion of Senator Ruby, call suspended.

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

Senator Bowers called for a division of the question.

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

Result as follows :

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

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

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

Senator Bell offered a substitute for the bill.

Senator Bowers moved a rejection of the substitute.

Yeas and nays called for, result as follows :

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

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

Lost.

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

Absent—Senator Clark ; Senator Latimer excused.

Pending call, Senator Campbell moved to adjourn. Carried.

SENATE CHAMBER,

AUSTIN, June 7, 1870.

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

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

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

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

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

Message from the House by Chief Clerk :

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

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

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

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

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

Adopted.

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

Yeas and nays called for ; result as follows :

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

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

Amendment lost.

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

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

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

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

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

Senator Priest moved the engrossment of the bill.

Yeas and nays taken. Result as follows :

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

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

Carried, and bill ordered to be engrossed.

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

Rules suspended. Bill read third time.

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

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

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

Bill passed.

PETITIONS AND MEMORIALS.

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

Read and referred to Committee on Judiciary.

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

Read and referred to Committee on Finance.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Finance :

COMMITTEE ROOM,
Austin, June 6, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

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

J. S. MILLS,
Chairman.

Laid over under the rules.

Report of Committee on Finance:

COMMITTEE ROOM,
Austin, June 6, 1870.

HON. DON CAMPBELL,
President of Senate:

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

MILLS,
Chairman.

Laid over under the rules.

Report of Committee on Indian Affairs:

COMMITTEE ROOM,
Austin, June 7, 1870.

HON. DON CAMPBELL,
President of Senate:

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

FOUNTAIN,
Chairman.

Report received.

Report of Committee on Engrossed Bills:

HON. DON CAMPBELL,
President of Senate:

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

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

BILLS AND RESOLUTIONS.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Public Lands.

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

Read first time and referred to Committee on Judiciary.

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

Read first time and referred to Committee on Internal Improvements.

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

Rules suspended and bill read first time.

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

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

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

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

Amendment adopted.

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

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

Read third time and passed.

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

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

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

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

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

Senator Douglas offered the following amendment:

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

Amendment lost.

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

Senator Flanagan moved the adoption of the amendment.

Amendment lost.

Senator Dohoney offered the following amendment:

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

Senator Ruby moved suspension of rules.

Rules suspended, and bill read third time.

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

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

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

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

Absent—Messrs. Latimer and Mills.

Bill passed.

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

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

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

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

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

And ask their concurrence in the same.

On motion of Senator Saylor the Senate adjourned.

SENATE CHAMBER,
AUSTIN, June 8, 1870.

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

REPORTS FROM STANDING COMMITTEES.

Austin, June 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

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

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

BILLS AND RESOLUTIONS.

By Senator Bowers.

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

Read first time, and referred to Committee on Judiciary.

Senator Gaines offered the following resolution :

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

Senator Mills moved its adoption.

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

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

Senator Alford offered the following substitute :

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

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

Yeas and nays called for. Result as follows :

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

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

Motion to table carried.

Senator Ruby offered the following resolution :

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

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

BILLS.

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

Read first time and referred to Committee on Internal Improvements.

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

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

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

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

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

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

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

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

CLARKSVILLE, July 7, 1863.

His Excellency F. R. LUBBOCK:

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

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

(Signed)

H. R. LATIMER.

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

(Signed)

H. R. L.

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

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

(Signed)

PAUL.

CLARKSVILLE, TEXAS,
April 17, 1864.

HON. P. MURRAH:

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

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

Respectfully, your friend and obedient servant,

(Signed)

H. R. LATIMER.

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

Endorsement No. 106.

H. R. LATIMER,

April 17, 1864.

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

(Signed)

PAUL.

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

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

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

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

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

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

Pending discussion.

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

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

The Chair ruled the resolution of Senator Fountain in order.

Senator Flanagan appealed from the decision of the Chair.

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

Upon which the yeas and nays were as follows:

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

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

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

On motion of Senator Ruby the Senate adjourned.

SENATE CHAMBER,

AUSTIN, TEXAS, Thursday, June 9, 1870.

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

Absent—Senators Latimer, Parsons, Pickett, Pridgen.

Prayer by the Chaplain.

Senator Mills moved that Senator Latimer be excused.

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

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

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

Senator Fountain moved that Senator Latimer be excused.

Senator Bowers moved a call of the House.

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

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

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

Carried.

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

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

Message from the House by Chief Clerk.

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

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

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

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

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

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

[Senator Pickett called to the Chair.]

Senator Fountain offered the following amendment:

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

Amendment lost.

Senator Flanagan moved the engrossment of the bill.

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

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

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

Bill passed to engrossment.

Senator Ruby moved that bill be recommitted.

Yeas and nays called for; result as follows:

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

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

Motion to recommit lost.

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

Yeas and nays called for; result as follows:

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

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

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

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

Yeas and nays called for; result as follows:

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

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

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

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

Yeas and nays called for. Result as follows:

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

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

So the Senate refused to suspend the rules.

Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows:

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

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

Senate adjourned.

SENATE CHAMBER,
AUSTIN, June 10, 1870.

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

Absent—Senators Bowers, Broughton and Cole—3.

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

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

The President decided the point of order not well taken.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
Austin, June 8, 1870.

Hon. DONALD CAMPBELL,

President State Senate:

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

J. G. BELL,
Chairman of Committee.

Laid over under the rules.

Reports of Committee on Judiciary:

JUDICIARY COMMITTEE ROOM,
Austin, June 8, 1870.

HON. DON CAMPBELL,

President of the Senate:

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

G. T. RUBY,
For Committee.

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

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

Laid over under the rules.

JUDICIARY COMMITTEE ROOM,
Austin, June 9, 1870.

To the HON. DON CAMPBELL,

President of Senate :

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

M. PRIEST,
Chairman of Committee.

Bill and report read and laid over under the rules.

Report of Committee on Enrollment :

SENATE CHAMBER,
Austin, June 9, 1870.

To the HON. DON CAMPBELL,

President State Senate :

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

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

B. J. PRIDGEN,
Chairman.

BILLS AND RESOLUTIONS.

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

Read first time and referred to Committee on Judiciary.

Senator Pyle offered the following resolution :

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

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

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

Adopted.

Senator Latimer offered the following resolution :

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

Message from the House by Chief Clerk :

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

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

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

BILLS.

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

Read first time and referred to Committee on Judiciary.

UNFINISHED BUSINESS.

Unfinished business of yesterday :

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

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

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

On motion of Senator Priest the Senate adjourned.

SENATE CHAMBER,

AUSTIN, Texas, June 11, 1870.

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

Absent—Senator Baker.

REPORTS FROM STANDING COMMITTEES.

Reports of Committee on Internal Improvements:

COMMITTEE ROOM,
June 11, 1870.

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

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

WEBSTER FLANAGAN,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
AUSTIN, June 11, 1870.

Hon. DON CAMPBELL,
President of the Senate:

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

WEBSTER FLANAGAN,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, June 11, 1870.

Hon. DON CAMPBELL,
President of the Senate:

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

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

WEBSTER FLANAGAN,

Chairman.

Laid over under the rules.

BILLS AND RESOLUTIONS.

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

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

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

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

Read first time, and referred to Committee on Judiciary.

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

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

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

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

Read first time, and referred to Committee on Judiciary.

Message from the House by chief clerk:

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

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

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

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

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

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

SUSPENSION OF RULES.

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

Rules suspended and the bill read first time.

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

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

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

Rules suspended, bill read second time.

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

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

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

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

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

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

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

Bill read second time and ordered to be engrossed.

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

Yeas and nays called for. Result as follows :

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

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

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

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

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

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

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

Senator Priest moved a reconsideration of the vote ordering engrossment.

Motion to reconsider lost.

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

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

Nays—Douglas and Hertzberg—2.

Bill passed.

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

Yeas and nays called for. Result as follows:

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

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

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

On motion of Senator Ford, the rules were suspended to take from file Senate Bill No. 81, "An Act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868,

authorizing a special tax to be levied for the Waco Tap Railroad Company in Fall and McLennan counties."

Report of Committee read and adopted.

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

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

Rules suspended and report of committee read.

Senator Mills moved the bill be recommitted. Lost.

Message from the House by Chief Clerk :

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

On motion of Senator Hertzberg the Senate adjourned to Monday.

SENATE CHAMBER,
AUSTIN, June 13, 1870.

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

Absent--Senator Clark.

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

PETITIONS AND MEMORIALS.

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

Read and referred to Committee on Education.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
June 13, 1870.

HON. DON CAMPBELL,

President of Senate:

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

Respectfully submitted,

M. PRIEST,
Chairman of Committee.

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

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

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

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

Report of Committee on Internal Improvements:

COMMITTEE ROOM,
June 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

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

WEBSTER FLANAGAN,
Chairman.

Laid over under the rules.

Report of Committee on Engrossment:

To the Hon. DON CAMPBELL,

President of the Senate:

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

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

BILLS AND RESOLUTIONS.

By Senator Flanagan, "An Act to incorporate Southern Trans-Continental Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Priest, a bill to be entitled "An Act to authorize county courts to levy a road tax, and to improve roads and bridges."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Alford, "An Act to regulate the manner of paying county drafts and other evidence of county indebtedness, and to require counties to pay interest on unpaid drafts.

Read first time and referred to Committee on Judiciary.

UNFINISHED BUSINESS.

Unfinished business of Saturday :

Report of Internal Improvements Committee on Senate Bill No. 11 and substitute, "An Act for the relief of the Eastern Texas Railroad."

Senator Flanagan moved the adoption of the substitute. Carried.

Senator Priest offered the following amendment :

Amend by adding, at the end of section one : "*Provided*, That nothing in this act shall be so construed as to revive any rights to land heretofore granted to said railroad company and forfeited by reason of non-compliance with the terms and condition of the grant, said lands being, in the Constitution, set apart for the benefit of the School Fund."

Amendment lost.

Senator Flanagan moved suspension of rules.

Rules suspended, and bill read second time and ordered to be engrossed.

And on motion of Senator Parsons the rules were suspended and bill read third time.

Yeas and nays called for on final passage. Result as follows :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Dohoney, Cole, Douglas, Evans, Flanagan, Ford, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Shannon—20.

Nays—Fountain, Gaines, Hall, Hertzberg, Mills, Priest, Saylor—7.

Bill passed.

Under direction of the President, the Secretary carried to the House Senate bill No. 81, "An Act to Legalize an Ordinance Adopted by the Convention on the Twelfth Day of December, 1868, Authorizing a Special Tax to be Levied for the Waco Tap Railroad Company in Falls and McLennan Counties."

Also, Senate bill No. 55, "An Act to Organize and Define the Powers of the Criminal District Court in and for the Counties of Galveston and Harris, and to Prescribe the Duties Thereof."

Also, Senate bill No. 188, "An Act Granting Certain Real Estate to the City of Austin."

On motion of Senator Parsons, the regular order for 12 M. was postponed for fifteen minutes, and the Senate took a recess for that time.

12:15 P. M.

The hour having arrived, the Senate proceeded to consider Senate bill No. 94, "An Act to Expedite the Construction of the Southern Pacific Railroad."

Report of committee read.

Pending discussion, message received from the House by Chief Clerk, informing the Senate the House had passed Senate Bill No. 56, "An Act to prevent cessation of judicial functions, and avoid doubt of validity of judgments and other regular proceedings of the Supreme, Criminal and District judges and courts."

The question re-occurring upon Senate Bill No. 94, read second time and passed to engrossment.

Senator Pettit moved to adjourn. Lost.

Senator Parsons moved a suspension of the rules to place the bill on its third reading and final passage.

Yeas and nays called for :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon—20.

Nays—Fountain, Gaines, Hall, Hertzberg, Priest, Saylor—6.

So the Senate refused to suspend the rules; four-fifths not voting in the affirmative.

Senator Priest moved to reconsider the vote just taken. Carried.

On motion of Senator Parsons the constitutional rule requiring bills to be read on three separate days, was suspended.

Bill read third time.

Yeas and nays called for on the final passage :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Ford, Gaines, Hall, Hertzberg, Priest—5.

Bill passed.

On motion of Senator Alford, the Senate adjourned.

**SENATE CHAMBER,
AUSTIN, Texas, Tuesday, June 14, 1870.**

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present.

Absent--Senators Broughton and Hall.

On motion of Senator Mills the Chaplain of the Senate was excused on account of sickness.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Bowers, petition of M. M. Grant, for relief.
Read and referred to Committee on Judiciary.

REPORTS FROM STANDING COMMITTEES.

Reports from Committee on Judiciary :

COMMITTEE ROOM,
June 14, 1870.

To the HON. DON CAMPBELL,
President of Senate:

The Judiciary Committee, to whom was referred Senate bill No. 180, entitled "An Act for the relief of Cain F. Brush," have carefully considered the same, and instruct me to report it back, and recommend that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
June 13, 1870.

To the Hon. DON CAMPBELL,
President of the Senate:

Your Committee on Judiciary, to whom was referred Senate Bill No. 32, entitled "An Act to incorporate Houston Hook and Ladder Company No. 1," also Senate Bill No. 119, entitled "An Act to incorporate the New Anhalt Manufacturing Company, Burleson county, Texas," have had the same under consideration, and instruct me to report them back to the Senate and recommend their passage.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

JUDICIARY COMMITTEE ROOM,
June 13, 1870.

To the HON. DON CAMPBELL,
President of the Senate :

Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 42, referring to the same persons holding two offices in this State, have had the same under consideration, and instruct me to report that, in the opinion of the committee, the objects sought by the resolution are fully provided for by the Constitution, and, therefore, recommend that said joint resolution do not pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
June 13, 1870.

To the Hon. DON CAMPBELL,
President of the Senate :

Your Committee on Judiciary, to whom was referred Senate Bill No. 23, entitled "An Act to carry into execution the judgments and decrees of the late County Court, and to perfect the unfinished business thereof," have had the same under careful consideration, and instruct me to report the accompanying substitute for said bill, and respectfully recommend its passage.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
June 14, 1870.

To the HON. DON CAMPBELL,
President of Senate :

Your Committee on Judiciary, to whom was referred "petition of Abel Landers and others for relief," have carefully considered the same, and believe the petitioners entitled to the relief prayed for, we therefore beg leave to report the accompanying bill and recommend its passage.

Respectfully submitted,

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
June 14, 1870.

To HON. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was referred the petition of the heirs of W. J. Cowen, deceased, have duly considered the same, and instruct me to report it back to the Senate with the accompanying bill and recommend its passage.

B. J. PRIDGEN,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
June 14, 1870.

To HON. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was referred the petition of W. H. Dangerfield, have duly considered the same, and instruct me to report it back to the Senate with the accompanying bill and recommend its passage.

B. J. PRIDGEN,
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills :

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills have examined and compared Senate bill No. 94, "To expedite the construction of the Southern Pacific Railroad," and find the same correctly engrossed.

G. T. RUBY,
E. L. DOHONEY.

BILLS AND RESOLUTIONS.

Senator Baker offered the following resolution :

Resolved, That the clerks of such Senate committees as are authorized by the Senate to employ clerks be allowed eight dollars per day for their services from the time of the commencement of their services as clerks upon such committees ; *provided* that clerks serving on more committees than one shall not be entitled to draw more than eight dollars per day.

Pending discussion, message from the House by Chief Clerk :

House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company."

The question recurring upon the resolution of Senator Baker, Senator Priest offered the following amendment to the same :

Strike out the words "from the time of the commencement of their services as clerks," and insert "from this date."

Senator Rawson moved to lay the whole matter on the table.

Motion lost.

The question recurring upon the amendment of Senator Priest, the vote was taken and the amendment lost.

Senator Picket offered the following amendment :

And provided further, that no clerk who is drawing pay as clerk of any House committee shall draw pay as clerk of any Senate committee.

Resolution as amended adopted.

Senator Saylor offered the following resolution :

WHEREAS, The clerks of this Senate and clerks of committees are justly entitled to the compensation allowed for their services, therefore be it

Resolved, That the compensation now allowed be the per diem pay for the session, and that the pay of pages and porters being out of proportion, that the same be reduced to four dollars per day from and after this date.

Senator Pettit moved to lay the resolution upon the table. Carried.

Senator Dohoney offered the following resolution :

WHEREAS, The illness of Senator Pyle's wife demands his presence at home, therefore be it

Resolved, That the Hon. W. H. Pyle be granted leave of absence for thirty days, and that Hon. M. Priest having agreed to pair off with Senator Pyle in all votes that may be taken on the militia bills pending before the Legislature, or any militia bills that may come before the Legislature during the absence of Senator Pyle, is hereby granted leave to so pair off his vote. Adopted.

Senator Pettit moved a suspension of rules to take from file Senate Bill No. 47.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bell, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer, Parsons, Pettit, Picket, Pridgen, Shannon—13.

Nays—Baker, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Priest, Rawson, Ruby, Saylor—12.

The Senate refused to suspend the rules, three-fourths not voting in the affirmative.

Message from the House by chief clerk :

Senate Bill No. 81, "An Act to legalize an ordinance adopted by the Convention on the 12th day of December, 1868, authorizing

a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties."

SUSPENSION OF RULES.

Senator Bowers moved suspension of rules to take up Senate Bill No. 23, a bill entitled "An Act to carry into execution the judgments and decrees of the late county courts, and to perfect the unfinished business thereof.

Yeas and nays taken. Result as follows :

Yeas—Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Parsons, Picket, Pridgen, Pyle, Shannon—16.

Nays—Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to suspend the rules, two-thirds not voting in the affirmative.

BILLS AND RESOLUTIONS.

By Senator Douglas: Joint resolution concerning the Supreme Court Libraries at Tyler and Galveston.

Read first time and placed on file.

By Senator Dohoney: An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy.

Read first time and referred to Committee on Education.

GENERAL FILE.

Senate Bill No. 97, a bill to be entitled "An Act for the relief of W. B. Price.

Bill read second time.

Pending discussion, on motion of Senator Alford, the Senate adjourned.

SENATE CHAMBER,

AUSTIN, TEXAS, Wednesday, June 15, 1870.

Senate met pursuant to adjournment, President Don. Campbell presiding. Roll called; quorum present.

Absent—Senators Bowers, Clark, Pyle, Ruby, Saylor.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Flanagan: Memorial of citizens of the counties of Upshur, Rusk and Harrison.

Read and referred to Committee on Counties and County Boundaries.

REPORT FROM STANDING COMMITTEES.

Reports from Committee on Judiciary:

COMMITTEE ROOM,
June 14, 1870.

To the Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred Senate Bill No. 68, entitled "An Act authorizing the Police Courts of Washington county to levy a tax for the support of lunatics in said county, have had the same under consideration and instruct me to report it back with accompanying amendment and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend in section one, line five, by adding after the word "of," the words "not to exceed."

Laid over under the rules.

COMMITTEE ROOM,
June 14, 1870.

To the Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred Senate Bill No. 46, entitled "An Act to repeal an act, approved January 14, 1860," have had the same under consideration and instruct me to report it back with accompanying amendment and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend section one by adding after the word "force," the words "from and after its."

Laid over under the rules.

COMMITTEE ROOM,
June 14, 1870.

To the Hon. DON CAMPBELL,
President of Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 87, entitled "An Act to provide for the payment of District Attorneys pro tem.," have carefully considered the same, and instruct me to report it back with accompanying amendment and recommend its passage.

M. PRIEST,
Chairman of Committee.

Amend by inserting at the end of first section the words, "Provided that no pro tem. District Attorneys shall be entitled to any pay under this act where there was at the time a District Attorney who drew or is entitled to draw his salary for the time specified."

Laid over under the rules.

COMMITTEE ROOM,
June 14, 1870.

To the Hon. DON CAMPBELL,
President of Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 12, entitled "An Act repealing all laws passed from and after February 1, 1861; Senate bill No. 39, entitled "An Act to amend articles 698, 699 and 700, of the Code of Criminal Procedure; Senate bill No. 61, entitled "An Act to amend article 271, Code of Criminal Procedure and other purposes;" also Senate bill No. 123, entitled "An Act providing for the removal and appointment of certain officers in the State of Texas;" have had the same under careful consideration and instruct me to report them back to the Senate, with the recommendation that they do not pass.

M. PRIEST,
Chairman of Committee

Laid over under the rules.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
Austin, June 15, 1870.

To the Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee upon Contingent Expenses beg leave to submit to the consideration of your honorable body the accompanying bills and accounts, which they have examined and recommend

that bills for the following named parties respectively be allowed, and that the Secretary of the Senate be instructed to issue his warrants upon the State Treasurer for the same in favor of the claimants, to-wit:

W. F. Bengener.....	\$ 17 00
Fannie Mitchell.....	6 00
Mrs. Churin.....	10 00
A. B. Palm.....	105 00
A. B. Palin.....	2 30
A. J. Fountain.....	18 45
Frank Martin.....	5 00
Wm. M. Gumble.....	13 00
Total.....	\$176 75

Your committee would respectfully refer to your honorable body accounts of the Austin Republican, accompanying the report, for \$650 40, and respectfully ask the action of the Senate upon the same.

In account for Miles Byrne accompanying this report, for \$8 25, your committee can find no itemized date to guide their judgment in determining whether the claim be just or not, and therefore decline immediate action thereon.

Respectfully,

J. S. MILLS,
Chairman,
M. PRIEST,
G. T. RUBY,
E. B. PICKETT,
SHANNON,

Members of Committee on Contingent Expenses.

Under direction of the President the Secretary carried to House Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

10½ A. M.

The hour having arrived for special order, Senate bill No. 197, "An Act prescribing the times of holding the district courts in the several judicial districts in the State," Senator Mills moved a postponement of the same for twenty minutes. Motion lost.

Special order resumed.

Bill read third time.

Senator Priest offered the following amendment:

Amend section 22, line 4, strike out *five* and insert *six*; line 5.

strike out *second* and insert *third*; line 7, strike out *first* and insert *second*. Adopted.

Senator Pridgen offered the following amendment:

Sec. 23, line 3, strike out "first" insert last; strike out October, February and June, insert September, January and May. Adopted.

Senator Hertzberg offered the following amendment:

Amend section 24, line 4, by striking out "six weeks" and inserting the words, "until the business is disposed of"; line 5, by striking out the words "November, March and July," and inserting the words, "December, April and August"; line 7, by striking out the words "first, December, April and August," and by inserting "third, January, May and September." Adopted.

Senator Hall moved to amend section 32, line 4, by striking out "four" and inserting "six"; line 5, strike out "first," insert "third"; line 6, strike out "four," insert "three"; line 7, strike out "first," insert "second"; in line 8, strike out "four," insert "three."

Adopted.

Senator Ford moved to amend section 34 by striking out the word four, in line 4, and insert six; amend fifth, same section, by striking out the word "first" and insert "third." Adopted.

Bill ordered to be engrossed as amended.

On further motion the bill passed.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed, in open session, joint resolution requiring the late assessors and collectors to complete the assessment of taxes in their respective counties, and make return thereof to the Comptroller of Public Accounts on or before the twelfth day of August, 1870.

Also "An Act to provide for the distribution of the money in the State Treasury which is due the several counties in the State."

Whereupon they were signed by the President, in open session, and returned to the House.

REPORT OF COMMITTEE ON ENGROSSMENT.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 1, "for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated," and find the same correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Senator Mills moved suspension of rules to take up report of Committee on Contingent Expenses. Rules suspended.

Senator Ruby moved to recommit that portion of the report which refers to the claim of the Austin Republican. Carried.

Senator Priest moved the adoption of the remainder of the report. Carried.

BILLS AND RESOLUTIONS.

By Senator Flanagan, an act entitled "An Act to incorporate the Odd Fellows' Banking and Insurance Company."

Read first time and referred to Committee on Judiciary.

By Senator Hall, "An Act to incorporate the town of Centre-ville."

Read first time and referred to Committee on Judiciary.

By Senator Hertzberg, an act to be entitled "An Act for the relief of Jose Maria Rodriguez."

Read first time and referred to Committee on Judiciary.

Also, a bill to be entitled "An Act to incorporate the Gymnastic Association of New Braunfels.

Read first time and referred to Committee on Judiciary.

UNFINISHED BUSINESS.

Unfinished business of yesterday :

Senate bill No. 97, a bill to be entitled "An Act for the relief of W. B. Price." Passed second reading.

Senator Priest moved that the bill be committed to the Judiciary Committee. Carried.

Senator Bowers moved that the Judiciary Committee be requested to report on the same to-morrow. Carried.

Senator Fountain offered the following resolution :

Resolved, That the Committee on Judiciary be requested to report at as early a date as possible the bill entitled "An Act to Incorporate the Citizens' Bank of Navasota."

Carried.

GENERAL FILE.

Senate bill No. 33, "An Act to Provide for the Enrollment of the Militia, the Organization and Discipline of the State Guards and for the Public Defense."

Read second time.

Senator Fountain offered as a substitute House bill No. 29. "An Act to Provide for the Enrollment of the Militia, etc."

(Senator Picket called to the chair.)

Senator Flanagan offered a substitute for the substitute.

Senator Fountain moved the Committee on Printing have one hundred copies printed of House bill No. 29 and substitute, and laid on the desks of the members to-morrow morning.

On motion of Senator Alford the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Thursday, June 16, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Bowers:

Petition of F. H. Arlett for relief.

Read and referred to Committee on Claims and Accounts.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary:

COMMITTEE ROOM,
June 15, 1870.

To the Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred Senate Bill No. 93, entitled "An Act for the improvement of the navigation of the Colorado river," have had the same under consideration, and instruct me to report it back to the Senate, with accompanying substitute, and recommend its passage.

Respectfully submitted,

M. PRIEST;
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
June 15, 1870.

To the Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate Bill No. 97, entitled "An Act for the relief of W. B. Price, have had the same under consideration, and are equally divided as to the propriety of reporting favorably on the accompanying substitute for the original bill, three members favoring the adoption of said substitute, and three believing the same in conflict with the provisions of the constitution, do not favor its adoption; one member of the committee not being present when said bill was acted on. Your committee

therefore report said bill and proposed substitute back to the Senate, without making any recommendation on the subject.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
June 15, 1870.

To the Hon. DON CAMPBELL,
President of the Senate :

Your Committee on Judiciary, to whom was referred Senate Bill No. 76, entitled "An Act to authorize the police court of Washington county to levy a special tax to build a jail at the county seat," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
June 15, 1870.

To the Hon. DON CAMPBELL,
President Senate :

Your Committee on Judiciary, to whom was referred Senate Bill No. 78, entitled "An Act concerning the levy of taxes for Bexar county," have had the same under consideration, and instruct me to report it back and recommend its passage.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM,
June 16, 1870.

HON. DON CAMPBELL,
President of Senate :

Your Committee on Roads, Bridges and Ferries have given Senate bill No. 200, entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges," due consideration, and hereby return the same, recommending its passage.

J. G. BELL,
Chairman.

Laid over under the rules.

Reports of Committee on Education :

COMMITTEE ROOM,
Austin, June 14, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Education, to whom was referred the petition of citizens of Lamar county, State of Texas, asking the Legislature to prohibit the sale of spirituous liquors within four miles of Shiloh Male and Female Academy, located six miles west of Paris, the county town of said Lamar county, have had the same under consideration, and report the accompanying bill and recommend its passage.

Respectfully,

E. PETTIT,
Chairman Committee on Education.

Laid over under the rules.

COMMITTEE ROOM,
Austin, June 15, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Education, to whom was referred Senate bill No. 30, entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home, Bryan, Brazos county, Texas," have carefully considered the same, and I am instructed to report it back and recommend it do pass.

E. PETTIT,
Chairman.

Laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Flanagan: "An Act to incorporate the East Texas Cotton, Woolen and Cotton and Oil Manufactory Company."

Read first time and referred to Committee on Judiciary.

Senator Douglas offered the following resolution:

Resolved, That the Secretary of State, or whoever exercises control over the capitol grounds, be requested to cause the north and south gates to be opened at 9 o'clock A. M. of each day (Sundays excepted), and to be kept open during the day.

UNFINISHED BUSINESS.

Unfinished business of yesterday:

The question recurring upon the adoption of the substitute offered by Senator Flanagan for the substitute of Senator Fountain

the chair ruled the substitute of Senator Flanagan out of order. That a substitute for a substitute was out of order, but that the substitute when adopted was open for amendment *in* one degree.

Senator Flanagan appealed from the decision of the chair.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Clark.

Senator Fountain moved that Senator Clark be excused.

Senator Bowers moved a call of the Senate on the motion to excuse Senator Clark.

Chair ruled that the Senate being now under a call a further call was not in order.

Senator Clark having returned, Senator Fountain, by permission, withdrew his motion to excuse.

On motion of Senator Bowers the call was suspended.

Yeas and nays demanded on the appeal.

The question was then put by the chair, "Shall the decision of the chair be sustained?"

The yeas and nays were as follows: Yeas 14, nays 14.

Those who voted in the affirmative were:

Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--14.

Those who voted in the negative were:

Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon--14.

Message from the House by Chief Clerk Mr. Boyle.

House bill No. 153, "An act appropriating money to pay a claim upon vouchers against the State."

Also House bill No. 2, "An act making an appropriation for the mileage and per diem pay of the members and the per diem of the officers and employes of the twelfth Legislature of the State of Texas."

Also House bill No. 13, "An act to incorporate Big Cypress Bridge Company."

Also enrolled Senate bill No. 81, "An act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1863, authorizing a special tax to be levied for the Waco Tap railroad company, in Falls and McLennan counties," and informed the Senate the Speaker had signed the same.

Whereupon it was signed by the President of the Senate.

The question recurring upon the appeal, the Chair ruled that the appeal from the decision of the Chair was not sustained.

Senator Pickett appealed from that decision.

The Chair ruled the appeal out of order.

The Chair then announced the question before the Senate to be upon the adoption of the substitute offered by Senator Fountain.

Senator Pickett made the point of order—that the substitute was out of order.

Not sustained.

The Chair announced the adoption of the substitute of Senator Fountain to be in order.

The question was then put, "Shall the substitute House bill No. 29, offered by Senator Fountain for Senate bill No. 33; 'An act to provide for the enrollment of the militia, the organization and discipline of the State guards and for the public defense,' be adopted?"

Yeas and nays called for—resulted as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—14.

Substitute adopted.

Senator Flanagan offered the following amendment to the substitute for all after the enacting clause.

Substitute for House bill No. 29.]

[By Mr. Flanagan.

AN ACT

TO PROVIDE FOR THE ORGANIZATION OF THE MILITIA OF THE STATE OF TEXAS.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That every able-bodied male inhabitant of this State between the ages of eighteen and forty-five years, shall be liable to perform military duty, except as herein provided, but no person shall be called on to perform military duty who shall not at the time have resided at least twelve months in the State and sixty days within the bounds of the company to which he belongs, except in cases of actual or threatened invasion, in which case he shall perform such duty as may be required of other persons, and shall be subject to like fines and penalties.

SEC. 2. The following named persons shall be exempt from military duty, except in cases of imminent danger, insurrection or invasion: All officers, municipal, county and State, of the State of Texas; all officers of the United States; officers, clerks, directory

and guards of the penitentiary; superintendents, teachers and assistants in the Deaf and Dumb, Blind and Lunatic Asylums; telegraph operators actually engaged as such; presidents, secretaries, and all necessary employes of railroads; mail contractors and mail carriers; public millers; ferrymen on public roads; teachers and professors in schools, colleges and academies; practising physicians; druggists; ministers of the Gospel, and priests of all denominations; provided, that no minister of the Gospel, or priest of any denomination whatever, who accepts a seat in the Legislature as representative, shall, after such acceptance, be allowed to claim exemption from military service by reason of his said profession.

SEC. 3. The militia of the State shall be divided into fifteen divisions and thirty brigades; two regiments shall be formed in each Senatorial district. The first and second Senatorial districts shall form the first division; the third and fourth, the second division; the fifth and sixth, the third division; the seventh and eighth, the fourth division; the ninth and tenth, the fifth division; the eleventh and twelfth, the sixth division; the thirteenth and fourteenth, the seventh division; the fifteenth and sixteenth, the eighth division; the seventeenth and eighteenth, the ninth division; the nineteenth and twentieth, the tenth division; the twenty-first and twenty-second, the eleventh division; the twenty-third and twenty-fourth, the twelfth division; the twenty-fifth and twenty-sixth, the thirteenth division; the twenty-seventh and twenty-eighth, the fourteenth division; the twenty-ninth and thirtieth, the fifteenth division.

SEC. 4. The militia of each district, when the number of persons therein subject to military duty shall be sufficient to constitute two battalions, as hereinafter provided, shall constitute one regiment; but when the number of militiamen in any district shall not be sufficient to constitute two battalions, the militia of such district shall constitute a separate battalion, to be formed into independent companies, as may be found most convenient, and when the number in any district shall exceed the whole number hereinafter required to constitute a full regiment, including any independent companies which may be raised in such county, the same may be divided into two regiments by the brigadier-general commanding the brigade to which such district may belong in such manner as he shall direct; each battalion shall consist of not more than five nor less than three companies, and each company of not more than one hundred nor less than eighty non-commissioned officers and privates; and the regiments and battalions shall be numbered by the commander-in-chief and arranged in numerical order.

SEC. 5. All commissioned officers shall rank according to their

grades and the date of their commissions ; but where officers of the same grade are elected or appointed on the same day, a difference in the date of their commissions shall not determine their rank ; the rank of all the field or general officers of this State, being of the same grade and who are elected or appointed on the same day, under the provisions of this act, for the government and organization of the militia of this State, shall be determined by lot, to be drawn by the adjutant-general in the presence of the Governor and Secretary of State, which duty he is required to perform as soon as practicable, and immediately thereafter to transmit to each officer so drawn the result of such drawing ; and it shall be the duty of the adjutant-general to make an entry in a book kept by him for that purpose of the grade and rank of each officer whose rank is determined as specified in this act.

SEC. 6. The rank of captains and subaltern officers, who may hereafter be elected on the same day, belonging to the same regiment, shall be determined by lot, drawn in the presence of the colone.-commandant ; and the adjutant shall make a record of the grade and rank of each officer whose rank is so determined ; and each regiment shall be commanded by one colonel, and each separate battalion and the first battalion in each regiment by a lieutenant-colonel ; the second battalion in each regiment by one major ; each company by one captain, one first and one second lieutenant, and such non-commissioned officers as are usually appointed to companies in the service of the United States. The major-generals each shall appoint his aid-de-camp, and the Governor shall appoint one aid-de-camp in each major-general's division, with the rank of colonel of cavalry ; the brigadier-generals each his aid-de-camp and brigade-major ; the commanding officer of each regiment and separate battalion his paymaster, judge-advocate, adjutant, quartermaster, sergeant-major and fife-major, and the captains their drummers and fifers.

SEC. 7. The major and brigadier-generals of the State shall be allowed to appoint, in addition to the staff allowed them by this act, such other additional staffs as are allowed to officers of a like grade in the army of the United States.

SEC. 8. The staffs of the major-generals shall rank as colonels of infantry ; the staffs of the brigadier-generals as majors of cavalry ; and the staffs of the colonels commandant as captains of infantry and the said officers, when called into actual service, either by authority of this or the United States ; shall be entitled to the same pay and emoluments as officers of the like grade belonging to the United States army.

SEC. 9. The Governor shall, immediately after the passage of

this act, appoint one brigadier-general in each brigade, whose duties shall be to organize the militia, as in section tenth of this act; after such organization shall have taken place, the commissioned officers of each brigade shall proceed to elect the brigadier-general of such brigade, and the person so elected shall be commissioned by the Governor, when the appointment under this section shall cease.

SEC. 10. It shall be the duty of each brigadier-general, so soon as he may be elected and commissioned by the Governor, under the provisions of this act, to proceed without delay to divide his brigade into regiments and battalions, or separate and independent battalions, as the case may be; and said division shall be made as nearly equal and equitable as may be practicable; and it shall be the duty of said brigadier-general to proceed to order or cause elections to be held throughout their respective commands for colonels-commandant, lieutenant-colonels and majors for each regiment or separate battalion; which election shall be made according to law, and returns made thereof to the Governor, who shall commission the said colonels, lieutenant-colonels and majors, as the case may be; and said colonels, lieutenant-colonels and majors shall, after receiving their respective commissions as herein contemplated, cause their respective regiments or battalions to be divided into companies as nearly equal as practicable, and cause elections to be held in each company beat for captain, one first lieutenant and one second lieutenant for each company, and such other officers as are allowed by law in the United States service, giving at least fifteen days' notice of such election, which election shall be held according to law regulating elections for civil officers, and the returns thereof be made to the colonel-commandant or the lieutenant-colonel-commandant of each separate battalion, as the case may be, within ten days thereafter, whose duty it shall be to keep said election returns, and within five days thereafter to make out an abstract of said election returns under his hand and seal, and transmit the same to the Governor by mail, whose duty it shall be to commission all persons elected as aforesaid, and the term of service of all officers elected under the provisions of this act shall be during good behavior, or until promotion, resignation or discharge.

SEC. 11. It shall be the duty of the Governor to issue his proclamation requiring elections to be held in each division, brigade, regiment, battalion and company throughout the State, for all officers contemplated by this act, to be elected on the day set apart by the proclamation, notice of which election shall be published in at least one newspaper in each brigade or division, thirty days previous to said election; which elections shall be held at the same places, con-

ducted in the same manner, and returned in the same way as elections for civil officers, to the Governor of the State, who shall commission the same. All elections to fill vacancies shall be held as follows: for the election to fill a vacancy in the office of major-general, the Governor shall issue his order giving sixty days' notice, which election shall be held at the usual places of holding elections for civil officers, in each and every county composing the division in which such vacancy may occur, and such election shall be held and conducted in the same manner, as hereinafter provided, and to fill a vacancy in the office of a brigadier-general, the major-general shall issue his order, giving thirty days' notice; to fill a vacancy in the office of colonel of a regiment or lieutenant-colonel commanding a separate battalion, the brigadier-general shall issue his order giving thirty days' notice; to fill a vacancy in the office of lieutenant-colonel or major of a battalion, the colonel shall issue his order, giving ten days' notice; and to fill a vacancy in the office of first and second lieutenant, the captain shall issue his order, giving five days' notice thereof.

SEC. 12. No person who shall be elected and commissioned in the Military Department of this State, shall resign the same, until he shall have fully organized the militia under his command, and shall have made full returns thereof of the number of effective men under his command to his superior officer, under the following penalties: if he be a major-general, in the sum of one hundred dollars; if a brigadier-general, in the sum of seventy-five dollars; if a colonel of a regiment, or a lieutenant-colonel of a separate battalion, in the sum of fifty dollars; if a lieutenant-colonel or major of a battalion, in the sum of forty dollars; if a captain, in the sum of thirty dollars; if a first or second lieutenant, in the sum of twenty dollars, to be recovered and appropriated as other fines and penalties are by this act directed.

SEC. 13. In all cases where the militia in any of the military divisions of this State shall fail to elect such officers as they are required to by law, such division shall be attached to and form a part of some other division which shall have the requisite officers, and shall be subject to perform all military duty by this act required, under the command of the officers of the division to which they may be attached. If the delinquency or failure shall occur in a company division, the militia of such division shall be attached to the next adjoining company in the same battalion, if any company of the battalion to which such division belongs, shall have the requisite officers, by order of the lieutenant-colonel or major of such battalion, and if there shall be no company in the battalion organized and officered as required by this act, the militia of each company of

such battalion shall be attached to the most convenient company of the regiment which will be found to have the requisite officers, by an order of the colonel of such regiment; if any regiment or separate battalion shall be found unorganized and without the requisite officers, the militia of such regiment or separate battalion shall be attached to the most convenient regiment or separate battalion in the brigade which shall be found to have the officers and organization required by law, by an order of the brigadier-general of the brigade to which such regiment or battalion may belong. If any brigade shall be found unorganized and without the requisite officers to command the same, the militia of such brigade shall be attached to the most convenient brigade in the division to which such brigade belongs, which shall be found to have the officers required by law, by order of the major-general of such division; and in all cases where the militia of any division shall be attached to any other division, as hereinbefore provided, the militia so attached shall be commanded by the officers of the division to which they shall be attached, and shall be liable to the same duty and subject to the same fines and penalties as if they had previously belonged to such division; and the militia of any division attached to another division shall remain subject to such command until they shall be admitted by an order of their superior officer, to whose command they may be attached, to elect the requisite officers to command such division, and shall have reported to him that they have all the requisite officers for the command of their separate divisions, duly elected and commissioned; after which the command of the officers of the division to which they have been attached shall cease, and shall devolve on the officers of the division elected and commissioned as aforesaid, and if any division shall be found a second time unorganized and without officers, as required by this act, they shall in like manner be again attached to some division having the requisite officers and organization, and shall be debarred the privilege of again separating from the division and command to which they shall be attached, and shall permanently compose a part of said command, anything in this act to the contrary notwithstanding; and the officer whose duty it is made by this act to order militia of any of the divisions to be attached to some other division, as provided for by this act, shall, at the time of issuing said order, give public notice thereof to the militia of the division to be attached as aforesaid; if it be a company, the notice shall be in writing, put up in at least two of the most public places in the company beat; if it be a battalion, the like notice shall be put up in at least one of the most public places of each company of the battalion; if a brigade, regiment or separate battalion, the like notice shall be put up in at least one of the

most public places of the brigade, regiment or separate battalion, or be published for three weeks successively in one or more of the newspapers published in this State, and any notice given as aforesaid shall be deemed in law sufficient, and the militia so notified shall, from the time of issuing such order and giving such notice, be considered and treated as part of the division to which they are attached, anything in this act to the contrary notwithstanding; and any general order issued by the commander-in-chief and major-general, or brigadier-general, and published in any newspaper printed in this State for three weeks successively, shall be deemed in law a sufficient notice thereof to the militia and to all persons to be affected thereby, and shall be to all intents and purposes as valid as if the same were communicated by express or any other manner whatever.

SEC. 14. All elections in the militia department which may hereafter be contested, shall be determined in the following manner, viz: If the election of a major general be contested, the party contesting such election shall furnish the Governor a fair statement of his reasons in writing, upon receipt of which he shall order a court of inquiry, to be held at such place as he may designate, in the division to which such major general belongs, at which court each militia officer of such division, not under the grade of a field officer, shall be entitled to a seat; and if the election of a brigadier general shall at any time be contested, the complainant shall make the like complaint and application to the major general of the division to which such brigade belongs, who is, upon the receipt thereof, required to order a brigade court of inquiry, as in other cases; and when the election of a colonel of a regiment, or lieutenant-colonel commanding a separate battalion, or lieutenant-colonel or major of a regiment shall be contested, complaint and application shall in like manner be made to the next highest officer in command, who upon receipt thereof, shall order a separate regiment court of inquiry accordingly; if under the rank of a field officer, all complaints and applications shall be made to the commanding officer of the regiment or separate battalion where the contest exists; and in order to explain and fix a principle to govern the several courts of inquiry in their duties respecting contested elections, it is hereby declared that the person contesting shall in all cases be bound to furnish satisfactory proof to the court that the person whose election is contested did receive a number of illegal votes, which, if deducted, would give a majority to the person contesting; and if the person contesting fail to establish his charge, or if the charge shall be sufficiently supported, in either the case the court shall report in favor of the

person having the greatest number of legal votes as being duly elected; and the president of each court of inquiry shall certify under his hand the name or names of the person thus duly elected, which certificate, if the officer shall be of the grade of general or field officer, shall be directed and sent to the Governor; if commissioned officers of companies, the certificate shall be signed as aforesaid and be directed and sent to the colonel of the regiment or lieutenant colonel of the separate battalion, and by him to the Governor, who shall issue commissions in either of the above cases. And in order to provide more amply for deciding contested elections, it is hereby declared that when the cause shall arise from any illegal proceedings of any person ordering, conducting or judging said election, on proof thereof being made satisfactory to the court of inquiry, such election shall be declared void, and the President, by and with the authority of the court of inquiry, shall direct the proper officer to issue an order or orders for an election to fill such vacancy, which election, so ordered, shall in all things be conducted in the same way as other elections to fill vacancies in like offices are by this act directed.

SEC. 15. Each and every officer elected and commissioned under the provisions of this act shall, previous to entering upon the execution of the duties of his office, take the following oath:

“I, _____, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all duties incumbent on me as _____, according to the best of my skill and ability, and that I will support the Constitution and laws of the United States and of this State; and I do further swear (or affirm) that since the acceptance of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, or committed an assault upon any one with deadly weapons, or sent or accepted a challenge to fight a duel with deadly weapons, or acted as second in fighting a duel, or knowingly aided or assisted any one thus offending, either within this State or out of it; that I am not disqualified from holding office under the Fourteenth Amendment to the Constitution of the United States (or, as the case may be, my disability to hold office under the Fourteenth Amendment to the Constitution of the United States has been removed by act of Congress), and further, that I am a qualified elector in this State.

I further swear (or affirm) that whenever called upon by any judge of the district court, justice of the peace, or sheriff, to aid in executing the law and arresting offenders, I will obey all orders and directions of such officer, and call to the assistance thereof all the available force within my command, if necessary to the enforcement

of such orders; and I further swear that I will disband the troops so called into active service whenever directed so to do by the civil officer at whose instance they were called out. So help me God."

A copy of which oath shall be endorsed on the back of the commission, signed by the person taking the same, and attested by the officer who administered the oath.

SEC. 16. If any commissioned officer shall move out of the bounds of his division, brigade or regiment, separate battalion or company, or offer himself a candidate for any other military appointment, or shall be absent therefrom otherwise than on military duty, for more than twelve months at one time, his office thereby shall become vacated; and if any commissioned officer shall think himself injured by his superior officer, and shall, upon due application made to him, be refused address, he may complain to the brigadier general, who shall order a brigade court of inquiry to be held under the rules and regulations prescribed by this act; if any inferior officer or private shall think himself injured by his captain or any other superior officer in the regiment or separate battalion to which he belongs, he may complain to the commanding officer of the regiment or separate battalion, who shall order a court of inquiry, and such court shall determine the complaint agreeably to the nature of the case; provided, that the person complaining shall exhibit his charge in writing, supported by oath or affirmation.

SEC. 17. Every captain or commanding officer shall hold at least two company musters between the months of March and November in each year, and shall require the non-commissioned officers of his company, or such of them as he shall designate, to warn his men of the place of muster, in all cases where notice thereof was not given at the previous muster; and each captain shall have the right to designate his muster ground, but shall select some suitable ground as near central as circumstances will permit; and, after the first muster, the company shall select a place of muster, and every officer, non-commissioned officer and private shall appear at his respective muster field by eleven o'clock in the forenoon, and not leave the parade until permitted by the officer commanding the troops; and at every muster each captain or commanding officer of the company shall direct the first sergeant of the company to call the roll, in his presence, between the hours of eleven and twelve o'clock; and the commanding officer of each company shall examine every person belonging to his company, note all the delinquencies, make out an accurate statement of the strength and condition of his company, and make returns thereof to the chief justice of the county and to the commanding officer of the battalion to which he belongs, within twenty days thereafter, whose duty it shall be to return the same to

the commanding officer of his regiment, within ten days thereafter, whose duty it shall be to make out an accurate statement of the condition of his regiment, and return the same to his commanding officer of the brigade to which he may belong, within ten days thereafter; and the commanding officer of a separate battalion shall make a like return to the commanding officer of the brigade to which he belongs, within the same time; and the brigadier general shall make a like return to the major general commanding the division to which his brigade belongs, within twenty days thereafter; and the major general of a division shall make a like return of the division under his command to the adjutant general of the State, within twenty days thereafter; and it shall be the duty of the adjutant general to furnish such blank forms of all the different returns and explanation of the principles on which they should be made, as shall be approved by the commander-in-chief; and also to receive the returns of the militia throughout the State, from all which he shall make the proper abstract, and lay the same before the commander-in-chief of this State within twenty days after they shall have been received by him, or sooner, if required, by the commander-in-chief; and the commander-in-chief, when required, shall lay the same before the Legislature of the State; and the adjutant general shall transmit a duplicate abstract of the number and condition of the militia to the adjutant general's office of the United States annually.

SEC. 18. If any non-commissioned officer, musician, or private, at any muster, shall disobey the proper and legal orders of his superior officer, or act in a disorderly manner, or if by slander at any such muster he shall insult or otherwise molest any officer, non-commissioned officer or private while on parade, or employed in any other service authorized by the laws of this State, the commanding officer may order such person to be arrested and placed under guard for any length of time not exceeding three hours; and the person or persons so offending shall moreover be subject to pay such fines as may be imposed in the manner hereinafter provided.

SEC. 19. In order to compel the observance of the provisions of this act, and for the purpose of introducing a proper degree of subordination and discipline in the operations of the militia of this State, the following penalties shall be incurred and inflicted in the manner hereinafter directed, that is to say: the adjutant-general, for a neglect or violation of those duties imposed on him by this act, shall incur a penalty not exceeding one hundred dollars nor less than fifty dollars; and any commissioned or staff officer, for failing to perform the duties required of him by this act, shall forfeit and pay as follows: commandant of a regiment or separate battalion, the sum of fifty dollars; lieutenant-colonel or major of a battalion,

the sum of fifty dollars; the commanding officer of a company or adjutant, twenty dollars; and those officers respectively shall moreover be liable to be cashiered at the discretion of a court martial. Each non-commissioned officer failing to give notice of any muster, when he shall receive orders for that purpose, without a reasonable excuse, shall be fined in the sum of five dollars, each non-commissioned officer, musician or private failing to attend any muster, or disobeying any order which, by virtue of this act, his superior may give, or failing to repair to the prescribed rendezvous when properly warned so to do, or failing to do his duty when there, or absenting himself without a lawful excuse, shall forfeit and pay such fine as the court martial shall order under the circumstances of the case, not exceeding the sum of five dollars; every non-commissioned officer appointed in pursuance of this act shall serve during good behavior, unless in case of discharge, promotion or resignation.

SEC. 20. It shall be the duty of commanding officers of companies to proceed forthwith to divide the companies into classes by ballot from one to three, for the purpose of a regular routine of duty when called into actual service, and to return a roll of each class and its number in rotation, within thirty days thereafter to the commanding officer of the battalion, who shall transmit the same to the commanding officer of the regiment, who shall cause the same to be recorded by the adjutant, and the commanding officer of the regiment or separate battalion shall make a return of the same to the brigadier general; and those enrolled in the first class shall be subject to perform the first tour of duty, and those in the second class, the second tour of duty, and those of the third class, the third tour of duty, and so on in rotation. When any colonel of a regiment, or a lieutenant-colonel of a separate battalion shall be charged with mal-administration or neglect of duty, it shall be lawful for any commissioned officer to exhibit to the brigadier general of the brigade, or such other officer as shall at the time have command of the brigade a fair statement in writing of the charge or charges, and the facts intended to establish the same; and the brigadier general is hereby authorized to order a brigade court martial, to consist of at least seven members, none to be under the grade of field officers, who, when assembled, shall take and subscribe the same oath prescribed for regimental courts martial; and the court being thus sworn shall inquire into the nature and truth of the charge or charges, and if the officer accused shall be found guilty of such neglect of duty, he shall forfeit and pay (if guilty of a misdemeanor in office) any sum not exceeding fifty dollars, and shall be cashiered; and when any lieutenant, captain, lieutenant-colonel of the first, or major of the second battalion of any regiment shall be charged with any misde-

meanor in office or neglect of duty, it shall be lawful for any officer, non-commissioned officer or private to exhibit to the colonel of the regiment, or lieutenant-colonel of a separate battalion, a fair statement of the charge or charges, and the facts intended to establish the same; and the colonel or lieutenant-colonel to whom such complaint is made in writing may, in his discretion, order a regimental or battalion court martial, to consist of at least five commissioned officers, who shall take and subscribe the oath directed to be taken by this act, and when sworn shall inquire into the nature and truth of the charge or charges so exhibited; and if found guilty of a misdemeanor in office, the officer so accused shall be cashiered, and if guilty of neglect of duty shall be fined as prescribed by law, but no sentence of any court martial cashiering any officer shall be final until the same be laid before the commander-in-chief, and by him approved, if the officer cashiered shall pray an appeal from such decision to him, otherwise the same shall be final.

SEC. 21. If any person shall be called on to perform a tour of duty, such person shall be acquitted provided he furnish to his commanding officer an able-bodied substitute in his room or stead; and if any such substitute should be called into actual service in his own term, previous to the expiration of the term for which he shall have enrolled as such substitute, then the person procuring such substitute shall march in his room, or procure another substitute for the remainder of the term, or be liable to the same penalties as if called upon in his own name. Any person called upon to perform a tour of duty as aforesaid, and serving by himself or substitute or otherwise paying such fine as the court martial shall adjudge adequate to the offense, shall not be bound to perform any tour of duty until regularly called upon by rotation.

SEC. 22. Whenever the civil process is resisted in any portion of this State, or the civil authorities are unable to arrest any offender or offenders against the law, it shall be lawful for any judge of the district court, justice of the peace, sheriff or any of his deputies, to call upon the nearest commissioned officer of the militia for a force sufficient to execute the civil process, or arrest any and all offenders against the law. In such case it shall be the duty of the militia officer so called upon immediately to call out a sufficient force under his command to successfully aid the civil authorities in the performance of their duty, and to strictly obey all the orders and directions of the civil officers so calling for such assistance. He shall disband the troops so called out whenever directed by the officer calling for the same; and shall then make full report of all his acts to the adjutant general of the State, giving in such report the name of the civil officer so calling for his assistance, the particular duty he was

called upon to perform, the number of men called out by him, and the length of time they were in active service. Any officer or militiaman who shall wilfully neglect or refuse to perform any duty required herein, shall, for each and every such neglect or refusal, on conviction, suffer the punishment attached to the offense charged against the person so resisting the civil process, or whose arrest is so ordered.

SEC. 23. In case of actual invasion by any foreign power into any portion of this State, or in case of insurrection too formidable for the civil authorities and the local militia force under their control to compete with, it shall be lawful for the Governor, or any officer by him directed, in order to execute the laws of the State, to order into actual service all or any portion of the militia, as the emergency may require, and to discharge such troops as soon as he may judge consistent with the interests of the State.

SEC. 24. Every officer to be tried by a court martial shall have ten days' notice given him of the time and place appointed for the trial, and shall be furnished with a copy of the charges exhibited against him, at least ten days before the sitting of said court. In every court martial for the trial of an officer, not less than two-thirds of the number present shall agree in the judgment or sentence of said court, otherwise the person charged shall be acquitted; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission; provided, that no commissioned officer shall be allowed to resign his commission while under arrest.

SEC. 25. The captains and subaltern officers of each and every company, or a majority of them, shall, on the muster day next succeeding the muster of each company at which there has been any delinquency or delinquencies, hold a court for the adjustment of fines in each company; and the commanding officer of the company shall issue his warrant, directed to any sheriff or constable in his beat, which warrant shall have the force and effect of an execution; and said constable shall proceed to collect the same, in the same manner as if said execution had issued under and by the authority of any civil officer within the State; and all fines collected by virtue of the provisions contained in this section, shall be paid to the captain of such company within ten days after the same may be collected, and by him applied to the purchase of a drum, fife and colors, and for other purposes for the use of the company.

SEC. 26. When either the major general, brigadier general or brigade major shall be charged with malfeasance in office, if a major general, it shall be lawful for any militia officer, not under the grade of a field officer, to exhibit to the Governor for the time being a fair

statement of the charge or charges, with the facts intended to establish the same, who is hereby authorized to order a general court martial, to consist of at least nine members, none to be chosen under the grade of a field officer, who, when convened, shall take and subscribe the same oath prescribed for regimental court martials; the said courts thus sworn shall have power to inquire into the nature of the offense, and if it shall constitute a misdemeanor in office, he shall be removed from the same; if for neglect of duty, he shall forfeit and pay a sum not to exceed one hundred dollars, at the discretion of the court-martial, to be collected as in similar cases of fines; if a brigadier general or brigade major shall be guilty of either of the aforesaid offenses, the charge shall be submitted to the major general, who shall issue his order to the senior colonel commanding in the brigade in which the person charged resides, by virtue of which order the colonel shall hold a court-martial, and proceed in the same manner as directed for the trial of major general; provided, that in all cases of charges exhibited against officers, the officer ordering a court-martial shall as soon as practicable furnish the person charged with a copy of the charges exhibited against him, and the president of the court-martial shall give at least ten days' notice of the time and place appointed for trial, and cause such witnesses as may be required by either party to be summoned by the adjutant of the regiment in which they reside, and every person so summoned and failing to attend, or refusing to be sworn, shall be tried by the court-martial, and if he be an officer, may be cashiered or fined, at the discretion of the court-martial, not exceeding fifty dollars; if a non-commissioned officer or private, he may be fined not exceeding twenty dollars, and, moreover, be confined under guard or put in jail until he give evidence.

SEC. 27. Each judge advocate, previous to entering on the duties of his appointment, shall take an oath to support the Constitution of the United States and of the State of Texas, and that he will well and truly perform the duties of judge advocate according to law and the best of his skill and ability, which oath shall be in writing, signed by the judge advocate, and attested by the officer who administered the same; the judge advocate thus sworn shall administer the following oath to the officers, previous to their entering on the duties of any court-martial, viz: "You and each of you do solemnly swear that you will well and truly inquire into the delinquencies which may appear on returns to be laid before you, and will assess the fines thereon as may seem just, according to law, without favor or affection, partiality or prejudice, and that you will not disclose or discover the vote or opinion of any particular member of this court, unless required to give evidence thereof in a court of justice. So help you

God." It shall be the duty of the judge-advocate to provide a book, in which he shall record the proceedings of the court-martial, and all other necessary entries for the regiment or separate battalion, which are or shall be required by law, and for his services shall be exempt from military duty and be allowed the sum of two dollars per day for attending regimental or battalion courts-martial, which it shall be his duty to attend, to be paid out of the fines arising under this act. If, from any cause, a judge advocate shall fail to attend a court-martial, as provided in this act, it shall be the duty of the officers present to appoint a judge advocate for the time being; and in case of his death, resignation or removal out of the county or from his office, the journals and proceedings shall be kept by the colonel or commanding officer until a judge advocate shall be appointed in his stead.

SEC. 28. All fines and forfeitures imposed by a regimental or battalion court martial, shall be collected in like manner as fines and penalties are required to be collected by company courts martial, and paid into the hands of each paymaster of such regiment or separate battalion. It shall be the duty of the commanding officer of the regiment or separate battalion to appropriate the money arising from fines, in the hands of the paymaster, by order of the court martial, in the first place, to the purchasing of fifes, drums and colors, for the use of the regiment or separate battalion, and secondly, to pay the officers of the regiment or separate battalion for any service for which they may be entitled to pay under the provisions of this act.

SEC. 29. No officer or private, ordered or directed by this act to appear as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person is directed to appear, or in any reasonable time in going to, continuing at, or returning from the same; and every such arrest is hereby declared void, and shall subject such officer to damages for false imprisonment; and every person required by this act to attend muster, going to and returning from the same, shall be suffered to pass over any bridge, together with his horse, and shall be put over any public ferry without delay, free of charge; and if any ferryman demand pay for, delay or refuse to put such person or persons over, or keeper of toll bridge impede the passing of any person, he shall forfeit and pay for every such offense the sum of ten dollars, to be recovered by warrant from a justice of the peace, one-half to go to the informer and the other half to be paid into the regimental fund of the regiment to which the impeded person belongs.

SEC. 30. The colonel of each regiment may constitute two companies thereof light infantry companies, as right and left flank companies, which companies shall be armed and equipped the same as

like companies in the United States service; and all corps shall use for instruction and exercise the system of military tactics and discipline adopted in the United States army for troops of a similar description; and all companies shall have a right to change their uniform from time to time, provided such change shall not be incompatible with the military regulations of the United States army.

SEC. 31. Every commissioned officer, volunteer or militia, shall, when he goes out of office, deliver to his successor in office all books and forms furnished him by the State, or received from his predecessor in office, and also all books and papers in his possession belonging to his division, brigade, regiment, battalion or company; and every officer who shall neglect or refuse so to do, after a demand thereof has been made by his successor, shall be fined twenty dollars a month for every month he shall so neglect or refuse after such demand, to be assessed by any court martial having cognizance of the conduct of such officer, and collected and accounted for as other fines imposed upon such officer are by this act directed to be collected and accounted for.

SEC. 32. The Governor shall appoint one adjutant-general, with the rank of colonel of cavalry, who shall do and perform all the duties of adjutant-general, as required of him by this act, and shall furnish all forms of returns, and keep a book, in which he shall make a fair entry of all returns by him received, which shall be subject to the inspection of the major-general and commander-in-chief, and shall receive for his services the sum of five hundred dollars per annum, out of any money in the treasury not otherwise appropriated.

SEC. 33. The system of discipline and exercise which shall be ordered to be observed by the regular army of the United States, shall be observed by the militia of this State, and the commanding officers of the several militia divisions shall cause the militia within their respective commands to be disciplined and trained conformably thereto, in all things not otherwise directed by this act; and in all cases not specially provided for by this act, such provisions of law as have been or may be made by Congress for the government and direction of the army or the militia of the United States in similar cases, shall be binding upon and be observed and conformed to by the militia of this State; and the forms and rules of proceeding of all courts martial, not provided for in this act, shall be such as are established by the rules and articles of war adopted and used in the militia service of the United States.

SEC. 34. Each new county established by this Legislature shall form a part of the same brigade and division as the county from which such new county, or the greater portion thereof was taken.

SEC. 35. The adjutant general shall also be quartermaster gene-

ral, and his duty as such shall be to collect and take charge of all public property belonging to the military of this State, or for military uses, which has not been regularly issued by the State; and his general duties shall be similar to the duties of quartermaster general and commissary general of the United States; and, in addition to said duties, he shall perform the duties of ordnance officer. He shall give a bond with two or more sufficient securities, to be approved by the Governor, payable to the State of Texas, conditioned for the faithful performance of the duties of adjutant general, quartermaster general, and such other duties as devolve upon him by the laws of this State.

SEC. 36 The commander-in-chief may appoint an aid-de-camp, who shall also be his acting assistant adjutant general, and shall rank as brevet brigadier general.

SEC. 37. Volunteer companies shall form a part of and be attached to the regiments of the same corps within their brigades, and shall turn out and perform duty with the same upon all battalion, regimental, brigade and division drills or parades, and the commanding officer may assign them as flank companies to the battalion, regiment, brigade or division, as he may deem proper. There shall be battalion, regimental, brigade or division drill and parade, once at least in every twelve months. The commander-in-chief may order such parades, drills or inspections as he may deem proper; provided, however, that not more than one such shall take place in the same year in the same division.

SEC. 38. All the returns required of the militia shall also be required of volunteer or any militia companies of the State, and to be made by the proper officers through the same channel.

SEC. 39. The sum of five hundred dollars is hereby appropriated out of any unappropriated funds in the treasury, for the purpose of purchasing forms, books, etc., necessary to carry this act into effect.

On motion of Senator Parsons the Senate took a recess for thirty minutes.

IN SENATE, 12.10 P. M.

Amendment offered by Senator Flanagan read.

Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pickett, Pridgen, Pyle, Shannon—15.

Nays—Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Senate adjourned.

**SENATE CHAMBER,
AUSTIN, Texas, Friday, June 17, 1870.**

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Shannon, petitions of citizens of Johnson and Hood counties, asking the sale of intoxicating liquors be prohibited within one mile of George's Creek School and Meeting House, in Hood county.

Read and referred to Committee on Education.

Also, petition of sundry citizens of Hood, asking that the Acton Masonic Institute and Lodge, No. 285, F. and A. M., be chartered, prohibiting the sale of intoxicating liquors within three miles thereof.

Read and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

To the HON. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 197, "prescribing the times of holding the district courts in the several judicial districts in the State," find the same correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

REPORT OF COMMITTEE ON COUNTIES AND COUNTY BOUNDARIES.

COMMITTEE ROOM,
Austin, June 17, 1870.

Hon. DON CAMPBELL,

Pres't Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petition of citizens of Upshur, Rusk and Harri-

son counties, asking the formation of a new county therefrom, do return the same, recommending that it be not granted.

J. G. BELL,
Chairman.

Laid over under the rules.

BILLS.

By Senator Shannon, "An Act restricting the sale of vinous and spirituous liquors in the vicinity of Caddo Grove Seminary."

Read first time and referred to Committee on Education.

By Senator Priest, a bill to be entitled "An Act concerning the removal from office of district clerks and sheriffs."

Read first time and referred to Committee on Judiciary.

Under direction of the President, the Secretary carried to the House, Senate Bill No 197, "An Act prescribing the time of holding the district court in the several judicial districts in the State."

UNFINISHED BUSINESS.

Unfinished business of yesterday :

The question being the amendment offered by Senator Flanagan, Pending discussion, Senator Latimer moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Alford, Broughton, Clark, Douglas, Evans, Flanagan, Latimer, Picket, Pridgen, Pyle, Shannon—11.

Nays—Baker, Bell, Bowers, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

Pending further discussion,

Senator Picket moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Picket, Priest, Pridgen, Pyle, Shannon—1.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—14.

So the Senate refused to adjourn.

Pending further discussion,

Senator Bowers moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Picket, Pridgen, Shannon—10.

Nays—Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

Pending discussion, on motion of Senator Fountain, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Saturday, June 18, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Priest: Petition of W. B. Dewees, asking for relief. Read and referred to Committee on Judiciary.

By Senator Rawson: Petition of John F. Williams for relief. Read and referred to Committee on Judiciary.

BILLS AND RESOLUTIONS.

By Senator Baker: A bill to be entitled "An Act to incorporate the Lake City Railroad Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Gaines: "An Act requiring all claims in dispute, amounting to twenty dollars or less, hereafter to be settled by arbitration."

Read first time and referred to Committee on Judiciary.

The following communication was received from the Secretary of State:

To the Honorable President of the Senate and Senators of the State of Texas:

In obedience to your resolution, passed May 23, 1870, requiring me to open correspondence with county officers and other persons, to ascertain the number of murders in each county during the past two years, I have the honor to report as follows:

I immediately addressed circulars to all the district clerks throughout the State, asking for the information required, and also to other parties, including the commanding general of this district, who has placed at my disposal the monthly military reports of crimes committed in the State.

In response to my circulars I have received, up to date, answers from but twenty-nine counties out of the one hundred and twenty-six organized. The military record is also incomplete, really embracing but half the organized territory of the State, therefore my report upon this basis will hardly present but half the picture of crime,

lawlessness and bloodshed, which has become so common as to excite no extra alarm at home.

I will first draw your attention to a recapitulation of the military record, to-wit:

Prior to 1869, but within the time of two years, asked for in your resolution, the military record sums up:

Murders.....	114
Manslaughter.....	1
	<hr/>
Total killed.....	115
Assaults with intent to kill.....	26
From January, 1869, to January, 1870:	
Murders.....	512
Manslaughter.....	26
Homicides.....	39
	<hr/>
Total killed.....	577
Assaults with intent to kill.....	360
From January, 1870, to twentieth of March, 1870, when the record ceases:	
Murders.....	78
Manslaughters.....	3
Homicide.....	1
	<hr/>
Total killed.....	82
Assaults with intent to kill.....	40
Total of murders.....	704
Total of manslaughters.....	30
Total of homicides.....	40
	<hr/>
Total killed.....	774
Total assaults with intent to kill.....	426

The following remark accompanies this military record:

1512. Reports should have been received for 1869.

825. Reports only were received, or but little more than one-half the State reported from.

378. Reports should have been received for 1870.

135. Reports only were received, or less than one-half.

I have not been able to go into all the details of the crime herein set forth, the class which has suffered most is the colored people. A great number of the murders are assassinations, and several the work of mobs; nor have I attempted to sift out the political bearing of the great majority of the killings, but these records will bear me

out in the assertion, that that class of our citizens known as loyal men, have suffered most, and that a great deal of the killing has arisen from political causes.

I will now pass from the military record to the reports sent me from the twenty-nine counties by civil officers and other persons.

The county of Anderson is first on the list, and the official report dated June seventh, shows eight murders, or four in excess of the military record; of these, six were perpetrated on colored persons, one of whom was murdered by a lawless band; and one of the white men, Daniel Hicks, murdered because of his political sentiments, being a Republican.

Accompanying this report is a letter which more truly depicts the condition of that county, of which I quote the following:

“The report, as herewith sent, is an enumeration of only such as have come to my official knowledge. Besides the many lives that have been sacrificed within the period named, other crimes of almost equal atrocity have been perpetrated, in many instances, with perfect impunity, and the offenders defiantly walking at large—some of whom are of the “best and most respected citizens!” With regard to “whether the people would assist the civil authorities in the execution of the laws, if called upon,” I have to say that there are many of the citizens here, who would *willingly* assist in apprehending an offender who might be a stranger to this community, but for the fact that they are afraid of the parties doing them an injury afterwards. This same class who would thus assist me, could not, under any circumstances, be induced to aid in the capture of any white person known to them, or who might be of this place or county, especially if related to them, for the same reason before stated.

AUSTIN COUNTY.

The official report from Austin county gives as killed six in excess of the military record, of which five were white and one colored.

The officer so reporting thinks the temper of the people in favor of suppressing crime, and that they would respond to the call of the sheriff to arrest offenders.

COLORADO COUNTY.

The civil reports return two murders of colored men not mentioned in the military record, and accompanying therewith in this statement is the following remark: “Three other freedmen are reported missing, and are believed to have been murdered.”

BASTROP COUNTY.

The civil report gives three murders in excess of the military record; one of the instances two colored women and one child was killed and a man mortally wounded by a mob firing into a ball-room. Several mobs of unknown persons are spoken of, one of which rescued a prisoner from the sheriff of an adjoining county, and killed him. The statement accompanying this report sets forth that the temper of the people is such as not to justify the assertion that the civil officers are able to enforce the law against the ruffians and murderers in this county. Fifteen murders are reported.

BEXAR COUNTY.

The civil record gives two killed in excess of the military record; of these, one was the murder of a colored man by a colored man, a soldier by a soldier, the death of a circus man, who is supposed to have fallen from a hotel balcony, the killing of a colored man by his brother, and the murder of three persons by unknown parties. The temper of the people is good and the civil officers are prompt in the discharge of their duty, and are completely sustained by the community.

BURLESON COUNTY.

The civil account from this county is very vague as to particulars, but gives the temper of the people as bad, so far as the maintenance of law, if left to the sheriff and other civil officers.

BOWIE COUNTY.

The civil report from this county is vague as to numbers. As to the temper of the people it is declared to be insurrectionary, and beyond the control of the civil officers unaided by some kind of military force.

CALDWELL COUNTY.

The civil report gives two murders in excess of the military report. The general temper of the people is considered good.

FALLS COUNTY.

The civil report gives eleven murders in excess of the military

report—three mobs, one assassination. The temper of the people is regarded as improving in favor of law and order.

FORT BEND COUNTY.

The official report gives five murders in excess of the military record; one of which the party was taken from the jail and hung by a mob of unknown men.

The clerk who makes the report, while asserting that he believes the temper of the people good, says, but from what he can learn he verily believes that if the colored man, who has been elected sheriff of the county, is accepted as the sheriff, "the consequences will be serious, as the *opposition to a black sheriff* is determined as well as openly avowed."

BRAZORIA COUNTY.

The civil report from this county gives fourteen murders in excess of the military record. The sheriff thinks the citizens will sustain him in the discharge of his duty.

HAYS COUNTY.

The civil report gives two murders in excess of the military record—two mobs. The general temper of the people is reported good, although no attempt has been made to bring to justice those who have committed the mob murders.

HILL COUNTY.

The civil reports from this county gives eight murders in excess of the military record. Five by mobs—no convictions. The report says: "There are now persons in the county at large guilty of murder who cannot be arrested. The people are generally quiet, but they make no effort to catch or punish criminals. They never have and never will volunteer to put an end to murder and violence, but have always encouraged and assisted the murderers. Gangs of lawless men go about threatening the lives of colored people, and a reign of terror exists."

LIBERTY COUNTY.

The civil report gives one murder in excess of the military record. The officer making the report says:

“I think from good reasons that a large majority of the people would oppose no obstacles nor obstruct the administration of justice or execution of the laws in any manner. I cannot say that they would, under existing circumstances, volunteer to. It is very doubtful that they would under the present circumstances. I deem it a duty that I owe to the people of this county and to the honorable Senate of Texas, to state on this occasion that a large majority of the people of this county are anxious that the country be restored to its wanted prosperity, and seem cheerfully disposed to acquiesce in the plan of reconstruction we have just entered upon, in order to arrive at that result. All classes are practically engaged in efforts to accomplish the material part of it. Some of our good citizens seem to be afraid of the proposed militia law recently passed by the Lower House of the Legislature. I think a law-abiding and orderly people have no cause to be afraid of such a law.”

MONTGOMERY COUNTY.

The civil report gives four murders in excess of the military record by mobs. The officer reports the temper of the people very indifferent, and that the sheriff would be compelled to cope single handed with violators of the law; and to bring the many murderers now loose in the county to trial, the civil officers are at present powerless.

VICTORIA COUNTY.

The civil report is the only one from this county, giving six murders. Two colored men were killed by a mob and one rescued from the civil officer and hung. This lawlessness has happened since the removal of the military from that county, and the reports from that section are of a nature to doubt the ability of the civil officers to enforce the law, although a majority of the people are law abiding and anxious for peace.

WHARTON COUNTY.

The civil report gives nine murders in excess of the military record, one by mob. The condition of the county is deplorable. Gangs of men defy the civil authority.

WILLIAMSON COUNTY.

The civil report gives three murders in excess of the military

record; one by a mob, and the recent assassination of Mr. Gardiner in that county by unknown persons. The officer reporting thinks the general tone of the people in favor of law and order.

WASHINGTON COUNTY.

The civil report gives eight murders in excess of the military record. Two of the murders were committed by unknown mobs. The officer making the report thinks the majority of the people willing to execute the law.

WALKER COUNTY.

The civil report gives four murders in excess of the military record, one of which was the hanging of a colored man by an unknown mob. The officer making the report thinks the people as a whole willing and anxious to execute the law and aid the civil officers in the performance of their duties.

SHELBY COUNTY.

The civil report shows an excess of twenty-four murders over the military record. No convictions of murder in the county since the war. The majority of the people want law and order, yet a faithful and prompt discharge of duty of the sheriff would be likely to bring about resistance and an armed force necessary.

TRAVIS COUNTY.

The civil report gives five murders in excess of the military record. The general temper of the people reported good.

NACOGDOCHES COUNTY.

The civil report gives six murders in excess of the military record. The officer making the report thinks the majority of the people in favor of sustaining the law, but states that there have been no convictions for murder since the war, and many outlaws are at large.

ROBERTSON COUNTY.

The civil report gives two murders in excess of the military record, or seventeen within the past two years. The officer adds: "There are a number of men at large in this county who ought to

be brought to trial on the charge of murder and other crimes perpetrated in the county within the last two years, but owing to great difficulties which they cannot overcome the civil authorities are utterly powerless in the matter, and I would here urge that the necessity for United States troops cannot be over estimated, owing to the large number of outlaws who infest this county. I am of the opinion that the sheriff and civil officers are powerless to preserve order without the assistance of a company, or, at least, a detachment, of the United States forces. It is doubtful whether a sufficient number of citizens would spare the time from their daily avocations to volunteer to assist in the arrest of the guilty parties."

Thus the reports from civil sources give one hundred and thirty-one murders in excess of the military record, and, together with the military record, gives a total number of persons killed, so far as heard from, of nine hundred and five.

Thus closes, up to date, the reports in my possession; every mail brings some, although there seems to be a general unwillingness on the part of civil officers to make any report, or to give a true picture of the state of affairs in a large number of the counties in the State. The change to civil government, and the removal of the military forces from the interior, has had a tendency to increase crime. Several instances are reported, unofficially, of the re-appearance of that worst feature of lawlessness, to-wit: the recent appearance of disguised bands of men, prowling about the country, and also several instances of resistance to sheriffs in the execution of their duties, resulting fatally.

I have not attempted to pursue any inquiry, or to condense from the reports before me facts connected with the murders enumerated, such as convictions, of which there have been but very few during the time reviewed.

I feel that I cannot more fittingly wind up this hasty report than by giving the observations of an officer of the army, who served through some of the counties of the State; not the worst. This might be considered foreign to my instructions from the Senate, but I take it that it is not the horrible aggregate of figures you want, so much as the moral condition of the State. Under date of June 11 this officer writes thus:

"The above named counties are all over-run with bands of desperadoes, horse thieves and vagabonds, whose only means of livelihood is to murder and steal. These bands of desperadoes and thieves are, as a general thing, organized, consequently they have complete sway over the people, who are at their mercy, and they are

defiant and bold. I have made attempts frequently to organize a body of citizens, so that they could be able to cope with the bad men, but in almost every case I failed, and I can only attribute this lack of self-interest to one thing, and that is, if anybody makes themselves conspicuous in a movement of that kind they are invariably, sooner or later, killed, the sooner, and more especially if they be Union men. If a man is murdered who has in any manner aided the United States troops his death is regretted; if he be one who was a rebel, some effort is made to bring the murderer to justice; when a negro is killed nothing is thought of it, and no one troubles themselves about it. The people as a general thing do not seem to realize the enormity of crime, that feeling being almost universal, has been the main cause of turning loose hundreds upon hundreds of murderers and thieves, which is an outrage upon society and the good people of Texas. I have found in almost every county, where I am acquainted, that sympathy predominates, which trait of character is noble, to be sure, but damnable when used as it is by many to shield murderers and thieves, which is the case in Texas.

Owing to these causes and the manner in which law has been carried out, has been the main cause to bring society to the state it is now in, which is most assuredly a precarious one.

There are at large to-day numbers of murderers and thieves, in the counties where I have been, and no effort was made to bring them to justice.

The general temper of the people (that is, those people who endeavor to obey the law) seems to be good, but when it comes to assisting the sheriff and civil officers in carrying out the law, it is bad, very bad, and as for getting volunteers to put an end to murder and violence, it is simply an impossibility; and why this singular state of society should exist I have investigated and tried to understand, and whether I understand it or no, I will leave for others to judge, but I have come to this conclusion, that the only way law can be enforced, is to render some *permanent* support to the civil officers, and then they will perform their duty fearlessly. As soon as that is done, then bands of desperadoes can be brought to justice, and another all important fact will be accomplished. The people will have confidence in each other, which does not now exist.

“As soon as men feel that their lives and property is safe, that timidity that exists among the people now will be cast aside, and men who are quiet will come forth boldly.

"The sooner that state of affairs is brought about the better it will be for Texas, for then desperadoism will cease."

As reports come in, if desired, I will supplement this report.

I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES P. NEWCOMB,

Secretary of State.

AUSTIN, June 16, 1870.

SUPPLEMENTAL.

Since closing my report, I have received further reports which I deem of sufficient importance to add to my complete report.

LAMAR COUNTY.

The District Clerk of Lamar county reports five murders in excess of the military record, and thinks the temper of the permanent citizens in favor of law and order, but is doubtful as to the transient population, of which there is a large class.

MADISON COUNTY.

The official report from this county gives five murders in excess of the military record, of which four were committed by mobs. The officer remarks: "Though I have conversed with the good citizens to a considerable extent, and they expressed themselves in favor of the strict execution of the law, yet I would hesitate to vouch for the execution thereof."

MATAGORDA COUNTY.

The civil report gives four murders in excess of the military record. The general temper of the people is considered good.

LIVE OAK COUNTY.

The civil report gives six murders in excess of the military record, and the officer remarks that there are others he cannot give dates or particulars of, and in relation to the state of society says, speaking of the office of sheriff: "We have not had a sheriff that has attended to his business since the close of the war, and neither do I think we can get a man that will hold the office, for the reason they are afraid

to execute the law, as arms are permitted to be carried by every man and boy that wishes to do so."

SAN AUGUSTINE.

A letter from a truthful citizen, dated San Augustine, June 6, 1870, gives an account of the action of three mobs recently in that county, by which three persons have been killed. One, a colored man, was rescued from the sheriff by a disguised band of men, and has not yet been heard from; the other cases are of a squad of citizens shooting one (a desperado), and hanging another, adding twenty-three more persons killed to the foregoing report—a total of 928 persons killed.

No further reports up to date. I append, also, an extract from a letter received by his Excellency, Governor Davis, signed by citizens of Washington county, dated June 15, 1870. "We feel that since the shooting of our sheriff, Col. Wm. Thompson, we are unsafe, without protection, and would most respectfully ask that you try to induce Gen. Reynolds to send us troops for protection, until the Legislature may devise means for protection."

Respectfully,

JAMES P. NEWCOMB,
Secretary of State.

Austin, June 17, 1870.

Senator Priest moved the same be referred to the Committee on State Affairs. Carried.

Senator Bowers offered the following resolution:

Resolved, That the Secretary of State be requested to furnish this body the correspondence in full on which his report on lawlessness and crime is based.

Adopted.

Senator Pridgen offered the following resolution:

Resolved, That the Secretary of State be requested to furnish this body with information as to the number of said cases of murder just reported, that have been perpetrated by the military or their authority.

Adopted.

Senator Alford offered the following resolution:

Resolved by the Senate and House of Representatives of the State of Texas, That Mrs. Foster, the widow of the late Senator A. K. Foster, be allowed and granted the sum of eight dollars per day, from the commencement of this session until its close, or until a successor of Senator Foster shall have been elected.

Read and referred to Committee on Judiciary.

Under direction of the President the Secretary carried to the House enrolled Senate bill No. 56, a bill to be entitled "An Act to prevent cessation of judicial functions, and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts.

UNFINISHED BUSINESS OF YESTERDAY.

The question being the amendment offered by Senator Flanagan, pending discussion, message from the House by Chief Clerk, "An Act to incorporate the Magnolia Grove Association," informing the Senate that the Speaker had signed the same in open session, whereupon it was signed by the President of the Senate.

Discussion resumed.

Pending discussion Senator Bowers moved that the Sergeant-at Arms be instructed to have forms printed and post the same in the galleries, notifying visitors that applauding is strictly prohibited. Carried.

Pending discussion Senator Latimer moved an adjournment till Monday.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle—11.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

[Senator Fountain in the chair.]

Pending further discussion Senator Bowers offered the following :

WHEREAS, many senators are anxious to attend the barbecue to-day, given in commemoration of the proclamation of universal freedom to all men, of all races; therefore,

Resolved, That this Senate do now adjourn to enable all who desire to do so to attend that barbecue.

The Chair ruled that any other than a simple motion to adjourn was out of order.

Yeas and nays called for on the motion to adjourn :

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—11

Nays—Mr. President, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—13.

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—11.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

Pending further discussion Senator Bowers moved to adjourn.

Yeas and nays called for; result as follows:

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—12.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Cole, Dohoney, Douglas, Latimer, Pridgen, Shannon—8.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

Pending discussion Senator Bowers moved the Senate stand adjourned till 4 o'clock P. M.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Dohoney, Douglas, Latimer, Pettit, Priest, Shannon—8.

Nays—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Rawson, Ruby, Saylor—18.

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn till Monday.

Yeas and nays called for, result as follows:

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Shannon—11.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

(Senator Priest called to the chair.)

Pending further discussion Senator Latimer moved to adjourn.

Ayes and nays called for, result as follows:

Yeas—Douglas, Gaines, Pettit, Pickett, Priest—5.

Nays—Baker, Bell, Bowers, Dohoney, Evans, Flanagan, Ford,

Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pyle, Rawson, Ruby, Saylor, Shannon—18.

So the Senate refused to adjourn.

Senator Flanagan asked that the names be called of members as they voted.

Chair ruled the request out of order.

Senator Flanagan appealed from the decision of the chair.

Yeas and nays called for, result as follows:

Yeas—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—13.

Nays—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pyle—10.

So the decision of the Chair was sustained.

Senator Bowers moved to adjourn to Monday at five A. M.

Senator Campbell rose to a point of order that the motion was out of order, that the Senate had a regular hour of meeting.

The Chair ruled the point of order well taken.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays called for; result as follows:

Yeas—Baker, Bell, Broughton, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Rawson, Ruby, Saylor—13.

Nays—Alford, Bowers, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle—11.

So the decision of the Chair was sustained.

Senator Bell moved a call of the Senate.

Call sustained.

Absent—Messrs. Alford and Clark.

On motion of Senator Fountain the call of the Senate was suspended.

Senator Bowers moved an adjournment till Monday.

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson and Shannon—23.

Nays—Hertzberg, Mills, Ruby and Saylor—4.

Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Monday, June 20, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of Saturday read and approved.

PETITIONS.

By Senator Cole: Petition of the heirs of James Rogers, deceased, for relief.

Read and referred to committee on Finance.

BILLS.

By Senator Rawson: A bill, entitled "An Act to Incorporate the Marshall and Jefferson Railroad Company."

Read first time, and referred to Committee on Internal Improvements.

UNFINISHED BUSINESS.

The unfinished business of Saturday:

The question being the amendment offered by Senator Flanagan.

Pending discussion, on motion of Senator Pettit the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Tuesday, June 21, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present.

Absent—Senator Clark.

Prayer by the Chaplain. Journal of yesterday read and approved.

Message from the House by Chief Clerk Mr. Boyle.

Senate Bill No. 41, "An Act to confirm the compromise and settlement between the corporation of the city of Galveston, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Also, House Bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Also, House Bill No. 202, "An Act permanently establishing the county seat of Hopkins county."

Also, House Bill No. 163, "An Act to provide for the building of court houses and jails."

Also, Senate Bill No. 5, "An Act authorizing F. A. Vaughan, William Safford and George S. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin."

Also, Bill No. 132, "An Act to amend 'An Act to incorporate the Fire Association of the city of San Antonio.'"

Also, House Bill No. 255, "An Act to authorize the Governor to procure from the archives of the old Spanish missions the history of this State prior to 1793, and to make appropriation for the same."

Also, House Bill No. 264, "An Act to incorporate Trinity University, located at Tehuacana Hills, Limestone county, Texas."

REPORTS.

Report of Committee on Enrollment:

COMMITTEE ROOM,
June 18, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 81, entitled "An Act to legalize an ordinance adopted by the Convention on the twelfth day of December,

1868, authorizing a special tax to be levied for the Waco Tap Railroad Company in Falls and McLennan counties," and Senate Bill No. 56, entitled "A bill to be entitled an act to prevent cessation of judicial functions, and to avoid doubts of the validity of judgments and other regular proceedings of the supreme, criminal or district judges and courts," and to-day, at 2:30 P. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

BILLS.

By Senator Ruby, "An Act to incorporate the city of Galveston—to grant a new charter to said city, and to repeal all acts heretofore past incorporating said city which may be in force by any existing charter.

Read first time and referred to Committee on Judiciary.

By Senator Hall, "An Act to incorporate the town of Bremond.

Read first time and referred to Committee on Judiciary.

UNFINISHED BUSINESS.

The discussion upon the amendment of Senator Flanagan was resumed.

Pending discussion Senator Flanagan moved an adjournment.

Yeas and nays demanded and resulted as follows:

Yeas—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pettit, Picket, Shannon—11.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Priest, Rawson, Ruby, Saylor—13.

Lost.

Senator Parsons moved a call of the Senate.

Call sustained.

Absent—Senators Clark, Cole, Pyle.

On further motion call suspended.

Senator Ruby moved that Senator Flanagan close the argument and the vote be taken on the pending amendment.

Senator Bowers rose to a point of order.

The Chair sustained the point of order and decided that no motion could be entertained except to adjourn, or call of the Senate.

Senator Bowers then moved a call of the Senate.

Call sustained.

Senator Bowers moved suspension of the call.

Call suspended.

Senator Mills moved to adjourn.

Yeas—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Picket, Pridgen, Shannon—12.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—13.

So the Senate refused to adjourn.

Senator Bowers renewed the call.

Call sustained.

Absent—Clark, Cole and Pyle.

On further motion, the call suspended.

Senator Flanagan moved to adjourn.

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

So the Senate refused to adjourn.

The yeas and nays were called on the adoption of the amendment offered by Senator Flanagan. Those who voted in the affirmative were:

Alford, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—14.

Those who voted in the negative were:

Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Senator Fountain moved the previous question. Previous question seconded.

Senator Ruby moved a call of the Senate. Call sustained.

Present—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor.

Absent—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Picket, Pyle, Shannon.

Senator Fountain moved that the Sergeant-at-Arms be instructed to bring in the absent Senators.

The Chair ordered the Sergeant-at-Arms to bring the absent Senators into the Senate Chamber.

Absentees appeared.

The President gave notice to those who had absented themselves that they were under arrest. Messrs. Evans, Shannon, Dohoney and Alford were excused.

Previous question ordered and carried.

The question then recurred upon the main question, and the President then put the question, "Shall the Bill be engrossed and passed to its third reading?"

Those who voted in the affirmative were—

Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Those who voted in the negative were—

Alford, Dohoney, Evans, Pridgen, Shannon—5.

Under arrest and not allowed to vote—

Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett, Pyle—9.

Bill passed to engrossment.

Senator Baker moved a suspension of rules to place the bill on its third reading and final passage.

Those who voted in the affirmative were :

Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Those who voted in the negative were :

Alford, Dohoney, Evans, Pridgen, Shannon—5.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

On motion of Senator Saylor, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Wednesday, June 22, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; no quorum present.

Absent—Senator Alford.

Senator Fountain moved a call of the Senate.

Call sustained.

Absent—Senator Alford.

The President excused Senator Pyle, who was relieved from arrest, whereupon he took his seat and answered to his name.

Quorum present.

On motion of Senator Ruby the reading of the journal was dispensed with.

Senator Parsons moved the regular order of business be suspended. Carried.

On motion of Senator Ruby the call of the Senate was suspended.

On motion, Senator Alford excused because of sickness.

[General File.]

The chair announced that he found on his table substitute for Senate bill No. 33, "An Act to provide for the enrollment of the militia," which had been read twice, engrossed, and was now on its third reading and final passage.

Bill read third time.

On motion of Senator Fountain the bill was put on its final passage.

Senator Parsons moved the previous question. Previous question seconded.

The Chair then put the question, "Shall the main question be now put?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Main question ordered.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent but excused—Alford.

The President then put the question, "Shall the bill pass?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett.

Absent and excused—Alford.

So the bill passed.

Under direction of the President the Secretary carried the same to the House, with action of the Senate.

Senator Fountain moved suspension of rules to take up from the calendar House bill No. 201, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies.

Rules suspended.

Message from the House by the Chief Clerk, informing the Senate of the passage of House joint resolution No. 18, authorizing the Secretary of State to purchase one Winchester carbine for each of the persons who overtook and killed four of a band of hostile Indians.

Also, House bill No. 83, "An Act to incorporate the Washington Fire Engine Company No. 1 of the city of Austin."

House bill No. 201 read first time.

Senator Fountain moved suspension of rules to make the bill the special order for Friday at 11:30 A. M.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Absent, but excused—Alford.

Rules suspended, bill made special order for Friday at 11:30 A. M.

On motion of Senator Fountain the rules were suspended to take up House bill No. 80, "An Act to establish a State police and provide for the regulation and government of the same."

Read first time.

Senator Fountain moved suspension of rules and the bill be made the special order for Monday 10 $\frac{1}{2}$ A. M.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent, but excused—Alford.

Rules suspended, bill made special order for Monday 10½ A. M.

On motion of Senator Mills, rules suspended to take up House bill No. 2, "An Act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas."

Read first time. Rules suspended; read second time; rules suspended; read third time.

Yeas and nays on final passage as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor--17.

Nays—Dohoney, Evans, Shannon---3.

Under arrest, not voting---Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett---8.

Absent, excused---Alford.

Bill passed.

Senator Fountain offered the following resolution, and moved its adoption:

WHEREAS, Reliable information having been communicated to us that twelve Senators had sworn and confederated upon the passage of a certain measure by a constitutional majority of this chamber to resign, for the purpose of breaking a quorum of the Senate, for the purpose of arresting the machinery of government, thereby defeating reconstruction and the organization of the State government; and

Whereas, It having been manifest by a test vote that said measure would pass by a constitutional majority, the said twelve Senators so confederating and conspiring, pending the final vote upon the second stage of said bill, at a preconcerted signal, in a body, abandoned their seats, and by said revolutionary act suspended the entire constitutional action of the Senate by depriving it of a quorum of its members; whereupon, the Sergeant-at-Arms being directed by the President of the Senate, ex officio Lieutenant Governor of the State, to arrest said recusant and revolutionary members, and said Sergeant-at-Arms reporting that one of said Senators did violently resist arrest, and refused to return to his seat as ordered by the President of the Senate and ex-officio Lieutenant-Governor; and,

WHEREAS, The Sergeant-at-Arms was again directed at once to arrest at least sufficient to make a quorum, in order that the business of the Senate might proceed without further revolutionary delay; and

Whereas, Said officer, upon attempting to execute arrest, was forcibly detained or confined such a length of time in the room, in which said Senators had entrenched themselves by locking the door; to lead to the presumption that he was forcibly

and violently detained, making it necessary, in the judgment of the President of the Senate and ex-officio Lieutenant Governor, to empower, by warrant, three assistant sergeants-at-arms, to rescue the principal Sergeant-at-Arms, and to execute the writ that had been originally intrusted to the same; whereupon, seeing the futility of further resistance to the constituted authorities of the State of Texas, the said recusant and revolutionary Senators returned to the Chamber, assuming that their action was voluntary; and

WHEREAS, In consideration of the above contempt of the Senate and the said resistance, taken into connection with the well-understood threat, prior to the test vote, of the declared intention of said recusant members to resign, and thereby dissolve the State Government, the Sergeant-at-Arms having been unable to make his arrest by said forcible detention and captivity, the Lieutenant-Governor, ex-officio, in his place, did formally order said recusant and revolutionary Senators under arrest; therefore, be it

Resolved, That a select committee of five be appointed to examine into the case of each individual Senator so arrested and so charged with revolutionary design and conduct, speedily as in each individual case the facts may be reached, and that said select committee shall have power to administer oaths and send for persons and papers.

Senator Parsons moved the previous question. Previous question seconded.

The Chair then put the question, "Shall the main question be put?" Main question ordered.

The Chair then put the question, "Shall the resolution be adopted?" Adopted.

The Chair appointed as the committee Senators Fountain, Parsons, Saylor, Baker and Hall.

Senator Dohoney offered the following resolution and moved its adoption:

WHEREAS, A special committee of this Senate has been appointed to inquire into the reputed charge that twelve Senators had conspired together to break up the government of the State; and

WHEREAS, Said Senators so charged are entitled to a speedy public trial under the constitution, therefore be it

Resolved, That the aforesaid special committee be authorized and required to proceed at once to inquire into the truth of this charge, and that this committee be required to report to the Senate on to-morrow their action in the premises.

Senator Saylor moved to refer the resolution to the special committee appointed by the president under resolution of Senator Fountain.

Yeas and nays called on the motion to refer and resulted as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mill, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Evans, Pridgen, Pyle, Shannon—5.

Under arrest not voting---Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Picket--8.

Absent, excused--Alford.

Resolution referred to special committee.

Senator Ruby offered the following resolution :

Resolved, That the Chairman of the Committee on Printing be authorized to contract with the Public Printer for 10,000 copies of the debates of the Senate on the militia bill, and that the same be furnished for the use of this body. Adopted.

On motion of Senator Baker Senate adjourned.

SENATE CHAMBER,
AUSTIN, Thursday, June 23, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain.

Under direction from the President, the Secretary carried to the House, for the signature of the Speaker, enrolled bills "An Act to confirm the compromises and settlements between the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Also, "An Act authorizing Vaughan, Safford and Smith to construct a bridge across the Guadalupe river at or near the town of Seguin, Guadalupe county, Texas."

Message from the House, by Chief Clerk, informing the Senate that the Speaker of the House had signed in open session enrolled bill "An Act to confirm the compromises and settlements between the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Also, "An Act authorizing Vaughan, Safford and Smith to construct a bridge across the Guadalupe river at or near the town of Seguin, Guadalupe county, Texas," whereupon they were signed by the President of the Senate.

Under direction of the President the Secretary carried to the House House bill No. 2, "An Act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas."

On motion of Senator Priest, the reading of the journal was dispensed with.

Senator Fountain moved that the select committee be authorized to employ a phonographer. Lost.

BILLS AND RESOLUTIONS.

By Senator Parsons, "An Act to incorporate the Houston and San Jacinto Canal and Navigation Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Gaines, an act entitled "An Act to punish the commission of crime."

Read first time and referred to Committee on Judiciary.

Also, "An Act for the incorporation of the Freedman's Union Mutual Life Insurance and Trust Company of Texas."

Read first time, and referred to Committee on Judiciary.

By Senator Mills: A bill to be entitled "An Act regulating the public printing."

Read first time, and referred to Committee on Judiciary.

By Senator Bell: A bill to be entitled "An Act to authorize and require the clerks of the district courts to grant letters testamentary and of administration according to the laws now in force."

Read first time, and referred to Committee on Judiciary.

By Senator Ruby: "An Act entitled an act to incorporate the Red River and Rio Grande Railway Company."

Read first time, and referred to Committee on Internal Improvements.

Also, "An Act to incorporate the Saving and Trust Company of Texas."

Read first time, and referred to Committee on Judiciary.

Senator Mills moved suspension of rules to take up substitute for Senate bill No. 165, "An Act making an appropriation for certain purposes."

Rules suspended and bill read second time, and passed to engrossment; and on further motion of Senator Mills the rules were suspended and the bill put upon its third reading and final passage.

Yeas and nays taken on final passage. Result as follows:

Yeas—Mr. President, Alford, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Excused from voting—Dohoney.

Bill passed.

Senator Ruby moved suspension of rules to take up House bill No. 12, "An Act to incorporate the Island City Real Estate and Homestead Association."

Rules suspended and bill read first time.

Senator Ruby moved a further suspension of rules to put the bill upon its second reading.

Rules suspended and bill read second time, and on further suspension of rules the bill was read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bell, Dohoney, Evans,

Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—20.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent—Saylor.

Bill passed.

Senator Ruby moved suspension of rules to take up Senate bill No. 78, "An Act concerning the levy of taxes for Bexar county."

Rules suspended and bill read second time and passed to engrossment.

Pending reading of bill, message from the House by Chief Clerk, informing the Senate that the Speaker had signed in open session enrolled bill "An Act to provide for the enrollment of the Militia, the organization and discipline of the State Guards and for the public defense," whereupon it was signed by the President and returned to the House.

Senate bill No. 78 resumed.

Senator Ruby moved suspension of rules to put the bill on its third reading and final passage.

Rules suspended and bill read third time and passed.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed in open session enrolled bill "An Act making an appropriation for the mileage and per diem pay of the members and per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas," whereupon it was signed by the President and returned to the House.

Under direction of the President, the Secretary carried to the House House bill No. 12, "An Act to incorporate the Island City Real Estate and Homestead Association."

Senator Baker moved suspension of rules to take up Senate bill No. 112, "An Act to provide for levying a special tax in Caldwell county, for the purpose of relieving the county from indebtedness and building a county jail."

Rules suspended and bill read second time and passed to engrossment, and on further motion of Senator Baker, the rules were suspended and bill read third time and passed.

Senator Fountain moved suspension of rules to introduce "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature of the State of Texas."

Yeas and nays called for; result as follows:

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended.

Bill read first time.

Senator Fountain moved suspension of rules to put the bill on second reading.

Yeas and nays called for. Result as follows :

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended and bill read second time and passed to engrossment.

Senator Fountain moved further suspension of rules to put the bill on third reading and final passage.

Yeas and nays called for. Result as follows :

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Rules suspended. Bill read third time.

Yeas and nays called for on final passage. Result as follows :

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Dohoney, Evans, Shannon—3.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Bill passed.

Senator Dohoney moved suspension of rules to take up Senate bill No. 99, "An Act to authorize incorporated towns and cities of the State of Texas to elect municipal officers.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bell, Dohoney, Evans, Priest, Pyle, Shannon—7.

Nays—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—14.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

So the Senate refused to suspend the rules.

On motion of Senator Pettit, the rules were suspended to take up

House bill No. 255, "An Act to authorize the Governor to procure from the archives of the old Spanish missions the history of this State prior to 1793, and to make appropriation for the same."

Bill read first time.

Senator Pettit moved a further suspension to put the bill on its second reading.

Yeas and nays called for. Result as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—17.

Nays—Alford, Dohoney, Evans, Shannon—4.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended.

Bill read second time.

Senator Pettit moved further suspension of rules and bill be put upon its third reading and final passage.

Yeas and nays called for ; result as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Saylor—15.

Nays—Alford, Dohoney, Evans, Priest, Pridgen, Shannon—6.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

Senator Ford moved suspension of rules to take up Senate bill No. 82, "An Act to incorporate Waco Tap Railroad Company."

Rules suspended and bill read second time, and on motion of Senator Fountain the rules were suspended and bill made the special order for Saturday, June 25.

Senator Ruby moved suspension of rules to take up House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company."

Rules suspended, and on motion of Senator Mills the bill was made the special order for Thursday next.

Senator Parsons offered the following resolution :

Resolved, That the Select Committee appointed by the Senate to visit and report on the recent State Fair at the city of Houston, be allowed for their expenses the rate allowed for mileage to members traveling to and from their homes to the capital, and that the Comptroller is hereby instructed and authorized to audit and allow the same.

Resolution adopted.

Senator Hall moved suspension of rules to take up Senate bill No. 40.

Rules suspended.

On motion of Senator Evans the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Friday, June 24, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; no quorum present.

Absent—Pridgen.

Senator Pyle excused on leave of absence.

Senator Ruby moved a call of the Senate. Call sustained.

The Sergeant-at-Arms was instructed to bring in the absent Senator.

Senator Pridgen answered to his name.

On motion of Senator Fountain the call of the Senate was suspended.

Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

The following protest was offered by Senator Dohoney, read and ordered to be spread on the journals:

SENATE CHAMBER,
Austin, June 24, 1870.

To the Hon. DON CAMPBELL,
President of the Senate:

The undersigned Senators respectfully represent that on the evening of the 21st instant, Senators Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pyle and Shannon were notified by the President of the Senate that they were under arrest and would not be permitted to vote on any measure coming before this body, or to participate in any of its proceedings.

On the morning of the 22d Senators Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer and Pyle were excluded from their accustomed seats at the desks before that occupied by them. Subsequently Senator Pyle was permitted to resume his seat while the others have from that time to the present, by order of the President, been debarred all rights as Senators. We understand the reasons assigned for this extraordinary proceeding are the charges preferred against twelve Senators (whose names are not given) in the preamble to the resolution offered by Senator Fountain and adopted by the Senate on Wednesday, the 22d of this month. These charges, we respectfully protest, are not sustained by the

facts, and that the actions and motives of those Senators may be clearly and unmistakably made known, we respectfully call attention to the following statement of facts, some of which are within the knowledge of the Senate, and the others can easily be established by competent proof.

On the evening of the twenty-first of this month, the argument on the militia bill, which had occupied the time of the Senate for several days, was so far concluded as that each Senator who desired to do so had made one speech. Some Senators desired to speak again on the questions involved, before a final vote was taken on the engrossment of the bill. This fact was made known by Senator Bowers to Senator Parsons, and by them it was agreed that no further remarks should be made on the question then pending before the Senate—the amendment offered by Senator Flanagan—but as all were anxious for a vote on that amendment that evening, this should be had, and that further and full discussion would be allowed the next day on the question of the engrossment of the bill. This suggestion was publicly stated by Senator Bowers, in open Senate, and he then remarked that in deference to this general desire for a vote on the Flanagan amendment he would yield the right he then had to the floor, and would make what further remarks he desired to make on the question of the engrossment of the bill. As soon as the vote was taken on the Flanagan amendment, the previous question on the engrossment of the bill was moved by Senator Fountain. Senator Bowers then appealed to the Senator to withdraw his motion for the previous question, for a moment, that he might make known this understanding as to further discussion; but Senator Fountain declined to withdraw his motion. We were thus precluded from any explanation in the Senate, and then, for the sole and only purpose of a consultation, and in order that Senator Parsons could be reminded of the understanding between Senator Bowers and himself, as before stated, we all (except Senator Pridgen), together with the Senators hereinbefore mentioned, being thirteen in all, withdrew to the door of the Senate, the lobbies being so crowded that we could not meet in any portion of the Senate Chamber. Here the crowd was so great that we found it necessary to withdraw to a committee room. From this room we sent a verbal request to Senator Parsons to meet us in consultation. This was for the purpose of securing, through him, a compliance with the hereinbefore stated agreement. After waiting some time for an answer from him, and not receiving any, we addressed a written communication to him, inviting his presence with us in committee room No. 13. To this communication we received a reply declining our request. Finding that we were thus unable to secure by this means a further hearing on the question then be-

fore the Senate, we abandoned the attempt and returned to the Senate Chamber. While we were absent in consultation and awaiting the answer from Senator Parsons, the Sergeant-at-Arms entered the committee room where we were and read to us the following summons :

AUSTIN, June 21, 1870.

The Sergeant-at-Arms is authorized to summons the following Senators to attend upon the Senate immediately.

(Signed)

DON. CAMPBELL.

Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pyle and Shannon.

This summons we did not understand as an order for our arrest, nor can we believe it was so construed by the officer executing it. We, however, told him we would obey the summons as soon as we could hear from Senator Parsons, which we did. On our return to our seats in the Senate Chamber, although not called upon for any excuse or explanation as to the cause of our temporary absence, Senator Bowers made a statement in open Senate of the circumstances inducing our withdrawal, and disclaimed any intention of breaking a quorum, or of being in contempt of the Senate or its authority, or of impeding the business before it. This explanation was adopted by all the Senators who had withdrawn. Notwithstanding this, as we thought, full explanation, we were told by the presiding officer that we were "under arrest, and would not be allowed to vote," but that four of our number (Senators Alford, Evans, Dohoney and Shannon,) would by the Chair be relieved from this arrest, this number being necessary to constitute a quorum.

Senator Priest then moved that the withdrawing Senators be all excused, which motion was by the Chair ruled out of order.

We were not then aware, nor have we since been informed, that the Senate had taken any action by vote, resolution or otherwise authorizing the presiding officer to thus deprive Senators of their seats, and to prevent them from the regular discharge of their official duties. We know of no rule of the Senate, or any law, statute or organic, or of any parliamentary regulation or precedent which confers on him this extraordinary power. By section fifteen of article three of our State constitution it is provided that

"Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide."

If this house has prescribed any penalty for its members being absent without leave, or if this house has prescribed the manner of inflicting such penalty, we are not aware of it. In fact, we boldly

state that no penalty or the manner of its infliction has been by the Senate prescribed. Certainly no authority has been given the presiding officer, at will, to place members under arrest, and for an indefinite period of time deprive them and their constituents of a voice in the legislation of the State. The only law on the subject is that embraced in section fifteen, article three, State constitution, which authorizes "*Each house to determine the rules of its own proceeding, punish members for disorderly conduct, and with the consent of two-thirds, expel a member,*" and the re-enactment of the provisions of this section of the constitution by the adoption of Senate rule No. 27, which reads as follows :

"The *Senate* may punish any member for disorderly conduct, and with the consent of two-thirds, may expel a member ; but not a second time for the same offense."

These provisions, it will be seen, confer the authority to punish disorderly members on the *house*—the *Senate*—and not on its presiding officer. And yet, by his direction alone, eight Senators are excluded from the privileges of this body and from all rights as members. They are denied the right to inquire into his authority for so doing ; and although a committee was several days ago appointed to inquire into and report on facts well known to every member of this body, no report has been made, and this inquiry is thus indefinitely postponed. These Senators have more than once demanded an investigation and a full hearing. The question involves their personal rights as Senators and their official relations to this body, and hence it becomes a privileged question, which, by immemorial parliamentary usage, has precedence over any other ordinary legislative business.

This position will not be denied by any one familiar with parliamentary law and usages. Yet, notwithstanding the question is one of the highest privilege, that it is one involving not only the personal liberty of nearly, if not quite, one-third of the members of the Senate, that it deprives their constituents of their services ; and notwithstanding the facts are all accessible and no excuse is made, or can be made, for a postponement of the investigation, the case is delayed by the Senate, and these Senators are deprived of all rights and privilege on this floor.

This postponement, we respectfully suggest, is but calculated to arouse the most painful apprehensions in the minds of their constituents, and the public generally, to its cause ; and these apprehensions are heightened by the further fact that some of the most important measures to come before the Legislature are being acted on by the Senate while they are excluded from it. We do not

believe any parliamentary precedent can be found for this action, or that it can be sustained by reason or authority.

Regarding as we do the action of the presiding officer in excluding these eight Senators from any participation in the proceedings of this body, and the action of the Senate in not at once considering the privileged question raised, as unjust and unauthorized by law, as a fatal stab at the right of representation, as violative of all parliamentary law, we respectfully dissent therefrom, and protest against these acts. We ask that these reasons for this our solemn protest may be entered on the journals, not only to serve to commemorate this departure from parliamentary usage, but also to serve as a guide to prevent our successors from falling into the same error, and to the end that they may avoid the imputation of being capable, for any purpose whatever, of wantonly violating and trampling under foot the sacred forms of parliamentary law, upon the strict observance of which rests the only safeguard the people have, that the voices of their representatives will be heard.

Very respectfully submitted,

G. R. SHANNON,
S. EVANS,
B. J. PRIDGEN,
E. L. DOHONEY.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed, in open session, enrolled bill, "An Act to incorporate the Island City Real Estate and Homestead Association," whereupon it was signed by the President and returned to the House.

Senator Parsons offered the following preamble and resolution:

WHEREAS, The reporter of the Galveston News from the State Senate has telegraphed to said paper the following false and libelous statement--that in the debate on the Militia bill on the 21st of June, "Broughton, Conservative, was followed by Parsons, Republican, in a very denunciatory speech, calling the people of Texas murderers, assassins and desperadoes;" and,

Whereas, Said charge is wholly untrue, and said reporter has been guilty not only of a wanton breach of privilege, but of absolute falsehood, a willful perversion and gross misstatement of the Senator's remarks,

Resolved, That said reporter be hereafter excluded from the privileges of the lobby and gallery of this Senate Chamber.

[Senator Ruby in the chair.]

The hour having arrived for the consideration of special order, House bill No. 201, "An Act to provide for the appointment by the Governor of certain offices to fill vacancies."

Senator Pridgen moved the postponement of special order for twenty-five minutes. Carried.

[President resumed the chair.]

The question recurring upon the adoption of the resolution offered by Senator Parsons.

Pending discussion, Senator Fountain moved a call of the Senate. Call sustained.

Absent--Senator Pridgen; Senator answered to his name.

On motion of Senator Fountain the call of the Senate was suspended.

Senator Alford offered, as a substitute for the resolution of Senator Parsons, the following:

Be it, therefore, resolved, That the Senate declare the language of said telegraphic dispatch published in the Galveston News to be false, libelous and slanderous, and that this preamble and resolution be spread on the minutes of this Senate, and that the Galveston News be requested to publish the same.

Substitute, with preamble, adopted.

The hour for the consideration of the postponed special order having arrived, on motion of Senator Fountain it was postponed for fifteen minutes.

REPORTS.

Report of Committee on Engrossed Bills:

To the Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 224, "Making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature;" also Senate bill No. 165, "Making an appropriation for certain purposes;" also Senate bill No. 78, "Concerning the levy of taxes for Bexar county;" also Senate bill No. 112, "Providing for levying a special tax in Caldwell county for the purpose of relieving the county from indebtedness and building a jail;" also House bill No. 29, offered as a substitute to Senate bill No. 33, "To provide for the enrollment of the Militia, the organization and discipline of the State Guards, and for the public defense," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY.
P. W. HALL.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. DON CAMPBELL,

President of Senate :

The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 5, entitled "An Act authorizing F. A. Vaughn, William Saffold and George T. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin;" and also Senate bill No. 41, entitled "An Act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company, and have this day, at 11:30 o'clock A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

BILLS AND RESOLUTIONS.

Senator Rawson offered the following resolution :

WHEREAS, There appears in the Galveston News and Houston Times of the 22d instant a special communication from their correspondent here, which, for gross violation of a courteous privilege extended to said correspondent, and for vulgar assault upon the honor of the most refined ladies of the land, is unparalleled in the annals of journalism, and unequalled in mendacity ; therefore

Resolved, That said correspondent, F. A. Gearing, be and he is hereby disgracefully expelled from the Senate Chamber, and denied in the future the privilege of either the floor or the gallery, and the Sergeant-at-Arms is hereby directed to take that individual into custody and remove him from the chamber.

The hour having arrived for the consideration of the postponed special order, on motion of Senator Fountain it was postponed for fifteen minutes.

Senator Ruby offered the following substitute for the resolution of Senator Rawson :

WHEREAS, The present correspondent of the Galveston News is denounced by resolution as a slanderer and libeller; and

Whereas, in so doing the Senate has made it incumbent on its dignity to deny said correspondent the privileges of this body accorded to other newspaper reporters ; therefore be it

Resolved, That the President of the Senate be and is hereby re-

quested to disallow to said correspondent the future use of the floor or gallery of this body.

Yeas and nays taken on adoption of substitute offered by Senator Ruby; result as follows:

Yeas—Bell, Ford, Gaines, Parsons, Priest, Ruby, Saylor—7.

Nays—Mr. President, Alford, Baker, Dohoney, Evans, Fountain, Hall, Hertzberg, Mills, Pettit, Pridgen, Rawson, Shannon—13.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent on leave—Senator Pyle.

The question recurring upon the adoption of the resolution offered by Senator Rawson, yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Nays—Alford, Dohoney, Evans, Mills, Pridgen, Shannon—6.

Resolution adopted.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Latimer, Pickett—8.

Absent on leave—Senator Kyle.

Special order resumed—House bill No. 201, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies."

Bill read second time.

Senator Pridgen moved commitment of the bill to the Committee on Judiciary.

The yeas and nays on commitment resulted as follows:

Yeas—Alford, Dohoney, Evans, Pridgen and Shannon—5.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Under arrest not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Absent on leave—Senator Pyle.

Senate refused to commit.

Senator Ruby offered the following amendment:

In section four, line two, amend after "aldermen" by insertion of words "or officers of like character."

Amendment adopted.

The question was then put by the Chair, "Shall the bill pass to its third reading as amended?"

Yeas—Mr. President, Baker, Bell, Fountain, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Alford, Dohoney, Evans, Pridgen, Shannon—5
Absent on leave—Pyle.

Under arrest, not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Senator Fountain moved suspension of rules to make the bill the special order for to-morrow at 10:30, and thereafter until disposed of.

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Nays—Dohoney, Evans, Pridgen, Shannon—4.

Absent on leave—Pyle.

Under arrest, not voting—Bowers, Broughton, Cole, Clark, Douglas, Flanagan, Latimer, Pickett—8.

Rules suspended and the bill made special order for to-morrow at 10:30 A. M.

Senator Mills moved reconsideration of the vote of yesterday on the House bill No. 21, making it the special order for Thursday next. Carried.

On further motion the rules were suspended, and House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company," was made the special order for Monday at 12 M.

On motion of Senator Hall the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Saturday, June 25, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. . No quorum present.

Senator Ruby moved a call of the house.

Call sustained.

Absent--Dohoney, Evans, Parsons, Saylor.

Absent on leave—Senator Pyle.

Senator Pridgen moved that Senator Dohoney be excused.

The Senate refused to excuse Senator Dohoney.

On motion of Senator Fountain, the Sergeant-at-Arms was instructed to proceed immediately to arrest and bring before the Senate E. L. Dohoney, the absent Senator.

On motion of Senator Mills, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, June 27, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; no quorum present.

Absent—Senator Parsons.

Absent on leave—Senator Pyle.

Senator Fountain moved a call of the Senate.

Call sustained.

Absent—Senator Parsons.

Senator Parsons came in and answered to his name, and on motion of Senator Fountain was excused and released from the custody of the Sergeant-at-Arms.

Quorum present.

On motion of Senator Ruby the call of the Senate was suspended. Journals of Friday and Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Mills, memorial of the heirs of John F. Bell.

Read and referred to Committee on Private Land Claims.

By Senator Bell, petition of Thomas H. Paschals and others requesting an amendment to the penal code.

Read and referred to Committee on Judiciary.

Under direction of the President, the Secretary carried to the House:

Senate bill No. 78, "An Act concerning the levy of taxes for Bexar county."

Senate bill No. 112, "An Act providing for levying a special tax in Caldwell county for the purpose of relieving the county from indebtedness, and building a jail."

Substitute for Senate bill No. 165, "An Act making an appropriation for certain purposes."

Senate bill No. 224, "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature."

Senator Dohoney offered an excuse for his absence on Saturday.

Senator Fountain moved action on the excuse of Senator Dohoney be postponed until the usual order of business was disposed of.

Carried.

REPORT FROM SELECT COMMITTEE.

COMMITTEE ROOM,
June 27, 1870.

Hon. DON CAMPBELL,
President Senate:

Your select committee of investigation submit the following report in the case of Hon. E. B. Pickett:

Your committee cannot find, from the evidence adduced, that Senator Pickett was cognizant of, or in any way connected with the conspiracy to break a quorum, but find that Senator Pickett did, on the twenty-first day of June, absent himself without leave from the Senate Chamber while the previous question was being called, and did, in violation of the rules and in contempt of the Senate, remain absent until brought back by the Sergeant-at-Arms.

Your Committee, therefore, submit the following resolution:

Resolved, That Senator E. B. Pickett be brought before the bar of the Senate and reprimanded by the presiding officer, and that he be then released from arrest, and permitted to resume his duties as a Senator on this floor.

FOUNTAIN,
Chairman.

Senator Fountain moved suspension of rules.

Rules suspended, and on motion of Senator Baker the report and resolution offered by the Select Committee was adopted.

The Sergeant-at-Arms was dispatched for Senator Pickett, who appeared, was reprimanded by the President, and took his seat.

Message from the House by Chief Clerk:

House bill No. 298, "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas."

House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

House bill No. 254, "An Act to incorporate the Southern Trans-Continental Railway Company."

House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

House bill No. 109, "An Act to cede to and confer upon the city of Indianola all the right, title and interest of the State in and to the flats adjacent to said city, in the waters of Matagorda bay, in trust for the purposes and upon the conditions herein specified."

BILLS AND RESOLUTIONS.

Senator Fountain offered the following resolution :

WHEREAS, On the twenty-fifth day of June, Senator Dohoney, a member of this body, did, in violation of the rules, and in contempt of the Senate, absent himself the entire day, in such manner that he could not be found by the Sergeant-at-Arms, thus depriving the Senate of a quorum and retarding legislation; therefore

Resolved, That Senator Dohoney be placed under arrest, and that the Select Investigating Committee be instructed to examine into his case, and make a report thereon as soon as the facts in the case can be reached.

Adopted.

By Senator Pridgen, a bill to be entitled, "An Act for the relief of Chas. D. Lytle."

Read first time, and referred to Committee on Claims and Accounts.

By Senator Mills, an act entitled, "An Act to amend article 1067, of the civil code, providing for the removal of the seats of justices."

Read first time and referred to Committee on Judiciary.

By Senator Gaines, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Saylor, a bill to be entitled "An Act to incorporate the Central Texas Agricultural and Mechanical Association."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Baker, a bill to be entitled "An Act to further the agricultural development of the State of Texas."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Alford, an act entitled "An Act to provide for the payment of district attorneys."

Read first time and referred to Committee on Judiciary.

Also, an act entitled "An Act to prevent drinking on public conveyances."

Read first time and referred to Committee on Judiciary.

By Senator Bell, a bill to be entitled "An Act to repeal 'An Act to amend articles 412 and 18 of an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856."

Read first time and referred to Committee on Judiciary.

By Senator Ford, "An Act declaring all land scrip issued under the act of January 1, 1862, and March 4, 1863, amendatory of the

act of February 11, 1858,' and, also, patents issued under the same, null and void."

Read first time and referred to Committee on Judiciary.

Also, "An Act declaring certain land certificates therein named null and void."

Read first time and referred to Committee on Judiciary.

Also, "An Act to repeal 'An Act to authorize the withdrawal from the General Land Office of deeds issued on paper of the second seal,' passed the eleventh of February, 1850; and the act amendatory thereto, passed January 11, 1862; and to require the said deeds to be returned to the General Land Office."

Read first time and referred to Committee on Judiciary.

Senator Pridgen offered the following resolution:

WHEREAS, Seven members of this body, to-wit: Bowers, Douglas, Broughton, Latimer, Cole, Clark and Flanagan, are now held under arrest by the Sergeant-at-Arms, by order of the presiding officer of the Senate, for being absent without leave and contrary to the rules of this House; and

Whereas, Said Senators have been detained under arrest, under said charge, for seven days, and have not been summoned before the bar of the Senate to make excuse for their absence as aforesaid; therefore,

Resolved, The aforesaid Senators be immediately brought to the bar of the Senate to render their excuses for being so absent without leave.

Senator Saylor moved its reference to the select committee.

Carried.

SPECIAL ORDER.

The hour for special order having arrived, House bill No. 201, "An Act to provide for the appointment, by the Governor, of certain officers to fill vacancies."

Bill read third time and passed.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby and Saylor—15.

Nays—Alford, Evans, Pickett, Pridgen, Shannon—5.

Absent on leave—Senator Pyle.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Senator Mills offered the following resolution:

Resolved, That J. M. Gibbs, late Sergeant-at-Arms, be allowed pay for his services up to date of his resignation.

Lost.

On motion of Senator Priest the special order for 10:30 o'clock, House bill No. 80, "An Act to establish a State Police and provide for the regulation and government of the same," under suspension of rules, was taken up.

Bill read second time.

Senator Priest offered the following amendment:

Amend section first—strike out in third line the words "four," "eight," and "twenty," and insert the words "two," "four," and "ten;" strike out in line four the words "two hundred," and insert "one hundred."

Pending discussion Senator Hall moved the previous question.

Previous question seconded.

The Chair then put the question, "Shall the main question be now put?"

Pending the vote, Senator Saylor moved a call of the Senate.

Call sustained. Roll called. Quorum present.

On motion of Senator Fountain the call was suspended.

The question recurring upon the adoption of the amendment offered by Senator Priest, yeas and nays taken, result as follows:

Yeas—Alford, Evans, Pickett, Priest, Pridgen, Shannon—6.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—14.

Absent on leave—Senator Pyle.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Amendment lost.

Senator Fountain moved suspension of rules to put the bill on third reading.

Yeas and nays taken; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Alford, Evans, Pickett, Pridgen, Shannon—5.

Absent on leave—Senator Pyle.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flangan, Latimer—8.

Motion to suspend lost, four-fifths not voting in the affirmative.

On motion of Senator Priest the rules suspended and bill made special order for to-morrow at 10:30 A. M.

Senator Parsons offered the following resolution:

Resolved, When in session no Senator be permitted to absent himself from the Senate chamber, however temporarily, without the leave first had and obtained of the presiding officer.

On motion of Senator Fountain rules were suspended to consider the resolution of Senator Parsons.

Senator Pickett moved the resolution be referred to the Committee on Rules. Lost.

The question recurring upon the adoption of the resolution, the same was adopted.

On motion of Senator Fountain the Senate adjourned till to-morrow.

SENATE CHAMBER,
AUSTIN, Texas, Tuesday, June 28, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journals of yesterday read and approved.

Message from the House by the Chief Clerk:

House bill No. 115, "An Act to provide for the registration of voters."

Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

House bill No. 201, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies," informing the Senate the House concurred in the Senate amendment.

Senator Pyle moved Mr. McKnight, the doorkeeper of the Senate, have leave of absence for three days on account of sickness. Carried.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Finance:

COMMITTEE ROOM,
Austin, June 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Finance to whom was referred the memorial of the heirs of James Rogers, have examined carefully the whole claim of said heirs against the State of Texas, and find that it is just and never has been paid, wherefore your committee beg leave to report the accompanying bill and recommend its passage.

J. S. MILLS,
Chairman.

Laid over under the rules.

Report of Committee on Privileges and Elections:

COMMITTEE ROOM,
Austin, June 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Privileges and Elections, to whom was referred the contested election of John M. Waskom, contesting the seat of Hon. Henry Rawson, a Senator on this floor, have examined the same and beg leave to report as follows:

Contestant Waskom charges that Hon. Henry Rawson is not a registered voter, and that he is ineligible under article three, section thirteen, of the State Constitution, which provides that "no person shall be a Senator unless he be a citizen of the United States, and shall have been a citizen of this State three years next preceeding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of twenty-five years."

In answer to these charges, Hon. Henry Rawson produced his certificate of registration, dated July 2, 1867, and a certificate from Captain C. E. Morse at army headquarters, that his name was still on the registration list. It is also proven that he was a resident citizen of the State of Texas and of the district from which he was elected for seventeen years previous to his election, and that he had attained the age required by the provisions of the constitution above cited. After a careful examination, your committee decide that he is clearly eligible, and ask the adoption of the following resolution :

Resolved, That Hon. Henry Rawson is legally entitled to the seat now held by him as Senator from the Seventh Senatorial District.

THOS. H. BAKER,
Chairman of Committee.

On motion of Senator Saylor, the rules were suspended to consider the report.

Senator Ruby moved the adoption of the report. Carried.

Senator Saylor moved a reconsideration of the vote just taken, and to lay the motion to reconsider on the table. Carried.

Senator Mills offered the following resolution :

Resolved, That Senator E. T. Broughton, be allowed leave of absence for thirty days on his parole, to commence on Friday next.

On motion of Senator Fountain, the consideration of the resolution was postponed till Friday next.

SPECIAL ORDER.

The hour having arrived for the consideration of special order, House bill No. 80, "An Act to establish a State Police and provide for the regulation and government of the same.

Pending reading—

Message from the House by Chief Clerk informing the Senate that the Speaker had signed in open session enrolled bill "An Act to provide for the appointment by the Governor of certain officers to fill vacancies," whereupon it was signed by the President and returned to the House.

The question recurring upon the passage of House bill No. 80, the Chair put the question "Shall the bill now pass?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Alford, Evans, Picket, Pridgen, Pyle, Shannon—6.

Under arrest not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

Under direction of the President, the Secretary carried to the House, House bill No. 80, "An Act to establish a State Police and provide for the regulation and government of the same.

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 115, "An Act to provide for the registration of voters," and on motion of Senator Priest, was made the special order for to-morrow at twelve o'clock, M.

On motion of Senator Mills, the rules were suspended to take from file Senate bill No. 130, "An Act to incorporate the Texas Odd Fellows University and Orphan's Home, Bryan, Brazos county, Texas."

Bill read second time.

On motion of Senator Saylor, the bill was recommitted to Committee on Education.

Senator Ruby moved suspension of rules to take up Senate bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company."

Rules suspended and bill read second time, and passed to engrossment.

Senator Fountain moved further suspension of rules to put the bill on third reading and final passage. Bill read third time.

Yeas and nays taken of final passage; result as follows:

Yeas—Mr. President, Alford, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company."

Bill read second time, and, on further motion, rules were suspended and bill read third time.

Yeas and nays taken on final passage; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Alford, Evans, Shannon—3.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

Under the direction of the President the Secretary carried the same to the House with the action of the Senate.

Senator Hall moved suspension of rules to take up House bill No. 202, "An Act permanently establishing the county seat of Hopkins county."

Rules suspended and bill read first time; rules suspended and bill read second time, and, on further motion, the rules were suspended and bill read third time and passed.

Senator Parsons moved suspension of rules to take up Senate bill No. 47, "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company.'"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Alford, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Pyle, Rawson—14.

Nays—Evans, Mills, Pickett, Pridgen, Ruby, Saylor, Shannon—7.

Under arrest and not voting—Bowers, Broughton, Clarke, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Rules suspended and bill read second time.

Senator Priest moved a further suspension of rules to make the bill a special order for to-morrow, at 10:30 A. M.

Yeas and nays taken; result as follows:

Yeas—Mr. President, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Pyle, Rawson—11.

Nays—Alford, Baker, Bell, Evans, Mills, Pickett, Pridgen, Ruby, Saylor, Shannon—10.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

On motion of Senator Priest the rules were suspended to take from file House joint resolution No. 2, authorizing the Chief Clerk of the House to advertise for proposals for stationery for the use of both houses.

Read first time.

Senator Priest moved a farther suspension of rules to place the bill on second reading.

Yeas and nays called for ; result as follows :

Yeas—Mr. President, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Shannon --14.

Nays—Alford, Mills, Pickett, Pridgen, Pyle, Saylor--6.

Absent--Ruby.

Under arrest and not voting--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer--8.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

Senator Fountain moved suspension of rules to take up Senate bill No. 40, "An Act to provide for permanently locating the county site of Robertson county."

Rules suspended and bill read second time.

Senator Fountain offered the following amendment: Amend all after the enacting clause by substituting the following:

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the county seat of Robertson county be and is hereby removed from the town known as Owensville to the town known as Calvert, and that the said town of Calvert shall hereafter be the legal and permanent county seat of said county.

SEC. 2. That this act take effect from and after its passage.

Amendment adopted.

On motion of Senator Fountain rules were suspended and bill passed to engrossment, and, on further motion, the bill was read third time and passed.

Senator Priest moved suspension of rules to take up House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Rules suspended.

On motion of Senator Pickett the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, June 29, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

Under direction of the President the Secretary carried to the House, House bill No. 202, "An Act permanently establishing the county seat of Hopkins county."

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Education :

COMMITTEE ROOM,
Austin, June 27, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Education, to whom was referred Senate bill No. 210, entitled "An Act restricting the sale of vinous and spirituous liquors within the vicinity of Caddo Grove Seminary," having carefully considered the same, report it back to the Senate with the accompanying substitute and recommend its adoption.

Respectfully,

E. PETTIT,
Chairman.

Laid over under the rules.

REPORT FROM SELECT COMMITTEE IN CASE OF
E. L. ALFORD.

COMMITTEE ROOM,
June 29, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Select Investigating Committee beg leave to submit the following report :

Your committee have examined into the case of Senator E. L. Alford, and find that on the afternoon of June 21, 1870, Senator Alford, with other Senators, left the Senate chamber under a call for the previous question, thereby breaking a quorum, and did, with said other Senators, proceed to a committee room in the capitol

building, and did lock himself in said room, and did deny admission to the Sergeant-at-Arms of the Senate, who had been sent to arrest him; we further find, by the evidence adduced, that the Sergeant-at-Arms did force the window shutters partly open and did take hold of Senator Alford, and did, by virtue of his office of Sergeant-at-Arms, arrest him, but that Senator Alford did, in contempt of the Senate, violently resist said arrest, and did forcibly close the shutters, and did refuse to submit to said arrest by the Sergeant-at-Arms; your committee, therefore, submit the following resolution and recommend its adoption.

FOUNTAIN,
Chairman.

Resolved, That in view of the flagrant and persistent contempt of the Senate by Senator E. L. Alford, in refusing to submit to arrest by the Sergeant-at-Arms, he, Senator E. L. Alford, be expelled from the Senate.

Senator Fountain moved suspension of rules to consider report of Select Committee.

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Evans, Pickett, Pridgen, Pyle, Shannon—5.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Rules suspended.

The question recurring upon the adoption of the report and resolution, offered by Select Committee, Senator Fountain moved its adoption.

Senator Baker moved the previous question.

Previous question seconded.

The Chair then put the question, "Shall the main question be now put?"

So ordered.

The Chair then put the question, "Shall the report and resolution be adopted?"

Yeas and nays called for; result as follows:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Evans, Pickett, Pridgen, Pyle, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Report and resolution adopted.

REPORT OF SELECT COMMITTEE ON CASE OF SENATOR COLE.

COMMITTEE ROOM,
June 29, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Select Investigating Committee, having under consideration the case of Senator Cole, submit the following report :

Your committee find, from the evidence adduced, that Senator Cole did, on the twenty-first day of June, 1870, leave the Senate Chamber while a vote was being taken on a motion for the previous question, thereby being a party to the breaking of the quorum, and did remain absent until brought back to the Senate Chamber in custody of the Sergeant-at-Arms. Your committee do not find, from the evidence adduced, that Senator Cole was cognizant of the conspiracy to break a quorum, but do find that he was guilty of contempt of the Senate and a violation of its rules. Your committee therefore submit the following resolution, and recommend its adoption:

Resolved, That Senator Cole be brought before the bar of the Senate, and reprimanded by the presiding officer, and that he then be permitted to resume his seat as a Senator on this floor.

Senator Fountain moved suspension of rules to consider report and resolution.

Rules suspended, and report and resolution adopted.

BILLS AND RESOLUTIONS.

By Senator Pickett, "An Act to incorporate the Bank of Sabine Pass."

Read first time and referred to Committee on Judiciary.

Also, an act to amend an act, entitled "An Act to incorporate the Neches Navigation Company," approved November 8, 1866.

Read first time, and referred to Committee on Internal Improvements.

By Senator Fountain, "An Act to incorporate the United States and Mexico Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Senator Fountain moved that one hundred copies of the same be printed, and laid on the desks of the members. Carried.

By Senator Priest, "An Act to authorize the district clerks to decide in cases of illegal taxes."

Read first time and referred to Committee on Judiciary.

UNFINISHED BUSINESS.

Unfinished business of yesterday :

House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Bill read first time.

Senator Priest moved suspension of rules.

Rules suspended and bill read second time.

And, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage; result as follows :

Yeas—Mr. President, Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Under arrest and not voting—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Latimer—8.

Bill passed.

Message from the House by Chief Clerk: Senate bill No. 155, "An Act to provide for districting the State of Texas into judicial districts," with the following amendment, and asked the concurrence of the Senate in the same:

Section 9—Strike out the word "and" between the words "Upshur" and "Smith," and add the words "and Rains" to section nine.

Section 21—Strike out all after the word "Nueces," and insert in lieu thereof the words "Refugio and San Patricio, and the following unorganized county shall be attached to this judicial district for judicial purposes, viz: Duval."

Senator Mills moved suspension of rules to take up Senate bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

Rules suspended and bill as amended read.

Pending discussion Senator Cole appeared at the bar of the Senate in custody of the Sergeant-at-Arms, and, after being reprimanded by the President, took his seat.

The question recurring on amendment to Senate bill No. 155 Senator Fountain moved the Senate concur in House amendment. Carried.

On motion of Senator Priest Senator Fountain was added to the Judiciary Committee in place of E. L. Alford.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having carefully examined and compared Senate bill No. 40, "To provide for permanently locating the county seat of Robertson county," and Senate bill No. 172, "To incorporate the Bellville, Hempstead and Brazos Bridge Company," find the same correctly engrossed.

G. T. RUBY,
P. W. HALL.

Senator Gaines moved suspension of rules to take from file Senate bill No. 76, "An Act to authorize the Police Court of Washington county to levy a special tax to build a jail at the county seat."

Bill read second time and passed to engrossment, and, on motion of Senator Ruby, the rules were suspended, and bill read third time and passed.

Senator Mills moved the postponement of special order, House bill No. 115, till to-morrow at 12 M. Carried.

On motion of Senator Fountain the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, June 30, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Under direction of the President, the Secretary carried to the House, with action of the Senate, House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association."

Also Senate bill No. 172, "An Act to incorporate the Belleville, Hempstead and Brazos Bridge Company."

Also Senate bill No. 40, "An Act to provide for permanently locating the county seat of Robertson county."

Senate bill No. 76, "An Act to authorize the Police Court of Washington county to levy a special tax for building a jail at the county seat."

PETITIONS AND MEMORIALS.

By Senator Mills: Memorials from citizens of Grimes county, Texas.

Read and referred to Committee on Judiciary.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
June 30, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Contingent Expenses beg leave to report the following bills presented, passed upon and approved:

Mileage of Senator Pyle as a witness before the Select Committee of the Senate	\$64 00
Mileage of Senator Parsons to State Fair	120 00
Mileage of Senator Bell to State Fair	120 00
Mileage of Senator Douglas to State Fair	120 00
William D. Scott, for one desk	50 00

Williams Raatz, for locksmithing.	48 25
Sampson & Henricks.	269 18
Sampson & Henricks	9 50

And recommend the passage of the following resolution :

Resolved, That no article be purchased in the future unless upon requisition made by the Secretary, and approved by the Chairman of the Committee on Contingent Expenses, and the Clerk of the Committee on Contingent Expenses is authorized to make the purchases.

MILLS,
Chairman.

On motion of Senator Mills, the rules were suspended and the report and resolution were adopted.

Report of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM,
Austin, June 30, 1870.

Hon. DON CAMPBELL,
President of Senate :

SIR : Your Committee on Roads, Bridges and Ferries have given Senate bill No. 226, entitled " An Act to incorporate the Navasota, Washington and Brazos Bridge Company " due consideration, and do hereby return the same recommending its passage.

J. G. BELL,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Engrossed Bills :

The Hon. DON CAMPBELL,
President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 76. " To authorize the police court of Washington county to levy a special tax for building a jail at the county seat," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.

BILLS AND RESOLUTIONS.

By Senator Mills, a bill to be entitled " An Act for the relief of Jacob T. Chandler."

Read first time and referred to Committee on Finance.

Senator Priest offered the following resolution :

Resolved, That Senator W. H. Pyle have leave of absence for thirty days from July the first, 1870.

Adopted.

By Senator Fountain, an act entitled "An Act to incorporate the Texas Land and Mining Company."

Read first time and referred to Committee on Judiciary.

Senator Ruby offered the following resolution :

Resolved, That this Senate do not pay for nor take any other paper than the State Journal during this session.

On motion of Senator Baker the rules were suspended to consider the resolution.

Senator Ruby moved the resolution be adopted.

Yeas and nays called for.

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Nays—Cole, Evans, Pickett, Pridgen, Pyle, Shannon—6.

A'sent—Mills.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Resolution adopted.

Senator Priest moved a reconsideration of the vote taken, and to lay that motion upon the table.

Carried.

Senator Saylor moved the Chair appoint a temporary chairman for Committee on Internal Improvements.

Carried.

The Chair appointed Senator Saylor chairman.

Senator Ruby moved suspension of rules to take up House bill No. 163, "An Act to provide for the building of courthouses and jails."

Rules suspended and bill read first time, and, on motion of Senator Mills, was referred to Committee on Judiciary.

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed, in open session, enrolled bill, "An Act to incorporate the Texas Banking and Insurance Company," also enrolled bill, "An Act permanently establishing the county seat of Hopkins county," whereupon they were signed by the President and returned to the House.

Senator Ruby moved suspension of rules to take from file House bill No. 26, to be entitled "An Act to incorporate the Galveston Bay Dredging Company."

Rules suspended and bill read first time.

Rules suspended and bill read second time, and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest and not voting—Bowers, Broughton, Cole, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

Senator Priest moved suspension of rules to take from file Senate bill No. 60, "An Act to incorporate the city of Sabine Pass."

Rules suspended and bill read second time.

Senator Ruby offered the following amendment :

Amend by striking out, in section one, line two, the words "free inhabitants," and substitute "citizens."

Amendment adopted, and bill passed to engrossment as amended.

On further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage ; result as follows :

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 26, to be entitled "An Act to incorporate the Galveston Bay Dredging Company."

Message from the House by Chief Clerk, informing the Senate that the Speaker had signed in open session, enrolled bill, "An Act to establish a State police and provide for the regulation and government of the same," whereupon it was signed by the President and returned to the House.

Senator Hertzberg moved suspension of rules to take up House bill No. 298, "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas."

Rules suspended and bill read first time.

Senator Baker moved further suspension of rules to put the bill on second reading.

Rules suspended and bill read second time ; and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage ; result as follows :

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain,

Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Fountain.

Under arrest, and not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

Senator Priest moved suspension of rules to take up Senate bill No. 46, a bill to repeal "An Act approved January 14, 1860."

Rules suspended and bill read second time, and passed to engrossment; and on further motion the rules were suspended and bill read third time and passed.

Senator Mills moved suspension of rules to take from file House bill No. 153, "An Act appropriating money to pay a claim upon vouchers against the State."

Rules suspended and bill read first time; rules suspended read second time, and on motion of Senator Priest, was referred to Committee on Contingent Expenses.

Senator Saylor moved suspension of rules to take up Senate bill No. 2, "An Act to incorporate the Jefferson and Shreveport Railroad."

Rules suspended and bill read second time.

On motion of Senator Fountain the Senate concurred in the committee's report recommending that section sixteen be stricken out.

On motion of Senator Saylor the bill passed to engrossment, as amended.

On further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Baker, Bell, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Nays—Evans.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

The Chair appointed Senator Ford Chairman of Committee on Federal Relations, and Senator Ruby Chairman of Committee on Public Lands.

On motion of Senator Hall the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, July 1, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding.

Roll called; quorum present. Prayer by the Chaplain.

Journals of yesterday read and approved.

Under direction of the President, the Secretary carried to the House, with action of the Senate, House bill No. 298, "An Act to Incorporate the Agricultural Stock Raising and Industrial Association of Western Texas."

Message from the House by assistant clerk, informing the Senate the Speaker had signed in open session Senate bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

Whereupon it was signed by the President of the Senate.

PETITIONS AND MEMORIALS.

By Senator Pickett, petition for the new county of San Jacinto. Read and referred to Committee on Counties and County Boundaries.

REPORTS FROM STANDING COMMITTEES.

Report from Committee on Education :

COMMITTEE ROOM,
Austin, June 29, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was recommitted Senate bill No. 130, entitled, "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," respectfully return a substitute therefor, with the recommendation that it do pass.

E. PETTIT,
Chairman.

Laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Pickett "An Act creating the county of San Jacinto, and naming the county site thereof."

Read first time and referred to Committee on County and County Boundaries."

By Senator Shannon, a bill to be entitled, "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Stowelle High School."

Read first time and referred to Committee on Education.

By Senator Ruby, a bill entitled, "An Act to incorporate the Galveston and Northeastern Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Priest, "An Act amendatory of an act entitled 'An Act to establish a penal code for the State of Texas,' approved August 26, 1856.

Read first time and referred to Committee on Judiciary.

(General File.)

House bill No. 115; bill read second time.

On motion of Senator Ruby the Senate went into Committee of the Whole to consider House bill No. 115, "An Act to provide for the registration of voters."

[Senator Ruby called to the chair.]

IN SENATE.

[President Don Campbell in the chair.]

The Committee of the Whole, through their chairman, reported progress and asked leave to sit again to-morrow at half past ten.

On motion of Senator Fountain the report of committee was received and adopted.

Senator Ruby moved suspension of rules to take up House bill No. 30, "An Act to authorize the clerks of the supreme and district courts and the justices of the peace to issue execution for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same."

Pending reading of bill, Senator Mills moved its reference to the Judiciary Committee, and that one hundred copies be printed and laid on the desks of the members. Carried.

Message from the House by Assistant Clerk.

Also, House bill No. 6, to amend the seventy-first and ninety-second sections of "An Act to regulate proceedings in the district courts," approved May 13, 1846.

House bill No. 314, "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam Houston from Huntsville to Independence, as contemplated in Joint Resolution No. 7."

House bill No. 85, "An Act to incorporate the Belton Bridge Company."

Also, enrolled House bill No. 54, "An Act for the relief of the East Texas Agricultural and Mechanical Association"; informing the Senate the Speaker had signed the same in open session, whereupon it was signed by the President of the Senate.

On motion of Senator Mills the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 2, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Claims and Accounts:

COMMITTEE ROOM,
Austin, July 2, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Claims and Accounts, to whom was referred the petition of F. H. Arlet for relief, have had the same under consideration, and report that it is inexpedient to grant the relief prayed for, and ask to be discharged from the further consideration of the subject.

HENRY RAWSON,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
July 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Claims and Accounts, to whom was referred the petition of Alford S. Tlurman for relief, have had the same under consideration, and report that we think him not entitled to relief, and report back his petition and accompanying bill, and recommend that the same be rejected.

HENRY RAWSON,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
July 2, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

the petition of Charles D. Lytle for relief, have had the same under consideration, and report that we think him not entitled to relief, and report back his petition and accompanying bill, and recommend that the same be rejected.

HENRY RAWSON,
Chairman.

Laid over under the rules.

Special message from the Governor, by his private Secretary.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : James Davidson, for Adjutant General of State, with the rank of Colonel.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : Wesley Ogden, for Judge of the Supreme Court of the State.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : William Alexander, for Judge of Supreme Court of State.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 2, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the

following appointment, to-wit: Leon A. Matile, for Paymaster State forces.

Respectfully,

EDMUND J. DAVIS, .
Governor.

Referred to Committee on nominations and made the special order for Tuesday at 11 A. M.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, July 2, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 46, to repeal "An Act approved January 14, 1860, entitled 'An Act to authorize and require the clerks of the district courts of Cherokee, Smith, Anderson, Panola and Angelina counties to apportion the causes on the docket of said courts in words and figures as follows;'" and Senate bill No. 2, "to incorporate the Jefferson and Shreveport Railroad Company; to provide the ways and means for constructing and maintaining their road; and to authorize the sale of said road, and the acquisition by the company of other road or roads," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.

Adopted.

Senator Parsons offered the following resolution:

Resolved, That the Secretary of the Senate be required to give Milton Baker a certificate for the three first days in June, as Sergeant-at-Arms, at \$8 per diem.

Senator Mills moved its reference to the Committee on Finance. Carried.

On motion of Senator Mills the report of the Finance Committee, on the matter of the heirs of Rogers, was recommitted to said committee.

Under direction of the President the Secretary carried to the House Senate bill No. 46, "An Act to repeal an act approved January 14, 1860, entitled 'An Act to authorize and require the clerks of the district courts of Cherokee, Smith, Anderson, Panola and Angelina counties to apportion the causes on the dockets of said courts in words and figures.'" "

Also, Senate bill No. 2, "An Act to incorporate the Jefferson and Shreveport Railroad Company."

Also, House bill No. 54, "An Act for the relief of the East

Texas Agricultural and Mechanical Association," enrolled and signed.

On motion of Senator Ruby the rules were suspended to take from file House bill No. 17, entitled "An Act to incorporate the Jewish congregation 'B'nai Israel,' of Galveston, Texas."

Read first time. Rules suspended; read second time.

The hour having arrived for the consideration of the special order, House bill No. 115, "An Act to provide for the registration of voters," the Senate went into a committee of the whole.

IN SENATE.

[President Don. Campbell in the chair.]

Senator Ruby, Chairman of Committee of the Whole, reported House bill No. 115, and recommended its passage with the following amendments:

Amend section fifteen, line six, after the word "registered" insert "and enter the names of such as they may consider improperly refused registration, and those who were unable to appear before the registrar on the registration list."

Amend section twenty-three, line four, strike out the words "registered or." Line eighth, strike out after the word "person" the words "against whom process is served," and insert, "who applies for the process in the first instance, and finally by the unsuccessful contestant."

Strike out sections thirty-nine and forty.

Section forty-one, strike out "forty-one" and insert "thirty-nine."

Section forty-two, strike out "forty-two" and insert "forty."

On motion of Senator Fountain the report of the committee was received and adopted.

Senator Pettit moved to refer House bill 115 to Committee on Judiciary. Lost.

On motion of Senator Fountain the rules were suspended, bill read third time and passed.

Senator Ruby offered the following resolution:

Resolved, That when this Senate adjourns it adjourn to Tuesday morning at the usual hour, in order that a due observance of the anniversary of our national independence may be had.

Adopted.

On motion of Senator Parsons the rules were suspended and Senate bill No. 16, "An Act to incorporate the Germania Savings, Trust and Exchange Company," read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Absent—Senator Shannon.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Senator Mills offered the following resolution :

Resolved, That whereas Lev. Willson, porter in Senate, died while acting as porter in Senate, and that there is at present due him, for service in Senate, seventy-two dollars; therefore,

Be it resolved, That a treasury warrant be ordered, payable to C. L. Abbott, and that he forward the same to widow of said Willson, now living at Hempstead, Austin county, Texas.

On motion of Senator Priest resolution was referred to Committee on Contingent Expenses.

On motion of Senator Baker Senate adjourned to Tuesday.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, July 5, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of Saturday read and approved.

Under direction of the President the Secretary carried to the House Senate bill No. 16, "An Act to incorporate the Germania Saving, Trust and Exchange Company."

Also House bill No. 115, "An Act to provide for the registration of voters."

PETITIONS AND MEMORIALS.

By Senator Fountain: Petition from citizens of Medina and Bexar counties asking that a portion of Bexar county be annexed to Medina county.

Read and referred to Committee on Counties and County Boundaries.

Message from the House by assistant clerk.

House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, July 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your committee to whom was referred Senate bill No. 106, a bill to be entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the 'Gulf, Western Texas and Pacific Railway Company,'" would most respectfully beg leave to report that they have had the same under careful consideration, and herewith report the same unanimously back to the Senate and recommend that the same do pass.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 155, entitled "An Act to provide for districting the State of Texas into judicial districts," and to-day at 11:30 A. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

BILLS AND RESOLUTIONS.

By Senator Pickett: A bill to be entitled "An Act to authorize the transmission of criminal process by telegraph, and for other purposes."

Read first time and referred to Committee on Judiciary.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 87, "An Act to provide for the payment of District Attorneys pro tem."

Bill read second time, and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage; result as follows:

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

On motion of Senator Rawson the rules were suspended to take up Senate bill No. 36, "An Act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur.

Bill read third time.

Yeas and nays taken on final passage; result as follows:

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

On motion of Senator Bell the rules were suspended to take up Senate bill No. 90, "An Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company."

Bill read second time.

Senator Priest moved the bill be made the special order for Thursday, at eleven A. M., and that one hundred copies be printed and laid on the desks of the members. Carried.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 200, a bill to be entitled "An Act to authorize county courts to levy a road tax, and to improve roads and bridges," made special order for Friday at 10:30 A. M., and one hundred copies ordered to be printed.

On motion of Senator Saylor, the rules were suspended to take up substitute for Senate bill No. 130, a bill to be entitled "An Act to incorporate the Texas Odd Fellows University and Orphans' Home. Bill read second time.

[Senator Ruby called to the chair.]

The hour having arrived for the Senate to go into executive session, Senator Fountain moved a postponement for five minutes.

Carried.

On motion of Senator Mills the rules were further suspended and bill read third time.

Yeas and nays taken on final passage, result as follows:

Yeas—Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—none.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

[The Senate went into executive session.]

IN SENATE.

On motion of Senator Parsons the rules were suspended to take up Senate bill No. 17, "An Act to incorporate the City Bank of Houston."

Read third time.

Yeas and nays taken on final passage; result as follows:

Yeas—Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

On motion of Senator Baker, the rules were suspended to take up House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

Bill read first time.

Senator Baker moved further suspension of rules to put the bill on second reading.

Rules suspended and bill read second time, and on motion of Senator Pickett was referred to Committee on Judiciary.

On motion of Senator Fountain the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 6, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

REPORTS FROM STANDING COMMITTEES.

Reports of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 5, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 218, entitled "An Act regulating the public printing," have carefully considered the same, and the majority of the committee instruct me to report it back to the Senate, with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee

Amend section four, line nine, by striking out the words "one hundred" and inserting the words "two hundred."

Amend section five, line six, by inserting after the word "Legislature" the words "and the Secretary of State shall send to each member of the Legislature one copy of the laws of a general nature, one copy of the special laws, and one copy of the journals of each house, immediately after they are delivered to him by the State Printer."

Amend section fourteen, line four, by striking out the words "six weeks," and inserting the words "four weeks, one insertion each week."

On motion of Senator Fountain the rules were suspended to consider the report, and the same made a special order for to-morrow, at half-past ten A. M.

COMMITTEE ROOM,
July 5, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate joint resolution No. 11, "That Mrs. Foster, widow of the late A. K.

Foster, he allowed and granted the sum of eight dollars per day," have had the same under careful consideration, and instruct me to report the accompanying substitute and recommend its passage.

M. PRIEST,

Chairman of Committee.

Senator Priest moved suspension of rules to consider the report.

Rules suspended and joint resolution read second time; substitute adopted and passed to engrossment, and, on motion of Senator Priest, the rules were suspended and joint resolution read third time.

Yeas and nays taken on final passage; result as follows:

Yeas—Mr. President, Baker, Ball, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Evans—1.

Under arrest, not voting—Bowers; Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Bill passed.

Under direction of the President the Secretary carried to the House Senate bill No. 17, "An Act to incorporate the City Bank of Houston;" Senate bill No. 36, "An Act to establish a ferry across the Sabine river at or near Red Rock, county of Upshur."

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
July 6, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses have had under consideration the account of B. F. Barkley, witness in case of H. R. Latimer, for six dollars, three days attendance as witness, and recommend that he be allowed the same.

MILLS,
Chairman.

Laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
July 5, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate joint resolution No. 5, "proposing amendments to sections two, three and four of article five of the Constitution of the State of Texas;" also Senate bill No. 138, entitled "An Act to change the name of Anna O'Donnell to Anna Rowe;" and Senate bill No. 211, entitled "An

Act concerning the removal from office of district clerks and sheriffs;" have had the same under careful consideration, and instruct me to report them back to the Senate and recommend their passage.
M. PRIEST, Chairman.

Laid over under the rules.

Report of Committee on Agriculture :

COMMITTEE ROOM,
July 5, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Agriculture, to whom was referred the bill to incorporate the Agricultural and Mechanical Association, (Senate bill No. 227,) have had the same under consideration, and I am directed to report the bill back to the Senate with a recommendation that it do pass.

THOS. H. BAKER,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Engrossed Bills :

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 60, "To Incorporate the city of Sabine Pass, in Jefferson county," find the same correctly engrossed.

G. T. RUBY,
P. W. HALL.

BILLS AND RESOLUTIONS.

By Senator Fountain, "An Act to incorporate the Pecos Irrigating and Manufacturing Company."

Read first time and referred to Committee on Judiciary.

By Senator Parsons, "A Bill to incorporate the Young Men's Beneficial Club of Harris county.

Read first time and referred to Committee on Judiciary.

By Senator Bell, a bill to be entitled "An Act to extend the time for renewing files making location and surveys, and returns of field notes on valid land certificates.

Read first time and referred to Committee on Judiciary.

By Senator Mills, "An Act to incorporate the Texas and Mexico Railway, Steamship and Telegraph Company."

Read first time, and referred to Committee on Internal Improvements.

Senator Gaines offered the following resolution :

Resolved, That the Sergeant-at-Arms is hereby authorized and instructed to purchase ten pounds of ice daily for the use of the Senate. Adopted.

[General File.]

Substitute for Senate bill No. 20, "An Act to suppress the practice of carrying firearms and other deadly weapons about the person." Report of committee and substitute adopted.

Bill read second time.

Message from the Governor, by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : Gustave Loeffler, for Superintendent of Immigration.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : William H. Parsons, for Major General of Militia.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : M. W. Wheeler, Judge of the District Court for the Fifth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the

following appointment, to-wit: Henry Maney, Judge of the District Court for the Twenty-second District.

Respectfully,
EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: George H. Noonan, for Judge of the District Court for the Twenty-third District.

Respectfully,
EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 6, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: J. P. Richardson for Judge of the District Court for the Twenty-seventh District.

Respectfully,
EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

On motion of Senator Bell they were made the special order for Thursday, at half-past eleven A. M.

Under direction of the President the Secretary carried to the House Senate bill No. 60, "An Act to incorporate the city of Sabine Pass."

The question recurring on Senate bill No. 20, Senator Priest offered the following amendment: amend, after first proviso, "Provided, further, that this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law." Amendment adopted.

On further motion the bill as amended passed to engrossment.

Rules suspended and bill read third time and passed.

Message from the House by the Chief Clerk, informing the Senate of the passage of Senate bill No. 224, "An Act making an appropriation to defray the Contingent and Printing Expenses of the Twelfth Legislature."

Also, enrolled House bill No. 298, "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western

Texas," whereupon it was signed by the President of the Senate and returned to the House.

Also, enrolled House bill No. 26, "An Act to incorporate the Galveston Bay Dredging Company," whereupon it was signed by the President and returned to the House.

[General File.]

Petition for relief of A. H. Cook, on motion, made special order for Wednesday at 11 A. M.

On motion of Senator Hertzberg the rules were suspended to take from file House bill No. 109, "An Act to cede to and confer upon the city of Indianola all the right, title and interest of the State in and to the flats adjacent to said city, in the waters of Matagorda Bay, in trust for the purposes and upon the conditions herein specified."

Bill read first and second time under suspension of rules, and on motion of Senator Priest, referred to Committee on Judiciary.

[General File resumed.]

Senate bill No. 62, "An Act to amend articles three hundred and seventy-nine and three hundred and eighty of the code of criminal procedure."

Bill read second time.

The following amendment: Amend the caption to read as follows: "A bill to be entitled An Act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas," approved 26th day of August, 1856, as reported by the committee, was adopted.

Bill as amended passed to engrossment.

On motion of Senator Priest the rules were suspended and the bill as amended read third time and passed.

Senate bill No. 50, a bill to be entitled "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Read second time and passed to engrossment; rules suspended, bill read third time and passed.

Senator Pettit offered the following:

Resolved, That no business of the Senate be taken up out of its general order by suspension of rules before 12 M. of each day.

Lost.

Message from the House:

Substitute for Senate bill No. 11, "An Act for the relief of East Texas Railway Company."

On motion of Senator Mills the rules were suspended to take up Senate bill No. 144, "An Act appropriating money for the treasury department."

Bill read second time and passed to engrossment.

On further motion the rules were suspended and the bill read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest and not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

On motion of Senator Ford, rules suspended to take up Senate Bill No. 82.

Senator Pickett moved the bill be made the special order for Saturday at half-past eleven A. M. Lost.

Message from the House by Chief Clerk informing the Senate of the passage of Senate Bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company."

Senator Ford offered the following amendment to Senate Bill No. 82:

Amend section eleven, line five, by inserting the word "cubic" between the words per and foot.

Amendment adopted and bill passed to engrossment.

On motion of Senator Mills the bill was made the special order for Saturday at eleven o'clock A. M.

On motion of Senator Gaines the rules were suspended to take from file Senate Bill 226, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company."

Bill read second time and passed to engrossment.

On motion of Senator Mills rules suspended, bill read third time and passed.

The yeas and nays on final passage were as follows:

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

On motion of Senator Fountain, Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 7, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain.

Message from the House by Chief Clerk, with action of the House on House bill 176, "An Act to incorporate the International Railroad Company," and to provide for the aid of the State of Texas in constructing the same.

Journal of yesterday read and approved.

PETITIONS.

By Senator Gaines: Petition of S. B. Buckley, for services as Geologist.

Referred to Judiciary Committee.

REPORTS OF COMMITTEES.

Report of Committee on Agricultural Affairs:

COMMITTEE ROOM,
Austin, Texas, July 7, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Agriculture, to whom was referred Senate bill 228, "An Act to further the agricultural development of the State of Texas," have had the same under consideration, and report the accompanying substitute for the bill, with a recommendation that it do pass.

THOS. H. BAKER,
Chairman Committee on Agricultural Affairs.

Laid over under the rules.

Report from Committee on Education:

COMMITTEE ROOM,
July 7, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Education having had under consideration

the subject of Public Free Schools, would report the accompanying bill, and recommend that it do pass.

E. PETTIT,
Chairman Education Committee.

Report received.

Bill read first time, and on motion of Senator Fountain rules suspended and the bill made the special order for Monday next at 11 o'clock, and that one hundred copies of same be printed for the use of the Senate.

Report of Finance Committee:

COMMITTEE ROOM,
Austin, Texas, July 6, 1870.

Hon. DON CAMPBELL,
President of Senate:

Your Committee on Finance, to whom was referred House bill No. 153, "An Act appropriating money to pay a claim upon vouchers against the State," have examined the same, and return said bill to the Senate with the recommendation that it do pass.

J. S. MILLS,
Chairman Finance Committee.

On motion of Senator Ruby, the report of committee was received and adopted.

On motion of Senator Ruby, the bill was read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--20.

Nays—None.

Absent--Senator Saylor.

Under arrest and not voting--Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer--7.

Report of Committee on Finance:

COMMITTEE ROOM,
July 6, 1870.

Hon. DON CAMPBELL,
President of the Senate:

Your Finance Committee to whom was referred the indebtedness of the State Penitentiary to sundry individuals, beg leave to report that they have investigated those claims and indebtedness, and whilst believing that great hardships is occasioned by non-payment of just debts, the committee are unwilling to make special appropriations to pay any particular claim in preference to others, and as there are a number of such claims which ought to be paid, your committee

would recommend the passage of the accompanying bill authorizing the Comptroller to audit and settle all such claims which are now outstanding, and which in justice ought to be paid, wherefore your committee present the following bill and recommend its passage.

J. S. MILLS,

Chairman Committee.

Bill and report read and laid over under rules.

The hour for consideration of special order having been announced by the Chair, on motion of Senator Fountain the consideration of Senate bill No. 218 was postponed fifteen minutes.

Report of Committee on Engrossment :

To the Hon. DON CAMPBELL,

President of Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 87, "Providing for the payment of District Attorneys *pro tem.*," and substitute for Senate bill No. 130, "To incorporate the Texas Odd Fellows' University and Orphans' Home," find the same to be correctly engrossed.

G. T. RUBY,

P. W. HALL,

RESOLUTIONS.

Senator Hall offered the following resolution :

WHEREAS, The impression prevails in the minds of several Senators that Senate bill No. 94, known as the "Southern Pacific Railroad bill," has been unnecessarily delayed in the hands of the Committee on Enrolled Bills; therefore

Resolved, That the chairman of said committee be requested to give his reasons why said bill has not been ere this time forwarded to his Excellency the Governor, for his consideration and action on the same.

Adopted.

Reasons for delay, as reported by the chairman of the committee, were received by the Senate.

Special order, Senate bill 218, a bill to be entitled, "An Act regulating the public printing."

Bill read second time. Report of committee, with amendments, read and adopted.

Senator Pickett moved to strike out section thirteen.

Message from the House informing the Senate of the non-concurrence on the part of the House to Senate amendments to House bill 115.

On motion of Senator Ruby the Senate proceeded to consider the

action of the House, and on further motion a Committee of Conference was appointed by the Chair to confer with like committee on the part of the House. The Chair appointed as said Committee of Conference, Senators Ruby, Priest and Bell.

Under direction of the President the Secretary notified the House of the appointment by the Senate of said Committee of Conference, with request that the House appoint a like committee.

The Secretary also informed the House of the action of the Senate on Senate bill No. 87, "An Act providing for the payment of district attorney's *pro tem.*"

Also, substitute for Senate bill No. 130, "An Act to incorporate the 'Texas Odd Fellows' University and Orphans' Home."

Also House bill 153, "An Act appropriating money to pay a claim upon vouchers against the State."

On motion of Senator Ruby the special hour for executive session of the Senate was postponed until the business before the Senate was disposed of.

[Senator Ruby in the chair.]

The question reoccurring upon the motion of Senator Pickett to amend Senate bill 218, by striking out section thirteen, the yeas and nays were called and resulted as follows :

Yeas—Cole, Evans, Pickett, Pridgen, Pyle, Shannon—6.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Under arrest, and not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Motion to strike out lost.

Senator Pickett moved to amend by striking out sections fourteen, fifteen and sixteen.

Yeas and nays called and resulted as follows :

Yeas—Cole, Evans, Pickett, Pridgen, Pyle, Shannon—6.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Motion to strike out lost.

Senator Ford offered the following amendment :

Amend section fourteen by adding to line five: "And any officer selling property of any kind whatever without advertising the same, as required by this section, shall be responsible for all damages that any party may sustain."

The yeas and nays called and resulted as follows :

Yeas—Baker, Bell, Evans, Ford, Fountain, Gaines, Hall, Hertz-

berg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—17.

Nays—Cole, Pickett, Pyle—3.

Under arrest and not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Amendment adopted.

Senator Priest offered the following amendment:

Amend section sixteen, line one: Strike out the words "section one" and insert the words "the provisions."

Adopted.

Senator Fountain moved the engrossment of the bill as amended.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Cole, Evans, Pickett, Pridgen, Shannon—5.

Under arrest, not voting—Bowers, Broughton, Clark, Douglas, Dohoney, Flanagan, Latimer—7.

Absent—Senator Pyle.

Bill passed to engrossment.

On motion of Senator Priest the rules were suspended and Senate bill No. 218 made the special order for to-morrow at 10:15 A. M.

BILLS.

By leave, Senator Fountain introduced the following bill: "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof."

Read first time and referred to Committee on Judiciary.

[President resumed the chair.]

On motion of Senator Fountain, Senate went into executive session.

IN THE SENATE.

On motion of Senator Saylor, Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 8, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain.

On motion of Senator Ruby the reading of the journal dispensed with.

Under direction of the President the Secretary carried to the House for the signature of the Speaker enrolled bill (Senate bill 224), "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature;" also enrolled bill (Senate bill 94) "An Act to expedite the construction of the Southern Pacific Railroad."

Special order, Senate bill 218, "An Act regulating public printing;" on motion of Senator Priest was referred to Committee on Judiciary.

Special order, Senate bill 200, a bill entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges," read second time and made special order for Wednesday, July 13, at 12 M.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 7, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:

William Chambers, for judge of the District Court for the first district.

L. W. Cooper, for judge of the District Court for the third district.

M. Priest, for judge of the District Court for the fourth district.

Albert H. Latimer, for judge of the District Court for the eighth district.

Jno. G. Scott, for judge of the District Court for the tenth district.

W. H. Andrews, for judge of the District Court for the eleventh district.

C. C. Binckley, for judge of the District Court for the twelfth district.

Charles Soward, for judge of the District Court for the thirteenth district.

E. P. Upton, for judge of the District Court for the seventeenth district.

G. J. Clark, for judge of the District Court for the twenty-fifth district.

Wm. E. Jones, for judge of the District Court for the thirty-second district.

Respectfully,

EDMUND J. DAVIS,
Governor

Message referred to Committee on Nominations, with instructions to report to-morrow at eleven-and-a-half o'clock A. M., and that report be made the special order for that hour.

Report from the Committee of Conference on the part of the Senate:

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee of Conference on H. R. bill No. 115. "to provide for the registration of voters," acting with similar House committee, after full and free discussion of the section (39) under advisement, do recommend that the Senate adhere to its action upon said section, and that the House of Representatives be immediately informed of the same.

G. T. RUBY,
M. PRIEST,
J. G. BELL.

Report received and adopted.

Message from the House with action of same on enrolled bill (H. R. bill 153) "An Act appropriating money to pay a claim upon vouchers against the State," informing the Senate the Speaker had signed the same in open session; whereupon it was signed by the President of the Senate and returned to the House.

Also, report from the Committee of Conference on the part of the House, concurring in the Senate amendment to H. R. bill No. 115, "To provide for the registration of voters."

On motion of Senator Ruby the rules were suspended and the joint reports of the Committees of Conference, striking out section thirty-nine in H. R. bill No. 115, concurred in.

Message from the House informing the Senate of the action of the House on Senate bill No. 40, "An Act to provide for permanently locating the county seat of Robertson county."

Also, enrolled bill (S. B. No. 224) "An Act making an appro-

priation to defray the Contingent and Printing Expenses of the Twelfth Legislature."

Also, enrolled bill (S. B. No. 94) "An Act to expedite the construction of the Southern Pacific Railroad Company," informing the Senate that the Speaker had signed the same; whereupon they were signed by the President of the Senate.

[General File.]

Senate bill No. 66, "An Act to exempt certain property therein named from forced sale." Report and bill read second time. Substitute as reported by the committee adopted.

Senator Fountain offered the following amendment:

Amend section two, line three: insert the word "and" after the word "tools," and strike out the words "and books" after the word "apparatus." Line four, after the word "profession," insert: "and all books belonging to private or public libraries."

Adopted.

Also, amend section two, line eight: Strike out the words "to his trade or profession," and insert "to his private library."

Adopted.

By Senator Pettit: Amend section two, line four, after the word "wagon," insert "one carriage or buggy." Adopted.

Also, strike out all after the word "profession," in section two, line eight. Adopted.

By Senator Pridgen: Amend section two, line four, by adding after "cows," "*and calves.*" Adopted.

On motion of Senator Priest, the bill, as amended, passed to engrossment.

On motion of Senator Priest rules suspended and the bill, as amended, read third time and passed.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 103, "A Bill to be entitled 'An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the Gulf, Western Texas and Pacific Railway Company.'"

Read second time, and, on motion of Senator Cole, made special order for Monday, July 11, at 12 M.

On motion of Senator Bell, rules suspended to take up Senate bill 162, "An Act to incorporate the Austin Bridge Company."

Bill read second time.

Senator Bell offered the following amendment: Amend section one by inserting the name of T. B. Hunt as one of the incorporators. Adopted.

Bill, as amended, passed to engrossment.

On further motion, rules suspended, bill read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Absent—Senator Parsons.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

On motion of Senator Mills, rules suspended to take up Senate joint resolution No. 3, authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him.

Read second time; passed to engrossment. Rules suspended, read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Pyle, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Parsons.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

On motion of Senator Ruby, rules suspended to take up House bill No. 17, "An Act entitled an act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas."

Read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Pridgen, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Parsons.

Under arrest not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

On motion of Senator Pyle, Senate adjourned.

**SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 9, 1870.**

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

Message from the House by Chief Clerk, informing the Senate that the House had passed House bill No. 293, "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands;" also House bill No. 95, "An Act to incorporate the Irving Literary Society of the city of San Antonio;" also substitute for Senate bill No. 165, "An Act making an appropriation for certain purposes;" also House joint resolution No. 7, "Joint resolution to remove the mortal remains of Governor Sam Houston from the city of Huntsville to Independence."

Under direction of the President, the Secretary carried to the House, for signature of the Speaker, enrolled Senate bill No. 11, "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as herein stated."

Also, with action of the Senate, substitute for Senate bill No. 20, "An Act regulating the right to keep and bear arms."

Also, with action of the Senate, House bill No. 17, entitled "An Act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Contingent Expenses :

COMMITTEE ROOM,
Austin, Texas, July 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses have examined the following accounts, and I am directed to report them approved and ordered to be paid :

J. H. Burris.....	\$ 40 00
Tracy & Siemering.....	269 70
Tracy & Siemering.....	168 00

\$477 70

J. S. MILLS,
Chairman of Committee.

Senator Mills moved suspension of rules to consider report.
Rules suspended and report of committee adopted.

Reports of Judiciary Committee :

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 4, entitled "A Bill to authorize district judges to grant corporations," have had the same under careful consideration, and instruct me to report it back with the recommendation that it do not pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 21, entitled "An Act to authorize the Governor to fill vacant offices by appointment;" Senate bill No. 91, entitled "An Act authorizing the Commissioner of the General Land Office to appoint county surveyors until otherwise provided by law," and Senate bill No. 92, entitled "An Act to establish a system of Registration," have had the same under consideration, and believing the purposes sought to be accomplished are fully provided for by other measures of the Legislature, instruct me to report them back, and ask to be discharged from further consideration of the same.

M. PRIEST,
Chairman of Committee.

Laid over under the rule.

Report of Committee on Engrossment :

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 218, "Regulating the Public Printing," and substitute for Senate bill No. 20, "Regulating the right to keep and bear arms," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 255, entitled "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof," have carefully considered the same, and instruct me to report it back with accompanying amendments, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend by adding to the end of section two, the words: "and said Engineer and Superintendent shall have authority to appoint one draftsman, at a salary not to exceed eighteen hundred dollars per year, and one clerk, at a salary not to exceed twelve hundred dollars per year.

Amend section twelve, line four, by striking out the word "buildings;" and line five, by striking out the word "and" immediately after the word "buildings."

On motion of Senator Ruby the rules were suspended and bill read second time.

Senator Mills moved the bill be made the special order for Monday next.

Senator Ruby moved to lay that motion on the table. Carried.

On motion of Senator Priest the report of the committee was received and the amendments adopted.

Special message from the Governor by his private secretary.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 9, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit :

A. J. Bennett, for Superintendent of Penitentiary at Huntsville.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 9, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit :

A. G. Malloy, for Financial Agent of Penitentiary at Huntsville.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations, and on motion of Senator Parsons was made the special order for Monday at 11:30 A. M.

The question recurring upon Senate bill No. 255, Senator Ruby moved its engrossment, and on motion of Senator Saylor was made the special order for Tuesday next, 12 M.

Message from the House informing the Senate the Speaker had signed, in open session, enrolled Senate bill No. 11, "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as herein stated," whereupon it was signed by the President.

Under direction of the President the Secretary carried to the House enrolled Senate bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company."

MESSAGE FROM THE HOUSE.

With action of the House, House bill No. 351, "An Act appropriating money to pay the expense of arming and maintaining ranging companies on the frontier, to pay for the erection and maintenance of a military frontier telegraph, and to pay the expense of organization, arming and equipping the State Guard."

Also, with action of the House, House bill No. 297, "An Act to regulate the keeping and bearing of deadly weapons."

Also, enrolled Senate bill No. 172, "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company," informing the Senate the Speaker had signed the same in open session, whereupon it was signed by the President.

Report from Committee on Judiciary :

COMMITTEE ROOM,
July 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary to whom was referred Senate bill No. 218, entitled "An Act regulating the public printing," have had the same under careful consideration and the majority of the committee instruct me to report it back with accompanying amendment and recommend that it do pass.

M. PRIEST,
Chairman of Committee.

Amendment by striking out the word "the."

Report received and adopted, and on motion of Senator Fountain the amendment as reported by the committee was adopted and bill read third time.

The hour for special order, Senate bill No. 82, having arrived, Senator Ruby moved its postponement until the business before the Senate was disposed with. Carried.

The question recurring upon Senate bill No. 218; Senator Pickett moved a division of the question.

The Chair ruled the motion out of order.

Senator Pickett appealed from the decision of the Chair.

Senator Fountain moved a call of the Senate. Call sustained.

Roll called.

Absent--Senator Ruby.

Senator Ruby came in and answered to his name.

Call suspended.

The question recurring upon the appeal taken from the decision of the Chair, the yeas and nays were called for. Result as follows:

Yeas--Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--14.

Nays--Cole, Evans, Pickett, Pridgen, Pyle, Shannon--6.

Under arrest and not voting--Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer--7.

Ruling of the Chair sustained.

The question recurring upon the final passage of Senate bill No. 218,

Yeas and nays taken:

Yeas--Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--15.

Nays--Cole, Evans, Pickett, Pridgen, Pyle--5.

Under arrest, not voting--Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer--7.

Bill passed.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 9, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:

William Alexander for Attorney General of State.

Lemuel D. Evans for Judge of Supreme Court.

M. B. Walker for Judge of Supreme Court, *vice* William Alexander, declined.

Respectfully,

EDMUND J. DAVIS,

Governor.

Read and referred to Committee on nominations, and on motion was made special order for Monday at 11½ A. M.

On motion of Senator Fountain, the Senate went into executive session.

IN SENATE.

On motion of Senator Fountain Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, July 11, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journals of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Ruby: Petition of the citizens of the counties Brazoria, Matagorda and Wharton, praying that the Houston Tap and Brazoria Railway be sold, and for relief.

Referred to Committee on Internal Improvements.

Reports from Committee on Engrossed Bills:

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 50, "to incorporate the Young Men's Real Estate and Building Association of the city of Austin;" also, Senate bill No. 62, "to amend an Act entitled an Act to establish a code of criminal procedure for the State of Texas, approved twenty-sixth day of August, 1856;" also, Senate bill No. 66, "defining the homestead and other property exempt from forced sale in this State;" also, Senate bill No. 252, "for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased," and Senate joint resolution No. 3, "authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 162, "to incorporate the Austin Bridge Company," and Senate bill No. 218, "regulating public printing," find the same correctly engrossed.

G. T. RUBY,
P. W. HALL.

Reports from Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. DON CAMPBELL,
President of Senate :

The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 224, entitled "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature, and to-day at 4 o'clock P. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

COMMITTEE ROOM,
Austin, July 9, 1870.

Hon. DON CAMPBELL,
President of Senate:

SIR: The Committee on Enrollment have examined and find correctly enrolled Senate bill No. 172, entitled "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company," and to-day at 11:20 o'clock A. M. presented it to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

COMMITTEE ROOM,
Austin, July 9, 1870.

Hon. DON CAMPBELL,
President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 11, entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as herein stated," and to-day at 11 o'clock A. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Education :

COMMITTEE ROOM,
June 29, 1870.

The Hon. DON CAMPBELL,
President of the Senate :

Your committee, to whom was referred the petition and memorial

of certain citizens of Acton, a town located some five miles from the county seat of Hood county, praying "An Act incorporating the Acton Masonic Institute, which shall contain a provision prohibiting within the immediate vicinity of said institute the sale of intoxicating or spirituous liquors under heavy penalties," have had the same under consideration, and respectfully report the accompanying substitute and recommend its passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

COMMITTEE ROOM,
July 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your committee, to whom was referred Senate bill No. 244, entitled "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville Female High School, an institution of learning, located some fifteen miles from the county seat of Smith county," having carefully considered the merits and constitutionality of the same, would beg leave to return the following substitute and recommend its passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Baker: "A bill to be entitled An Act for the relief of N. B. McClelland."

Read first time, and referred to Committee on Private Land Claims.

By Senator Gaines:

Resolved, That the Sergeant-at-Arms do report why he has not received the ice for the Senate.

On motion of Senator Gaines resolution adopted.

By Senator Baker:

Resolved, That the Sergeant-at-Arms is hereby directed to purchase such articles of stationery for the use of the Senate as may be required. Adopted.

By Senator Priest: A bill to be entitled "An Act to authorize supreme and district judges, district clerks and their deputies, and justices of the peace, to take acknowledgments of deeds and other instruments required by law to be recorded."

Read and referred to Committee on Judiciary.

By Senator Fountain: "An Act to organize the county of Presidio." Read first time.

Senator Fountain moved suspension of the rules to place the bill on second reading.

Rules suspended, bill read second time, passed to engrossment.

Senator Fountain moved suspension of the rules to place the bill on third and final reading and passage.

Rules suspended, bill read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pickett, Pettit, Priest, Pyle, Pridgen, Rawson, Ruby, Shannon, Saylor—20.

Absent—Gaines—1.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

By Senator Ruby: A bill to be entitled "An Act to establish and incorporate the Beneficial Society of Galveston."

Read first time, referred to Committee on Judiciary.

By Senator Pickett:

JOINT RESOLUTION.

WHEREAS, The name and services of General Ed. Burleson being familiar with every Texan, and, in consideration of his services, his memory is entitled to respect; therefore,

Section 1. *Be it resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to have the portrait of General Burleson suitably framed, and that the sum of one hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Resolution read first time.

Rules suspended on motion of Senator Pickett, read second time, passed to engrossment.

Rules suspended, read third time and passed.

Yeas—Mr. President, Baker, Bell, Cole, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Pettit.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Message from the House informing the Senate the House had passed House bill No. 177, "An Act for the relief of Harvin W. Moore;" also House bill No. 146, "An Act legalizing the acts of

the Police Court of Goliad county, in acting under the acts of the Legislature of 1866;" also enrolled bill, "An Act to provide for the registration of voters," informing the Senate the Speaker of the House had signed the same in open session, whereupon it was signed by the President of the Senate and returned to the House.

By Senator Hall: "An Act to incorporate the Texas Timber and Prairie Railroad Company," read first time and referred to Committee on Internal Improvements.

On motion of Senator Parsons, rules suspended for the consideration of House bill 139, "An Act authorizing the construction of a ship channel from Bolivar Point to Houston."

Pending reading, on motion of Senator Parsons the consideration of the special order, Senate bill 254, was postponed until the subject before the Senate was disposed of.

On motion of Senator Parsons rules suspended, and bill read second time.

Senator Fountain offered the following amendment:

Amend section one by striking out the names of Wm. Hutchins, Wm. M. Rice, T. H. Mundine and Samuel Harper. Adopted.

On motion of Senator Parsons was made the special order for tomorrow at 10:30 o'clock A. M. and one hundred copies ordered to be printed.

On motion of Senator Parsons the several special orders were postponed to be taken up in their order consecutively.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
Austin, Texas, July 11, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit:

James R. Burnett, judge of the District Court for the thirtieth district.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate joint resolution No. 3, "Authorizing and requiring a settlement of accounts of the late State treasurer and refunding a balance ascertained to be due him."

Also, Senate bill No. 50, "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Also, Senate bill No. 62, "An Act to amend an act entitled an act to establish a code of Criminal Procedure for the State of Texas, approved twenty-sixth day of August, 1856."

Also, substitute for Senate bill No. 66, "An Act defining the homestead and other property exempt from forced sale in this State."

Also, Senate bill No. 162, "An Act to incorporate the Austin Bridge Company."

Also, Senate bill No. 218, "An Act regulating public printing."

Also, Senate bill No. 252, substitute for Senate joint resolution No. 11, "An Act for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased."

On motion of Senator Pettit, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas," was made the special order for to-morrow at eleven o'clock A. M.

On motion of Senator Baker Senate bill 106 was made the special order for Thursday at eleven o'clock.

Twelve o'clock M.—Senate went into executive session.

IN SENATE.

Message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 11, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit : Henry Seeligson, Jonathan Payne, Wm. Westhoff, R. M. Forbes, and James Archworth, for Pilot commissioners for Pass Cavallo bar and Matagorda Bay.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations, and made special order for to-morrow at 12:30 P. M.

Senate went into executive session.

IN SENATE.

Message from the Governor :

EXECUTIVE OFFICE,
Austin, July 9, 1870.

To the Honorable Senate and
House of Representatives

of the State of Texas :

GENTLEMEN : I have the honor to inform you that the following named acts have been received by me and approved, to-wit :

"An Act making an appropriation to defray the printing and

contingent expenses of the Twelfth Legislature." Approved June 8, 1870.

"An Act to create and provide for the organization of the county of Rains." Approved June 9, 1870.

"An Act authorizing quarantine on the coast of Texas and elsewhere within the State." Approved June 10, 1870.

"An Act to provide for the protection of the frontier." Approved June 13, 1870.

"An Act requiring the late assessors and collectors to complete the assessment of taxes in their respective counties, and make return thereof to the Comptroller of Public Accounts on or before the first of August, 1870." Approved June 15, 1870.

"An Act to provide for the distribution of the money in the State treasury which is due to the several counties in the State." Approved June 15, 1870.

"An Act to prevent cessation of judicial functions, and to avoid doubts of the validity of judgments and other regular proceedings of the supreme, criminal and district judges and courts." Approved June 18, 1870.

"An Act to legalize an ordinance adopted by the Convention on the thirteenth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties." Approved June 18, 1870.

"An Act to incorporate the Magnolia Grove Association." Approved June 20, 1870.

"An Act making appropriation for the mileage and per diem pay of the members and per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas." Approved June 23, 1870.

"An Act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company." Approved June 23, 1870.

"An Act to provide for the enrollment of the Militia, the organization and discipline of the State Guards, and for the public defense." Approved June 24, 1870.

"An Act to incorporate the Island City Real Estate and Homestead Association." Approved June 24, 1870.

"An Act authorizing F. A. Vaughn, Wm. Safford, and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river near the town of Seguin." Approved June 28, 1870.

"An Act to provide for the appointment by the Governor of certain officers to fill vacancies." Approved June 28, 1870.

"An Act to incorporate the Texas Banking and Insurance Company." Approved July 1, 1870.

"An Act permanently establishing the county seat of Hopkins county." Approved July 1, 1870.

"An Act to establish State Police and provide for the government of the same." Approved July 1, 1870.

"An Act for the relief of the East Texas Agricultural and Mechanical Association." Approved July 2, 1870.

"An Act to provide for districting the State of Texas into judicial districts." Approved July 2, 1870.

"An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature." Approved July 8, 1870.

"An Act appropriating money to pay a claim upon vouchers against the State." Approved July 8, 1870.

"An Act to incorporate the Agricultural Stock Raising and Industrial Association of Western Texas." Approved July 8, 1870.

Respectfully,

EDMUND J. DAVIS,

Governor.

Senate went into executive session.

IN SENATE.

On motion of Senator Pyle, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, Texas, Tuesday, July 12, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

Report of Committee on Stock and Stock Raising:

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred the bill entitled "An Act regulating the sale and inspection of animals, and the inspection of hides," (Senate bill No. 25,) instruct me to report the bill back to the Senate with a substitute, and to recommend the passage of the substitute.

THOS. H. BAKER,

For Committee on Stock and Stock Raising.

Laid over under the rules.

Message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 12, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit:

B. F. Barclay, for Brigadier of Militia.

T. C. Barden, for Judge of the District Court for the Sixteenth District.

A. T. Monroe, for Brigadier General of Militia.

J. A. Williamson, for Judge of the District Court for the Twenty-eighth District.

L. Norton, for Judge of the District Court for the Ninth District.

J. W. Oliver, for Judge of the District Court for the Thirty-third District.

Respectfully,

EDMUND J. DAVIS,

Governor.

Report of Select Committee :

COMMITTEE ROOM,
July 12, 1870.Hon. DON CAMPBELL,
President of Senate :

Your select committee, having under investigation charges preferred against certain Senators, to-wit, M. H. Bowers and others, which charges are of a grave and serious character, and are on file with the Secretary of the Senate, do submit the following report.

Your committee have, by virtue of the authority given them, taken much testimony, the gravity of the charges requiring great care and caution and much time, in view of doing justice to all the parties charged therein, and your committee not having yet completed their labors in taking testimony, and as the testimony already taken fully establishes the charges preferred, that said Senators, in utter disregard of the rules of the Senate and their duty to the people of this State, left the Senate pending a question on a great State measure, breaking a quorum and preventing legislation. That said Senators refused to return to their seats and duties in the Senate, when first required to do so by the sergeant-at-arms, and so refused for some time until arrested by said sergeant-at-arms by order of the President, who made such order by direction of the Senate; and that said Senator M. H. Bowers had previously declared that it was the intention of himself and other Senators to resign and break a quorum, rather than the measure then pending when they withdrew should pass into a law; in the execution of which premeditated purpose and intention he was assisted by other Senators, who acted under his influence, and thus became *particeps criminis* in the revolutionary, unpatriotic and disgraceful design and intention of breaking up the Senate, and thus hindering and preventing the reorganization of the State, so much desired by all good and patriotic citizens.

It also appears that certain parties with whom said Senators were politically affiliated, and who met and counseled with them, did attempt by bribery to defeat the passage of the State measure above alluded to. These facts and others appearing in the testimony already taken, show conclusively that said Senators, or some of them, justly deserve to be expelled, and *all* to be punished for such contempt of the Senate and revolutionary conduct. As said Senators have been suspended and deprived of their places in the Senate by reason of said arrest for several days, and if your committee should be required to prosecute their investigation to a full and final completion, as they are required to do by order of the Senate, said suspension of said Senators would be continued to the close of the

present session, while great measures of State policy are pending, in which the whole people of the State should have a voice, but of which a large portion are now denied by reason of the conduct of said Senators ingloriously and shamefully, to their own great discredit, leaving and abandoning their seats and posts in the Senate, without provocation, without excuse, in utter disregard of their duty as Senators, and the rules of the Senate, all of which appears in the testimony already taken, to which reference is here made, and the same made a part of this report, marked exhibit A. Your committee submit that the Senate of Texas can afford to be magnanimous as well as just towards those erring Senators, who deny any *conspiracy* to resign and break a quorum, and thus prevent the enactment of laws and the reorganization of the State, and denying also any contempt of the Senate by their said conduct; and your committee understanding that said Senators, or some of them, are willing so to declare, do report the following resolutions and recommend their adoption:

Resolved, That as many of said Senators, now under arrest, as may, upon their honor as Senators, the day after the adoption of these resolutions, file their disclaimer of "all premeditated design to break a quorum and prevent the enactment of laws and the reorganization of the State, or intentional contempt of the Senate," be permitted to resume their seats and their functions as Senators, with the additional suspension of one day from the filing of said disclaimer.

Resolved further, That if any of said Senators shall fail or refuse to file such disclaimer within the time prescribed in the foregoing resolution, such Senators so failing or refusing shall be and they are hereby suspended for and during the present session, and that said select committee be discharged from further consideration of the subject.

FOUNTAIN,
Chairman.

[EXHIBIT A.]

June 22—Mr. A. Faulkner sworn:

Is Sergeant-at-Arms of the Senate, presents the warrant of arrest, and says:

I proceeded with it to room No. 11 immediately after I received it. The door of the room was locked on the inside. I demanded admission and told them to open the door. Some one came to the door and asked me if I would carry a message to the Senate if they would let me in. I said I had a summons for every one of them and I wanted to get in to serve it. That I would carry the message or send it if they would push it under the door. They did not let

me in, but said they wanted to see Senator Parsons. I then went around to the window; found it closed—the sash up on the outside and the shutters closed on the inside. I pushed open the shutter and saw Senator Alford, and caught him by the arm and arrested him. Some one on the other side pushed the shutter to, and caught my arm, when I pulled my arm out and had to let go of him. Senator Alford himself used force in closing the shutter upon me. I then went around to the door and called to Senator Alford to come out. I told him I had seen and summoned him, and demanded that he come out. Returned to the Senate for instructions whether I should make a forcible entry into the room, carrying with me a verbal message to Senator Parsons. I then received instructions from President Campbell to get into the room, if possible, and get as many as four of the Senators. I then went down to the outside window, and the shutter was slightly open, when I plunged through the shutter and fell head over heels among them. I then summoned them all. Then I demanded that they all go with me up to the Senate chamber immediately. Some one then said: "All right, Faulkner, we will not put you to any further trouble." The room was dark after I arose, about a few seconds, as they had again closed the shutters. Bowers said he would not put us to any more trouble. There was then a message brought to the window from Senator Parsons. Bowers said, let me read this communication. They remained a short time, passed the communication around, and read it among them, when Bowers said: "Come on, boys, let us all go to the Senate chamber."

[Senator Parsons produced at this stage a copy of the communication before the committee, which stated that Senators in seats refused to hold any intercourse with them, or permit him to hold the same except through the proper officer of the Senate.]

When I opened the door to take the Senators up, I instructed the assistant sergeant-at-arms to make for them if they attempted to escape and secure four of them. I stood at the door of the Senate chamber and saw them all pass in before I reported, having counted them. I then went to the presiding officer and reported them all present. I entered forcibly. I regarded my entry as forcible, and that I could not have entered otherwise than by force.

(Signed,)

A. FAULKNER,

Sergeant-at-Arms Senate of Texas.

Sworn to and subscribed before me this twenty-third day of June, 1870.

(Signed,)

A. J. FOUNTAIN,
Chairman Committee.

June 23—Thomas Powell, assistant sergeant-at-arms, sworn :

Was on guard at room No. 11 when bolting Senators were locked in; placed there by Mr. Faulkner. He did not get into the room through the doorway, and must have got in through the window on the outside. He came out with all the Senators in arrest, and instructed me if any of them tried to escape to secure four of them. He told me to bring up the rear, and if they broke ranks for me to gather two of them and he would gather two of them. I heard him tell Mr. Alford that he must come out; he had seen him and arrested him, and he must come out. He would not come out and did not come out until Mr. Faulkner had broken into the room and brought them all out in arrest.

(Signed,)

THOS. POWELL.

His X mark.

Sworn to and subscribed before me this twenty-fourth day of June, 1870.

(Signed.)

A. J. FOUNTAIN,
Chairman Committee.

June 24--Col. John W. Glenn sworn :

On or about Monday the twentieth instant, about four or five o'clock in the afternoon, coming up the Avenue, on the East side, in front of Mitchell's Restaurant, on the pavement, where a crowd was passing, I met Senator Bowers in company with another gentleman in earnest conversation, Col. Flournoy being with me at the time. I congratulated Senator Bowers upon the ability with which he had argued his side of the question in the Senate, stating that I did not believe the human mind was capable in the premises of making an abler argument; stating further, that that was all the good it would accomplish; they could not defeat the bill, and I hoped that as sensible men they would waive further factious filibustering opposition to a speedy final vote. He replied, "Mr. Glenn, the bill will never become a law" (or be passed), as there are twelve of us solemnly sworn to resign after the bill reaches its engrossment, thereby breaking the quorum and preventing its passage." I stated that if he would solemnly inform me that he himself intended to pursue such a course, from my knowledge of the man, I believed he would do so, but that I did not believe he could get eleven other senators to follow him like sheep in the matter. He replied, "You will see, sir! We believe it a duty we owe to our constituency to do so, and the highest service we can perform to our State." Col. Flournoy and myself then proceeded up into the city; and in view of the public manner that this had been communicated to me, and the deep impression by it upon my mind, I informed several senators of the

occurrence, and obtained a friend to communicate the same to his Excellency the Governor, and also give him the history of the breaking the quorum of the Indiana Legislature, pending the discussion of, and just previous to the adoption of the fifteenth amendment by that Legislature.

Ques. Did Senator Bowers make any statement in that conversation relative to a meeting having been held by twelve senators?

Ans. Yes, he stated twelve of us had a meeting and solemnly swore (or are sworn) to resign in a body, etc., as I have already stated in the body of the affidavit. The next morning after the conversation with Senator Bowers in the street, and in the Senate Chamber, in conversation with Senator Pyle, I repeated to him the conversation which had occurred between Senator Bowers and myself the previous afternoon, and urged him as a good citizen, to use all his influence to dissuade any and all members of the Senate from such a course. He replied, that he had opposed it from the beginning and should continue to do so. In the afternoon, when the members, who had withdrawn, were brought back into the Senate Chamber, in the custody of the officer, in a bantering tone of voice I asked Senator Pyle if he had his resignation written out and in his pocket ready for use. His reply was, "No! nor do I intend to resign. I have bitterly opposed it; but others have their resignations in their pockets." He subsequently stated to me, it was the most suicidal and foolish thing the Democracy of the Senate ever committed.

[Signed]

JOHN W. GLENN.

Sworn to and subscribed before me this 24th day of June, 1870.

[Signed]

A. J. FOUNTAIN,
Chairman Committee.

June 24—Col. Geo. Flournoy sworn :

I, in company with Colonel Glenn, during the pendency of the militia bill, met Senator Bowers on the Avenue, and a conversation came up on the militia bill. Senator Bowers stated that there were thirteen members of the Senate who had sworn to resign if the bill passed, or to prevent its passage, I am not sure which, but I think the latter. Major Glenn ridiculed the idea, and Senator Bowers then stated that there were twelve senators sworn to resign. I noticed the dropping of one on the second statement. Major Glenn laughed at him, and told him in effect, in a gentlemanly way, substantially that he did not believe it, and ridiculed the idea. His manner was determined and decided, but I regarded his statement as mere bravado. His style of expression and determination led me in a measure to conclude it was bravado;

and the general manner of the whole conversation led me to believe it was threats merely. When I observed the democratic senators had left their seats I was reminded of the conversation, which was had at the time they left the Senate Chamber. I had been sitting there all day waiting for a final vote. This conversation with Senator Bowers was the day previous to the Democrats leaving the Chamber.

[Signed]

GEORGE FLOURNOY.

Sworn and subscribed to before me this 24th day of June, 1870.

[Signed]

A. J. FOUNTAIN,
Chairman Committee.

June 25—Hon. John Hancock sworn :

Q. Were you present at any meeting of the Senators that broke the quorum, and where the breaking of the quorum was discussed prior to the breaking of the quorum ?

A. I was not.

Q. Have you conversed with any of the Senators who broke the quorum, prior to the breaking of the quorum, relative to that matter ?

A. Prior to the day on which I understand the quorum was broken, I had a conversation with a Senator, Mr. Bowers, in which conversation he expressed an apprehension that Senators would resign in the event of the passage of the militia bill then before the Senate. I expressed a hope nothing of that kind would occur, to which Bowers rejoined, "I would regret it, but I doubt if it can be prevented."

Q. Did you ever hear any Senator say that he would resign for the purpose of preventing the passage of the militia bill ?

A. No, I don't think I ever did hear any Senator express himself in that way. I have heard Senators express their willingness to resign if it was deemed best they should do so.

Q. When they said they would resign, had that any reference to breaking a quorum ?

A. I so understood it; I don't think they said they would resign, but they were willing to resign if it were deemed best.

Q. Who were those Senators who expressed their willingness to resign ?

A. Senator Dahoney, Dr. Pyle; I don't think I heard any one else prior to the breaking of the quorum. Senator Bowers I heard say that he expressed himself to that effect to others, but he did not do so to me. He, Senator Bowers, stated that, in some jesting or bantering conversation, that Col. Flournoy and Col. Glenn, in reply to the subject of the militia bill passing, said there was no danger of that—because twelve of us have determined to resign first, which he

said, at the time, he thought no more of until reminded by some one else.

Q. Do you know of any party or parties having had or offered any money or moneys for the purpose of influencing the passage of the militia bill?

A. I do not.

Q. Do you know of any attempt having been made to bribe a Senator or Senators to vote against this bill?

A. I do not.

Q. Do you know of any person or persons having been authorized to offer money to a Senator or Senators for the purpose of inducing them to vote against the militia bill?

A. I do not.

Q. Was it before or after Senator Bowers was arrested that he told you that he had said to Col. Flournoy and Glenn that twelve Senators would resign?

A. It was after. I know it was the night after I understood he was arrested.

Q. Did you know that the quorum would be broken upon the engrossment of the militia bill?

A. No sir.

Q. Do you know, from any information prior to the passage of the militia bill, that an attempt would be made to break a quorum?

A. I do not; nor did I expect it.

(Signed)

JOHN HANCOCK.

Sworn to and subscribed before me this twenty-fifth day of June, 1870.

(Signed)

A. J. FOUNTAIN,
Chairman of Committee.

June 25—Governor Throckmorton sworn:

Know all the seceding members of the Senate. Have no knowledge of a design to break a quorum. Do not know of any disposition of any of those gentlemen to resign to break a quorum. Was not present at any meeting where the question of the breaking a quorum was discussed prior to the time of breaking the quorum.

Q. Do you know of any party or parties having had or offered any money or moneys for the purpose of influencing the passage or the defeat of the militia bill?

A. I do not. I think I was present at a meeting the night the quorum was broken. I can give you, briefly, all that occurred. I think most all but Senator Clark was there. A chairman of the meeting was appointed. The meeting was held in the old postoffice.

A number of other gentlemen were there. The gentleman who was chairman explained the occurrence in the Senate Chamber, and asked advice as to what course it would be proper to pursue. One or two Senators made statements in regard to the then state of affairs.

Q. Do you know of any person or persons having been authorized to offer money to a Senator or Senators for the purpose of influencing them to vote against the militia bill?

A. I do not, of my own knowledge.

Q. Do you know of any attempt having been made to bribe a Senator or Senators to vote against the militia bill?

A. I cannot say that I do of my personal knowledge.

Q. Have you ever had any conversation with Mr. Hancock relative to Senators being bribed to vote against the militia bill?

A. We had a conversation on that subject as to what had been heard and said in relation to such subject.

Q. Please give the substance of any such conversation you may have had with Mr. John Hancock?

A. It was a loose conversation, probably once or twice, I had with him in regard to it. I do not recollect it.

Q. Was the impression left upon your mind by such conversation that a Senator or Senators could or would be influenced by bribery to vote against the militia bill?

A. My first impression was that such might be the case, but subsequently that it was not so.

Q. Do you know of any party or parties having in their possession moneys that were to be used, if possible, to bribe Senators to vote against the militia bill?

A. I do not.

Q. Mention the exact conversation, as near as you can, that you had with Judge Hancock in reference to Senators being bribed?

A. My impression is that in my conversation with Judge Hancock he mentioned there were certain Senators who could be influenced to vote against the bill, or might be.

Q. Did Judge Hancock have any authority that you know of to authorize any person to offer a stipulated sum to a Senator or Senators, to influence his or their vote on the militia bill?

A. He had no authority that I know of.

Q. Do you know of three thousand dollars being offered by Judge Hancock for the purpose of influencing the vote of any Senator?

A. I do not.

Q. Did your conversation with Judge Hancock have any relation to three thousand dollars being offered for a Senator's vote?

A. Something was said about that sum being the amount that was required or could be made available to influence a Senator's vote.

Q. Did Judge Hancock have any authority from you to use three thousand dollars for the purpose of securing a Senator's vote against the militia bill, if that amount could be made available for that purpose?

A. He had no such authority from me.

Q. Had the mention of Senator Ford's name any connection with the insufficiency of the sum of three thousand dollars?

A. My recollection is that it had. I cannot say positively what the particular connection was, but my impression was that his vote might be influenced.

Q. Do you know, or did you believe, during that conversation, that an attempt had been made to influence the vote of Senator Ford by the use of money, or that such an attempt would be made?

A. I did not know. I presumed he had been talked to on the subject, or if not conversed with that it was believed he might be influenced.

Q. Was Senator Saylor's name used in your conversation with Judge Hancock?

A. I do not believe that it was.

Q. Was Senator Gainé's name used in that conversation?

A. I do not think that it was.

Q. Do you know who was the custodian of the \$3000 spoken of in the conversation you had with Judge Hancock?

A. I do not.

Q. Did you hear, in conversation with Judge Hancock, or was it spoken of, that money was ready at some place, specified or otherwise, to secure a Senator's vote?

A. The impression made on my mind was that as an attorney Judge Hancock could control that amount of money—or had been spoken to in that capacity. That if any such sum was to be used it was to be furnished by clients, but no place was specified where it was on deposit.

Q. Did Judge Hancock apply to you to raise more money than three thousand dollars for the purpose of securing a vote?

A. I do not think he did—certain I am that I made no such effort.

Q. Did he say to you that a vote could be secured for five thousand dollars or for a larger sum than \$3000?

A. I have answered this before as well as my recollection serves; something, I think, was said in regard to the amount being necessary to be increased.

Q. Do you know of any consultation or consultations between parties, not Senators, with a view to influencing the vote of a Senator, by the use of money, on the militia bill, and, if so, who were the parties?

A. I remember of no such consultations more than before stated.
(Signed) J. W. THROCKMORTON.

Subscribed and sworn to before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

June 27—J. D. Elliott sworn :

Question. Do you know the Senators who left the Senate Chamber on the 21st day of June, for the purpose of breaking a quorum?

Answer. I know them.

Ques. Did you know they intended to break a quorum?

Ans. No, sir, I did not.

Ques. Did you have a conversation with a Senator or Senators relative to breaking the quorum?

Ans. No, sir. I had not, one or more. I never heard the subject bruited; I was with Senator Bowers, and spent a night at his house, and never heard him make any intimation in any shape or form.

Ques. Did you ever hear the question of resignation mooted or discussed by the Senators who broke the quorum, or by any portion of them?

Ans. I did not, sir.

Ques. Was you present at a meeting of the Senators, held in a committee room in the capitol, immediately after the breaking of the quorum?

Ans. I was in a committee room in the State House.

Ques. For what purpose were you there?

Ans. I was consulted by them in the committee room. I was present in the Senate at the time the Senators named withdrew from the Chamber; I was taken by surprise at their action, having had no previous intimation of such a purpose, and went to the committee room, where I was informed they would assemble, and was invited into the room by Senators. While there, I was consulted by them as to their course of procedure; I was informed by the members that they were taken by surprise by the ruling of the President of the Senate, and the call made by Senator Fountain for the previous question, in face of an existing agreement made between Senator Bowers and Senator Parsons, wherein it was stipulated that discussion might be heard upon the engrossment of the bill. It was, moreover, stated by them that they had retired for consultation in view of such statement of facts. My advice to the Senators, that if

they had predetermined to break a quorum, with a view of defeating the passage of the militia bill, the only manly course left for them to pursue was to tender their resignations in a body; but if such predetermination did not exist, it did not become them to run away from the Senate Chamber, and my advice was for all of them promptly to return. The Sergeant-at-Arms came in at the back window; the blinds were open at the time, and the window up. The sergeant-at-arms announced, on coming into the room, that he had a process for four Senators. I stated to the sergeant-at-arms that if he would suspend action for a few moments, I had reason to believe that all the Senators would voluntarily return to the Senate Chamber. In a few moments thereafter they did return, and if any arrests were made I did not see it.

JOHN D. ELLIOTT.

Sworn to and subscribed before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

June 27—Re-examination of Governor Throckmorton :

•Question. On Saturday you stated that you believed Judge Hancock had said that if any money was to be used, it was to be furnished by clients, and that he was acting in the capacity of an attorney?

Answer. My impression is, in a casual conversation with Judge Hancock and one other, that he said he acted as an attorney.

[Note.—This question was subsequently answered by the Governor himself in writing, and he requested that the words "one other" be erased from the above answer.]

Answer in writing by the Governor :

"The impression made upon my mind was that Judge Hancock either had clients or friends who might be willing to use money to defeat the militia bill."

Ques. Do you know who Judge Hancock was acting for; that is, who was his client or clients?

Ans. I have not the slightest knowledge.

Ques. Do you know of any money being deposited with Judge Hancock, or subject to his order, that was to have been used to defeat the militia bill?

Ans. I know of none. The conversation alluded to by me with Judge Hancock was casual, and to which but little importance was attached by me. From what passed I presumed some person, not a member of the Legislature, had informed him that such person had sufficient influence with a Senator or Senators as to defeat the bill, and that Hancock had said to such person, that in the event that the

militia bill was defeated, his informant could have from his clients or friends an amount of money, but that he himself had no money to use for such purpose; that Judge Hancock did not anticipate any Senator to be approached with money; that subsequently he declined any connection with the matter whatever, and which was before the passage of the bill.

(Signed)

J. W. THROCKMORTON.

Subscribed and sworn to before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

June 27—M. P. Hunnicutt sworn :

Question. What is your business ?

Answer. A detective.

Q. By whom were you employed in your present capacity ?

A. By Governor Davis.

Q. Was the answer to the first interrogatory in Senator Saylor's affidavit just read true ?

A. Yes.

Q. Have you had a conversation with Judge Hancock since you approached Mr. Saylor ?

A. Yes.

Q. State the whole of that conversation as near as you can recollect.

A. I went back to him and told him I could not do anything with Saylor, but I thought there was another Senator that I could. He wanted to know who it was, and I told him it was Ford. I was told to see Ford, and let him know. I saw Ford and made the proposition, and Ford said there was not enough money offered, as he had understood there was ten thousand dollars offered. Ford told me that if he would raise it to five thousand he would go into it. I reported to Hancock what Ford said, and Hancock said he thought that was all the money there was, but he would see and let me know in a little while. This conversation occurred in Thompson's bar-room, and as we went out at the door Governor Throckmorton was standing in the door with others. He took Throckmorton by the arm and went out on the bridge with him in front of Thompson's, the bridge over the gutter, and in a few minutes he came back and said that three thousand dollars was all they had. He made the remark then that they were damned stingy with their money anyhow, for such a thing as that. That he was only using and offering the money as attorney for other parties. He said he did not have any money, and if he had he would not put it in such a thing as that.

Q. Was there any other person than Governor Throckmorton, with whom Judge Hancock conversed from the time he left you until he returned and said the parties could not raise any more money?

Ans. There was not.

Ques. Had you your eyes on him all the time?

Ans. I had.

Ques. What next transpired?

Ans. That ended the conversation for the night; the next morning I saw Hancock, and told him I might probably still get Ford into it, and I came up to the Capitol to see Ford, and on my way up I was overtaken by Broughton, who told me that Judge Hancock wanted to see me in the Federal Court-room immediately. I went back to the court-room and saw Judge Hancock, who said he had found out since I left that Ford would not do to tie to, and said that I had better let him alone; I told him I would do as he said. I afterwards casually remarked to him, "I guessed he was right." All of the above conversation occurred between Wednesday and Friday evening, the seventeenth instant. On Saturday, the eighteenth, I made a proposition to him, to keep one Republican Senator away from the chamber until Thursday night, and prevent his vote on the militia bill. He told me that would do them no good, and declined to use the money. He proposed several times that he would take me and satisfy me the money was safe, that I might see and count it. He also said, if I would bring him a pledge, signed by Mr. Saylor that he would vote against the bill, he would pay one-half of the money down, and the other half when he cast his vote, or deposit the whole of it almost any place he might suggest.

Ques. Have you seen and conversed with Judge Hancock since he was examined before this committee, and if so, relate the conversation between you?

A. I conversed with Judge Hancock on Sunday. He told me he had been before the committee, and the purport of his statement to me was, that he made a general denial; he denied, he said, everything before the committee; he told me he was asked, before the committee, if he knew of any person who had been authorized to offer money to bribe a senator or senators to vote against the militia bill, and he said to me he had denied it; he told me I must deny and not use his name; he told me to deny everything if I was brought before the committee. He met with me on yesterday evening, and requested me to sign a paper denying everything; he had a paper drawn up, making a general denial of the material facts in the case, and he pressed me so close, that I got out of it by asking him to write me a copy of it, so that I might have it in his own

writing; he said he would prepare a copy and I should have it this morning, but I did not go for it.

(Signed.)

M. P. HUNNICUTT,

Subscribed and sworn to before me.

(Signed.)

A. J. FOUNTAIN,

June 28—Senator Saylor sworn: Question. Was you, at any time prior to the passage of the militia bill, approached by any party for the purpose of influencing you to vote against the Militia bill? if so, state who the party was, and the conversation that occurred.

Ans. I was approached prior to the passage of the militia bill by a party by the name of Hunnicutt, and informed that I could, by voting against the militia bill, get three thousand dollars for so voting.

Ques. Did Hunnicutt tell you who had authorized him to make you this offer?

Ans. Mr. Hunnicutt informed me that he was sent by John Hancock to know if that amount would change my vote, if so, he (Hancock,) would furnish the amount.

Ques. What was your reply?

Ans. I informed Mr. Hunnicutt that I had made up my mind to vote for the bill, and no amount of money would change my vote one way or the other, and I wanted no more such propositions sent to me.

(Signed.)

W. A. SAYLOR,

Sworn to and subscribed before me.

A. J. FOUNTAIN,

Chairman Committee.

June 28—Senator A. J. Fountain sworn: My name is A. J. Fountain. I am a State Senator. On the afternoon of June 21, after the vote had been taken on the Flanagan amendment to the militia bill, I moved the previous question. The motion was seconded by Senators Ruby, Saylor, Bell and several other Senators whose names I cannot now remember. The secretary was then directed to call the roll on the ordering of the previous question. The secretary had called several names when I heard a movement behind me, and looking around saw Senator Bowers moving rapidly towards the door. He was followed by Senator Alford and several others, among whom were Senators Broughton and Douglas. A moment after he had passed out Senator Bowers returned to the door and motioned to Senator Flanagan to come out. He stamped his foot and gesticulated violently. About this time Senator Ruby was on the floor calling for a call of the Senate. Senator Flanagan then left the

chamber, and I believe—but am not certain—that Senator Clark left about the same time. There was a great deal of confusion, amidst which the doors were closed. When the roll was called thirteen Senators were found to be absent, and there was no quorum. I then moved that the sergeant-at-arms be directed to arrest the absent Senators. The sergeant-at-arms went out and shortly after returned, and reported that the absent Senators were locked in a committee room and refused him admittance. I then moved that the sergeant-at-arms be directed to make a forcibly entry into the committee room, and arrest at least a sufficient number of Senators to complete a quorum. The sergeant-at-arms then went out and in the course of fifteen minutes returned with the thirteen Senators in his custody.

(Signed.)

A. J. FOUNTAIN.

June 28—Gen. W. H. Parsons, Senator, sworn: Senator Flanagan closed the regular debate, as had been arranged by programme by Colonel Elliott; Senators Douglas and Broughton on behalf of Senator Bowers, Colonel Glenn, Senator Ruby and Senator Fountain on behalf of Senator Parsons, it having been mutually agreed between Senator Bowers and Senator Parsons to refer the order of debate, or its programme, to said gentlemen as the referees or mutual friends of said Bowers and Parsons. The programme, as arranged by said referees for the last two days' debate, although Senator Bowers said he repudiated the agreement so soon as the decision was announced; nevertheless and notwithstanding, said programme so agreed upon by said referees thus mutually chosen, with the obligation to abide by their decision, which was originally proposed by Senator Bowers himself, to which we had agreed to submit, was actually carried out to wit: Senator Campbell to speak first, Bowers second, Fountain third, Broughton fourth, Senator Parsons fifth, to close on behalf of the administration. The point of compromise being that Senator Flanagan, who had opened the debate, should close the same without authority to delegate that right to another. Senator Bowers at the time of the announcement of the decision of the referees so mutually selected, which announcement was made whilst Senator Campbell was speaking, although at that moment the announcement was thus made to him, did state that he would not stand it then, yet, when Senator Campbell ceased speaking, he, Senator Bowers, took the floor, thereby tacitly assenting to the agreed programme. The balance of the speeches, which were also delivered, being delivered in the precise order of the aforesaid programme. When Senator Flanagan closed the regular debate, as had been thus programmed by the referees, I was approached in my place by Senator Bowers with

the inquiry as to what I now intended. I stated that I was determined to force a vote that evening at all hazards, as the majority had exhausted the courtesy of debate by giving every member of the minority a chance to speak if he desired; that the argument was exhausted, and that a decision must now be had; that further opposition by the minority would be futile filibustering; that upon his insisting that more speeches should be made I replied they should not be made upon that question of the amendment if I could help it, but that a vote must be had; upon his still insisting, I replied that personally I was indifferent as to whether the debate was renewed at the last stage of the second reading of Fountain's substitute, or upon its third reading and final passage. This conversation I communicated to no Republican Senator, regarding it a personal dispute. I did not claim or attempt to control the action or determination of any other Republican Senator, and did not regard what passed between Senator Bowers and myself as a contract of agreement.

Upon the final vote being taken on the Flanagan amendment, resulting in a decision against said amendment, the question recurred on the adoption of Fountain's House substitute to the Senate bill, upon the engrossment of which he called for the previous question. The roll was being called upon the question, "Shall the main question be now put?" being the last stage of the second reading. The names of Alford, Baker, Bell were responded to, and just as the name of Senator Bowers was reached, the said Senator Bowers arose from his chair without replying to his name, walked rapidly to the main entrance, and, in view of the whole Chamber and a crowded lobby, excitedly gesticulated to other Senators to vacate their seats. Flanagan and Alford responded at once, and it was my impression that the movement of the abandonment of the Chamber was spontaneous by the balance. The entire proceedings were at once arrested, because a quorum was broken, amid cries of "Call the House!" "Call the House!" I received a message subsequently from the absent Senators to meet them. After consulting with the Senators who remained, I replied that we could hold no intercourse only through the proper officers of this department of the government. The sergeant-at-arms did bring back said Senators, and report them all present, whereupon the presiding officer announced that they were under arrest for a contempt of the Senate for absenting themselves and breaking a quorum during the taking of a vote, and disorderly conduct.

(Signed)

W. H. PARSONS.

June 28—Dr. R. K. Smith sworn :

Q. Do you know anything of the attempt to bribe a Senator or Senators to vote against the militia bill?

A. About three or four days previous to the close of debate on the militia bill, Mr. Hunnicut came to me and asked me if I knew any Republican who would vote against the militia bill. I said I did not. He told me he had three thousand dollars offered for one Republican vote, and if I could get Saylor to vote he could get the money. I told him if I could I would not for my right arm. He told me then that if I would aid him he could get fifteen hundred dollars down and Mr. Saylor could vote as he pleased. I said I would do anything to detect the villain who would attempt the bribery, and if he would let me know who he was I would assist him in making a complete exposure of the whole affair. He told me John Hancock was the man who wanted him to buy the vote. I then went immediately to see Mr. Patton and told him my plan. Mr. Patton went to the Governor, as he informed me, and the matter ran along until Mr. Saylor was dropped and Mr. Ford was approached to take Mr. Saylor's place. He agreed to do so in my presence, after having the whole object explained to him, and in order to obtain the complete evidence of the attempt at bribery; but the morning the vote was taken Mr. Hunnicut informed me that Hancock had his suspicions awakened, was afraid of Ford, and had let the matter drop. I was present when the senators left the chamber to break the quorum. The manner of their departure is described accurately in the testimony of Senator Parsons, which I have read.

(Signed,)

Sworn to and subscribed before me.

(Signed,)

ROBT K. SMITH.

A. J. FOUNTAIN,
Chairman Committee.

June 28—Senator W. H. Pyle sworn :

I did not attend a meeting previous to the time of the breaking of the quorum, at which that matter was discussed, or resignations of senators were talked of.

I did attend a meeting of the bolting senators after the breaking of the quorum. The object of that meeting was to take into consideration what means we should adopt to be reinstated. The matter of resignation was spoken of, but met with no favor. At the breaking of the quorum I was the first who went out. We went to the committee room and called Judge Clark to the chair. Bowers remarked that he had made an agreement with Senator Parsons in regard to further debate on the militia bill, and spoke of calling the previous question. Going out first, I met senators coming out, and

joined them. I did not know they were going to follow, and did not know there was any intention.

Ques. Did you not say to Col. Glenn when you returned to the Senate Chamber, that the other senators had their resignations in their pockets? And that you were opposed to the whole proceeding?

Ans. I did not. I said to Col. Glenn that I was opposed to resigning; that some were in favor of resigning, but not at once; they would refer the matter to the leading men of the country, but they would wait for further consultation and deliberation. I told Col. Glenn I had bitterly opposed it and should continue to oppose it.

Ques. The question of resignation was discussed at that meeting?

Ans. The question of resignation was discussed, but I did not understand that it would be done then, but they would wait for further deliberations. I did not hear any one say he had his resignation in his pocket, that I remember of.

Ques. Who were the senators who spoke of resigning at that meeting, or who mooted the question?

Ans. I think the subject of resigning came up in this way: Had we not better resign, or what shall we do? But I do not know who mooted the question. There was a good deal of confusion in the room, for the sergeant-at-arms was banging at the door.

Ques. Did you hear any senator announce his determination to resign to defeat the militia bill, either before or after the breaking of the quorum?

A. I did not.

Q. Do you know of any senator having written out his resignation?

A. I do not. I opposed it and Shannon violently opposed it also.

Q. How did Mr. Faulkner get into the room?

A. Mr. Faulkner jumped into the room through the window. The shutter had been closed and it was pushed open from some one outside. I do not know if it was the sergeant-at-arms. He did not get in slowly but rapidly; nor whether he fell in entering. The sergeant-at-arms got in very suddenly, but whether he got in on his all fours I do not know. I saw Senator Alford at the window, and closing the shutter on the sergeant-at-arms. I did not see the sergeant-at-arms, but Senator Alford told me it was the sergeant-at-arms. I think the affidavit of Mr. Faulkner is substantially correct, except that I did not see the sergeant-at-arms have Alford by the arm. I think Bowers nominated Judge Clark as chairman of the committee in the committee room, and he had Parsons sent for. The sergeant-at-arms demanded admission and he was refused at the door.

I did not know of any bribery of any senator, of my own knowledge. I have heard rumors, but that is all.

Upon hearing the testimony of Col. Glenn read, it is so far as I am connected with it, substantially correct. I recollect now about the conversation of resignations in the pockets of members, but I regarded it as jocular.

[Signed]

W. H. PYLE.

Sworn to and subscribed before me.

[Signed]

A. J. FOUNTAIN,
Chairman Committee.

June 28—E. B. Pickett sworn :

Question. Do you know the senators who broke a quorum by leaving the Senate Chamber on the afternoon of June 21, 1870?

A. I know them. Some six weeks ago, or about the time, or just after the militia bill was introduced, a number of the senators, and myself, perhaps all of them but Senators Alford and Flanagan, were in conversation together, and incidentally some senator, but I don't know who, or may be more than one, alluded to the idea of resigning, and the result of the casual conversation was, that it was soon enough to consider those questions when they were present and before them; from that time up to the time the quorum was broken on the twenty-first, no other general conversation among senators so far as I know of, occurred.

Q. Did you ever hear the question of resignation mooted or discussed by the senators who broke the quorum, or by any portion of them?

A. I may in that time have heard senators express themselves casually, one at a time, upon that subject, and so far as I can now recollect, always adversely to any such step.

Q. Were you present at a meeting of senators held in Senator Bowers' office on the morning of the day the quorum was broken?

A. I was not in Senator Bowers' office, so far as I can now recollect, on the day the quorum was broken, and have no recollection now of hearing the question discussed with the view of determining, in Senator Bowers' office

Q. Have you any knowledge of any attempt to bribe senators to vote against the militia bill?

A. None on earth; if there was such an attempt, it was kept from me.

Q. Were you present at a meeting of Senators in Senator Douglas' room, and if so, state what was the object of that meeting?

A. I was present twice at a meeting in Senator Douglas' room. The object of the first meeting was to arrange the basis of the

minority report on the militia bill. The object of the second was to consult together as to the programme on the bill when it should come up.

Q. Were you present at a meeting in a committee room after the Senate adjourned?

A. I was present at a meeting in a committee room, after the Senate adjourned, on the day the quorum was broken; the result of that meeting was, that we agreed to meet that night for consultation; the discussion was as to the then condition of affairs; there was very little said, except an agreement to meet for consultation that night.

Q. Were you present at a meeting of the senators held in a committee room in the Capitol immediately after the breaking of the quorum, and if so, state what occurred there?

A. I was; Senator Clark was called to the chair, my impression is, by Senator Bowers; he made a motion and, I think, submitted it to a vote.

Q. Did any senator present at that meeting protest against remaining absent from the Senate Chamber, and breaking a quorum?

A. The question of remaining absent permanently did not appear to have taken hold of the minds of senators; the question was, what ought to be done? What shall we do?

Q. Did any senator speak of resigning at that time?

A. Something was said about resigning, but I could not state what senator suggested it first, or what senators joined in it, for the senators seemed to be nearly all talking promiscuously.

Q. Please state what reply you made to the proposition of senators resigning?

A. My reply was general, and not addressed to any particular senator; I said if senators want to resign, all right, but I, myself, play no child's game, nor no bluff game, and if senators propose to resign, let it be distinctly understood that every senator's honor is pledged that he will not go back on what he does, or recede from the step if he once takes it. There were no resignations.

Q. Do you know of any individual Senator having announced his intention of resigning for the purpose of defeating the militia bill?

A. No, sir. I do not think any Senator expressed to me seriously that he would resign singly; there may have been conversation, but I do not think it was serious.

Q. Please state any facts within your knowledge relative to the breaking of the quorum, and the causes that led to it?

A. I know nothing about it, no more than a child.

Q. Did you notice Senator Bowers about the time the quorum was broken?

A. I saw Senator Bowers, and other Senators, as he was going out when the quorum was broken, and I followed. I said, "What's up?" and the reply was, "Well, let us see."

[Signed]

E. B. PICKETT.

June 29—George W. Reynolds sworn :

Q. Do you know the senators who broke a quorum by leaving the Senate Chamber on the afternoon of June 21, 1870.

A. I know every senator.

Q. Do you know of any agreement having been made to break a quorum?

A. None whatever. I urged that such a thing should be done. I am pretty near positively sure I have heard no senator state his intention of resigning.

Q. Please state anything within your knowledge relative to the breaking of the quorum, and the causes that led to it.

A. I scarcely know how to answer that question. Upon several occasions, privately, I have expressed my opinion, but I do not know whether they concurred with me or not. If any senator or senators did, I cannot name them.

Q. Do you know of any party having been authorized to bribe a senator or senators to vote against the militia bill?

A. I do not.

June 30—H. R. Latimer sworn :

Q. Were you at any meeting of the Senators who broke the quorum prior to or subsequent to the breaking of the quorum, and if so, tell all you know about it?

A. I was not prior to. I was with Senators, Representatives and citizens at the office of a lawyer the night of the breaking of the quorum. I was told there would be a meeting. We met and consulted not only with Senators and Representatives, but with citizens. I thought we had got into a close place, and we wanted to counsel. In that meeting it was the universal advice for Senators to return and take their seats, if they would be permitted to do so. There was not a dissenting voice. There was talk about getting up a paper for us all to resign. This was in the meeting in the room when the quorum was broken. There was talk of resigning all in a body, but I opposed it, and called Senator Dohoney and told him not to sign any paper, to not resign, but to let them expel us first.

Q. Do you know of any effort or proposition made for the purpose of bribing a Senator or Senators?

A. I do not, remotely or any other way.

Q. Can you tell who it was that proposed you should all resign?

A. I do not remember who. I know it was talked of, but who talked about writing out the paper I do not remember. It was then I called Dohoney out and begged him not to resign, for I was very much opposed to it, for all was confusion, for we expected the sergeant-at-arms there with a battering-ram to break down the door every minute, and I cannot remember.

(Signed)

H. R. LATIMER.

Sworn and subscribed to before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

July 1—Warren H. Lawrence sworn :

Q. Do you know the Senators or any of them who absented themselves from the Senate on the 21st instant?

A. I suppose I do.

Q. Had you any conversation with those Senators, or any of them, in which the subject of withdrawing from the Senate or resigning was discussed?

A. I had not.

Q. Have you heard anything from any Senator relative to his resigning his seat?

A. I have not. I never heard anything about it only from street rumors.

(Signed)

WARREN H. LAWRENCE.

July 1—Wm. M. Walton sworn :

Q. Do you know the senators who broke the quorum the other day?

A. I do.

Q. Were you present at any meeting of senators prior to breaking the quorum?

A. I was not.

Q. Were you present at any conversation between parties, senators or others, in which the question of bribing senators, or using money to defeat the militia bill, was discussed?

A. I was present among the senators whilst they were absent from the Senate Chamber, when the quorum was first broken, and prior to the entrance into the room by the sergeant-at-arms of the Senate. I was also present at a meeting of the same senators, in the same room, subsequent to the adjournment of the Senate on the evening of the day subsequent to the breaking of the quorum. I

was also present that night at a meeting down town of the same senators. I was also present the next evening at a meeting of the same senators. I was in the Senate Gallery at the time the Flanagan amendment was defeated. Soon afterwards the roll was called. After proceedings of the Senate I paid little attention. I noted, however, that there was no response from the opposition chairs, excepting that of Pridgen. I did not understand what movements were on foot. I waited until a motion of some one, as I understood there was a recess until the sergeant-at-arms brought in the absent members. After that I left the gallery and went down on the basement floor in search of absent senators, and seeing nothing to attract my attention I walked out on the north side of the Capitol building. Seeing one or more persons at the first window to the west of the north entrance, I halted there and found collected inside the absent senators. I went in at that window without invitation and without resistance. More or less confusion existed in the room. Beside myself there were none present but John D. Elliott and the senators. There was a freedman of some subordinate character in the Senate, standing at the window, who said he had been placed there by the sergeant-at-arms to prevent Senators from escaping. Soon after entering the room a written note, the contents of which I did not know, was dispatched from the room to Senator Parsons, at which time I approached Senator Bowers and asked him what this movement meant. He replied that he had an agreement with Senator Parsons of importance to the Democratic members, as he thought, and that he was desirous of getting Senator Parsons to recognize the agreement, and if they could get him into consultation he could not and would not deny the existence of the agreement. At that time Flanagan addressed Mr. Clark as chairman, but before making any remarks the sergeant-at-arms, Captain Faulkner, came through the window, and, in a laughing manner, said, "I've got you all now," and reading from a paper in his hand, said that he was directed by the President of the Senate to notify the senators named (calling over each name of the absent senators) to appear in the Senate Chamber under a call of the Senate. Several of the senators present, whose names I do not now remember because of the confusion in the room, said that was "all right," that they would neither resist him, nor place him in a false attitude. Senator Bowers said to the sergeant-at-arms, "We have sent a message to Senator Parsons, and that an answer was expected in a few moments." A little while elapsed without any action of any senator, except an effort on the part of Flanagan to speak, but he seemed to be too drunk to know what he was saying. About that time the answer to the message to Senator Parsons was returned,

when its contents were known—he refusing therein to meet the absent senators under the then circumstances. When the inquiry was made, “What shall be done? Shall we return to the Senate, or insist upon an interview with Senator Parsons?” Senator Bowers proposed to go alone to the senate chamber, and make a statement to the Senators of the circumstances of his agreement with Senator Parsons, and to insist on the recognition of said agreement, whereby the vote on the engrossment of the militia bill would have been postponed until the next day. To this course objection was interposed by several Senators, they insisting that all should return together. At this point the sergeant-at-arms insisted that what was to be done should be done instantly; that whatever professions might be made, not to place him in a false attitude; that he was being placed in a false attitude by every moment of delay. The door was unlocked, and the Senators repaired to the senate chamber. At the second meeting there was nothing done, except to adjourn to meet that evening. There was no proposition made to resign. At the first meeting, when I went into the window, the proposition was put to me, “What shall we do?” I replied, all of you sign a joint resignation and send it up to the Senate, and finally break the quorum. There was certainly not a majority who concurred in my advice, or it would have been done. I had but one advice to give; first, last and all the time—resignation. It was received doubtfully, and with a disposition to have further advice upon the subject. They did take my advice not to act then, but to have a further consultation that night. I don’t think at that meeting Col. Elliott opened his mouth; not that I heard. Senator Flanagan asked me my views, and to make suggestions. In the afternoon in an interchange of views with Throckmorton, Epperson and Hancock, I found them opposed to resignation; and after lighting up and preparing the room I absented myself, as I wanted the meeting to be harmonious. At the second meeting in the same office, and after the passage of the militia bill, Hancock and myself agreed that resignation should take place. Throckmorton and Epperson opposing our views, the Senators were silent, simply listening to what we said for and against the policy of resignation. When we got through we then left the Senators to consult among themselves.

Ques. Did any senator or senators concur in Hancock’s and your views?

Ans. They simply said this: If you and Hancock and Throckmorton and Epperson can’t agree among yourselves, you can’t expect us to.

Ques. Do you know from information anything about buying a vote against the militia bill?

Ans. I know only this: It was talked about generally, and I obtained the information from casual conversation that the railroad interest had not agreed to raise the money, and had gone back on us, and then I dismissed the matter from my mind.

(Signed)

W. M. WALTON.

Sworn to and subscribed before me.

(Signed)

A. J. FOUNTAIN,
Chairman Committee.

July 1—R. L. Moore, Representative, sworn:

Q. Do you know the senators who broke the quorum?

A. I know them, not all personally.

Q. Have you heard the question of resigning discussed since the quorum was broken?

A. I have heard some of the senators who withdrew discuss the propriety of it, and others disagree. Broughton, soon after the withdrawal, wanted to resign. I have heard him many times so express himself. Douglas, Dohoney, and Latimer were opposed to resigning. I heard Pickett and Bowers discussing the matter of breaking the quorum. Pickett advised moderation. What I mean by Broughton's willingness to resign was, that he was willing to do anything a majority of his party, or the whole of them, might agree upon. He thought they had been badly treated; that is what I understood from his talk. The propriety of their taking any action to break a quorum I never heard mentioned previous to the time it was broken.

(Signed,)

R. L. MOORE.

Message from the House informing the Senate the House had passed House bill No. 381, "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot-box."

Also, House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriation made for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the reserve militia, and the organization, arming and equipment of the State Guard."

Also, that the speaker had signed, in open session, enrolled Senate bill No. 40, "An Act to provide for permanently locating the county seat of Robertson county," whereupon it was signed by the President.

The hour having arrived for the consideration of the special order, House bill No. 139,

On motion of Senator Ruby the several special orders were postponed until the report of select committee is disposed of, and that the special orders be taken up in their order consecutively.

Senator Pickett moved suspension of rules to consider the report to-day.

Message from the House informing the Senate the Speaker had signed in open session enrolled House bill No. 17, "An Act to incorporate the Jewish Congregation B'nai Israel, of Galveston, Texas," whereupon it was signed by the President and returned to the House.

The question recurring upon the motion of Senator Pickett to suspend the rules, the yeas and nays were called for.

Result as follows:

Yeas—Cole, Evans, Pickett, Pridgen, Pyle, Shannon, Parsons—7.

Nays—Baker, Bell, Ford, Fountain, Gines, Hall, Pettit, Priest, Rawson, Ruby, Saylor, Hertzberg, Mills—13.

Under arrest, not voting—Bowers, Broughton, Clark, Douglas, Dohoney, Flanagan, Latimer—7.

Senate refused to suspend the rules.

On motion of Senator Parsons the Senate went into executive session.

IN SENATE.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, Texas, July 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 144, "Appropriating money for the Treasury Department;"

Also, Senate bill No. 255, "Creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof;"

Also, Senate bill No. 256, "To organize the county of Presidio,"

And Senate joint resolution No. 12, "Instructing the Sergeant-at-Arms of the Senate to have the portrait of General Burleson suitably framed, and appropriating money for the same,"

Find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.

On motion of Senator Parsons the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 13, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent—Senator Shannon.

Prayer by the Chaplain.

On motion of Senator Priest the reading of the journal was dispensed with.

Under direction of the President the Secretary carried to the House, for the signature of the Speaker, enrolled Senate bill No. 165, "An Act making an appropriation for certain purposes."

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 12, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit :

L. Lindsay for judge of district court for the Twenty-first District.

J. M. Thurman for judge of the district court for the Thirty-first District.

William Burkhardt for judge of the district court for the Twentieth District.

Wm. H. Russell for judge of the district court for the Fifteenth District.

I. N. Everett for judge of the district court for the Twenty-sixth District.

John P. Osterhout for judge of the district court for the Thirty-fourth District.

Daniel D. Claiborne, judge of the district court for the Fourteenth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate joint resolution No. 12, instructing the Sergeant-at-Arms of the Senate to have the portrait of General Burleson suitably framed, and appropriating money for the same; Senate bill No. 256, "An Act to organize the county of

Presidio; Senate bill No. 144, "An Act appropriating money for the treasury department."

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointment, to-wit :

Strother Green, Cyrus Hess, M. H. Goddin for directors of the penitentiary.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Message from the House :

House bill No. 386, "An Act providing for the payment of the outstanding indebtedness of the several counties."

House bill No. 68, "An Act reviving the act incorporating the Galveston Dry Dock Company and the subsequent laws in relation thereto, approved February 16, 1852, February 7, 1853, and February 8, 1858."

House bill No. 22, "An Act to incorporate the Pittsville Cotton Manufacturing Company."

House bill No. 98, "An Act to extend the time for the location of certain land certificates."

House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

Also Senate bill No. 17, "An Act to incorporate the City Bank of Houston."

Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company."

Senate bill No. 55, "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

Petitions and Memorials :

By Senator Mills : Memorial from citizens of Grimes county asking the location of the county seat of Grimes county at Navasota.

Read and referred to Committee on Counties and County Boundaries.

On motion of Senator Mills, the rules were suspended to consider the report of Select Committee of Investigation.

Pending reading, Senator Mills moved a call of the Senate.

Call sustained.

Roll called.

Absent--Senators Ruby and Fountain.

Senator Ruby answered to his name.

Senator Fountain excused.

On motion of Senator Mills, the call of the Senate was suspended.

Report of Select Committee read.

Special message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

Hon. DON CAMPBELL,

President of Senate, State of Texas :

SIR : I respectfully return to your house (where it originated) the act entitled " An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated."

This act, in first section, proposes to renew and revive the Eastern Texas Railroad Company, to give it all the rights, privileges and immunities conferred by the original act of incorporation, and subsequent acts amendatory thereto. This provision, undoubtedly, is intended to have the effect of reviving the land grant, and, in my opinion, conflicts with section six of article ten of the Constitution.

A railroad company, or other corporation, is a person in legal indentment, and though I am aware it is claimed that the makers of the Constitution did not propose, by this section, to prevent grants of land to companies, yet I cannot see in the context any indication of such purpose. Certainly no ground of public policy will warrant a construction which would permit grants of land to corporations, but exclude individuals, however meritorious, from such favor.

While, then, the Legislature is forbidden to grant lands directly to any one, the same thing cannot be done indirectly by reviving, as in present instance, a corporation which has lost the right to land by failure to comply with its charter.

If this can be done, the said provision in the Constitution may be practically nullified, and all the public lands absolved by "reviving" the numerous extinct charters which encumber the statute books.

I have, then, to return this to your house, and request a reconsideration thereof.

Very respectfully,

EDMUND J. DAVIS,
Governor.

Senator Mills moved the message be referred to a select committee of five. Carried.

The Chair appointed on said committee Senators Pickett, Cole, Baker, Pettit, Bell.

The question recurring upon the adoption of the report of Select Committee, Senator Pyle offered the following substitute :

Resolved, That so soon as the said senators, or either of them, shall file the disclaimer required in said report, they shall be released from further arrest, and resume their seats in the Senate.

Senator Pickett moved its adoption.

Yeas and nays taken :

Yeas—Cole, Evans, Parsons, Pickett, Pridgen, Pyle, Rawson, Shannon—8.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Priest, Ruby, Saylor—13.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Substitute lost:

The question recurring upon the adoption of the report and resolution of the Select Committee of Investigation, yeas and nays were taken.

Yeas—Mr. President, Baker, Bell, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Rawson, Ruby, Saylor, Shannon—18.

Nays—Evans, Pridgen, Pyle—3.

Under arrest, not voting—Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Latimer—7.

Report and resolution adopted.

Senator Priest offered the following resolution :

WHEREAS, The poisonous shafts of defamation, from partisan and malicious sources, are being sometimes hurled at the worthy and able President of the Senate, especially in regard to his conduct and rulings in having certain senators arrested by order of the Senate, who had violated the rules of the Senate, and by so doing secured a quorum, and prevented the disorganization of the Senate, the same being demanded by the exigency of the occasion, sustained by parliamentary usage and law, and authorized by the Senate ; therefore

Resolved, That the prompt and efficient conduct of the President in the premises, in sustaining the integrity and dignity of the Senate, and in preserving the best interests and rights of the people of Texas by ensuring the reorganization of the State, justly deserves our praise, as well as the gratitude of the people, whose rights he so nobly vindicated.

Adopted.

Senator Fountain moved to reconsider and to lay the motion to reconsider on the table. Carried.

On motion of Senator Priest the Senate went into executive session.

IN THE SENATE.

Special message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN: I respectfully ask your advice and consent to the following appointment : Louis W. Stevenson for Major General of militia.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

On motion of Senator Ruby the Senate went into executive session.

IN SENATE.

On motion of Senator Fountain the rules were suspended to take up House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State, etc.," made special order for Tuesday next, 11 A. M.

Senator Ruby offered the following resolution :

Resolved, That the rules of order of the Senate be and are hereby amended by the following additions to the order of business :

After order four, page five, add: "Fifth—Reading of Senate bills third time. Sixth—Reading of Senate bills second time. Seventh—Reading bills from House of Representatives passed to third reading. Eighth—Reading House of Representatives bills the second time. Ninth—Message from House of Representatives.

Laid over under the rules.

On motion of Senator Fountain Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 14, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain.

Senator Flanagan, on behalf of himself and other Senators under arrest, presented the following disclaimer. Read and placed on file:

SENATE CHAMBER,
Austin, July 14, 1870.

In compliance with the terms and requirements of the following resolution, adopted by a majority of the members of the Senate, to wit:

Resolved, That as many of said Senators now under arrest as may, upon their honor as Senators, the day after the adoption of these resolutions, file their disclaimer of 'all premeditated design to break a quorum, and prevent the enactment of laws and the organization of the State, or intentional contempt of the Senate,' be permitted to resume their seats and their functions as Senators with the additional suspension of one day from the filing of said disclaimer."

We hereby disclaim all premeditated design to break a quorum and prevent "the enactment of laws and the organization of the State, or intentional contempt of the Senate."

W. H. PYLE,

E. L. DOHONEY,

G. R. SHANNON,

E. T. BROUGHTON,

WEBSTER FLANAGAN,

S. EVANS,

H. R. LATIMER,

M. H. BOWERS,

AMOS CLARK,

J. P. DOUGLAS.

On motion of Senator Ruby the reading of the journal of yesterday was dispensed with.

Message from the House informing the Senate the House had passed Senate bill No. 87, "An Act providing for the payment of districts attorneys *pro tem.*;" also, Senate bill No. 188, "An Act granting certain real estate to the city of Austin."

On motion of Senator Parsons, in respect to the memory of Robert Crudup, Representative deceased, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, July 15, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent—Baker, Evans, Pridgen, Latimer.

Journal of yesterday read and approved.

Petitions and memorials:

By Senator Dohoney: Memorial of district clerk and others of Lamar county.

Read and laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 34, entitled "An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of San Antonio," have had the same under consideration and instruct me to report the accompanying substitute for said bill, with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Senator Priest moved suspension of rules to consider report.

Rules suspended and report adopted.

Senator Priest moved further suspension of rules to adopt the substitute.

Rules suspended, substitute read and adopted.

Senator Priest moved its engrossment, and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage. Result as follows:

Yeas—Mr. President, Bell, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Bowers, Broughton, Evans—3.

Absent—Baker, Latimer.

Bill passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 165, entitled "An Act making an appropriation for certain purposes," and to-day at 12 o'clock M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Bills and resolutions:

By Senator Fountain: "An Act to incorporate the Houston, Rio Grande and Great Western Railway Company."

Read first time, and referred to Committee on Internal Improvements.

By Senator Saylor: A bill to be entitled "An Act to change the boundary line of Burleson and Brazos counties."

Read first time, and referred to Committee on Counties and County Boundaries.

By Senator Dohoney: "An Act for the relief of the heirs of Syrus Robo, deceased."

Read first time, and referred to Committee on Finance.

By Senator Dohoney: A bill entitled "An Act to incorporate the city of Paris, Texas."

Read first time, and referred to Committee on Judiciary.

Message from the Governor:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 13, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit:

John C. Chapman for brigadier general of militia.

Respectfully,
EDMUND J. DAVIS,
Governor.

Read and referred to Committee on Nominations.

By Senator Bell: "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas."

Read first time and referred to Committee on Judiciary.

Senator Pickett offered the following resolution:

Resolved, That the Senate resolution requiring Senators absenting themselves from within the bar of the Senate to first obtain

leave of the President of the Senate, be and the same is hereby rescinded.

Senator Pickett moved suspension of rules to consider resolution.

Yeas and nays taken.

Yeas--Mr. President, Bell, Clark, Cole, Dohoney, Douglas, Ford, Hall, Mills, Parsons, Pickett. Pridgen, Rawson, Ruby, Shannon--15.

Nays--Bowers, Broughton, Evans, Flanagan, Fountain, Gaines, Hertzberg, Pettit, Priest, Pyle, Saylor--11.

Absent--Excused, Senator Baker.

So the Senate refused to suspend the rules.

By Senator Pridgen: A bill entitled "An Act to amend article eight hundred and eighteen, chapter one, title one, part four, of the code of criminal procedure.

Read and referred to Committee on Judiciary.

Senator Gaines moved suspension of rules to take up House bill No. 297, "An Act to regulate the keeping and bearing of deadly weapons."

Rules suspended and bill read first time, and on motion of Senator Pickett was referred to Committee on Judiciary, with instructions to report on Wednesday, July 20, and the same be made special order for that day at eleven A. M.

Senator Ruby moved suspension of rules to take up Senate bill 55, "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and prescribe the duties thereof."

The Senate refused to suspend the rules.

Senator Parsons moved the Senate take up House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston.

Bill read third time.

Pending discussion, message from the House informing the Senate the House had passed House bill No. 242, "An Act to incorporate the Houston Real Estate and Banking Company."

Also, House bill No. 116, "An Act to reorganize the city of Indianola, in Calhoun county."

Also, House bill No. 323, "An Act to incorporate the Bayou City Bank."

The question recurring upon the House bill, No. 139, Senator Douglas offered the following amendment:

Section seven, first line, after the word "navigable," insert "from the Gulf of Mexico to the city of Houston."

After the word "navigable," in sixth line, insert "from the Gulf of Mexico to the city of Houston."

Amendment lost.

The hour for special order having arrived, Senator Parsons moved its postponement until the business before the Senate was disposed of.

Lost.

Senate went into executive session.

IN THE SENATE.

On motion of Senator Fountain the Secretary was instructed to inform the Governor of the action of the Senate in executive session.

On motion of Senator Fountain the rules were suspended and House bill No. 83, "An Act to incorporate the Washington Fire Company No. 1, of the city of Austin," was made the special order for to-morrow at half-past ten A. M.

On motion of Senator Douglas the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 16, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain. Journal of yesterday read and corrected.

The following nominations by the Governor were confirmed by the Senate in executive session on yesterday:

L. Lindsay, for Judge of the District Court of the Twenty-first District.

William Burkhardt, for Judge of the District Court of the Twentieth District.

Wm. H. Russell, for Judge of the District Court of the Fifteenth District.

I. N. Everett, for Judge of the District Court of the Twenty-sixth District.

Strother Green and Cyrus Hess for directors of the Penitentiary.

The Senate refused to confirm the following:

Louis A. Stevenson, for Major General of Militia.

M. H. Goddin, for director of Penitentiary.

PETITIONS AND MEMORIALS.

By Senator Bowers: Petition of George Harris and others, read and referred to Committee on Roads Bridges and Ferries.

The President announced the reception of a petition from the citizens of Galveston protesting against the passage of Senate bill No. 215, entitled "An Act to incorporate the city of Galveston." Petition read, and on motion of Senator Ruby, was referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
July 16, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Contingent Expenses report the following bills passed and ordered paid:

June 30—Tracy,	Siemering & Co	1407	20
June 19 do	do do	288	00
June 29 do	do do	389	00
June 21 do	do do	610	80
June 24 do	do do	129	50
July 11 do	do do	120	00

\$2944 50

J. S. MILLS,
Chairman of Committee.

Senator Mills moved suspension of rules to consider the report.

Rules suspended, and, on further motion of Senator Mills, the report was received and adopted.

Message from the House informing the Senate the House had passed Senate bill No. 256, "An Act to organize the county of Presidio;" also, House bill No. 150, "An Act to revive an act and amend the first section thereof incorporating the Burnett Male and Female Academy."

The hour for special order, House bill No. 83, "An Act to incorporate the Washington Fire Engine Company No. 1 of the city of Austin, having arrived, the bill was read first time.

Senator Fountain moved suspension of rules to put the bill on second reading.

Rules suspended and bill read second time, and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage; result as follows:

Yeas—Mr. President, Baker, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Prigden, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—Bell—1.

Bill passed.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 35, entitled "An Act to incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. J. H. S.;" and also Senate bill No. 67, entitled "An Act to amend an Act better defining the martial rights to parties," have had the same under consideration,

and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Bowers: A bill to be entitled "An Act to regulate proceedings in the District Courts of the State of Texas between non-residents."

Read first time and referred to Committee on Judiciary.

Senator Priest offered the following resolution:

Resolved, That for the purpose of expediting the business of this session, with a view to a speedy adjournment, no member of the Senate shall speak more than thirty minutes on any one question without leave of the Senate by a vote of two-thirds of the members present.

Laid over under the rules

Senator Douglas offered the following resolution:

Resolved, That until otherwise provided the Senate will hold evening sessions, commencing at 8 o'clock P. M.

Senator Douglas moved suspension of rules to consider the resolution.

Yeas and nays taken.

Yeas—Mr. President, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Pettit, Priest, Pyle, Ruby, Saylor—16.

Nays—Bell, Evans, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pickett, Pridgen, Rawson, Shannon—12.

The Senate refused to suspend the rules, four-fifths not voting in the affirmative.

By Senator Pridgen, a bill to be entitled "An Act to provide substitutes for certain documents and books destroyed by fire in the court house at Goliad."

Read first time and referred to Committee on Judiciary.

Also, a bill, to be entitled "An Act for relief of Goliad county."

Read first time and referred to Committee on Judiciary.

The unfinished business of yesterday, House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston" on final passage. Pending discussion, under direction of the President of the Senate, the Secretary carried to the House, with action of the Senate, House bill No. 83,

"An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin."

The question recurring upon the final passage of House bill No. 139, Senator Parsons moved the passage of the bill.

The yeas and nays were taken :

Yeas—Messrs. President, Baker, Bell, Broughton, Clark, Cole, Flanagan, Fountain, Mills, Parsons, Pickett, Pyle, Rawson, Ruby, Saylor, Shannon—16.

Nays—Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Priest, Pridgen—9.

Bill lost, two-thirds not voting in the affirmative.

Special order—Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof.

Senator Hall moved the postponement of the special order for thirty minutes.

Senator Flanagan moved the indefinite postponement of the bill.

Yeas and nays were taken, on motion of Senator Flanagan, to indefinitely postpone the consideration of the special order.

Result as follows:

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the special order was indefinitely postponed.

The hour having arrived for the consideration of special order, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas," on motion of Senator Parsons was made the special order for Wednesday, July 20, at half-past ten o'clock A. M., and the Committee on Printing instructed to have the different bills relating to "public schools" printed and laid on members' desks.

Senator Hall moved a suspension of rules to take up House bill No. 254, "An Act to incorporate the Southern Trans-Continental Railway Company."

Senator Flanagan moved to adjourn to Monday. Yeas and nays called for; result as follows:

Yeas—Mr. President, Bell, Bowers, Clark, Cole, Evans, Flanagan, Gaines, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson—15.

Nays—Baker, Broughton, Dohoney, Douglas, Ford, Fountain Hall, Pettit, Priest, Ruby, Saylor, Shannon—12.

So the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, July 18, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent, excused--Senator Pickett.

Prayer by the Chaplain. Journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Priest: Petition of the citizens of Freestone.
Read and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 16, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 94 entitled "An Act to expedite the construction of the Southern Pacific Railroad," and to-day at three o'clock and thirty minutes presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

BILLS AND RESOLUTIONS.

By Senator Baker: Joint Resolution:

Be it resolved by the Legislature of the State of Texas, That on Monday, the 1st day of August 1870, this Legislature will take a recess from and after that date until Thursday, the 1st day of December 1870, when it will again reassemble; provided, that no per diem pay shall be allowed members during such recess.

Senator Baker moved suspension of rules to consider the resolution; rules suspended.

Senator Bowers offered the following amendment:

Strike out all after the word "will" in third line, and insert the words "adjourn *sine die*."

Senator Flanagan moved the adoption of the amendment.

Yeas and nays taken :

Yeas—Bell, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Pyle, Rawson, Shannon—10.

Nays—Mr. President, Baker, Broughton, Douglas, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Ruby, Saylor—17.

Absent—Senator Pickett, sick.

Amendment lost.

Senator Latimer offered the following amendment :

Strike out "first Thursday in December," and insert "first Monday in November."

Senator Parsons moved the consideration of the resolution be made the special order for to-morrow, at 12 M.

Yeas and nays taken :

Yeas—Mr. President, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Baker, Fountain, Hertzberg, Latimer, Mills, Pettit, Priest—7.

Absent—Senator Pickett, sick.

Carried.

By Senator Broughton : A bill to be entitled "An Act to incorporate the North Texas Manufacturing Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Baker : A bill to be entitled "An Act to incorporate Troupe Seminary."

Read first time and referred to Committee on Education.

By Senator Ruby : "An Act to provide for the sale of the Houston Tap and Brazoria Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Douglas : A bill to be entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary."

Read first time and referred to Committee on Education.

Also, a bill to be entitled "An Act to prevent the injurious effects of cotton seed upon swine."

Read first time and referred to Committee on Judiciary.

By Senator Fountain : "An Act to incorporate the Rio Grande Railroad Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Priest : "An Act to amend the criminal code in regard to the crime of murder."

Read first time and referred to Committee on Judiciary.

Also, "An Act to amend the code of criminal procedure in relation to juries and challengers."

Read first time and referred to Committee on Judiciary.

By Senator Gaines: "An Act to incorporate the town of Independence."

Read first time and referred to Committee on Judiciary.

Message from the House informing the Senate the House had passed House bill No. 322, "An Act to incorporate the Red River county, Texas, Agricultural and Mechanical Association,"

House joint resolution No. 17, to change the name of the several counties therein named,

House bill No. 355, "An Act to incorporate the West Fork Male and Female College,"

House bill No. 371, "An Act to authorize John G. Blankenship to erect a toll bridge over Tehuacana Creek in the county of McLennan, Texas,"

House bill No. 186, "An Act to incorporate the East Fork Plank Road Company,"

House bill No. 315, "An Act to incorporate the town of Round Top, county of Fayette."

Senator Priest moved a reconsideration of the vote taken on Saturday on House bill 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Motion to reconsider carried, and on motion of Senator Bowers the bill was referred to Committee on Judiciary, with special instructions to report to-morrow.

[General File.]

Senate bill No. 65, a bill to be entitled "An Act to incorporate the Austin City Ice Company."

Report of committee read and adopted.

Bill read second time and passed to engrossment.

On motion of Senator Cole the rules were suspended and the bill read third time.

Yeas and nays taken.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Doboney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rridgen, Rawson, Ruby, Shannon, Saylor—25.

Nays—Latimer.

Absent—Pyle and Pickett.

Pickett sick and excused.

Bill passed.

Senator Hall moved suspension of rules to take up House bill No.

254, "An Act to incorporate the Southern Trans-continental Railway Company."

Yeas and nays taken :

Yeas—Mr. President, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Parsons, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—22.

Nays—Bell, Evans, Mills, Pettit—4.

Absent—Pyle.

Sick—Pickett.

Rules suspended and bill read first time; and on motion of Senator Dohoney the rules were suspended and bill read second time.

Senator Fountain offered the following amendment :

Amend section one, line ten, by striking out the name of "A. J. Fountain." Adopted.

Senator Dohoney offered the following amendments :

Moved to strike out the names of "J. W. Johnson, B. F. Williams, F. Tegener, R. Zapp, W. G. Robinson, H. W. Young, G. T. Ruby, B. Rush Plumley, C. D. Morris, John G. Boyle, W. J. Locke and Geo. P. Buell." Adopted.

Amend section two as follows, to wit :

Insert in line four, after the word "Arkansas," the words "at or near Texarkana."

Also, insert in line five, after the words "route to," the words "or near."

Also, insert in line seven, after the words "Marion county," the words "in a northerly direction." Adopted.

Senator Douglas offered the following amendments :

Strike out in section second, line five, after the word "El Paso," the words "said railway line to approximate as near as practicable to what is known as the thirty-second parallel of north latitude."

Insert, "and the main line of said road shall follow, as nearly as may be practicable, the old survey of the Memphis and El Paso road." Adopted.

Insert in section three, tenth line, after the words "El Paso," "provided, that said junction shall not be with the Southern Pacific Railroad at a point east of the twenty-third degree of west longitude from Washington." Adopted.

Senator Dohoney offered the following amendment :

Amend section three, line seven, by striking out the balance of the sentence after the word "property," and insert the words, "and may issue in payment thereof the paid stock of the company; provided, the landholder or owner is willing to receive the same." Adopted.

Special message from the Governor by his private secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 18, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to wit: James Masterson, for Judge of the District Court, Nineteenth District; J. J. Thornton, for Judge of the District Court for the twenty-fourth District; J. B. Williamson, for Judge of the District Court for the Sixth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

The question recurring on House bill No. 254, Senator Douglas offered the following amendment:

Section eight, line ten, insert after the word "act" the following: "Provided further, that the branch road herein authorized shall not intersect with the Southern Pacific Railroad, east of the twenty-third degree of longitude west from Washington."

Adopted.

On motion of Senator Dohoney the rules were suspended, bill read third time, yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Absent—Fountain; sick, Pickett.

Bill passed.

Senator Hall moved a reconsideration of the vote taken on Saturday on Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works and the duties thereof."

Yeas and nays taken.

Senator Hall moved a call of the Senate. Call sustained.

Absent—Senator Pickett, sick.

On motion of Senator Hall the call of the Senate was suspended.

The question recurring upon the reconsideration vote on Senate bill No. 255, the yeas and nays were taken:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—13.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pridgen, Pyle, Shannon—12.

Absent—Fountain and Hertzberg.

Sick—Pickett.

Motion to reconsider carried.

On motion of Senator Parsons the Senate went into executive session :

IN THE SENATE.

On motion of Senator Fountain the secretary was instructed to inform his Excellency the Governor, that the Senate in executive session advises and consents to the appointment of--

John C. Chapman for Brigadier General of the militia.

J. B. Williamson for Judge of the Sixth Judicial District.

J. J. Thornton for Judge of the Twenty-fourth Judicial District.

John P. Osterhaut for Judge of the Thirty-fourth Judicial District.

And refuses to advise and consent to the following appointment, to wit:

Daniel D. Claiborne for Judge of the Fourteenth Judicial District.

On motion of Senator Parsons the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, July 19, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll call; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senator Dohoney rose to a question of privilege, and asked leave to withdraw the petition of George W. Wright for private land claim, reported upon adversely by committee.

Leave to withdraw granted.

Message from the House informing the Senate the Speaker had signed, in open session, enrolled bill "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," whereupon it was signed by the President and returned to the House.

Also, House bill No. 183, "An Act legalizing a special tax levied by military order."

Also, House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas."

Under direction of the President the Secretary carried to the House for signature of the Speaker, enrolled bill, "An Act granting certain real estate to the city of Austin."

Also, enrolled bill, "An Act to organize the county of Presidio."

Message from the Governor by his private Secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 19, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: Robert H. Taylor for Judge of the District Court for the Fourteenth Judicial District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Also, the following message from the Governor:

EXECUTIVE OFFICE,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: I am compelled to return to your House, where it origi-

nated, the act entitled "An Act to expedite the construction of the Southern Pacific Railroad," which I consider objectionable in the following respects:

1. This act assumes throughout its preamble and body that the Southern Pacific Road is a living and subsisting charter in the hands of the "present direction," and that it has forfeited no right or privilege whatever. This assumption or declaration attempts indirectly to commit the Legislature to a revival of the land grant. In this regard I ask to refer your House to the grounds taken in my message of the thirteenth instant, returning the Eastern Texas Railroad Company" act.

2. It assumes, throughout the preamble and body, that the "present direction" inspire confidence in their financial integrity and purpose, and that the railroad owes no debt (except that due the special school fund) which constitutes a lien upon its road. No evidence whatever has been shown to sustain either of these conclusions. This road and its franchises have, I understand, been sold out several times. It is impossible without a protracted judicial investigation to find out what claims are outstanding against it, or whether the "present direction," to whom it is proposed to issue this large amount of bonds, have any rights whatever, or are able to give the State such lien upon the road as will secure the amount of these bonds. In this connection I call your attention to the provision in section second, making the bonds payable to the company or bearer. The bonds may, under this provision, pass out of the hands of the company at once, and leave the State without remedy.

3. It requires the issue, by the State, of bonds to the extent of sixteen thousand dollars (\$16,000) per mile of the *completed* as well as the *uncompleted* part of the road, and those bonds which are to be issued for the *completed* portion are to be delivered as soon as the amount due the school fund, two hundred and twenty thousand dollars (\$220,000), is paid in. I understand that about forty-six (46) miles are completed, requiring seven hundred and thirty-six thousand dollars (\$736,000) of bonds. Thus, while on the one hand we receive the two hundred and twenty thousand dollars (\$220,000), belonging to the school fund, on the other we pay out more than three times that amount in bonds payable, interest and principal, in gold. This, with all respect, seems to me a very bad financial arrangement, especially when it is considered that we have no security that the road is free from debts that would take precedence of the lien of the State. Aside from this danger, it seems too, bad policy for the State to expend its limited resources in subsidizing roads *already built*.

4. The second section is objectionable in making the bonds, prin-

cipal and interest, payable in gold, and making the interest payable in New York city on the first of January and July of each year. Under this arrangement, if carried out, we are *at once* to make preparation to pay in New York gold interest on seven hundred and thirty-six thousand dollars, and on such additional bonds as may, from time to time, be issued as the road progresses. I respectfully call your attention to the fact that our taxes are collected in United States paper currency, and that we must, if this bill becomes a law, and the company fails to make payment to the State (which, judging from our past experience with railroads, is an absolute certainty), get the gold to pay interest by purchasing it.

5. The fifth section is *especially* objectionable. It appears that under this the company is not bound for any of the principal until after the whole amount of the bonds, contemplated by the act, has been issued. The peculiar wording of this section opens the door to a fraud upon the State. If the *whole amount* of the bonds is *never* issued, then the company *never* becomes responsible. The State is, however, required to issue her bonds as each section of ten miles is completed. I suggest that no prudent capitalist would make a loan to the road under this sort of contract. Many contingencies may prevent the issuance of the "whole amount" of the bonds called for, and this, perhaps, without either party being fully responsible.

6. There is the further constitutional objection, that no provision is made in the act for payment of the interest and two per cent., as a sinking fund of the debt contracted hereby. Section twenty-three of article twelve, general provisions of the constitution, contains the wise provision that in all cases where State or county debt is contracted, "it shall be the duty of the Legislature to provide adequate means for the payment of the current interest and two per cent., as a sinking fund for the redemption of the principal." This wise provision seems to have been intended as a restraint upon hasty legislation. Apparently it was thought that if legislators, in the very case (act), where debt was contracted, were also compelled to provide a tax upon their constituents to pay such debt, then they would be more cautious in creating it. In this case a debt is proposed of some five millions, for which (principal and interest) in any event the State is *primarily* responsible, but no provision whatever is made for its payment. I suppose this defect has been overlooked, and that your honorable body will not permit any evasion of this wholesome section. It will not do to remit so important a matter to the chances of a supplemental bill, or other action to be had hereafter in the present or a future

Legislature. The taking of such chances could not have been contemplated by the makers of the constitution.

7. Finally, I will call your attention to the limitation put in this bill of twenty millions of dollars (\$20,000,000,) as the whole debt that can be incurred by the State. This is intended as a contract with the company, and if entered into, can only be evaded on our part by a violation of faith, however imperative the necessity may be. It limits the amount of debt for internal improvements, or for support of the State Government, or for any other purpose, to this sum. Now, if the limitation were applied only to internal improvements, the sum would be too large; and would invite a scramble to grasp the balance; but, as it is intended to limit the debt for any purpose, the impropriety of the arrangement is more obvious. It may very reasonably be expected to happen that, long before the proposed debt is totally paid off, the necessities of the State and the support of its Government may require a larger debt than twenty millions of dollars, especially if this amount should be absorbed in internal improvements, as is more than likely, when the temptation is held out to speculators. In conclusion, I therefore ask a reconsideration of your vote on the adoption of this act.

Respectfully,

EDMUND J. DAVIS,

Governor.

Message from the House informing the Senate the Speaker had signed in open session enrolled Bill, "An Act granting certain real estate to the city of Austin."

Also, enrolled Bill "An act to organize the county of Presidio." Whereupon they were signed by the President.

Under direction of the President, the Secretary carried to the House, with action of the Senate, H. B. 254, "An Act to Incorporate the Southern Trans-Continental Railway Company."

On motion of Senator Parsons, the message of the Governor in relation to the Southern Pacific Railroad, was made the special order for Thursday at 11 A. M.

Message from the Governor, by his Private Secretary.

EXECUTIVE OFFICE,
Austin, July 19, 1870.

To the Honorable Senate and

House of Representatives of Texas.

GENTLEMEN: I enclose you a copy of a communication from Hon. A. Bledsoe, Comptroller, in relation to the matter of assessment and collection of taxes. It will be apparent to you on reference to the new constitutional provisions concerning this matter, that until

action is had by the Legislature, the assessment and collection of taxes is practically suspended, and however prompt your action may be, it must be several months before receipts can be expected. The amount of cash in the Treasury is rapidly diminishing, and without even the customary receipts, the funds for the ordinary support of the State Government will soon be wanting.

I request an early consideration of this matter.

Respectfully,

EDMUND J. DAVIS,

Governor.

Message read and referred to Committee on Finance.

COMMITTEE ROOM,
Austin, July 19, 1870.

To Hon. DON CAMPBELL,

President of the Senate.

SIR: Your Committee on Finance have received and examined the memorial of the heirs of James Rogers, deceased, and respectfully return the same, with the request that they be referred to the Committee on Private Land Claims, the papers in question not being within the jurisdiction of this committee.

J. S. MILLS,

Chairman of Committee.

Rules suspended, report received and adopted.

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Whereas it appears from the Register of Public Debt for the Republic of Texas, that Lynn Bobo is entitled to the sum of seven hundred dollars in gold, for services and losses on the Mier expedition. Your committee recommend the passage of the accompanying act, and append to this report the certificate of A. Bledsoe, Comptroller:

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,

STATE OF TEXAS,

AUSTIN, JULY 19, 1870.

This is to certify that it appears from the Register of Public Debt for the Republic of Texas, that there is due to Lynn Bobo the amount of six hundred and five dollars for services and losses in the Mier expedition, and the amount of twenty-two dollars for services as a minute man in 1841.

A. BLEDSOE, Comptroller.

J. S. MILLS, Chairman of Committee.

Laid over under rules.

S J—48

COMMITTEE ROOM,
July 18, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary to whom was referred Senate Bill No. 141, entitled "An Act to incorporate Victoria Fire Company No. 1," Senate Bill No. 169, entitled "An Act to incorporate the Comal Cemetery Association," Senate Bill No. 186, entitled "An Act to incorporate the Citizens Bank of Navasota," and Senate Bill No. 221, entitled "An Act to incorporate the Saving and Trust Company of Texas," have had the same under careful consideration, and instruct me to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,

Chairman of Committee.

Laid over under rules.

On motion of Senator Mills rules suspended and Senate Bill No. 186, "An Act to incorporate the Citizens' Bank of Navasota," read second time; rules suspended, read third time and passed.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Priest, Pickett, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Excused from voting, Douglass; absent, Fountain.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 115, entitled "An Act to incorporate the Galveston Mutual Aid and Life Insurance Association," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

M. PRIEST,

Chairman of Committee.

Laid over under rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 133, entitled "An Act to amend articles 826, 827 and 828 of an act entitled 'An Act to adopt and establish a code of criminal

procedure for the State of Texas, approved August 26, 1856," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

Laid over under rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL

President of Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 196, entitled "An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same," have carefully considered the same, and I am instructed to report it back with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Priest, rules suspended, report received and adopted; bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed.

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--24.

Nays--Hertzberg, Rawson--2.

Absent--Senators Pickett, Parsons--2.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred House bill No. 139, entitled "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," have had the same under careful consideration, and instruct me to report it back to the Senate with accompanying amendments, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend by striking out that portion of the preamble, in the sixteenth line, after the word "therefore" down to section first.

In section seven, line twenty-four, strike out the word "fifty" and insert the word "forty."

To section nine add the following words: "Provided nothing here-

in contained shall be construed as making valid any land grant to Buffalo Bayou Ship Channel Company."

In section eleven, line three, strike out the word "seventy" and insert "fifty."

On motion of Senator Priest rules suspended, report received and adopted.

On motion of Senator Flanagan the rules were suspended, bill read third time and passed as amended.

Yeas and nays on final passage were as follows :

Yeas—Messrs. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—28.

Nays—None.

COMMITTEE ROOM,
Austin, Texas, July 18, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 145, entitled "An Act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas," have carefully considered the same, and instruct me to report it back with accompanying amendment, and recommend its passage :

M. PRIEST,

Chairman of Committee.

Amend section one, line one, by striking out the word "ordained" and insert the word "enacted."

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 7, entitled "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases," have carefully considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Priest, rules suspended, report received and bill read second time.

On further motion, rules suspended, bill read third time and passed.

COMMITTEE ROOM,
July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred House bill No. 167, entitled "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company," have had the same under careful consideration and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Pyle, rules suspended and report received.

On further motion, rules suspended to place the bill on third reading.

Pending reading, the hour was announced by the Chair for special order.

Special order:

The hour for special order, House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier; the erection and maintainance of a frontier telegraph; the organization of the reserve militia, and the organization, arming and equipment of the State Guard."

Bill read first time and, on motion of Senator Fountain, was referred to Committee on Judiciary.

Special order, 12 M., resolution of Senator Baker relative to adjournment of the Legislature.

Senator Pickett moved to lay the resolution on the table. Carried.

On motion of Senator Parsons the rules were suspended, House bill 405, "An Act to prescribe the time for the annual meeting of the Legislature."

Bill read first time, and, on motion of Senator Fountain, the rules were suspended and bill read second time.

Senator Bowers offered the following amendment:

Section one, amend by striking out the word "first" and insert the word "next."

Yeas—Bowers; Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Priest, Rawson, Ruby, Saylor—14.

Absent—Senator Pettit.

Amendment lost.

Senator Pickett offered the following amendment :

Amend section first line fifth, strike out the words "same day" and insert "second Tuesday in November."

[Senator Ruby in the Chair.]

Senator Parsons moved a call of the Senate. Call sustained.

Absent, Senator Broughton. Senator Broughton answered to his name. On motion call suspended.

The motion recurring on the amendment of Senator Pickett, yeas and nays were as follows :

Yeas—Broughton, Clark, Cole, Latimer, Pickett, Priest, Ruby, Shannon—8.

Nays—Mr. President, Baker, Bell, Bowers, Dohoney, Douglass, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—20.

Amendment lost.

Senator Bowers moved to strike out in section one, line four, "1871" and insert "1870." Lost.

Senator Pickett moved the reference of the bill to the Judiciary Committee.

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pridgen, Pyle, Shannon—12.

Nays—Messrs. President, Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Motion to refer lost.

On motion of Senator Parsons the bill passed to its third reading.

Yeas—Messrs. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Petit, Priest, Rawson, Ruby, Saylor—15.

Nays—Messrs. Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

The President moved suspension of rules that the bill be read a third time and passed.

Yeas—Messrs. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Petit, Priest, Rawson, Ruby, Saylor—15.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

Senator Douglas called up the following :

Resolved, That until otherwise provided the Senate will hold evening sessions, convening at eight o'clock, P. M.,

And moved its adoption. Yeas and nays called for :

Yeas—Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Hall, Hertzberg, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—15.

Nays—Mr. President, Baker, Bell, Bowers, Clark, Cole, Evans, Gaines, Latimer, Mills, Parsons, Pickett, Pridgen—13.

Adopted.

BILLS.

By Senator Priest: A bill to be entitled "An Act to organize courts of the justices of the peace and police courts, and to define their jurisdiction and duties."

Read first time, rules suspended and made special order for Monday next at twelve o'clock, M. One hundred copies ordered to be pointed.

By Senator Dohoney: A bill to be entitled "An Act to aid the construction of the Southern Trans-Continental Railroad."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Bowers, rules suspended and House bill 323, "An Act to incorporate the Bayou City Bank," was taken from file and referred to Committee on Judiciary.

On motion of Senator Parsons the Senate went into executive session.

IN SENATE.

On motion of Senator Fountain the Secretary was instructed to inform his Excellency the Governor, that the Senate had confirmed in executive session the following appointment: James Masterson, for Judge of the Nineteenth Judicial District, and refused to advise and consent to the appointment of E. P. Upton, for Judge of the Seventeenth Judicial District.

On motion of Senator Pyle the Senate adjourned to eight o'clock P. M.

SENATE CHAMBER,
AUSTIN, TEXAS, July 19, 1870.

EVENING SESSION.

EIGHT O'CLOCK P. M.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; no quorum present.

Senator Fountain moved a call of the Senate.

Call sustained.

Roll called; quorum present.

On motion of Senator Bell the call of the Senate was suspended.

Unfinished business:

Unfinished business being House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company." Third reading.

Senator Pickett moved it be made the special order for Friday at 11 o'clock. Carried.

Senator Dohoney moved suspension of rules to take up Senate bill No. 23, a bill to be entitled "An Act to carry into execution the judgment and decrees of the county courts, and to perfect the unfinished business thereof."

Report of committee read and substitute adopted.

Rules suspended and bill read second time and passed to engrossment, and, on further motion of Senator Dohoney, the rules were suspended, and bill read third time and passed.

Unfinished business:

Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works and the duties thereof."

Senator Hall moved its final passage.

Senator Flanagan moved a call of the Senate. Call sustained.

Absent—Latimer, Mills, Gaines—3.

Excused—Clark, Bowers—2.

Call suspended.

And on motion of Senator Priest Senate bill No. 255 was made the special order for to-morrow at 10½ A. M.

Senator Ruby moved suspension of rules to take up House bill No. 68, "An Act reviving the act incorporating the Galveston Dry Dock Company and the subsequent laws in relation thereto," ap-

proved February 16, 1852, February 7, 1853, and February 8, 1858.

Rules suspended, bill read first time.

Rules suspended, bill read second time, and on motion of Senator Flanagan the rules were suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Absent—Excused, Bowers, Clark—2.

Absent—Gaines, Latimer, Mills, Cole, Evans—5.

Bill passed.

Senator Fountain offered the following resolution :

Resolved, That, at the night sessions of the Senate, no Senator shall speak longer than five minutes on any question before the Senate.

Adopted.

Senator Flanagan moved suspension of rules to take up Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Rules suspended and bill read second time, and passed to engrossment.

Senator Priest moved to amend by striking out sections ten and eleven. Carried.

Senator Douglas offered as substitute for section eleven: "This act to take effect and be in force from and after its passage."

Adopted.

Senator Flanagan moved suspension of rules to put the bill on its third reading.

Rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21

Nays—None.

Excused—Bowers, Clark.

Absent—Cole, Gaines, Hertzberg, Latimer, Mills—5.

Bill passed.

Senator Priest moved suspension of rules to take up Senate bill No. 200, a bill to be entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges."

Rules suspended and bill read second time and passed to engrossment.

Senator Priest moved to amend by striking "one-eighth" and inserting "one-fourth" in section six. Lost.

Senator Ruby moved to amend by striking out "one-eighth" and inserting "one-sixth." Lost.

Senator Dohoney moved the postponement of further consideration of the bill and that it be made a special order for half-past eight o'clock to-morrow night. Lost.

Senator Pickett moved the bill be read and adopted by sections. Carried.

Senator Cole moved to amend section one, line four, after the word "counties" insert "and a poll tax of fifty cents upon each adult male person in the county."

Senator Baker moved the amendment of Senator Cole be rejected. Lost.

Yeas and nays called for on the adoption of the amendment :

Yeas--Mr. President, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Shannon--10.

Nays--Baker, Bell, Ford, Fountain, Hall, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--11

Amendment lost.

Section one adopted.

By Senator Douglas: Amend section two, line two, after the word "hands" insert "at such price as may be fixed by the court." Adopted.

Amend section two, line three, after the word "public" add "and as the courts may determine." Adopted.

Section two as amended adopted.

Section three adopted without amendment.

Senator Dohoney moved to amend section four, line three, after the words "services rendered" the words "to be fixed by the county court." Adopted.

Senator Priest moved to fill the blank, section four, line three by inserting "five hundred." Adopted.

Section four as amended adopted.

Senator Pettit moved to amend section five, first line, strike out the word "working" and insert the word "work." Adopted.

Section five as amended adopted.

Section six, seven and eight adopted without amendments.

On motion of Senator Priest the bill passed to engrossment.

Senator Priest moved further suspension of rules; rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Dohoney, Flanagan, Ford, Gaines, Hall, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—17.

Nays—Broughton, Cole, Douglass, Evans, Shannon—5.

Absent, Gaines, Hertzberg, Latimer, Mills—4.

Excused, Bowers, Clark.

Bill passed.

Senator Dohoney moved the Senate adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Evans, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle—9.

Nays—Baker, Bell, Cole, Dohoney, Douglass, Flanagan, Ford, Fountain, Hall, Rawson, Ruby, Saylor, Shannon—13.

Absent, Gaines, Hertzberg, Latimer, Mills—4.

Excused, Bowers, Clark.

The Senate refused to adjourn.

Senator Hall moved suspension of rules to take up House bill No. 293, "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands.

Rules suspended, bill read first time; rules suspended, bill read second time, and on motion of Senator Pickett the bill was referred to Committee on Judiciary.

Report of Committee on Engrossed Bills :

The Hon. DON. CAMPBELL,

President of Senate :

Your Committee on Engrossed Bills having examined and compared Senate Bill No. 65, "to incorporate Austin City Ice Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Senator Pyle moved to adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Dohoney, Evans, Pickett, Priest, Pyle—7.

Nays—Baker, Bell, Cole, Douglas, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—15.

Absent—Gaines, Hertzberg, Latimer, Mills—4.

Excused—Bowers, Clark—2.

The Senate refused to adjourn.

Senator Flanagan moved suspension of rules to take up House bill No. 183, "An Act legalizing a special tax levied by military order."

Rules suspended, bill read first time; rules suspended, bill read

second time, and on further motion of Senator Flanagan, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Broughton, Cole, Dohoney, Douglass, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Nays—Bell.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark, Pickett—3.

Bill passed.

Senator Broughton moved the Senate adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Dohoney, Douglass, Pyle, Shannon—6.

Nays—Baker, Bell, Cole, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor—14.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark, Pickett—3.

Motion to adjourn lost.

Senator Cole moved a call of the Senate. Call sustained.

Roll called.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark—2.

Call of the Senate suspended.

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 202, "An Act authorizing the Commissioner of the General Land Office to issue patents on certain settler's claims."

Read second time; rules suspended, read third time and passed.

Senator Pettit moved suspension of rules to take up Senate bill No. 26, "An Act to incorporate the Texas Military Institute."

Rules suspended and bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—19.

Nays—Bell, Rawson—2.

Absent—Gaines, Hertzberg, Latimer, Mills, Pickett—5.

Excused—Bowers, Clark—2.

Bill passed.

Senator Dohoney moved suspension of rules to take up Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy."

Rules suspended and bill read second time and passed to engross-

ment; and on further motion the rules were suspended and bill read third time and passed.

Senator Saylor moved suspension of rules to take up House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

Rules suspended, bill read first time, and on motion of Senator Dohoney, the bill was made the special order for Friday at 8½ o'clock P. M.

Senator Pyle moved to adjourn.

Yeas and nays taken:

Yeas--Mr. President, Cole, Dohoney, Douglas, Flanagan, Fountain, Hall, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson--13.

Nays--Baker, Bell, Broughton, Evans, Ford, Ruby, Shannon--7.

Absent--Hertzberg, Latimer, Mills, Pickett--4.

Excused--Bowers, Clark--2.

Senate adjourned.

SENATE CHAMBER,
AUSTIN TEXAS, Wednesday, July 20, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Priest the reading of the journal was dispensed with.

Message from the House with its action, House bill No. 433, "An Act to release A. M. Nips from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas."

Also, House bill No. 350, "An Act for the relief of the Houston and Texas Central Railway Company."

Also, House bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

REPORT FROM STANDING COMMITTEES.

Report from Committee on Judiciary :

COMMITTEE ROOM,
July 19, 1870.

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 258, entitled "An Act to authorize supreme and district judges, district clerks and their deputies, and justices of the peace, to take acknowledgments of deeds and other instruments required by law to be recorded," have had the same under careful consideration, and I am instructed to report the accompanying substitute for said bill and recommend its passage.

M. PRIEST,
Chairman of Committee.

On motion of Senator Priest the rules were suspended and report of committee and substitute for bill adopted. Rules suspended and bill read second time and passed to engrossment, and, on further motion, the rules were suspended and bill read third time and passed.

Message from the Governor :

EXECUTIVE DEPARTMENT,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR : I respectfully ask the withdrawal of my nomination of J. A.

Williamson to your honorable body for district judge of Twenty-eighth District.

EDMUND J. DAVIS,
Governor.

On motion of Senator Pickett leave was granted.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 341, entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier; the erection and maintenance of a frontier telegraph; the organization of the reserve militia, and the organization, arming and equipment of the State Guard," have had the same under careful consideration, and I am instructed by a majority of the committee to report it back with accompanying amendment, and recommend its passage.

M. PRIEST,
Chairman of Committee.

House bill No. 341, amend caption to read as follows: "An Act providing for the issuance and sale of the bonds of the State for certain purposes therein named, and to provide for the payment of the interest thereon, and a sinking fund of two per cent.

Senator Priest moved suspension of rules to consider the report.

Yeas and nays taken :

Yeas--Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--13.

Nays--Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon--12.

Absent--Bowers, Hall, Mills--3.

The Senate refused to suspend the rules. Laid over under the rules.

Report of Judiciary Committee :

COMMITTEE ROOM,
July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 166, entitled "An Act to amend an act approved August 26, 1856, in reference to community property," have had the same

under careful consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 19, 1870.

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 323, entitled "An Act to incorporate the Bayou City Bank," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Majority report from Select Committee read.

A majority of your committee to whom was referred Senate bill No. 11, entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated," together with the message of his Excellency, Governor E. J. Davis, returning said act to the Senate, the House where it originated, with his objections thereto, and asking that the Senate reconsider its vote thereon, have had the same under consideration, and herewith submit the following report :

Upon a careful examination of the act, and of the Governor's objections thereto, a majority of your committee find that the Eastern Texas Railroad Company was chartered in 1860, that section fourteen of its charter provides "That said company shall be entitled to all the grants, rights, privileges, benefits and immunities of an act to encourage the construction of railroads in Texas by donations of lands, approved January 30, 1854, while said act continues in force, subject to the conditions and requirements contained therein, and in any other general laws of the State, except as hereinafter provided."

Section fifteen provides "That the proviso in the twelfth section of the above mentioned act, which limits the benefits of the same to companies which shall construct and complete at least twenty-five miles of the road contemplated by their charters respectively, within two years after the passage of said act, shall not apply to the companies chartered by this act."

Section eighteen of said act provides "That nothing contained in the four preceding sections shall be so construed as to exempt said

company from complying with any of the conditions prescribed by said general act for the benefit of railroad companies in this State."

Section nineteen of said charter requires the company to have completed, equipped and in good running order at least fifty miles of their road within two years after the first day of July, 1860, and fifty miles additional every subsequent two years, and that if it fail it shall lose the benefits of the land grant, and shall also forfeit its charter.

If it should be held that the running of the statute against this company was interrupted by the breaking out of the war in the beginning of the year 1861, and that the statute could not again begin to run until the reinauguration of regular civil government within this State (a question believed not to be free from difficulty, but which it is not proposed, because not necessary, to elaborate or discuss here), then this company has neither forfeited its rights to land grants nor its charter, and the act under consideration would only have the effect to remove doubts as to the validity and vitality of the charter, and to extend the time within which work was to be completed. Under this view of the objects and effect of the act in question, it could not, of course, be held to be unconstitutional, for if the company has forfeited neither its rights to land grants nor its charter, an act so declaring and extending the time within which the work is to be completed, would but be in the natural and ordinary channel of legislative relief measures. But if the statute has run, and this company, by non-completion of sections of its road, as required by its charter, has forfeited its charter, it is still a living, subsisting corporation until its charter is declared forfeited by a judicial decree in a proceeding instituted by the State for that purpose. It may go on constructing its road, contracting and being contracted with, suing and being sued, until the State, should it see proper to do so, shall institute proceedings and have its charter declared forfeited. No such proceedings have been instituted, and no such forfeiture declared. So a majority of your committee submit said company is a living corporation, and entitled to corporate rights, privileges and immunities as such.

It is admitted, if it be held that the statute has run against this company, that the State may institute proceedings in the courts and have its charter declared forfeited. But the State is not bound to do this. She may, if she see proper, through her Legislature, waive the forfeiture; and if she should waive the forfeiture, the company would stand upon the very same ground as to its corporate rights and franchises that it would have occupied if it had gone on and complied literally with the requirements of its charter.

In the case under consideration a majority of your committee sub-

mit that the State has waived the forfeiture, if any ever existed; that she did so expressly through her Legislature by an act passed October 8, 1866; that she did so by the convention that framed the constitution, by a declaration passed January 9, 1869; that she seeks through the Legislature, in the bill under consideration, to again declare that she waives any and all forfeitures of this company's charter.

It is believed by a majority of your committee that there is no constitutional inhibition against the Legislature relieving incorporations against acts of forfeiture which they may have committed, especially when such acts of forfeiture affect only the State. Your committee are unable to arrive at the conclusion that section six of article ten of the State constitution contains any such inhibition. Whatever may be the true interpretation of that section of the constitution in its application to grants of land hereafter to be made by the State, it is not believed that it can be so construed as to prohibit the Legislature from relieving from or waiving acts of forfeiture committed by incorporations. Such legislative enactments do not make grants of land—they only relieve from or waive acts of forfeiture. The grants of lands and corporate rights in such cases had already been granted by antecedent existing laws.

An act of the Legislature making a grant of land is believed to be a very different thing from an act waiving a forfeiture of land. In the former case the grant, the right to the land, has its origin in the act, is created by the act, and dates from the time the act goes into effect; in the latter case the land had been already granted by and under pre-existing law, and the legislative act only waives any forfeiture of the land that might exist, and which might enure to the benefit of the State, if she did not see proper to waive it. It is not believed that such a waiver of forfeiture can, in any just sense, be held to be a grant of land.

But a majority of your committee propose to consider this section of the Constitution further, in its application to the provisions of this bill. The section is as follows:

“The Legislature shall not hereafter grant lands to any person or persons; nor shall any certificate for land be sold at the Land Office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres.” What does this section mean? and to what does it apply? Does it apply to the relief sought to be given by this bill? The convention that framed the constitution, passed or adopted a declaration “For the relief of the Eastern Texas Railroad Company.” Section one of said declaration provides, among other things, as follows: “Be it declared by the people of Texas, in convention assembled, that the time within which the

Eastern Texas Railroad Company are required to construct and put in running order fifty miles of their said road; be, and the same is hereby extended until the first day of January, A. D. 1871, and all the rights, privileges and immunities conferred upon said Eastern Texas Railroad Company by the original act of incorporation of the same, and the subsequent acts amendatory thereof, and for the relief of said company be, and the same are hereby renewed and revived in favor of said company." If section six, of article ten of the constitution had contained a provision, that nothing in section six should be so construed as to deprive the Eastern Texas Railroad Company of the benefits of the railroad land grants, or to prohibit the Legislature from granting it any relief it might otherwise have granted, no one would then insist that this section stood in the way of this company's obtaining the renewal of its charter and the railroad land grants. But while the convention that framed the constitution, did not incorporate into section six such a proviso, that body did, it is submitted, in effect, explicitly declare in the declaration above quoted, that section six, of article ten of this constitution, was not to be so construed as to deprive the Eastern Texas Railroad Company of a renewal of its charter, and of the benefits of the railroad State aid land grants. And whether the declaration from which the above extract is quoted may, or may not be valid or subsisting law, it nevertheless throws, it is submitted, explicit light upon the effect intended by the framers of the constitution, to be given to section six. The framers of the constitution declare, in a solemn declaration, made simultaneously with the framing of the constitution, that the Eastern Texas Railroad Company shall have a renewal of its charter, and the full benefits of the railroad State land grants, notwithstanding section six of article ten of the constitution. Is not this, in effect, explicitly declaring that section six of article ten was not intended to operate, and should not be so construed, as to deprive this company of a renewal of its charter, and of the benefits of the land grants?

How then can it be held that section six deprives, or was intended to deprive this company of the privilege of having its charter renewed, and of the benefits of the railroad land grants, when the framers of the constitution, at the very time that they frame the constitution, expressly declare that this company shall have these benefits?

The true interpretation, it is submitted, is that section six was intended to operate as a future rule; and certainly it cannot operate upon things that the framers of the constitution declare it shall not operate upon.

It will be remembered that the convention declared in express

terms that the charter of this company should be renewed, and that it should be entitled to the benefits of the railroad State land grants. The act under consideration adopts this declaration of the convention, and ratifies and confirms what the convention declared should be done. Is it unconstitutional for the Legislature to ratify and confirm what the convention, when it framed the constitution, declared should be done? Under what principle of constitutional law can it be held that such a legislative enactment, with such an object, is unconstitutional?

For the reasons given, a majority of your committee find themselves unable to concur in the opinion expressed by the Governor in his message, that the provisions of this bill are in conflict with section six of article ten of the constitution. Your committee have failed, in their judgment, to discover any well grounded constitutional objections to the bill. They regard it as involving only a great question of public policy, and one that commends itself to the country. They, therefore, report the bill, together with the message of the Governor, back to the Senate, and recommend that the Senate, on reconsideration, do pass the bill notwithstanding the objections of the Governor.

E. B. PICKETT,
THOS. H. BAKER,
D. W. COLE,
J. G. BELL.

Minority report of Select Committee on the veto message :

The Eastern Texas Railroad Company was chartered January --, 1860. Section nineteen of said charter declares, "that when this company shall have equipped and completed, and in good running order, at least fifty miles of their road, within two years' time from the following July, and fifty additional miles every subsequent two years, said company shall then be entitled to the benefits of an act approved January 30, 1854, conferring a land grant of — sections to each and every mile of road," and also to the further "benefits of a loan from the special school fund amounting to ——— the said dollars per mile, approved August 13, 1856." The memorial prefixed to said Eastern Texas Railroad Company's bill, now before this body, states the fact "that in the year 1860 and 1861 twenty-five miles of said road were, according to its charter, put in running order, and that some thirty miles more of the line of said road were already graded, when the then acting Governor of Texas seized, appropriated and held the same until the close of the war," say to 1865. All the rights, immunities, privileges, etc., accruing to said company under this charter were of course forfeited. Notwithstanding, on the eighth of October, 1866, the Legislature of the State of

Texas confirmed the land grant of sixteen sections to the mile for the twenty-five miles of road already constructed, and confirmed the same grant of land per mile to each section of the road of twenty-five miles (instead of fifty), which should be constructed and put in running order as provided for by the charter. But it is a grave question whether the present constitution does not entirely inhibit that species of legislation by this Legislature, viz: of 1866. But aside from the validity of this relief, attempted to be granted by the Legislature, no work was done in the way of extending this road up to this time. We next find the representatives of this same road applying to the Convention of 1868 and 1869. On the fifteenth January, 1869, a declaration passed the Convention extending the time of completing fifty miles of said Eastern Texas Railroad Company to January 1, 1871, and conferring upon said company anew all the rights immunities and privileges of its original act of incorporation. The validity of this species of legislation by the Convention, is even more doubtful than the enactments of the Legislature of 1866. Besides, it is a fact worthy of note that, neither under the enactment of 1866, nor under this declaration, do we find this company able or willing to commence again active operations upon the road. In the meantime the Convention of 1868 and 1869. completes its labors, and proposes to the people a constitution which has been adopted. and under whose authority this present Legislature is now acting; and now again this E. T. R. R. Co., appears by its President and asks—what? Not that the time during the war shall not be allowed to run against said company—not that the time from the close of the war, 1865, to the present time, shall not be allowed to be counted against the company on account of any doubt as to the validity of the enactments in its favor by the Legislature of 1866. Or on account of the validity of any declaration in its favor made and passed by the Convention of 1868-69. There is no denial made of an entire forfeiture of all the rights, immunities and privileges of the original act of incorporation. There is no plea, nor could any be set up, of vested rights, for they were all contingent; but the demand is made that the declaration of the late Constitutional Convention for the relief of the E. T. R. R. Co., be and the same is hereby confirmed and amended, so as to confer upon said E. T. R. R. Co., all the rights, privileges and immunities conferred upon said company by the original act of incorporation; and that said act and amendatory acts be and the same are hereby *renewed* and *revived*. This, we submit, is tantamount to a new charter; at the same time it seeks to retain grants declared to be inconsistent with the new constitution. It was argued, when the bill was before the Senate, that the controversy, viz: whether corporations could re-

ceive grants which the constitution expressly denied to a person or persons, properly belonged to the courts? This view of the case seems plausible, but is, perhaps, specious. This course in the Legislature would intimate either first, a want of due reflection upon the subject matter of legislation; or, second, an attempt to forestall the action of the courts, by forcing a particular interpretation of the constitutional clause in question. We certainly appreciate railroads, and acknowledge that, as a means of civilization, their power has no equal. We would be glad that all our public domain could be granted to railroad companies who *would build* roads. Indeed we are of the opinion that alternate sections could be *sold*, and, if necessary, at a mere nominal price to secure roads; but we cannot agree with the majority of this committee to recommend the *revival* and *renewal* of the rights etc., of the original act of incorporation of this railroad company. Indeed, if this company be *revived* and *renewed*, then all the old forfeited charters which our present constitution seeks to dismiss from the docket of legislation, in justice might and ought to be *revived* and *renewed*. We are for a new system of railroading in this State. The constitution evidently contemplates a new era. Capitalists and live companies are watching the course of events here, but neither will invest until they are assured of hearty co-operation by the people, and a sound basis for future investment. For the above recited reasons, and especially those adduced in the veto message, we feel compelled to withhold our assent to the report made and subscribed to by a majority of this select committee, and would most respectfully present the above minority report, and ask that the same be spread upon the minutes of journal.

E. PETTIT.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 20, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to wit:

Isaac B. McFarland for Judge Twenty-ninth Judicial District.

John Courtad for Director of the Penitentiary.

Respectfully,

EDMUND J. DAVIS,

Governor.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 68, "An Act reviving the act incorporating the Galveston Dry Dock Company, and

the subsequent laws in relation thereto, approved February 16, 1855, February 7, 1853, February 8, 1858."

House bill No. 183, "An Act legalizing a special tax levied by military order."

House No. 7, "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases."

Senate joint resolution No. 10, concerning the supreme court libraries at Tyler and Galveston.

Bills and resolutions:

By Senator Hertzberg: "An Act to be entitled an act to amend an act to incorporate the Alamo Fire Association of San Antonio, Texas."

Read first time and referred to Committee on Judiciary.

On motion of Senator Dohoney the rules were suspended to take up House bill No. 386, "An Act providing for the payment of the outstanding indebtedness of the several counties."

Bill read first time.

Rules suspended and bill read second time.

And, on motion of Senator Priest, it was referred to Committee on Judiciary, with instructions to report to-morrow.

Special order:

The hour for special order having arrived, to wit: Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas," bill was read second time.

And, on motion of Senator Priest, the bill with all other bills relating to the same matter, was referred to a special committee with instructions to report on Tuesday next at 11 A. M., and made special order for that hour.

The Chair appointed the following named Senators on said committee: Priest, Dohoney, Douglas, Broughton and Ford.

On motion of Senator Ruby the rules were suspended to take up Senate bill No. 55, "An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and define the powers thereof."

Returned by the House with amendments.

House amendments to Senate bill 55:

Section six, strike out the word "eight" and insert in lieu thereof the word "four."

Section seven, add at the end thereof, "provided that the Governor shall appoint a district attorney for said court, who shall hold his office until the next general election."

Section nine, in line one, strike out the words "there shall be appointed by said judge," and insert in lieu thereof the words, "there

shall be appointed by the Governor ;" and in line six insert the word "Governor" in lieu of the word "judge."

On motion of Senator Ruby the amendments were adopted.

Rules further suspended, read third time and passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 188, entitled "An Act granting certain real estate to the city of Austin," and also Senate bill No. 253, entitled "An Act to organize the county of Presidio," and to-day at 11 o'clock and 40 minutes A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,

Chairman.

Under direction of the President the Secretary was instructed to inform the House the Senate had concurred in House amendments to Senate bill No. 55, "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

On motion of Senator Parsons, the rules were suspended to take up House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

Bill read third time.

Yeas and nays taken :

Yeas--Mr. President, Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--16.

Nays--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon--11.

Absent--Pridgen.

Bill passed.

Under direction of the President, the Secretary carried to the House with amendments of Senate, House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Senator Parsons moved a reconsideration of the vote taken on House bill No. 405, and to lay the motion to reconsider upon the table.

Yeas and nays taken :

Yeas--Mr. President, Baker, Bell, Flanagan, Ford, Fountain,

Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Rawson—11.

Absent—Pridgen.

Carried.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

On motion of Senator Pickett the rules were suspended to take up Senate bill No. 59, "An Act to incorporate the Sabine and Neches Mutual Insurance Company, of Sabine Pass."

Bill read second time. On further motion, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Nays—None.

Absent—Gaines.

Bill passed.

Under direction of the President, the Secretary carried to the House, with action of the Senate, Senate bill No. 65, "An Act to incorporate the Austin City Ice Company."

Also, Senate bill No. 26, "An Act to incorporate the Texas Military Institute"

On motion of Senator Parsons, the Senate went into executive session.

IN SENATE.

On motion of Senator Cole, the Senate adjourned until eight o'clock, P. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 20, 1870.

EVENING SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

On motion of Senator Fountain the rules were suspended to take up House bill No. 371, "An Act to authorize John G. Blankenship to erect a toll bridge over Tehuacana Creek, in the county of McLennan, Texas."

Bill read first time, and on further motion the rules were suspended and bill read second time; and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon--24.

Absent--Pridgen, Saylor--2.

Excused--Clark, Bowers--2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up Senate bill No. 90, "An Act to incorporate the Sabine and Neches river and Pine Island Bayou Internal Improvement Company."

Bill read third time.

Yeas and nays taken on final passage.

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Shannon--24.

Nays--Priest.

Absent--Saylor.

Excused--Bowers, Clark.

Bill passed.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 106, a bill to be entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of "The Western Texas and Pacific Railway Company."

Bill read third time.

Senator Priest offered the following amendment :

Amend by striking out section four entire, and insert :

Section 4. That nothing in this act shall be so construed as to grant, or revive a grant to any of the public lands of this State, which has been heretofore forfeited by a non compliance of said railroad companies, or either of them, with the terms and conditions of the charter.

Yeas and nays taken :

Yeas—Ford, Gaines, Hall, Hertzberg, Latimer, Pettit, Priest—7.

Nays—Messrs. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Absent—Bowers, Clark—2.

Amendment lost.

Senator Flanagan moved the final passage of the bill.

Yeas and nays taken.

Yeas—Messrs. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Gaines, Hall, Pettit, Priest—4.

Absent—Bowers, Broughton, Clark—3.

Bill passed.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 145, "An Act to incorporate the Railroad Real Estate Building and Saving Association of Texas."

On motion of Senator Mills the amendments offered by the committee were adopted, and bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken :

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—None.

Absent—Bowers, Clark, Cole, Evans, Latimer—5.

Bill passed.

On motion of Senator Douglas the rules were suspended to take up Senate bill No. 244, entitled "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville high school.

Report of Committee read and adopted.

Substitute, as reported, adopted, bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Senator Hall moved a call of the Senate.

Call sustained.

Roll called; quorum present.

On motion of Senator Hall the call of the Senate was suspended.

The question recurring upon the passage of Senate bill No. 244, the bill passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 322, "An Act to incorporate the Red River County, Texas Agricultural and Mechanical Association."

Bill read first time, rules suspended, bill read second time; rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Boughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--25.

Nays--None.

Absent--Bowers, Clark, Latimer--3.

Bill passed.

On motion of Senator Priest, the rules were suspended to take up House bill No. 19, entitled "An Act to incorporate Pennington College.

Bill read first time.

Rules suspended, bill read second time, and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Absent--Mills, Broughton--2.

Excused--Bowers, Clark, Latimer, Gaines--4.

Bill passed,

On motion of Senator Priest, the rules were suspended to take up House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas.

Bill read first time, rules suspended and bill read second time, and on further motion the rules were suspended and bill read third time and passed.

On motion of Senator Flanagan the rules were suspended to take

up Senate Bill No. 169, "An Act to incorporate the Comal Sanitary Association."

Bill read second time, and passed to be engrossed.

And on further motion the rules were suspended. Bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Absent—Bowers, Clark, excused—2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," with House amendments.

House amendments to Senate Bill No. 14, strike out the name of "J. A. Bridgeland."

Amend section three, line five, after the word "bridge," insert "except railroad bridges."

On motion of Senator Flanagan the Senate concurred in the House amendments.

Senator Hall moved the Senate take up the business on the Speaker's table. Carried.

Senator Flanagan moved the Senate adjourn.

Yeas and nays taken:

Yeas—Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Rawson, Shannon—11.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Priest, Ruby, Saylor—13.

Excused—Senators Bowers, Clark, Latimer, Gaines—4.

Senate refused to adjourn.

[General File.]

Senate bill No. 255.

Senator Flanagan moved a call of the Senate. Call sustained.

Roll called.

Absent—Senators Bowers, Clark, Latimer, Gaines—4.

On motion of Senator Ruby the call of the Senate was suspended.

Senator Fountain moved that Senate bill No. 255, "An Act creating the office of State engineer and general superintendent of public works and the duties thereof," be made the special order for Friday at 10½ A. M., and that it be continued from day to day until disposed of. Carried.

Report of Committee on Engrossed Bills:
The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 186, "To incorporate a Bank of Discount and Deposit at Navasota, Texas"; also, Senate bill No. 196, "To incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same"; also, Senate bill No. 23, "To carry into execution the judgments and decrees of the late county courts, and to perfect the unfinished business of the same"; also Senate bill No. 201, "To prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy," and Senate bill No. 202, "Authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settler's claims of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

On motion of Senator Ruby the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 21, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain.

Pending reading of the journal, on motion of Senator Pyle the further reading of the journals were dispensed with.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas;" House bill No. 19, entitled "An Act to incorporate Pennington College;" House bill No. 322, "An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association;" House bill No. 371, "An Act to authorize John G. Blankenship to erect a toll bridge over Tehuacana creek, in the county of McLennan, Texas;" also, Senate bill No. 202, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims, of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre;" Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male

and Female Academy;" substitute for Senate bill No. 23, "An Act to carry into execution the judgments and decrees of the late county courts, and to perfect the unfinished business of the same;" Senate bill No. 196, "An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same;" Senate bill No. 186, "An Act to incorporate a Bank of Discount and Deposit at Navasota, Texas."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 386, entitled "An Act providing for the payment of the outstanding indebtedness of the several counties," have carefully considered the same, and instruct me to report it back to the Senate with accompanying amendment, and respectfully recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend section one, line three, by striking out after the word "authorized," the words "and required," and insert in lieu thereof the words "at their discretion."

On motion of Senator Priest the rules were suspended to consider the report.

Report and amendments read and adopted.

Rules suspended and bill as amended read first time; rules suspended and bill read second time; rules suspended and bill read third time and passed.

On motion of Senator Fountain two hundred and fifty copies of House bill 386 were ordered to be printed.

Secretary carried House bill 386 to the House with the action of the Senate.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 265, entitled "An Act to incorporate the city of Paris, Texas,"

have carefully considered the same, and instruct me to report it back to the Senate with accompanying amendments, and recommend that it do pass.

M. PRIEST,

Chairman of Committee.

Amend by striking out section two and insert in lieu thereof the following language, to wit:

SEC. 2. The Governor shall, within sixty days from the passage of this act, appoint a mayor, six councilmen and a marshal, who shall reside within the corporate limits of said city, all of whom, except the marshal, shall be freeholders in said city; and who shall hold their respective offices until the next general election, and until their successors are elected and qualified. At the first general election provided for by the laws of the State for members of the Legislature, and every two years thereafter the aforesaid officers shall be elected by the qualified registered voters residing within the corporate limits of said city.

Amend section three, line three, by inserting after the word "judgment" the words "and the oath required by the constitution of the State."

Amend section nine by striking out in lines six and seven the following words: "both the mayor and the councilmen shall be exempt from military duty and from service as jurors and overseers of the poor."

Laid over under the rules.

On motion of Senator Fountain the rules were suspended to take up House bill No. 323, "An Act to incorporate the Bayou City Bank."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Lattimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—None.

Absent—Bowers, Broughton, Hall—3.

Bill passed.

Under direction of the President the Secretary carried to the House with action of the Senate, House bill No. 323, "An Act to incorporate the Bayou City Bank."

BILLS.

By leave Senator Mills introduced a bill entitled "An Act to incorporate the Austin Gas Light Company."

Read first time and referred to Committee on Judiciary.

Message from the House informing the Senate the House had passed House bill No. 147, "An Act to encourage stock raising, and for the protection of stock raisers," House bill No. 410, "An Act to create the county of Delta," House bill No. 407, "An Act to provide for the salary and fees of district attorneys," House bill No. 437, "An Act authorizing district clerks to take proof or acknowledgments of all instruments of writing for record."

Special Message from the Governor, by his Private Secretary.

EXECUTIVE OFFICE,
Austin, July 21, 1870.

To the Honorable Senate of the State of Texas,

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:

Daniel D. Claiborne for judge of the district court for the seventeenth district.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Message from the House informing the Senate the Speaker had signed in open session enrolled bill "An Act legalizing a special tax levied by military order," also enrolled bill "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases. Thereupon they were signed by the President and returned to the House."

Under direction of the President the Secretary carried to the House for signature of the Speaker enrolled bill "An Act to incorporate the City Bank of Houston."

On motion of Senator Saylor the rules were suspended to take up House Bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

Bill read first time; rules suspended and bill read second time; and, on motion of Senator Mills, was made special order for Wednesday at 11:30 A. M.

Special order: On motion of Senator Parsons the consideration of the Governor's veto on Senate bill No. 94 "An Act to expedite the construction of the Southern Pacific Railroad," was postponed, and made special order for to-morrow at 10:30 A. M.

On motion of Senator Pridgen the rules were suspended to take

up House bill No. 146, "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866.

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time and passed.

Senator Saylor offered the following resolution:

Resolved, That A. J. Fountain, Senator from the thirtieth district, be and he is hereby granted leave of absence for the balance of the present session, said leave of absence to date from August 1, 1870.

Adopted.

On motion of Senator Dohoney the rules were suspended to take up Senate bill No. 191, "An Act to incorporate the North Texas Railroad Company."

Senator Bell moved to amend by striking out section ten.

Yeas and nays taken.

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Shannon—21.

Nays—Mr. President, Dohoney, Flanagan, Latimer—4.

Absent—Pyle, Saylor and Mills—3.

Amendment adopted.

Pending the amendment of bill,

Under direction of the President the Secretary carried to the House, House bill No. 146, "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866."

Rules suspended. Senate bill No. 191 read second time, passed to engrossment, and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon—24.

Nays—Hall, Priest, Rawson—3.

Absent—Latimer.

Bill passed.

Message from the House informing the Senate the House had passed Senate bill No. 202, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims of one hundred and sixty acres of land each on payment of a usual office fees and fifty cents per acre."

On motion of Senator Ford the rules were suspended to take up

Senate bill No. 82, "An Act entitled an act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of 'An Act to incorporate the Waco Tap Railroad Company.'"

Senator Ford offered the following amendment:

Amend section thirteen, line five, by striking out the word "ten" and insert "fifteen." Adopted.

Senator Ford offered the following amendment:

Amend section twenty by striking out all of the section after the word "act," in line two, and insert in lieu thereof, "shall take effect from and after its passage and continue in force fifty years."

Adopted.

Senator Ford moved the engrossment of the bill. Carried.

Rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—26.

Nays—None.

Absent—Mills, Shannon—2.

Bills passed:

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 119, "An Act to incorporate the New Anhold Manufacturing Company of Burleson county, Texas."

Bill read second time and passed to engrossment; and on further motion the rules were suspended and bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Saylor, Shannon—26.

Nays—None.

Absent—Hall, Ruby—2.

Bill passed.

Under direction of the President the Secretary informed the House the Senate had concurred in House amendment to Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company."

On motion of Senator Fountain the Senate went into executive session.

IN SENATE.

The Secretary was instructed to inform his Excellency the Governor that the Senate, in executive session, had advised and consented

to the appointment of John Cou had for director of penitentiary:

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 21, 1870:

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 17, entitled "An Act to incorporate the City Bank of Houston," and to-day at 12 o'clock and twenty-five minutes, P. M., presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report of Committee on Engrossment:

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate joint resolution No. 10, "concerning the supreme court libraries at Tyler and Galveston," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL

On motion of Senator Flanagan the Senate adjourned to 10 o'clock to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, July 22, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected and approved, as follows: Senate bill No. 191, "An Act to incorporate the North Texas Railroad Company," amend section six, line two, by striking out "fifty" and inserting in lieu thereof "one hundred."

Message from the House by Chief Clerk: House bill No. 441, "An Act for the permanent location of the county seat of Refugio county;" House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio;" House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston, Texas;" House bill No. 86, "An Act to incorporate the town of Canton, in Van Zandt county;" House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named;" House bill No. 53, "An Act to incorporate the Jefferson Insurance, Savings and Exchange Company;" House bill No. 51, "An Act to incorporate the town of Bonham, in Fannin county;" House bill No. 46, "An Act to incorporate the Powell Bridge Company, in Navarro county;" House bill No. 24, "An Act to authorize John Ferrill and J. J. T. Wright to keep a ferry on Big Cypress Bayou;" House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas;" House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston;" House bill No. 49, "An Act to authorize B. P. Riddle and James Blackburn to erect a toll bridge on Neches river;" also, that the Speaker had signed, in open session, enrolled bill, "An Act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto, approved February 16, 1852, February 7, 1853, and February 8, 1858;" enrolled bill, "An Act to prescribe the time of the annual meeting of the Legislature;" enrolled bill, "An Act legalizing the acts of the Police Court of Coliad county in acting under the acts of the Legislature of 1866," whereupon they were signed by the President and returned to the House.

Message from the House informing the Senate the Speaker had appointed a committee of five to draft a suitable school bill, and asked the appointment of a like committee on the part of the Senate.

Petition by Senator Ruby: Petition of members of the bar and citizens of Galveston, praying that the Legislature define the powers and duties of district clerks in probate matters, and for relief.
Read and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Report from Committee on Engrossment:

COMMITTEE ROOM,
Austin, July 22, 1870.

To Hon. DON CAMPBELL,

President of the Senate.

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 139, "to incorporate the Harrison County Agricultural and Mechanical Association," also Senate bill No. 169, "to incorporate the Comal Cemetery Association," also Senate bill No. 258, "to authorize clerks of the district courts, their deputies, and notaries public to take acknowledgements of deeds and other written instruments," and Senate bill No. 200, "to authorize county courts to levy a road tax, and to improve roads and bridges," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred House bill No. 293, entitled "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands," have carefully considered the same and instruct me to report it back to the Senate with the recommendation that it do not pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 160, entitled "An Act amendatory of and supplementary to an act entitled 'An Act to incorporate the Young Men's Real Estate

and Building Association of Houston," have carefully considered the same, and I am instructed to report it back to the Senate with accompanying amendment, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend by striking out all of section two.

Laid over under the rules.

Special order:

The hour for special order having arrived for consideration of the Governor's veto on Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

Pending discussion,

The hour having arrived for the consideration of special order, House bill No. 169, on motion of Senator Bowers, it was made the special order for Monday, July 25, at eleven o'clock A. M.

Pending discussion,

On motion of Senator Priest, the Senate took a recess for ten minutes.

IN SENATE, 12:30 P. M.

Quorum present.

Pending discussion,

On motion of Senator Flanagan, the Senate adjourned to ten o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 23, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent—Bewers, Broughton, Cole, Deuglas, Evans.
Journal of yesterday read and approved.

REPORT OF STANDING COMMITTEES.

Report of Committee on Counties and County Boundaries:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 246, entitled "An Act creating the county of San Jacinto, and naming the county site thereof," have given the same due consideration, and do hereby return the bill and petition with accompanying amendment and recommend its passage.

J. G. BELL,

Chairman of Committee.

Amend by striking out section three, and inserting the following:

Section 3. That the Governor be, and he is hereby authorized and empowered to appoint county officers, such as other counties have under the laws of this State, for said county of San Jacinto; and that said officers shall hold their offices until the next general election for county officers in this State.

Laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 178, entitled "An Act to incorporate the San Antonio Shooting Company," and Senate bill No. 208, entitled "An Act to incorporate the Gymnastic Association of New Braunfels," have had the same under consideration, and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST.

Chairman of Committee.

On motion of Senator Hertzberg the rules were suspended to consider the report.

Report read and adopted.

Senate bill No. 178 read second time and passed to engrossment.

And, on motion of Senator Priest, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Bell, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor Shannon--22.

Nays--None.

Absent--Baker, Bowers, Broughton, Douglas, Evans, Gaines--6.

Bill passed.

Senate bill No. 208 read second time.

Senator Bell offered the following amendment :

Strike out section three.

Adopted.

On motion of Senator Bell it passed to engrossment; and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Baker, Bell, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Nays--None.

Absent--Bowers, Broughton, Douglas, Evans, Gaines, Parsons--6.

Bill passed.

Report of Committee on Engrossment :

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Engrossed bills having examined and compared Senate bill No. 90, "to incorporate the Sabine and Neches Rivers and Pine Island Bayou Internal Improvement Companies;" also, Senate bill No. 59, "to incorporate the Sabine and Neches Mutual Insurance Company," and Senate bill No. 145, "to incorporate the Railroad, Real Estate, Building and Savings Associations of Texas," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 55, entitled, "An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," and Senate bill No. 202, entitled, "An Act authorizing and requiring the Commissioner of General Land Office to issue patents on claims of one hundred and sixty acres of land, each, on payment of usual office fees, and fifty cents per acre," and to-day at 12 M. presented them to the Governor for his approval.

B. J. PRIDGEN,

Chairman.

Message from the House informing the Senate of the action of the House in the Senate amendments to House bill 254, refusing to concur in the amendment striking out the name of Geo. P. Buell.

Senator Dohoney moved to suspend the rules to consider the message from the House.

Rules suspended.

Senator Dohoney moved the Senate recede from its action in striking out the name of George P. Buell.

Yeas and nays taken :

Yeas—Mr. President, Baker, Broughton, Dohoney, Evans, Ford, Fountain, Gaines, Hall, Latimer, Pettit, Priest, Ruby, Saylor, Shannon—15.

Nays—Bell, Bowers, Clark, Douglas, Flanagan, Mills, Parsons, Pickett, Pridgen, Pyle Rawson—11.

Absent—Cole, Hertzberg—2.

Carried.

The Secretary informed the House that the Senate concurred in their action in House bill No. 254.

Message from the House with its action :

House bill No. 260, "An Act to incorporate the town of Gatesville, in Coryell county, Texas."

House bill No. 331, "An Act to incorporate the Liberty County, Texas, Agricultural, Mechanical and Blood Stock Association."

House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

House bill No. 414, "An Act to incorporate the town of Rockport, in Refugio county."

House bill No. 436, "An Act for the relief of John W. High, of the county of Houston."

House bill No. 439, "An Act to authorize the police court of Karnes county to levy and collect a special tax for the purpose of completing the courthouse and jail now in process of construction in said county."

House bill No. 368, "An Act to incorporate the Sabine Valley Agricultural and Mechanical Association."

Under direction of the President the Secretary carried to the House, with the action of the Senate, Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Senate bill No. 169, "An Act to incorporate the Comal Cemetery Association."

Senate bill No. 200, "An Act to authorize county courts to levy a road tax, and to improve roads and bridges."

Senate bill No. 258, "An Act to authorize clerks of the district courts, their deputies, and notaries public, to take acknowledgments of deeds and other written instruments."

Also enrolled bill (Senate bill 202) "An Act authorizing the Commissioner of the General Land Office to issue patents on certain settlers' claims of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre."

Enrolled, (Senate bill No. 55) "An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

BILLS.

By Senator Priest: A bill to be entitled "An Act to provide that certified copies of written documents filed in any of the State departments shall be admitted in evidence."

Read first time, rules suspended, bill read second time, passed to engrossment. On motion the rules were further suspended and the bill read third time and passed.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill 221, "An Act to incorporate the Savings and Trust Company of Texas."

Rules suspended, bill read second time and passed to engrossment.

On motion of Senator Ruby the rules were further suspended, bill read third time and passed.

Yeas and nays on final passage were as follows:

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertz-

berg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—None.

Absent—Cole, Evans, Mills—3.

UNFINISHED BUSINESS.

The President announced the business before the Senate to be the Governor's veto message on Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

Pending discussion message from the House informing the Senate that the Speaker had signed in open session enrolled Senate bill No. 202, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims, etc."

Also enrolled Senate bill No. 55, "An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," whereupon they were signed by the President.

Also that the House had passed Senate bill No. 75, "An Act for the relief of the heirs of General Sam Houston, deceased."

Also Senate bill No. 3, "An Act authorizing Thomas M. Harwood, W. G. Belding, and Charles Mason, of Gonzales county, to construct and build a bridge across the Guadalupe River near the town of Gonzales," informing the Senate the House had rejected the same.

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 23, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to wit:

Charles Fowler, Joseph Barnard, F. W. Hitchcock, W. S. Davis and John Sealy as Pilot Commissioners for the port of Galveston.

Hugh Brosing, Charles B. Gardner, G. T. Ruby and C. Olsson as Notaries Public for Galveston county, Texas.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Under direction of the President, the Secretary carried to the House Senate bill No. 59, "An Act to incorporate the Sabine and Neches Mutual Insurance Company," Senate bill No. 90, "An

Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company," Senate bill No. 145, "An Act to incorporate the Railroad Real Estate Building and Savings Association of Texas."

Pending discussion, on motion of Senator Baker, the further consideration of the subject under debate was postponed until Monday at eleven A. M.

On motion of Senator Mills the Senate adjourned till Monday at ten A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, July 25, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

Absent—Bowers and Rawson.

Journal of Saturday read and approved.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 125, entitled "An Act to amend the ninth section of 'An Act to amend the charter of the town of Goliad,'" have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Pridgen the rules were suspended to consider the report.

Report read and adopted.

Bill read second time and passed to engrossment, and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clarke, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Nays—None.

Absent—Hall.

Bill passed.

Message from the House informing the Senate the House had passed House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

House bill No. 22, "An Act to incorporate and grant a new charter to the town of Georgetown, and repeal 'An Act approved September 26, to incorporate the town of Georgetown, in Williamson county, Texas.'"

House bill No. 457, "An Act for the relief of James L. Lipscomb and John Blair, of Houston county and State of Texas."

House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

House bill No. 428, "An Act to legalize the organization and qualifications of the county officers of Hamilton county, and to legalize the acts of the same."

House bill No. 364, "An Act to incorporate the city of Columbus, and for other purposes."

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 259, entitled "An Act to establish and incorporate the Beneficial Society of Galveston," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Report of Committee on Engrossment :

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 106, "to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the 'Gulf, Western Texas and Pacific Railway Company;'" also Senate bill No. 82, "to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of an act to incorporate the Waco Tap Railroad Company;" also, Senate bill No. 119, "to incorporate the New Anhalt Manufacturing Company;" also, Senate bill no 208, "to incorporate the Gymnastic Association of New Braunfels," and Senate bill No. 284, "to provide that certified copies of written documents, filed in any of the State departments, shall be admitted in evidence in the courts of this State," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

BILLS.

By Senator Campbell: "An Act to incorporate the Marion County Agricultural and Mechanical Association."

Read first time and referred to Committee on Judiciary.

By Senator Baker: "An Act incorporating the Texas Coal and Mining Company."

Read first time, referred to Committee on Internal Improvements.

By Senator Priest: "An Act to authorize the County Court of the county of Cherokee to levy a special tax for the payment of jail expenses."

Read first time.

On motion of Senator Priest the rules were suspended to consider the bill.

Bill read second time and passed to engrossment, and, on further motion, the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Clark, Cole, Donohy, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawsen, Ruby, Saylor Shannon—24.

Nays—None.

Absent—Bowers, Douglas, Latimer, Mills—4.

Bill passed.

By Senator Saylor: A bill entitled "An Act providing for the creation of a normal university, and to provide for the support and maintenance of the same."

Read first time and referred to Committee on Education.

By Senator Baker: "An Act to provide suitable chambers for the Supreme Court."

Read first time and referred to Committee on Public Buildings.

By Senator Pridgen: A bill to be entitled "An Act to incorporate the Beaumont, Galveston and Coast Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Hertzberg: An act to be entitled "An Act to incorporate the San Antonio Meat Extract Company, of the city of San Antonio."

Read first time and referred to Committee on Judiciary.

By Senator Parsons: "An Act to incorporate Waco Female College."

Read first time and referred to Committee on Judiciary.

On motion of Senator Baker the rules were suspended to take up Senate bill 87, "An Act providing for the payment of district at-

torneys *pro tem.*," with the following amendment by the House: Amend section one by inserting after the word "judges," in line four, the words "or the Commanding-General Fifth Military District."

On motion of Senator Pridgen, the Senate concurred in House amendments.

Bill read third time, and passed as amended, and the House informed of the concurrence of the Senate.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 331, "An Act to incorporate the Liberty County Texas Agricultural, Mechanical and Blood Stock Association."

Bill read first time; rules suspended, bill read second time.

Senator Pickett offered the following amendment:

Amend section one by striking out the word "commissioners," and insert "incorporators."

Amendment adopted.

And on further motion the rules were suspended, and bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Dcuglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--26.

Nays none.

Absent--Hall, Mills--2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston, Texas."

Read first time; rules suspended, read second and third times and passed.

Yeas--Mr. President, Bell, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--21.

Nays none.

Absent--Baker, Bowers, Broughton, Gaines, Latimer Mills, Pyle--7.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston."

Bill read first time; rules suspended and bill read second time; and, on motion of Senator Flanagan, the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

S J--53

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Pridgen, Pyle, Rawson, Ruby—22.

Nays none.

Absent—Latimer, Mills, Pettit, Pickett, Saylor, Shannon—6.

Bill passed.

On motion of Senator Bowers the rules were suspended to take up House bill No. 428, "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same."

Read first time and referred to Committee on Judiciary.

The hour having arrived for the consideration of special order (House bill No. 167), on motion of Senator Ruby the special order was postponed and made the special order for to-morrow at 11:30 A. M. and thereafter until disposed of.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe."

Bill read second time.

Senator Priest offered the following amendment:

In lines one and two, section one, strike out the words "Senate and House of Representatives," and insert "Legislature."

Amendment adopted; rules suspended and bill read third time and passed.

On motion of Senator Bowers the rules were suspended to take up House bill No. 260, "An Act to incorporate the town of Gatesville, in Coryell county, Texas."

Bill read first time and referred to Committee on Judiciary.

Under direction of the President the Secretary carried to the House, with action of the Senate, (Senate bill No. 82), "An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of an act to incorporate the Waco Tap Railroad Company."

Senate bill No. 106, "An Act to authorize the consolidation of the Indianola Railroad with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the 'Gulf, Western Texas and Pacific Railway Company.'"

Senate bill No. 208, "An Act to incorporate the Gymnastic Association of New Braunfels."

Senate bill No. 119, "An Act to incorporate the New Anhalt Manufacturing Company."

Senate bill No. 284, "An Act to provide that certified copies of written documents, filed in any of the State departments, shall be admitted in evidence in the courts of this State."

Message from the House informing the Senate the House had concurred in Senate amendments to House bill No. 386.

Also, Senate amendments to House bill No. 139.

Also, that the Speaker had signed in open session enrolled bill, "An Act for the relief of the heirs of General Sam Houston, deceased.

Also, enrolled bill, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," whereupon they were signed by the President.

Special order :

The hour for special order, the consideration of the Governor's veto on Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad."

[Senator Pickett in the chair.]

Pending discussion, Senator Pettit offered the following resolution :

Resolved, That 'the veto message of his Excellency, Governor Davis, upon the bill to expedite the construction of the Southern Pacific Railroad Company be referred to a special committee of five, with instructions to investigate the issues raised, and report Wednesday at 11 A. M.

Yeas—Messrs. President, Gaines, Hall, Pettit, Pickett, Ruby, Saylor—7.

Nays—Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Latimer, Mills, Parsons, Priest, Pridgen, Pyle, Rawson, Shannon—21.

Resolution lost.

[President resumed the chair.]

The question recurring upon the passage of Senate bill No. 94, Senator Parsons moved that, on reconsideration of the vote, the Senate decide to pass the bill.

Yeas and nays taken :

Yeas—Messrs. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Shannon—19.

Nays—Fountain, Gaines, Hall, Hertzberg, Latimer, Pettit, Pickett, Priest, Saylor—9.

Carried.

Bill passed.

Under direction of the President, the Secretary informed the House that the Senate, on reconsideration, had passed Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad Company," vetoed by the Governor, July 18, 1870.

On motion of Senator Fountain the Senate went into executive session.

IN THE SENATE.

Under direction of the President, the Secretary informed his Excellency, the Governor, that the Senate had, in executive session, advised and consented to the following appointments, to-wit: Charles Fowler, W. S. Davis, John Sealy, F. W. Hitchcock, Joseph Bernard, Pilot Commissioners of the Port of Galveston; Daniel D. Claiborne, for Judge of the District Court for the Seventeenth District.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 14, entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bridge Company," and Senate bill No. 75, entitled "An Act for the relief of the heirs of General Sam Houston, deceased," and to-day, at 12 o'clock and twenty-five minutes, presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Special Message from the Governor, by his Private Secretary:

EXECUTIVE DEPARTMENT,
Austin, July 25, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit:

J. M. Onins, for Judge of the District Court for the Twenty-eighth District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Senator Mills moved the Senate stand adjourned till to-morrow at ten o'clock A. M.

Yeas--Baker, Bell, Dohoney, Douglas, Evans, Mills, Pyle, Shannon--8.

Nays--Mr. President, Bowers, Clark, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor--17.

Absent--Flanagan, Broughton, Latimer--3.

Lost.

On motion of Senator Fountain, the rules were suspended to take up House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the Reserve Militia and the organization, arming and equipment of the State Guards."

Report of committee read and adopted.

Senator Fountain offered the following amendment:

Section first, strike out all after the word "frontier."

Carried.

On motion of Senator Fountain, the bill was referred to the Committee on Judiciary with instructions to report on Wednesday, at 10:30 A. M., made the special order for that time.

On motion of Senator Bowers the Senate adjourned,

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 26, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Absent, Douglas, Pickett, Shannon. Prayer by the Chaplain. Journal of yesterday read and approved.

Message from the House informing the Senate the House have passed Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Senate bill No. 101, "An Act for the relief of J. H. Hallanquist."

Senate bill No. 130, "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home."

Also House bill No. 458, "An Act to create the county of Neches."

House bill No. 60, "An Act to incorporate the Agricultural and Mechanical Association of Northeastern Texas."

House bill No. 459, "An Act to incorporate the town of Springfield."

House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

Also enrolled bill "An Act to incorporate the Trans-Continental Railroad Company."

Signed by the President and returned to the House.

PETITION AND MEMORIALS.

By Senator Saylor—Memorial of Mary A. Hale, asking for relief.

Read and referred to Committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Counties and County Boundaries.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your committee on Counties and County Boundaries, to whom was referred Senate bill No. 262, entitled an Act to change the boundary lines of Burleson and Brazos counties, have duly considered the same and hereby return it, recommending its passage.

J. G. BELL, Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 272, entitled "An Act to incorporate the North Texas Manufacturing Company," have had the same under consideration and respectfully report the same back, with the following amendment, and recommend its passage.

Amend by striking out section ten.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your committee on Internal Improvement, to whom was referred Senate bill No. 267, entitled "An Act to Incorporate the Hempstead, Eastern and Western Railway Company," have carefully considered the same, and most respectfully report it back to the Senate with the accompanying amendment, and recommend its passage:

Amend, by stopping at Belleville for three years; provided, the Narrow Gauge is not there at the expiration of that time; then to proceed as in section two to Lagrange.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 238, entitled "An Act to Incorporate the United States and Mexico Railroad Company," have duly considered the same, and most respectfully report herewith a substitute, with the following amendments, and recommend its passage.

Amend, by striking out in section five, line ten, commencing after

the word "etc.," with the word, "all of which shall be exempt from taxation."

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Education :

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee, to whom was referred Senate bill No. 274, entitled "An Act to incorporate Troupe Seminary," also Senate bill 275, entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary," have had the same under consideration, and beg leave to report the following substitutes, and recommend their passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,
Austin, Texas, July 26, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointments, to-wit :

R. E. Borden, for Judge of the District Court for the Second District.

C. T. Garland, for Judge of the District Court for the Seventh District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Report of Committee on Engrossment :

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 138, "To change the name of Anna O. Donnell to Anna Rowe," also Senate bill No. 178, "To incorporate the San Antonio Shooting Company," also Senate bill No. 226, "To incorporate the Navasota, Washington and Brazos Bridge Company," and Senate bill No. 287, "To authorize the county court of the

county of Cherokee to levy a special tax for the payment of jail expenses," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.
E. L. DOHONEY,

BILLS AND RESOLUTIONS.

By Senator Mills: "A bill to incorporate the Navasota Narrow Gauge Railroad Company."

Read first time, and referred to Committee on Internal Improvements.

By Senator Bell: "An Act to legalize the levying and collecting of a special tax in Austin county in accordance with military order No. 41."

Read first time, and referred to Committee on Judiciary.

Also, an act entitled "An Act to regulate the sale of spirituous liquors in the State of Texas."

Read first time, and referred to Committee on Judiciary.

By Senator Baker: A bill to be entitled "An Act declaring that the time between the date of the ordinance of secession, and the acceptance by the Congress of the United States of the Constitution of the State, shall not be counted or reckoned against railroad companies."

Read first time, and referred to Committee on Internal Improvements.

On motion of Senator Ruby the following resolution was called up:

Resolved, That the rules of order of the Senate be and are hereby amended by the following addition to the order of business: After order four, page five, add, "fifth, reading of Senate bills third time; sixth, reading of Senate bills second time; seventh, reading bills from House of Representatives passed to third reading; eighth, reading House of Representatives' bills the second time; ninth, message from House of Representatives."

On motion of Senator Bowers it was referred to a select committee of three.

The Chair appointed on said committee, Senators Bowers, Parsons and Ruby.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 28, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to wit:

Samuel Dodge for Judge of the Criminal District Court of Galveston and Harris counties.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Senator Bell offered the following resolution :

Resolved, That the Sergeant-at-Arms is hereby directed to inform the county authorities of the annoyance of a crazy man who haunts the capitol building day and night, and see that this unfortunate person is taken care of.

Adopted.

[General File.]

Senate bill No. 24, "An Act to make valid the official acts of certain surveyors."

Bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed.

On motion of Senator Dohoney the rules were suspended to take up House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time and passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named."

Bill read first time.

Rules suspended, bill read second and third time and passed.

On motion of Senator Fountain the rules were suspended to take up House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Clarke, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Broughton, Hall, Mills, Pickett—4.

Bill passed.

Message from the House informing the Senate the Speaker had

signed in open session enrolled bill, "An Act to authorize John J. Blenkinship to erect a toll bridge over Tehuacana Creek, in the county of McLennan, Texas."

Enrolled bill, "An Act to incorporate the Bayou City Bank."

Enrolled bill, "An Act to incorporate Pennington College."

Enrolled bill, "An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College, in Trinity county, Texas. whereupon they were signed by the President and returned to the House.

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 98, "An Act for the relief of E. M. Heath and others."

Bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Broughten, Douglas, Latimer, Pickett—4.

Bill passed.

Under direction of the President, the Secretary carried to the House Senate bill No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe;" Senate bill No. 178, "An Act to incorporate the San Antonio Shooting Company;" Senate bill No. 226, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company;" Senate bill No. 287. "An Act to authorize the county court of Cherokee county to levy a special tax for the payment of jail expenses."

Also, House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston;" House bill No. 65, "An Act to incorporate the Gulf Land Company of Galveston;" House bill No. 331, "An Act to incorporate the Liberty County, Texas, Agricultural, Mechanical and Blood Stock Association," with amendments.

On motion of Senator Priest the special committee appointed to draft a school bill was allowed further time.

Senator Flanagan moved the consideration of the Governor's veto on Senate bill No. 11, "An Act for the relief of the East Texas Railroad Company," be made the special order for to-morrow at 11½ A. M.

Carried.

[Senator Flanagan in the chair.]

On motion of Senator Parsons the rules were suspended to take up House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken:

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—25.

Nays—None.

Absent—Mr. President, Hall, Saylor—3.

Bill passed.

Special order:

The hour for special order having arrived, House bill No. 167, entitled "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

Bill read third time.

[President resumed the Chair.]

Senator Pickett offered the following amendment: Strike out all after the fourth section.

Lost.

The question recurring upon the final passage of House bill No. 167, yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Broughton, Clarke, Cole, Gaines, Hall, Latimer, Pickett, Priest—8.

Bill passed.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 164, "An Act to incorporate the Society Los Indisolubles of the city of San Antonio."

House bill No. 64, "An Act to relinquish the title and to confirm the patents to certain lands therein named."

House bill No. 41, "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

House bill No. 432, "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to

Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

On motion of Senator Hall the rules were suspended to take up Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof."

Bill read third time.

On motion of Senator Bowers the Senate went into executive session.

IN SENATE.

[Senator Ruby in the Chair.]

By leave, Senator Parsons introduced "An Act amendatory to an act to expedite the construction of the Southern Pacific Railroad."

Bill read first time.

Rules suspended, bill read second time.

[President resumed the Chair.]

Senator Gaines moved to strike out section four.

Carried.

Passed to engrossment; on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Gaines, Hall, Hertzberg, Priest—4.

Absent—Latimer.

Bill passed.

Senator Fountain offered the following resolution:

Resolved, That J. P. Douglas, Senator from sixth district is hereby granted thirty days' leave of absence to date from August first, proximo.

Adopted.

Senator Bowers moved the Senate adjourn to 10 o'clock A. M. to-morrow.

Yeas and nays taken:

Yeas—Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Gaines, Mills, Pickett—11.

Nays—Mr. President, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Petit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—16.

Absent—Latimer.

Lost.

Senator Fountain moved to adjourn till 8 o'clock P. M.

Yeas and nays taken :

Yeas—Mr. President, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon--16.

Nays--Baker, Bell, Bowers, Broughton, Clark, Cole, Gaines, Mills, Parsons, Pickett, Pridgen--11.

Absent--Latimer.

Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, July 26, 1870.

EVENING SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent—Bowers, Clark, Gaines, Hertzberg, Parsons, Pickett, Rawson.

On motion of Senator Baker the rules were suspended to take up House bill No. 6, "An Act to amend the seventy-first and ninety-second sections of 'An act to regulate proceedings in the district courts,'" approved May 13, 1846.

Read first time and referred to Committee on Judiciary.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 177, "An Act for the relief of Harvey W. Moore."

Bill read first time; rules suspended and bill read second time; rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Pickett, Rawson—8.

Bill passed.

On motion of Senator Broughton the rules were suspended to take up House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

Bill read first time; rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—19.

Nays—Mills.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Rawson, Pickett—8.

Bill passed.

On motion of Senator Shannon, the rules were suspended to take up Senate bill No. 210, "An Act restricting the sale of vinous and

spirituous liquors within the immediate vicinity of Caddo Grove Seminary.

Report of committee and substitute adopted.

Read second time and passed to engrossment.

Rules suspended and bill read third time and passed.

On motion of Senator Flanagan, the rules were suspended to take up Senate bill No. 100, "A bill making an appropriation for the relief of A. H. Cook."

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Parsons, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Hertzberg, Gaines, Latimer, Petit, Pickett, Rawson—8.

Bill passed.

On motion of Senator Fountain, the rules were suspended to take up House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

Read first time.

Rules suspended. Bill read second time.

Senator Fountain offered the following amendment:

Amend section one by inserting in the blank, after the words "margin of the Rio Grande, at the," the word "southeast" before the word "corner."

Adopted.

Rules suspended, bill read third time and passed.

Senator Saylor asked leave to introduce the following bill:

Leave granted.

"An Act appropriating \$1500 for repairs on Treasury buildings."

Read first time, and referred to Committee on Finance.

On motion of Senator Mills the rules were suspended to take up House bill No. 98, "An Act to extend the time for the location of certain land certificates.

Rules suspended, bill read first time; rules suspended, bill read second time, and on motion of Senator Priest, was referred to Committee on Judiciary.

On motion of Senator Broughton the rules were suspended to take up Senate bill No. 272, "An Act to incorporate the North Texas Manufacturing Company," with amendment, striking out section ten.

Report of committee read and adopted; bill read second time.

Senator Pridgen offered the following amendment:

Amend section one, last line, by striking out, after the word "shall," the words "be perpetual," and insert, "exist for thirty years."

Adopted.

Bill as amended passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—None.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Parsons, Pickett, Rawson—8.

Bill passed.

By leave Senator Douglas introduced the following bill:

A bill to be entitled "An Act to incorporate the Belzora Navigation Company."

Read first time and referred to Committee on Internal improvements.

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 262, "An Act to change the boundary line of Burleson and Brazos counties."

Bill read second time and passed to engrossment.

Rules suspended and bill read third time and passed.

On motion of Senator Priest the rules were suspended to take up House bill No. 548, "An Act to create the county of Neches," read first time; rules suspended, bill read second time.

Senator Saylor moved to amend by striking out the word "Neches" of the county wherever it occurs and insert "Lincoln."

Yeas and nays called for:

Yeas—Mr. President, Baker, Ford, Fountain, Hall, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor—11.

Nays—Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Priest, Pyle—9.

Absent—Bowers, Clark, Gaines, Hertzberg, Latimer, Pickett, Rawson, Shannon—8.

Adopted.

Senator Priest moved the bill be referred to Committee on Counties and County Boundaries.

Carried.

On motion of Senator Priest the rules were suspended to take up Senate bill No. 160, "An Act amendatory of and supplementary to

an act to incorporate the Young Men's Real Estate and Building Association of Houston," with amendment:

Strike out section two.

Report of committee and amendment adopted, and bill read the second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken:

Yeas--Mr. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Mills, Parsons, Pettitt, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--20.

Nays--None.

Absent--Bowers, Broughton, Clark, Gaines, Hertzberg, Latimer, Pickett, Rawson--8.

Bill passed.

Senator Pettitt offered the following resolution:

Resolved, That with a view to facilitating the business of the evening sessions, and of affording to Senators equal opportunities of calling up bills, that hereafter the Secretary shall call the names of Senators as they appear upon the roll, and as each Senator's name is called he will be entitled to call up *one* bill. The calling of the roll shall commence every evening where it was left off the preceding evening.

Adopted.

On motion of Senator Baker the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 27, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Priest the reading of the journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary on House bill No. 428 :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your committee on Judiciary, to whom was referred House bill No. 428, entitled "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same," have carefully considered the same, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee. -

On motion of Senator Bowers the rules were suspended to consider the report.

Report adopted.

Bill read first and second times; rules suspended and bill read third time and passed.

Report of Committee on Judiciary on House bill No. 341, with amendments :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was recommitted House bill No. 341, entitled "An Act providing for the issuance and sale of the bonds of the State for certain purposes therein named, and to provide for the payment of the interest thereon, and a sinking fund of two per cent.," have carefully considered the same, and instruct me to report it back with accompanying amendments and recommend that it do pass.

M. PRIEST,

Chairman of Committee.

Amendments to House bill No. 341 :

Amend section one, line three, by striking out the word "eight" and insert in lieu thereof the word "seven."

Add, after the word "semi-annually," in line four, the words "in gold."

Amend section four, line one, by striking out the words, "the Comptroller of the State shall cause to," and insert in lieu thereof the words "there shall."

In section four, line four, strike out the words "to create."

Strike out in line four and five the words "sufficient to pay," and insert in lieu thereof the words "of two per cent. to be applied to the payment of."

Strike out in line five the words "at maturity," and insert in lieu thereof the words "as hereinafter provided."

On motion of Senator Fountain the rules were suspended to consider the report.

Report of committee with amendments adopted.

[Senator Ruby in the chair.]

Pending discussion.

[President resumed the chair.]

Senator Mills offered the following amendment :

Amend section five, in line two, after the word "advantage," "provided, the said bonds shall not be sold at less than par."

Yeas and nays taken :

Yeas—Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Hall, Latimer, Mills, Fridgen, Pyle, Shaanon—15.

Nays—Mr. President, Baker, Broughton, Ford, Fountain, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Absent—Pickett.

Amendment adopted.

Under direction of the President the Secretary carried to the House, House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

House bill No. 177, "An Act for the relief of Harvey W. Moore."

House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces," with amendments.

House bill No. 341.

[Senator Ruby in the Chair.]

Senator Dohoney offered the following amendment : Amend section five, line five, by striking out the words "and a half."

Senator Douglas offered the following amendment to the amendment : Strike out "one per cent." and insert "one-eighth of one per cent." Lost.

The question recurring upon the adoption of the amendment, yeas and nays called for :

Yeas--Baker, Bell, Broughton, Clark, Dohoney, Douglas, Evans, Flanagan, Gaines, Latimer, Mills, Pettit, Pridgen, Shannon--14.

Nays--Mr. President, Bowers, Cole, Ford, Fountain, Hall, Hertzberg, Parsons, Pyle, Rawson, Ruby, Saylor--12.

Absent--Priest, Pickett--2.

Adopted.

Senator Douglas offered the following amendment : Amend section fifth, line one, strike out "Governor" and insert "Comptroller."

Amendment lost.

Bill read second time.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Shannon--21.

Nays--Douglas, Latimer, Saylor--3.

Absent--Hertzberg, Priest, Pickett, Pridgen--4.

Bill passed.

Senator Parsons offered the following resolution :

Resolved, That the Governor of Texas, upon the passage of the Frontier Protection Appropriation bill, be requested at once to organize, and throw in the direction of the head waters of the Colorado and Brazos rivers, the companies of the frontier regiments authorized by law, as fast as organized, in order to meet the Indian invasion now upon our people.

Adopted.

Under direction of the President, the Secretary carried to the House for signature of the Speaker, enrolled Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Enrolled Senate bill No. 87, "An Act providing for the payment of District Attorneys, *pro tem*."

Enrolled Senate bill No. 101, "An Act for the relief of J. H. Hallonquist."

They were signed by the Speaker in open session and returned to the Senate, and thereupon signed by the President.

Message from the House informing the Senate the House had passed House bill No. 463, "An Act for the relief of John B. Craig, deceased."

House bill No. 455, "An Act to repeal an Act entitled an Act

regulating contracts for Labor." Approved November 1, 1866.

House bill No. 376, "An Act for the relief of Andrew J. Nichols."

House bill No. 394, "An Act to incorporate Salter's Commercial Literary College."

House bill No. 317, "An Act supplementary to the Act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company, and to the other special acts relating to said Company."

House bill No. 294, "An Act to incorporate the Western Narrow Gauge Railway Company."

House bill No. 200, "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company—Southern branch."

House bill No. 135, "An Act to incorporate the Waco Insurance Company."

House bill No. 127, "An Act to repeal an act entitled 'an act to amend articles 756 and 767 of an act to establish a penal code for the State of Texas,' approved November 12, 1866."

House bill No. 107, "An Act repealing an act entitled 'an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentices,' approved October 27, 1866."

Also, the Speaker had signed in open session enrolled bill "An Act to relinquish the titles and to confirm the patents to certain lands therein named."

Enrolled bill "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Enrolled bill "An Act providing for the payment of the outstanding indebtedness of the several counties," whereupon they were signed by the President.

Special order—The hour for special order, the consideration of House bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

Bill read third time.

[Senator Ruby in the Chair.]

Yeas and nays taken on final passage of bill.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Gaines, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Hall, Hertzberg, Priest—3.

Absent—Douglas, Ford, Pickett, Fountain—4.

Bill passed and sent to the House.

Message from the House informing the Senate the House had concurred in the following Senate amendments to House bill No. 352:

Amend section one by inserting in the "blank" after the words

“margin of the Rio Grande at the” the words “southeast” before the word “corner.”

Senate amendments to House bill No. 331 : amend section one by striking out the words “commissioners” and insert “incorporators.”

Under direction of the President, the Secretary carried to the House House bill No. 341, “An Act providing for the issuance and sale of the bonds of the Stat for certain purposes therein named.”

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,

Austin, Texas, July 27, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointments, to wit :

C. H. Alexander, Westley Garner, H. C. Smith, William Harris and Edward Fink for Pilot Commissioners at Sabine Pass, Texas.

Respectfully,

EDMUND J. DAVIS,

Governor.

Senator Flanagan rose to a question of Privilege and asked that the consideration of the Governor's veto on Senate bill No. 11, “An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated,” be taken up.

Granted.

Report of majority and minority committee read.

Senator Parsons moved that on reconsideration the Senate pass Senate bill No. 11.

The Chair put the question “Shall the Senate on reconsideration of the vote, pass the bill over the Governor's veto?”

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Shannon—19.

Nays—Fountain, Gaines, Hall, Hertzberg, Priest, Ruby, Saylor—7.

Absent—Pettit, Pickett—2.

Bill passed.

Report of Committee on Enrolled Bills :

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 87, entitled “An Act providing for the payment of district attorneys *pro tem.* ;” and also Senate bill No.

191, entitled "An Act for the relief of J. H. Hallonquist;" and also Senate bill No. 139, entitled "An Act to incorporate the Harrison County Agricultural and Mechanical Association," and to-day at 12 o'clock and fifty minutes P. M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 221, "to incorporate the Saving and Trust Company of Texas;" also, Senate bill No. 24, "to make valid the official acts of certain surveyors," and Senate bill No. 191, "to incorporate the North Texas Railroad Company," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Private Land Claims, to whom was referred the petition of John B. Millerman for a land certificate, have had the same under consideration, and I am instructed to report it back with the accompanying bill and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid over under the rules.

Senator Bowers moved the Senate adjourn to 10 o'clock to-morrow.

Yeas and nays taken :

Yeas—Bell, Bowers, Broughton, Clark, Evans, Ford, Gaines, Latimer, Mills, Parsons--10.

Nays—Mr. President, Baker, Cole, Dohoney, Douglas, Flanagan, Fountain, Hall, Hertzberg, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--17.

Absent—Pickott.

Lost.

Senator Campbell moved to adjourn till 8 o'clock to-night.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Cole, Dohoney, Douglas,

Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Priest, Pridgen,
Pyle, Rawson, Ruby, Saylor, Shannon—18.

Nays—Bell Bowers, Broughton, Clark, Gaines, Latimer, Mills,
Parsons—8.

Absent—Pettit, Pickett—2.

Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 27, 1870.

EVENING SESSION.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

By leave, the following bills were introduced :

By Senator Hall, "An Act to incorporate the Calvert Bridge Company."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Dohoney, "An Act for the relief of the Memphis, El Paso and Pacific Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Also, a bill to be entitled "An Act to provide for the location and pre-emption of lands within the Memphis, El Paso and Pacific Railroad Reservation."

Read first time and referred to Committee on Judiciary.

REPORTS FROM STANDING COMMITTEES.

Reports of Committee on Internal Improvements : -

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL

President of Senate :

Your Committee on Internal improvements, to whom was referred Senate bill No. 183, entitled "An Act to incorporate the Callahan Oil Manufacturing Company, of Hempstead, Texas," respectfully report they have duly considered the same, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 235, entitled "An Act incorporating the Texas

Coal and Mining Company," beg leave to report they have had the same under careful consideration, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 209, entitled " An Act to incorporate the Eastern Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company," respectfully report they have, with care, considered the same and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your committee to whom was referred Senate bill No. 283, entitled " An Act to incorporate the Austin Gas Light Company," respectfully report they have duly considered the same and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Reports of Committee on Education :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your committee to whom was referred the petition of certain citizens of Johnson and Hood counties, asking the prohibition of the sale of intoxicating and spirituous liquors within one mile of George's Creek Seminary, have had the same under careful consideration, and would beg leave to report the accompanying bill and recommend its passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your committee to whom was referred Senate bill No. 49, entitled "An Act to incorporate Lampasas College," have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

Report of Committee on Counties and County Boundaries:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petitions of citizens of Bexar and Medina counties, asking for, and protesting against, the cutting off from Bexar county a part thereof, to annex the same to Medina county, return the same; recommending that the matter be left to, and determined by, a majority vote of the citizens of Bexar county.

J. G. BELL, Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, July —, 1870.

The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 297, "Amendatory of an act entitled 'An Act to expedite the construction of the Southern Pacific Railroad Company,'" and Senate bill No. 125, to amend the ninth section of an act entitled "An Act to amend the charter of the town of Goliad," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Counties and County Boundaries, to

whom was referred petitions of citizens of Grimes county, asking for, and protesting against the removal of the county site from Anderson to Navasota, return the same recommending that the matter be left to and determined by a majority vote of the citizens of Grimes county.

J. G. BELL,
Chairman.

Laid over under the rules.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee, to whom was referred the petition of Jas. S. Patterson, have had the same under consideration, and I am instructed to report it back with the accompanying bill, and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was referred Senate bill No. 257, entitled "An Act for the relief of H. E. McLelland, have considered the same and instruct me to report it back, with the recommendation that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid over under the rules.

[Senator Fountain in the Chair.]

On motion of Senator Baker the rules were suspended to take up Senate bill No. 285, "An Act incorporating the Texas Coal and Mining Company."

Bill read second time and passed to engrossment; rules suspended and bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Par-

sons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Nays--None.

Bill passed.

Senator Campbell offered the following resolution :

Resolved, That in order to expedite the business of the evening sessions of the Senate, that when the rules are suspended at the commencement of roll call, they shall remain so suspended during the evening for calling up bills.

Adopted.

Senator Bell moved to take up Senate bill No. 183, "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas."

Bill read second and third times.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flauagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--23.

Nays--None.

Bill passed.

Senator Pyle offered the following resolution, and moved a suspension of the rules to consider the resolution :

Resolved, That the latter clause of rule No. 24 be suspended, so far as it effects evening sessions, and that smoking be allowed during evening sessions.

Yeas and nays taken :

Yeas--Mr. President, Bell, Broughton, Cole, Fountain, Hertzberg, Mills, Parsons, Pridgen, Pyle, Ruby, Saylor, Shannon--13.

Nays--Baker, Dohoney, Douglas, Evans, Flanagan, Ford, Hall, Pettit, Priest, Rawson--10.

Absent--Bowers, Clark, Gaines, Latimer, Pickett--5.

Resolution lost, two-thirds not voting in the affirmative.

Senator Broughton moved to take up Senate bill No. 180, entitled "An Act for the relief of Cain T. Brush."

Bill read second time and passed to engrossment.

Rules suspended, bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--22.

Nays--None.

Bill passed.

Senator Cole moved to take up House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

Bill read first time.

Rules suspended, bill read second time.

Senator Dohoney offered the following amendment:

Amend section five, line eleven by striking out the word "ten" and insert in lieu thereof the word "five."

Yeas and nays taken:

Yeas—Broughton, Dohoney, Douglas, Evans, Shannon--5.

Nays—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle Rawson, Ruby, Saylor--16.

Absent—Bowers, Clark, Gaines, Hall, Latimer, Pickett, Priest--7.

Amendment lost.

Rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor--16.

Nays--Broughton, Dohoney, Douglas, Evans, Rawson, Shannon--6.

Bill passed.

Senator Dohoney moved to take up House bill No. 51, "An Act to incorporate the town of Bonham, in Fannin county."

Read first time.

Rules suspended, bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays—None.

Bill passed.

Senator Douglas moved to take up Senate bill 47, "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company.'"

Rules suspended and bill read second time.

Senator Ruby moved the reference of the bill to the Judiciary Committee.

Lost.

Senator Priest offered the following amendment to to the bill:

Provided, That this bill is not intended to interfere with any

pre-existing rights or forfeitures, but its object is plainly expressed to change the name of the company and gauge of the road.

Yeas and nays taken :

Yeas—Evans, Fountain, Hall, Hertzberg, Mills, Pettit, Priest, Pridgen, Ruby, Saylor—10:

Nays--Baker, Bell, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Parsons, Pyle, Rawson, Shannon--12.

Absent--Mr. President, Bowers, Clark, Gaines, Latimer, Pickett.
Amendment lost.

Senator Ruby offered the following amendment :

Amend section two, line one, by striking out the word "exceeding" and inserting the words "less than" in lieu thereof.

Lost.

Rules suspended and bill read third time.

Yeas and nays called for :

Yeas--Baker, Bell, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Hertzberg, Parsons, Pridgen, Pyle, Rawson, Shannon--15.

Nays—Evans, Hall, Mills, Pettit, Priest, Ruby, Saylor--7.

Bill passed.

Senator Evans moved to take up House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays—Broughton.

Bill passed.

Senator Flanagan moved to take up House bill No. 317, "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company, and to the other special acts relating to said company."

Senator Mills moved the bill be made the special order for Tuesday, at half-past eleven A. M.

Lost.

Bill read first time.

Senator Dohoney moved the further consideration of the bill be postponed until Saturday, at half-past ten A. M., and that it be made the special order for that time.

Yeas and nays taken :

Yeas--Dohoney, Ford, Fountain, Mills, Pettit, Pridgen, Shannon--7.

Nays—Mr. President, Baker, Bell, Cole, Douglas, Evans, Flanagan, Hall, Hertzberg, Parsons, Priest, Pyle, Rawson, Ruby, Saylor—15.

Absent—Bowers, Broughton, Clark, Gaines, Latimer, Pickett—6.

Motion to postpone lost.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Cole, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Priest, Pyle, Pridgen, Rawson, Ruby, Saylor—19.

Nays—Pettit, Shannon—2.

Absent—Bowers, Broughton, Clark, Dohoney, Gaines, Latimer, Pickett—7.

Bill passed.

On motion of Senator Pyle the Senate adjourned.

**SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 28, 1870.**

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Priest the reading of the journal was dispensed with.

REPORTS.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 301, entitled "An Act to incorporate the Calvert Bridge Company," return the same, recommending its passage, with the following amendment: Add to section seven, "Provided, that nothing in this charter shall be so construed as to interfere with any chartered ferry, and this bridge company is to have no exclusive rights until after the completion of said bridge."

J. G. BELL,
Chairman.

On motion of Senator Priest the rules were suspended to consider the report.

Report and amendments adopted.

Bill, as amended, read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby—24.

Nays—None.

Absent—Dohoney, Evans, Saylor, Shannon—4.

Bill passed.

Report of Committee on Judiciary.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 281, entitled "An Act to organize the courts of Justices of the Peace and Police courts, and to define their jurisdiction and duties," have carefully considered the same, and instruct me to report it back to the Senate with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Amendments to Senate bill 281 :

Amend by striking out all of section three and section four, down to and including the word "costs," in line five.

Amend section five, by striking out all in line eight, after the word "county;" and all of line nine, and insert in lieu thereof the words "in which the contract by its terms is to be performed, or in which the defendant resides."

Strike out all in lines ten, eleven, twelve.

Amend section twelve, line two, by striking out all after the word "peace," down to, and including the word "detainer," in line three.

In section sixteen, strike out in lines twenty-two and twenty-three the word "five," before the word "hundred," and insert the word "one," in lieu thereof.

In section seventeen, strike out all of lines three and four down to, and including the word "courts" in line five.

Strike out all of section eighteen.

Amend by adding to the end of section twenty-two, the words "and attachments may issue for such witnesses."

In section thirty-five, line thirty, strike out all after the words "counties," and in line thirty-one the words "in the county or."

Amend section forty, by adding at the end the following words: "He shall assist the District Attorney in the final prosecution of all cases represented by him in the examining courts."

On motion of Senator Priest, the rules were suspended to consider report.

Report adopted, and on further motion was made the special order for to-morrow at 10½ A. M.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 30, entitled "An Act to authorize the clerks of the supreme and district courts, and the justices of the peace, to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same," have carefully considered the same, and I am instructed to report it back with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Amend by striking out section two.

In section five, line five, strike out all after the word "four" down to and including the word "case."

In section six, line three, strike out all after the word "days."

In section eight, line seven, strike out all after the word "execution."

Laid over under rules.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 239, entitled "An Act to incorporate the Bank of Sabine Pass," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Message from the House informing the Senate the House had passed House bill No. 105, entitled "An Act to incorporate the Texas Mutual Life Insurance Company."

House bill No. 465, "An Act making an appropriation to re-cover the treasury building."

House bill No. 438, "An Act to incorporate the Weatherford Masonic Institute."

House bill No. 11, "An Act to repeal an act to provide for the assessing and collection of a tax on dogs in certain counties therein named, approved November 13, 1866."

Also, the House has reconsidered its vote by which it concurred in Senate amendment to House bill No. 331, and return said bill, the Senate amendment not being adopted.

BILLS AND RESOLUTIONS.

By Senator Hertzberg: An act to be entitled "An Act to incorporate the San Antonio Turners' Hook and Ladder Company No. 1."

Read first time and referred to Committee on Judiciary.

By Senator Fountain: "An Act for the relief of Mrs. Alwin Sumner, widow of August Sumner."

Read first time and referred to Committee on Judiciary.

Senator Flanagan offered the following resolution.

Resolved, That Hon. John Bell, Senator from the Thirteenth Senatorial District, be granted leave of absence for thirty days from and after Saturday, 30th July.

Adopted.

Report of Committee on Engrossment:
Hon. DON CAMPBELL,

President of Senate:

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 98, "for the relief of John H. Swofford, assessor and collector of Johnson county, and his sureties, and Elbert M. Heath, deputy assessor and collector, and his sureties," and Senate bill No. 244, "to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starville Female High School," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Senator Pyle offered the following resolution:

Resolved, That the Senate, the House concurring, will adjourn *sine die* on the fifteenth day of August at 11 o'clock A. M.

Senator Pridgen offered the following amendment :

“ Provided, that before said time of adjournment the Legislature shall have passed laws prescribing the jurisdiction of magistrates and their duties, together with the duties of sheriffs as collectors, and also the duties and functions of district clerks.”

Senator Priest offered the following amendment to the amendment :

Add to amendment, “ laws providing for elections, tax law, and law making appropriations for support of State government.”

Senator Bowers moved that the resolution and amendments be referred to a joint committee of two from the Senate and three from the House.

Carried.

Under direction of the President the Secretary, carried to the House, with action of the Senate, Senate bill No. 24, “ An Act to make valid the official acts of certain surveyors.”

Senate bill No. 125, “ An Act to amend the ninth section of an act entitled ‘ An Act to amend the charter of the town of Goliad.’ ”

Senate bill No. 191, “ An Act to incorporate the North Texas Railroad Company.”

Senate bill No. 221, “ An Act to incorporate the Savings and Trust Company of Texas.”

Senate bill No. 297, “ An Act amendatory of an act entitled ‘ An Act to expedite the construction of the Southern Pacific Railroad Company.’ ”

Also, House bill No. 32, “ An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company.”

House bill No. 51, “ An Act to incorporate the town of Bonham, in Fannin county.”

House bill No. 266, “ An Act to incorporate the Dallas Wire Suspension Bridge Company.”

House bill No. 317, “ An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company.”

Senate bill No. 98, “ An Act for the relief of John H. Swofford, Assessor and Collector of Johnson county, and his sureties, and Elbert M. Heath, Deputy Assessor and Collector, and his sureties.”

Substitute for Senate bill No. 244, “ An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville Female High School.”

Enrolled Senate bill No. 130, “ An Act to incorporate the Texas Odd Fellows’ University and Orphans’ Home.”

Whereupon they were signed by the Speaker and returned to the Senate, and signed by the President.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 197, “ An Act prescribing the time of holding the

district courts in the several judicial districts in the State, returned from the House amended.

The following amendments, as reported from the House, were concurred in by the Senate:

SUBSTITUTE FROM SECTION SIX.

SEC. 6. That the district courts of the fifth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Sabine on the first Mondays in October, February, and June, and may continue in session three weeks.

In the county of Shelby on the the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Panola on the first Mondays in December, April and August, and may continue in session four weeks.

AMEND SECTION ELEVEN.

Strike out the words "until the business is disposed of," and insert instead thereof the words "four weeks."

AMEND SECTION THIRTY-FIVE.

Amend section thirty-five by adding the following: In the county of Bosque, on the second Mondays in December, April and August, and may continue in session two weeks.

SUBSTITUTE FOR SECTION THIRTY-SIX.

SEC. 36. That the district courts for the thirty-fifth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Navarro, on the first Mondays in October, February and June, and may continue in session four weeks.

In the county of Hill, on the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Limestone, on the first Mondays in December, April and August, and may continue in session three weeks.

The Senate do not concur in the following House amendments:

SUBSTITUTE FOR SECTION EIGHT.

SEC. 8. That the district courts of the seventh judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Davis on the first Mondays in October, February and June, and may continue in session two weeks.

In the county of Titus, on the third Mondays in October, February and June, and may continue in session three weeks.

In the county of Marion, on the third Mondays in November, March and July, and may continue in session seven weeks.

SUBSTITUTE FOR SECTION TEN.

SEC. 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur, on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Rain's, on the fourth Mondays in October, February and June, and may continue in session one week.

In the county of Wood, on the first Mondays in November, March and July, and may continue in session three weeks.

In the county of Smith, on the fourth Mondays in November, March and July, and may continue in session six weeks.

SUBSTITUTE FOR SECTION SEVENTEEN.

SEC. 17. That the district courts of the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Calhoun, on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Victoria, on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Refugio, on the third Mondays in November, March and July, and may continue in session one week.

In the county of San Patricio, on the fourth Mondays in November, March and July, and may continue in session one week.

In the county of Nueces, on the first Mondays in December, April and August, and may continue in session three weeks.

AMEND SECTION TWENTY-TWO.

Strike out section twenty-two and insert instead thereof the words :
 " That the district courts of the twenty-first judicial district shall be holden at the times herein specified, to-wit :

In the county of Colorado, on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Fort Bend, on the second Mondays in November, March and July, and may continue in session three weeks.

In the county of Austin, on the second Mondays in December, April and August, and may continue in session four weeks.

AMEND SECTION THIRTY.

Strike out section thirty and insert instead thereof: "That the district courts of the twenty-ninth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Fayette, on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Washington, on the second Mondays in November, March and July, and may continue in session till the business is disposed of.

Senator Mills moved a committee of conference of three be appointed on the part of the Senate to confer with a like committee on part of the House on Senate bill No. 197.

Carried.

The Chair appointed Senators Douglas, Dohoney and Priest.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, July 28, 1876.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrolled Bills have examined and find correctly enrolled substitute for Senate bill No. 130, entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," and to-day at 1 o'clock and 10 minutes P. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

On motion of Senator Baker, the rules were suspended to take up House bill No. 350, "An Act for the relief of the Houston and Texas Central Railway Company."

Bill read first time.

Rules suspended and bill read second time.

Senator Broughton offered the following amendment :

Amendment, section three, to come in after the word "Dallas," and before the word "as," in fifth line, insert "and to a point on Red river, within fifteen miles of Preston."

Adopted.

Rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannen—21.

Nays—Douglas, Evans, Hall, Hertzberg, Pettit, Priest—6.

Absent—Latimer.

Bill passed.

Message from the House informing the Senate that the House do not concur in the following Senate amendments to House bill No. 341 "An Act providing for the issuance and sale of the State bonds," etc :

Strike out in lines four and five, the words "sufficient to pay," and insert in lieu thereof the words, "of two per cent to be applied to the payment of."

Amend section five, line two, after the word "advantage" add "provided the said bonds shall not be sold at less than par."

Amend section five, line five, by striking out the words and a half."

Pending discussion, message from the House informing the Senate the House has appointed Messrs. Burnett, Jenkins, Cooper, Hawkins and Hughes to confer with a like committee on part of the Senate, and agree upon amendments to Senate bill No. 197.

The question recurring upon amendments to House bill No. 341, the Chair put the question, " Shall the Senate adhere to its amendments to House bill No. 341 ?"

Yeas and nays demanded and resulted as follows :

Yeas—Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Mills, Pickett, Pridgen, Shannon—13.

Nays—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—13.

Senator Bowers moved the Senate adjourn till to-morrow 10 A. M.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Mills, Pickett, Priest, Pridgen, Shannon—17.

Nays—Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Rawson, Ruby, Saylor—9.

So the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, July 29, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent, Latimer.

Journal of yesterday read and corrected, so as to show that the Senate by its vote did not adhere to its amendment to section five (of House bill No. 341), line two, to wit: After the word "advantage," add "provided the said bonds shall not be sold at less than par," and that the Senate did adhere to its amendment to section four, to-wit: "To strike out in lines four and five, the words "sufficient to pay," and insert in lieu thereof the words "of two per cent. to be applied to the payment of."

The chair, under resolution of yesterday, appointed Senators Fountain and Pyle a committee to confer with a committee of three, on the part of the House, to agree upon the time of adjournment, and the House was informed of the same.

Report of Committee on Penitentiary:

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Penitentiary, to whom was referred that part of the message of his Excellency the Governor, calling the attention of the Legislature to the necessity of providing for the location and construction of branch Penitentiaries, have had the same under careful consideration and recommend the adoption of the following joint resolution:

Resolved by the Legislature of the State of Texas, That his Excellency the Governor, by and with the advice and consent of the Senate, be and he is hereby authorized to appoint three commissioners at a salary of eight dollars a day and traveling expenses, to visit during the vacation of the Legislature, that part of the State known as Western Texas, and that part known as North and Northeastern Texas, for the purpose of fixing and determining suitable locations for two additional State Penitentiaries; provided, one of said locations is east of the Trinity river, and north of thirty-second parallel of latitude, and one west of the Colorado river.

P. W. HALL,
Chairman.

Laid over under the rules.

Report of Committee on Private Land Claims: •

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 108, entitled "An Act for the relief of the heirs of Benjamin Franklin, deceased, have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

B. J. PRIDGEN,
Chairman.

Laid over under the rules.

On motion of Senator Cole the rules were suspended to take up House bill No. 410, "An Act to create the county of Delta."

Bill read first time.

Rules suspended and bill read second time.

Senator Hall moved to amend by striking out the word "Delta" and inserting "Latimer."

Lost.

Rules suspended and bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Clark, Cole, Douglas, Ford, Fountain, Gaines, Hall, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—21.

Nays—Dohoney, Evans—2.

Absent—Broughton, Flanagan, Mills, Hertzberg, Pyle—5.

Bill passed.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 210, "To prohibit the sale of intoxicating or spirituous liquors within the immediate vicinity of Caddo Grove Seminary;" also, Senate bill No. 47, "To amend an act entitled 'An Act to incorporate the Western and Great Northern Railroad Company;'" also, Senate bill No. 100, "For the relief of A. H. Cook;" also, Senate bill No. 180, "For the relief of Cain T. Brush;" also, Senate bill No. 160, "Amendatory of and supplementary to an act entitled 'An Act to incorporate the Young Men's Real Estate and Building Association,' approved November 6, 1866;" also, Senate bill No. 183, "To incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas;"

and Senate bill No. 262, "To change the present boundaries of Burleson and Brazos counties," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report of Select Committee on Rules :

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Select Committee, to whom was referred the following resolution :

"Resolved, That the rules of order of the Senate be and are here amended by the following additions to the order of business : After order four, page five, add : Fifth—Reading of Senate bills third time. Sixth—Reading of Senate bills second time. Seventh—Reading bills from House of Representatives passed to third reading. Eighth—Reading House of Representatives bills the second time. Ninth—Message from House of Representatives."

Having had the same under consideration, respectfully report it back to the Senate and recommend its passage.

M. H. BOWERS,
W. H. PARSONS, } Committee.
G. T. RUBY,

On motion, the rules were suspended and report and resolution adopted.

Message from the House, transmitting House bill No. 357, "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad."

House bill No. 467, "An Act legalizing certain writs and process issued by or from district courts."

House bill No. 194, "An Act to incorporate the Bosque Bridge and Manufacturing Company of McLennen county."

Also, enrolled House bill No. 44, "An Act to incorporate the Firemen's Insurance Company of Galveston."

Signed by the President and returned to the House.

The Secretary carried to the House for concurrence, Senate bill No. 47, "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company.'"

Senate bill No. 100, "An Act for the relief of A. H. Cook."

Senate bill No. 180, "An Act for the relief of Cain T. Brush."

Senate bill No. 183, "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas."

Senate bill No. 210, "An Act to prohibit the sale of intoxicating or spirituous liquors within the immediate vicinity of Caddo Grove Seminary."

Senate bill No. 262, "An Act to change the present boundaries of Burleson and Brazos counties."

BILLS AND RESOLUTIONS.

By Senator Fountain: "An Act to incorporate the San Antonio and Rio Grande Telegraph Company."

Read first time, and referred to Committee on Internal Improvements.

By Senator Dohoney: A bill to be entitled "An Act allowing for further time for the redemption of land sold for taxes between March 2, 1861 and March 30, 1870."

Read first time, and referred to Committee on Judiciary.

By Senator Saylor: "An Act creating the office of superintendent of public buildings."

Read first time, and referred to Committee on Public Buildings.

Senator Gaines offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to purchase twenty-five pounds of ice daily in place of ten pounds, as heretofore directed.

Adopted.

Senator Ruby offered the following resolution:

WHEREAS, A large number of bills will probably be passed to engrossment and enrollment before adjournment; and

Whereas, it is probable that the enrolling and engrossing clerks will be unable alone to promptly return said bills; therefore be it

Resolved, That the chairman of the aforesaid committee be authorized to appoint such assistants to said officers as may be necessary to secure the prompt execution of their duties, thereby preventing delay in legislation.

Senator Priest offered the following amendment:

Resolved, That the chairman of the several committees who can dispense with their clerks be authorized to do so at the earliest day practicable.

The hour for special order having arrived, on motion of Senator Douglas it was postponed for five minutes to consider the following:

Motion to suspend rule sixty-one to permit a motion to reconsider the action of the Senate in passing a bill to be entitled "An Act to amend an act to incorporate the Houston and Great Northern Railroad Company."

Special order having arrived, Senator Douglas moved its postponement until the matter before the Senate is disposed of.

Lost.

Special Order :

The hour for special order having arrived, Senate bill No. 281, a bill to be entitled "An Act to organize the courts of justices of the peace and police court, and to define their jurisdiction and duties."

On motion of Senator Ruby, the Senate went into Committee of the Whole.

Senator Ruby, Chairman of Committee of the Whole, having under consideration Senate bill No. 281, asked leave to set on Monday, at eleven o'clock A. M.

Report received and leave granted.

Senator Mills moved the Senate go into executive session.

Lost.

The question recurring upon resolution of Senator Douglas—

Yeas and nays called for :

Yeas—Mr. President, Bowers, Clarke, Cole, Dohoney, Douglas, Evans, Parsons, Pickett, Priest, Pyle, Shannon—12.

Nays—Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Pettit, Pridgen, Rawson, Ruby, Saylor—12.

Absent—Bell, Broughton, Flanagan, Mills—4.

Motion lost - two-thirds not voting in the affirmative.

Message from the House, Senate bill No. 201 "An Act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy," with amendments.

House amendments to Senate bill No. 201 :

Amend section one by striking out the words "four miles," and inserting in lieu thereof the words "two miles."

Amend section two by striking out the word "fifty," and inserting the word "twenty," and by striking out the words "five hundred," and inserting in lieu thereof the words "one hundred."

Also, by amending the caption to read "two," instead of "four miles."

Senator Cole offered the following resolution :

Resolved, That H. R. Latimer, Senator of the Ninth District, be allowed absence from this body from and after Wednesday, the third day of August, and during the remainder of the session.

Senator Bowers moved its postponement till Tuesday, August 2.

Carried.

The question recurring upon the amendment offered by Senator Priest to resolution of Senator Ruby, Senator Priest moved the adoption of the amendment.

Carried.

On motion of Senator Ruby the resolution as amended was adopted.

By Senator Baker, an act amendatory to an act entitled "An Act donating one hundred and sixty acres of land to actual settlers upon the public domain."

Read first time and referred to Committee on Judiciary.

Senator Ruby moved the Senate proceed with the business on the Speaker's table.

Senator Bowers moved the Senate go into executive session.

Carried.

IN SENATE.

Under direction of the President, the Secretary informed his Excellency, the Governor, that the Senate in executive session had advised and consented to the following appointments, to-wit :

Samuel Dodge, for Judge of the Criminal District Court of Galveston and Harris counties.

C. H. Alexander, Westley Gardiner, H. C. Smith, William Harris and Edward Fink, for Pilot Commissioners at Sabine Pass, Texas.

J. M. Onins, for Judge of the Twenty-eighth Judicial District.

On motion of Senator Mills the Senate adjourned till to-morrow, at ten o'clock A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 30, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll call; quorum present.

Prayer by the Chaplain.

On motion of Senator Gaines the reading of the journal was dispensed with.

Senator Fountain to a question of privilege moved that a Committee of Free Conference of five be appointed on the part of the Senate to confer with like committee of the House on House bill No. 341, "An Act for the sale of the bonds of the State, etc.

Carried.

The Chair appointed Fountain, Broughton, Shannon, Hall and Ruby as the committee.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred House bill No. 98, entitled "An Act to extend the time for the location of certain land certificates, having carefully considered the same, beg leave to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

On motion of Senator Mills the rules were suspended to consider the report.

Report read and adopted.

Rules suspended, bill read third time and passed.

Special message from the Governor:

EXECUTIVE OFFICE,
Austin, July 29, 1870.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named acts have been received by me and approved, to wit:

"An Act to provide for the registration of voters," approved July 11, 1870.

"An Act to provide for permanently locating the county seat of Robertson county," approved July 12, 1870.

"An Act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas," approved July 13, 1870.

"An Act making an appropriation for certain purposes," approved July 13, 1870.

"An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," approved July 19, 1870.

"An Act granting certain real estate to the city of Austin," approved July 19, 1870.

"An Act to organize the county of Presidio," approved July 19, 1870.

"An Act to incorporate the City Bank of Houston," approved July 21, 1870.

"An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866," approved July 22, 1870.

"An Act to prescribe the time of the annual meetings of the Legislature," approved July 22, 1870.

"An Act legalizing a special tax levied by military order," approved July 22, 1870.

"An Act authorizing district judges and district clerks to approve bonds of county officers in certain cases," approved July 22, 1870.

"An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," approved July 23, 1870.

"An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," approved July 28, 1870.

"An Act to incorporate the Harrison County Agricultural and Mechanical Association," approved July 28, 1870.

"An Act to incorporate Pennington College," approved July 28, 1870.

"An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College, in Trinity county, Texas," approved July 28, 1870.

"An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," approved July 28, 1870.

"An Act to authorize John J. Blankenship to erect a toll bridge over Tehuacana Creek in the county of McLennan, Texas," approved July 28, 1870.

"An Act providing for the payment of district attorneys *pro tem.*," approved July 28, 1870.

Respectfully,

EDMUND J. DAVIS,

Governor.

Report from Committee on Engrossment :

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COMMITTEE ROOM,
Austin, July —, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and compared Senate bill No. 285, "incorporating the Texas Coal and Mining Company," and Senate bill No. 301, "to incorporate the Calvert Bridge Company," find the same to be correctly engrossed.

G. T. RUBY,

P. W. HALL,

E. L. DOHONEY.

Senator Priest offered the following report of Select Committee on School Bills.

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. DON CAMPBELL,

President of the Senate :

The special committee, to whom was referred the several bills pending in the Senate, in relation to public free schools, have, in connection with a similar committee appointed by the House, duly considered the subject, and the result of their consideration is as follows :

1. They considered the absolute importance of the subject, and the necessity of adopting some system in conformity with the laws of the country and the provisions of the constitution of the State.

2. They were perfectly aware of the conflicting views in relation to free schools, and the difficulty of harmonizing those views on a constitutional basis.

3. They felt constrained to avoid extreme views—mixed schools on the one hand, and separate schools on the other—by legislative enactment.

4. They concluded that, as all philanthropists and patriots desire the education of all the citizens of the State, without distinction of sex or race, color or previous condition, that our whole citizenship may be elevated, so essential to a republican government, that we might adopt a system based on a compromise of views, in order to an agreement on some system, as, that without some concession and compromise, we will adjourn and return to our constituents without redeeming our pledges on this subject, to their great disappointment. We have therefore agreed on the following basis, comprehensive and equal, yet plain, simple and economical, essential, as we think, to a successful inauguration of our system :

To insure equal benefits to all, we make each county a school dis-

trict, and authorize the district boards to divide the counties into as many sub-districts as the convenience of the people may require.

As agents to carry out this system we provided, as required by the constitution, a Superintendent of Public Instruction, allowing a salary of two thousand five hundred dollars per annum, and authorize a clerk at a salary of twelve hundred dollars.

We make the county court of each county *ex-officio* a board of school directors, and give this board power to impose taxes for the building of school houses; to make all rules and regulations necessary to the success of the system; the peace and prosperity of the schools, and to appoint a board of school trustees for each sub-district. We provide that teachers may be removed for sufficient cause, and students expelled or separated when necessary for the promotion of peace, success and harmony of the institution, so as none shall be deprived of scholastic benefits, except when expelled.

We make the district attorneys inspectors of the actions of the boards of school directors in their several districts, requiring them to report to the Superintendent.

This is briefly the system presented for the consideration of the Senate and the House, embodied in the accompanying bill, taken mostly from the bills submitted, the work of the joint committee of the two Houses, by whom I am authorized to report the same and recommend its passage.

M. PRIEST,

Chairman Select Committee.

Senator Dohoney offered the following minority report:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned members of the Select Committee on Education, to whom were referred certain bills for establishing a system of public free schools in the State, beg leave to submit the following report:

They say that they differ from the majority of the joint committee of five from the Senate and ten from the House, and, therefore, make this separate report. The establishment of a system of public free schools in the State of Texas is a subject of vast magnitude and importance, and one that is full of difficulties. The inauguration of such a system on a proper basis demands and requires more time and attention than this Legislature, now on the eve of adjournment, can at the present session possibly give it.

It is, therefore, the decided opinion of the undersigned members of your committee that the further consideration of this measure be

postponed until the next session of the Legislature. But if the majority of the Senate should be of opinion that some action should be had at the present session, then we report herewith the accompanying bill and recommend its passage.

E. L. DOHONEY,
E. T. BROUGHTON,
J. P. DOUGLAS.

On motion of Senator Priest the rules were suspended to consider majority and minority reports.

Reports received, and, on motion of Senator Priest, made special order for Tuesday, at 11 A. M.

Senator Douglas offered the following report of the Committee of Conference on Senate bill No. 197, "An Act prescribing the time of holding the courts in the several judicial districts."

COMMITTEE ROOM;
Austin, July, 29, 1870.

To the Honorable President of the Senate
and House of Representatives:

SIRS: Your Joint Conference Committee on Senate bill No. 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," have the honor to report the accompanying amendments and agreements as the result of the conference.

Very respectfully,

J. P. DOUGLAS,
Chairman on part of the Senate.
J. R. BURNETT,
Chairman on part of the House.

Accompanying amendments and agreements:

That the Senate refuse to concur in House amendments to sections eight and thirty, and that the House recede from its said amendments.

That the Senate refuse to concur in House amendment to section ten, and that the following substitute for said section be adopted in place of the original section, to-wit:

SECTION 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur on the first Mondays in October, February and June, and may continue in session three weeks

In the county of Wood on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains on the third Mondays in November, March and July, and may continue in session one week.

In the county of Smith, on the fourth Mondays in November, March and July, and may continue in session six weeks.

That the Senate refuse to concur in House amendment to section seventeen, and that the following substitute for said section be adopted in the place of the original section, to-wit :

SEC. 17. That the district courts for the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Calhoun on the first Mondays in September, January and April, and may continue in session three weeks.

In the county of Victoria on the fourth Mondays in September, January and April. and may continue in session three weeks.

In the county of Refugio on the third Mondays in October, February and May, and may continue in session one week.

In the county of San Patricio on the fourth Mondays in October, February and May, and may continue in session one week.

In the county of Nueces on the first Mondays in November, March and June, and may continue in session three weeks."

That section thirty-six (36) be numbered thirty-seven (37), and the following new section be adopted as section thirty-six (36), to-wit :

SEC. 36. That whenever any county to which, by this or any other law, a term of court may be assigned, shall be attached for judicial purposes to another county, then the time assigned for the holding of the courts in such county shall be added to the length of time provided for the county to which such first mentioned county is attached.

On motion of Senator Douglas the rules were suspended to consider the report.

Report of committee read and rejected.

Senator Ruby moved that a committee of three be appointed as a committee of free conference to confer with a like committee of the House.

Carried.

The Chair appointed Senators Parsons, Pridgen and Ruby as the committee.

• Under direction of the President the Secretary carried to the House Senate bill No. 160, "An Act amendatory of and supplementary to "An Act entitled an Act to incorporate the Young Men's Real Estate and Building Association." Approved November 6, 1866.

House bill No. 410, "An Act to create the County of Delta."

Also Senate bill No. 285, "An Act incorporating the Texas Coal and Mining Company."

Senate bill No. 301, "An Act to incorporate the Calvert Bridge Company."

BILLS AND RESOLUTIONS.

By Senator Dohoney, a bill entitled "An Act to regulate the disposal of the public lands."

Read first time and referred to Committee on Judiciary.

On motion of Senator Bowers, the rules were suspended to take up Senate bill No. 51, "An Act providing for a geological survey of the State of Texas; and on further motion was made the special order for Wednesday at 11 A. M.

By leave, Senator Saylor offered report of Committee on Public Buildings.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Buildings having examined carefully the public buildings at the capital, the property of the State of Texas, ask leave to submit the enclosed report, and to recommend the passage of the accompanying act.

W. A. SAYLOR,
Chairman of Committee on Public Buildings.

Laid over under the rules.

Report received, bill read first time, and, on motion of Senator Fountain, the rules were suspended and the bill and report of Committee on Public Buildings made special order for Wednesday, at 12 M.

Senator Cole offered the following resolution:

Resolved, That the resolution adopted by the Senate on the 29th day of June, 1870, expelling E. L. Alford, Senator from the Twenty-sixth District, be and the same is hereby rescinded, and said Alford is restored to all the rights and privileges of a member of this body the same as if said resolution had not been adopted, on his signing the disclaimer filed by other Senators who had been ordered under arrest.

Senator Fountain made the point of order that the resolution was out of order.

Point sustained, and the resolution held by the President to be out of order.

Senator Flanagan appealed from the decision of the Chair.

Yeas and nays taken:

Yeas—Mr. Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor—11.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas,

Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon--15.

Excused from voting, Senator Bell.

The Senate refused to sustain the ruling of the Chair.

Senator Cole moved the adoption of the resolution.

Senator Bell asked to be excused from voting.

Yeas and nays demanded, and resulted as follows :

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor—11.

Absent—Senator Baker.

So the Senate excused Senator Bell from voting.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted as follows :

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor—12.

Excused from voting—Bell.

Resolution adopted.

Senator Flanagan moved a committee of three be appointed to inform Senator Alford of the action of the Senate.

The Chair appointed Senators Parsons, Latimer and Flanagan as said committee.

On motion of Senator Ruby the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, August, 1, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pyle the reading of the journal was dispensed with.

Message from the House informing the Senate the Speaker had signed in open session enrolled bills "An Act to incorporate the Odd Fellows' Building and Exchange Company of Texas."

"An Act to incorporate the Dallas Wire Suspension Bridge Company."

"An Act to incorporate the Gulf Land Company of Galveston, Texas."

"An Act to incorporate the Society Las Indisobles of the city of San Antonio."

"An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

"An Act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

"An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within two miles of the village of Ladonia, Fannin county, Texas."

"An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association."

"An Act to incorporate the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

Whereupon they were signed by the President and returned to the House.

Also, that the House had concurred in Senate amendments to House bill No. 350.

Also, returned Senate bill No. 82, "An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of an act to incorporate the Waco Tap Railroad Company," passed the House with the following amendments:

Amend section two line, nineteen, after the words "Railroad Company," insert the words, "running in the same general direction."

Also, that the House had passed the following bills:

House bill No. 460, "An Act to incorporate the San Antonio River Valley Irrigation Company."

House bill No. 362, "An Act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas."

House bill No. 123, "An Act to incorporate the Galveston Insurance Company."

House joint resolution No. 24, "Joint Resolution providing for the collection of taxes."

House joint resolution No. 23. "Joint Resolution extending the time for completing the assessment of taxes in certain counties."

House bill No. 424, "An Act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county."

Also, the House has appointed a committee of conference, composed of Messrs. Burnett, Grothaus and McLean, to confer with a like committee of the Senate upon amendments to Senate bill No. 197.

Also the House has appointed a committee of conference, composed of Messrs. Tegener, Cox, Hughes and George, to confer with a like committee on the part of the Senate upon amendments to House bill No. 341.

Also, that the House, on reconsideration, has refused to pass Senate bill No. 94, "An Act to expedite the construction of the Southern Pacific Railroad, etc.," vetoed by the Governor July 18, 1870.

Report of Committee on Finance :

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR : Your Committee on Finance, to whom was referred Senate bill No. 298, "An Act appropriating fifteen hundred dollars (\$1500) for repairs on treasury building," have had the same under consideration, and recommend its passage.

J. S. MILLS,

Chairman of Committee on Finance.

Report of Committee on Finance :

COMMITTEE ROOM,
Austin, July 30, 1870

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Finance, to whom was referred a communication from his Excellency, E. J. Davis, Governor of Texas (together with communication from Hon. A. Bledsoe, Comptroller), relative to the assessment and collection of taxes, have had the same

under consideration, and beg leave to submit the following report. The communications above referred to are marked respectively "A" and "B," and appended hereto.

J. S. MILLS,
Chairman of Committee on Finance.
EXECUTIVE OFFICE,
Austin, July 19, 1870.

To the Honorable Senate

and House of Representatives of Texas :

GENTLEMEN: I enclose you a copy of a communication from Hon. A. Bledsoe, Comptroller, in relation to the matter of assessment and collection of taxes. It will be apparent to you on reference to the new constitutional provisions concerning this matter, that until action is had by the Legislature the assessment and collection of taxes is practically suspended, and however prompt your action may be, it must be several months before receipts can be expected. The amount of cash in the Treasury is rapidly diminishing, and without even the customary receipts the funds for the ordinary support of the State government will soon be wanting.

I request an early consideration of this matter.

Respectfully,

EDMUND J. DAVIS,
Governor.

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,
STATE OF TEXAS,
Austin, July 18, 1870.

His Excellency E. J. DAVIS,

Governor of Texas :

SIR: I beg leave to invite your attention to the fact that the Legislature has, as yet, taken no action whatever relative to levying, assessing and collecting taxes, and would respectfully request that your Excellency address a message to them upon this subject, urging upon them the necessity of the immediate enactment of such laws as will enable the provisions of the Constitution, in this particular, to be carried out.

The old laws for levying, assessment and collection of taxes are inoperative, and virtually void and of no effect; so that, unless the Legislature shall at once enact laws under which an entirely new system can be inaugurated, it will be impossible to proceed with the assessment and collection of taxes for the ensuing year, and the State revenue will thereby be seriously affected.

Under the old system, our assessor and collector in each county, performed all the work of assessing and collecting taxes, while now,

under the Constitution, the assessment in each county is required to be made by five justices of the peace, and the collection by the sheriff; and unless some machinery is put in motion, adapted to this new order of things, the taxes of the current year cannot be fully collected, and the work of this office will be greatly retarded.

I trust that your Excellency will see the necessity for speedy action, and give this matter your early attention, to the end that the Legislature may enact the necessary laws at as early a day as practicable.

I have the honor to be, very respectfully, your obedient servant,
[Signed.]

A. BLEDSOE,
Comptroller.

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Finance beg leave to submit the following report and accompanying bill, (as a substitute for House bill No. 299,) "An Act making appropriations for the support of the State government for the fiscal year, commencing September 1, 1870, and ending August 31, 1871; and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870," and recommend its passage; in support of which recommendation we present the following facts and reasons:

The aggregate amount proposed to be appropriated for the support of the State government, in the House bill, is \$1,646,800; whereas in the accompanying bill it is only \$380,586 11, thus showing a difference in favor of the latter of \$1,266,213 89.

This large difference in the two totals is mainly occasioned by the omission of the following items:

1. Public schools \$702,500, which we contend ought to be appropriated exclusively out of the public school fund, and not out of the general State revenue.

2. Immigration \$52,000.

3. State Police \$200,000.

4. Penitentiary \$50,000.

5. Cost of Legislature \$200,000.

These five items account for the greater part of the difference in the estimates in the House bill and this. They cannot be regarded as proper items to be embodied in a bill appropriating money for the support of the State government, and certainly ought to be provided for in each case by special appropriations.

Your committee would call attention to the following fact in connection with the item of \$50,000 for the penitentiary:

That there is now due the penitentiary from various sources a sum of more than \$140,000, while the total outstanding indebtedness of the same does not exceed \$40,000, not counting accrued interest.

To secure the payment of this debt with as little delay as possible, a bill has been introduced by the Honorable Julius Schutze, of Bastrop, providing for the appointment of a Financial Agent (in conformity with the recommendation of the late Comptroller, Honorable M. C. Hamilton), with full powers to adjudicate and finally settle all accounts of the penitentiary; and your committee feel convinced that the adoption of that measure would do away with the necessity for any appropriation at all for this purpose, as the balance in favor of the penitentiary is much larger than the amount named in the bill.

In the bill reported by the House Finance Committee, under the head of Executive Department, appear these items, to wit:

For furnishing and miscellaneous repairing of Governor's mansion, \$3500. For repairs and improvements on public buildings and Capitol grounds, \$20,000. For the contingent expenses of the Governor's mansion, \$5000. For porter and gardener for Governor's mansion, \$600.

Your committee submit that all expenses of this kind should be, in each case, provided for by special appropriation, specifying as nearly as is possible the nature of such repairs and improvements.

The item of \$5000 for contingent expenses of Governor's mansion, as well as that of \$600 for porter and gardener, are expenditures that, to your committee, seem excessive, and virtually and in fact increase the salary of the Governor to \$10,600, which is in direct and open violation of section five of article four, of the State Constitution, which says: "The Governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law, exclusive of the use and occupation of the Governor's mansion, fixtures and furniture."

The appropriation of twenty thousand dollars for repairs and improvements on public buildings and Capitol grounds, if expended under the direction of the Governor, will nullify the statute creating the Board on Public Buildings and Grounds. Taking these views on the foregoing items, your committee have omitted them from this bill. Your committee would also invite your attention to the following facts: That in this bill the appropriation for the support of the Lunatic Asylum is decreased from thirty thousand dollars

to ten thousand dollars. This alteration was made for the reason that there is now lying in the State Treasury the sum of twenty-one thousand five hundred and ninety-seven dollars and forty-seven cents, to the credit of the Lunatic Asylum, due the same for the maintenance of indigent lunatics from different counties of the State, which amount will shortly be turned over to the Treasurer of that institution, thereby rendering unnecessary an appropriation of more than ten thousand dollars.

The item in the original bill, under the head of "deficiencies for 1870," of five hundred dollars for "fees of courts in bond cases," is an item of expenditures that seems to be entirely unknown heretofore, by the financial officers of the State government.

In the accompanying bill the sum of five thousand dollars is appropriated for pensions. This amount is reduced in the proposed bill to the sum actually required and authorized for the payment of pensions, of two thousand and seventy-five dollars, and the pensioners are enumerated, with the amount due to each one respectively.

In this bill the appropriation for the General Land Office has been increased from thirty-four thousand five hundred dollars, to forty-two thousand seven hundred dollars, for the following reasons:

The business of the Land Office will be materially increased, owing not only to the tide of immigration now flowing into the State, but also to the fact that the constitution requires the location and survey of and return of field notes in all outstanding claims for land by the first of January 1875.

A thoroughly competent clerk cannot average more than five patents per day; so that, at least, four clerks for this particular purpose are positively indispensable to meet the demands of the public.

The number of letters received at that office from various sources, will not be less than from five hundred to seven hundred per week; and it is impossible for less than two good clerks to perform the work of corresponding, and answering the numerous inquiries constantly flowing into the office.

The Receiver is required to give bond in the sum of twenty thousand dollars, and should be a trustworthy and competent man, and paid accordingly.

The old maps on file in the office are, in a great measure, worn out; and it will require the services of at least two draughtsmen, of first class abilities, to complete new ones from the records of the office. A slight mistake or error in the compilation of a map might be the cause of endless litigation, and result in the great injury of land-holding citizens. Four assistant draughtsmen, capable of making correct plats from returns of field notes, and of making sketches of separate tracts of land from the same, are as few as can conduct this part of the business of that office expeditiously.

In reference to the drafting of new maps, it may not be irrelevant to mention that a good draughtsman can only execute one in six months, and in these days of a multiplicity of railroads, competent draughtsmen are in large demand, and can only be secured by offering a liberal salary.

With less than the force provided for in this bill, your committee are of the opinion that the business of the Land Office cannot be conducted in a manner to meet the wants of the public; and even with this number it will be necessary for the employes to be thoroughly competent in the various branches to which they are respectively assigned.

As regards the heading, "miscellaneous" in the House bill:

1. For cost of Legislature, two hundred thousand dollars, your committee cannot see the necessity for providing in advance for the next Legislature; as, when that body shall have convened and ascertained for itself what amount is necessary to be appropriated to defray its expenses, it certainly will possess the same authority as the present Legislature to provide for the payment of its own expenses.

2. For extra clerk hire, books and stationery, for bringing up and collecting back taxes, the appointment and expenditure under direction of the Governor, twelve thousand dollars.

In the first place, the amount twelve thousand dollars is entirely inadequate to accomplish the work contemplated, as any person familiar with the subject and the difficulties to be encountered and overcome, will readily concede.

The matter of bringing up and collecting back taxes is a very important one, and the expense of the work cannot be increased or diminished by any appropriation. To complete the work will cost a certain sum; and the amount appropriated in the bill will only pay that proportion of the whole expense, and only that proportion of the whole work contemplated will be accomplished.

J. S. MILLS,

Chairman of Committee on Finance.

Report of committee read, and, on motion of Senator Pickett, one thousand of bill and report were ordered to be printed.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 272, "To incorporate the North Texas

Manufacturing Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Private Land Claims, to whom was referred the petition of Mary A. Hale, have duly considered the same, and I am instructed to report it back with the accompanying bill and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid over under the rules.

Report of Committee on Judiciary, with amendments :

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 215, entitled "An Act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter," have carefully considered the same, and I am instructed to report it back with accompanying amendments and recommend that it do pass.

M. PRIEST,
Chairman of Committee.

Amendments to Senate bill No. 215 :

Amend by striking out the word "administration, wherever it occurs in the charter, and insert the word "superintendent" in lieu thereof.

Amend by adding to the end of section two the following words :

"Provided, that nothing in this section shall be so construed as to authorize the extension of the corporate limits of the city over any portion of the main land, nor give to the city any exclusive control over any of the navigable channels in the bay, except those directly communicating with the city of Galveston."

To section twenty-three add the following words :

"Provided, that the city council shall not expend more than five

hundred thousand dollars in any one year, unless so authorized by a majority of the legal voters of said city."

In section twenty-six, line three, insert after the word "dollars," the following words: "provided, that the administration of finance shall give bonds in the sum of twenty thousand dollars."

Laid over under the rules.

On motion of Senator Hall the rules were suspended to offer the following resolution:

WHEREAS, It is claimed by certain Senators that E. L. Alford is entitled to be reelected by a majority of this Senate, after having been expelled by a two-thirds vote; and,

Whereas, It is believed by many that such proceeding would be in violation of all law and parliamentary rules; therefore,

Resolved, That the case of E. L. Alford be referred to the Attorney-General of the State, with a request that he give his opinion to this Senate on said case at the earliest possible moment.

Senator Flanagan moved its indefinite postponement.

Yeas and nays taken:

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Baker, Ford, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Saylor—10.

Absent—Fountain, Ruby—2.

Not voting—Alford.

Excused—Senator Bell.

Carried.

By leave, Senator Hall presented the following protest:

AUSTIN, August 1, 1870,

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned members of the Senate respectfully show that by the constitution of the State, article three, section fifteen, it is provided that "two-thirds of each House shall constitute a quorum to do business," and by the same article, section sixteen, each House, with the consent of two-thirds, may expel a member. A quorum thus formed constitutes the Senate, and by a vote of two-thirds of this Senate a member may be expelled, and when so expelled the action is legal, is final, from which there is no appeal; an absolute vacancy results, to be filled by an election, as the only constitutional mode of filling vacancies. Article three, section nineteen.

On the — day of —, 1870, the Senate did, by a two-thirds vote of a constitutional Senate, expel from his seat in the Senate,

E. L. Alford, Senator of the Twenty-sixth Representative District of Texas, whose place and whose seat thereupon became vacant, according to the provisions of the constitution and the laws of this State.

There having been no election ordered and held, as the law directs to fill the vacancy thus created, it still exists; no power is anywhere conferred on the Senate, by resolution or otherwise, directly or indirectly, to fill a vacancy, and any attempt to do so is and must be regarded by us as null and void.

A pretended plea that said Senator was wrongfully expelled avails nothing, as the action of the Senate is conclusive and cannot be reviewed.

Yet a majority of the Senate, on the thirtieth of July, 1870, passed a resolution to reseat said expelled Senator, and thus to fill the vacancy caused by his expulsion, contrary to all law and all precedent, and said act of the majority, in our opinion, confers no right on said expelled Senator, but is null and void *ab initio*.

We therefore, avail ourselves of our constitutional right of entering this our solemn protest against said action of the majority of the Senate. We can only regard the expulsion of said Senator, and the vacancy thereby caused, as an accomplished fact, and we therefore cannot recognize him as a member of this body. We solemnly protest against his taking his seat and participating in the acts and deliberations of the Senate, as, in our opinion, it would be an illegally constituted body, and its acts tainted with illegality, at least so far as his participation is concerned, against which, however, as a minority, we can only appeal to the authorities to preserve the integrity of the Senate, and ask that this our protest be spread upon the journals.

M. PRIEST,
A. J. FOUNTAIN,
S. N. FORD,
THEO. HERTZBERG,
THOS. H. BAKER,
MATTHEW GAINES,
E. PETTIT,
W. A. SAYLOR,
HENRY RAWSON,
G. T. RUBY,
P. W. HALL.

Report of Joint Committee on Adjournment :

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: The undersigned members of a joint committee of two from the Senate and three from the House, to whom was referred the matter of adjournment, have unanimously agreed as to the same, and beg leave to offer the following :

Resolved, That the President of the Senate and Speaker of the House of Representatives are hereby authorized and required to adjourn their respective bodies *sine die* upon the fifteenth day of August, at twelve o'clock, M.

Upon the part of the Senate :

FOUNTAIN,
PYLE.

Upon the part of the House :

MOORE of Red River,
CHAMBERS,
LOCKE.

On motion of Senator Dohoney, the rules were suspended to consider the report.

Report read and adopted.

Senator Pyle moved to reconsider the vote just taken and to lay the motion to reconsider upon the table.

The hour for special order having arrived, Senator Saylor moved its postponement until the business before the House is disposed of.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Douglas, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Priest, Pyle, Rawson, Saylor, Shannon—19.

Nays—Alford, Bowers, Clark, Dohoney, Flanagan, Pettit, Pickett, Pridgen, Ruby—9.

Absent—Parsons.

Special hour postponed.

The question recurring upon the motion to reconsider, made by Senator Pyle,

Senator Bowers moved a division of the question.

The Chair ruled the motion out of order.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays taken :

Yeas—Baker, Bell, Broughton, Douglas, Evans, Flanagan, Ford,

Fountain, Gaines, Hall, Latimer, Mills, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon--19.

Nays--Alford, Bowers, Clark, Cole, Dohoney, Hertzberg, Pickett, Pridgen--8.

Absent--Parsons.

The Senate sustained the decision of the Chair.

The question recurring upon the motion of Senator Pyle,

The yeas and nays were taken :

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Fountain, Gaines, Hall, Hertzberg, Latimer, Priest, Pyle, Rawson, Ruby, Saylor, Shannon--19.

Nays--Alford, Bowers, Clark, Flanagan, Ford, Pettit, Pickett, Pridgen--8.

Absent--Mills, Parsons--2.

Motion to reconsider and to lay that motion on the table carried.

Special order :

The hour for the consideration of special order, Senate bill No. 281, a bill to be entitled "An Act to organize the courts of justices of the peace and police courts, and to define their jurisdiction and duties."

Bill read second time.

On motion of Senator Ruby the Senate went into Committee of the Whole.

Senator Ruby, Chairman of Committee of the Whole, having under consideration Senate bill No. 281, reported progress and asked leave to sit again to-morrow at twelve o'clock M. •

On motion of Senator Pyle the report of committee was received and adopted.

On motion of Senator Bell the rules were suspended to take up House bill No. 381, "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot-box."

Bill read first time.

By leave, Senator Pridgen presented the following bill :

An act to amend section three of an act concerning divorce and alimony.

Read first time and referred to Committee on Judiciary.

The question recurring upon House bill No. 381, the rules were suspended and bill read second time, and on motion of Senator Flanagan was referred to a select committee of three and made the special order for to-morrow at half past ten A. M.

The Chair appointed on said committee Senators Broughton, Hall and Douglas.

On motion of Senator Dohoney, Senators Bowers and Flanagan were added to said committee.

On motion of Senator Bell the rules were suspended to take up House bill No. 30, "An Act to authorize the clerks of the Supreme and District Courts and justices of the peace to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same."

Bill read second time and report of committee adopted.

Senator Ruby moved the adoption of the amendments as reported by the committee.

Senator Bowers moved the bill as amended be referred to a special committee of three, and that one hundred copies of the bill be printed for the use of the Senate.

Carried.

The Chair appointed on said committee Senators Bowers, Priest and Pickett.

On motion of Senator Bowers House bill No. 30 was made the special order for Thursday, at eleven o'clock A. M.

Senator Ruby offered the following resolution:

WHEREAS, The Senate, by resolution, have agreed to adjourn on the fifteenth instant, therefore be it

Resolved, That hereafter the daily sessions of the Senate shall commence at nine o'clock A. M.

Adopted.

Senator Pickett offered the following resolution:

Resolved, That no special bill or resolution shall be taken up or acted on in the Senate, until all bills and resolutions of a general character before the Senate shall have been finally disposed of, excepting in night sessions.

Adopted. *

On motion of Senator Flanagan the Senate adjourned till eight o'clock to-night.

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, Bridgen, 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, 1849, 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.

Senator 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. Goodnight, 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 Alumania 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 Ruttersville 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.

Twelfth amendment: Strike out all of section twenty-two.

Thirteenth amendment: In section twenty-eight, strike out all after the word "precinct," in third line.

Fourteenth amendment: In section thirty, in third line from bottom, after the word "conviction," strike out the remainder of the section, and insert "be punished as provided by law." And in third and fourth lines from bottom, same section, the word "misdemeanors" be stricken out, and the word "felonies" be inserted in lieu thereof.

Fifteenth amendment: In section thirty-one, in fifth line from bottom, strike out all after the word "felony," and insert "and shall be punishable as directed by law."

Sixteenth amendment: In section thirty-three, in thirteenth line after the word "poll," strike out all to the word "be," in the sixteenth line."

Seventeenth amendment: Strike out all of section thirty-five.

Eighteenth amendment: Strike out all of section thirty-seven.

Nineteenth amendment: In section forty-one, in third line, strike out all before the words "the mayor."

Twentieth amendment: In section forty-five insert the following as a substitute for the section: Sec. 45. That it shall be the duty of the county or police courts of the several counties to furnish the judges of elections with the necessary blanks and instructions for holding the county, district and State elections in their several counties, and for charter elections the same shall be furnished the board of aldermen of incorporated towns or cities.

Twenty-first amendment: Strike out all of section forty-six.

Twenty-second amendment: In section forty-seven, in third line from the bottom, after the words "be punished," strike out and insert "as provided by law."

Twenty-third amendment: Strike out sections 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59.

Minority report:

COMMITTEE ROOM,
Austin, August 9, 1870

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned member of the select committee, to whom was referred House bill No. 381, has had the same under careful consideration, and begs leave to most respectfully dissent from the opinion of the majority of the committee, and to recommend the passage of the bill without amendments.

P. W. HALL.

Reports laid over under the rules.

On motion of Senator Hall rules suspended to take up an act, Senate bill No. 343, "To incorporate the Bank of Discount and Deposit at Calvert."

Rules suspended, bill read second time; rules further suspended, bill read third time and passed by the following vote:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pickett, Priest, Pyle, Rawson, Ruby, Shannon—22.

Nays—None.

On motion of Senator Hertzberg the rules were suspended to take up House bill No. 392 "An Act to incorporate the city of San Antonio."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pickett, Priest, Pridgen, Rawson, Ruby Shannon—20.

Nays—Alford.

Sent to the House.

Senator Ruby offered the following resolution:

Resolved, That the Committee on Internal Improvements be and are hereby requested to report back to the Senate their action upon Senate bill No. —, "Incorporating the Galveston, Austin and Pacific Railroad Company."

Adopted.

Report of Committee on Internal Improvements:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The Committee on Internal Improvements to whom was referred Senate bill No. 280 entitled "An Act to aid in the construction of the Southern Trans-Continental Railroad," have considered the same. Accompanying this report are several amendments proposed by the committee. The amendments will modify, to some extent, the details of the measure, and, we think, more securely guard the interests of the State. The committee have previously reported a bill recommending like assistance by the State to the Southern Pacific Railroad. This bill and the one just referred to propose that the State shall guarantee the interest on the bonds of the two companies to the amount of \$25,000 per mile on about seven hundred miles of road, or about three hundred and fifty miles to

each company. That is on the Southern Pacific from Hallville west to the twenty-third degree west longitude, and in the Trans-Continental, from Jefferson to Texarkana and thence west to the same degree of longitude.

The committee believe that every necessary safeguard, to secure the State from risk or loss, has been incorporated in the bill. No bonds can issue and receive the State's guarantee of interest until twenty miles of road have been completed and ready for the use of the public, and been inspected and properly certified to the Governor by some person authorized by him to examine and report upon the same. The interest on the bonds of the company has to be met by the company six months in advance by payment of the money into the State Treasury, or by the deposit of such an amount of United States securities in the State Treasury as the Governor may deem sufficient to meet the demand. In case of default, in any particular, the Governor has the power to seize the road and operate the same until the interest due, and expenses incurred, are paid.

When the road is completed to the twenty-third degree of longitude west from Washington, two per cent. of the gross earnings of the road are to be paid into the treasury of the State, and be applied as a sinking fund for the redemption of the company's bonds.

In view of the fact that it is now almost certain that Congress intends to aid in the construction of a railroad through Texas to the Pacific Ocean, and as it is apparent that Texas can, by liberality and harmony, concentrate the vast commercial interests of the railway lines converging at Cairo, Memphis and Vicksburg, upon one common centre and on one main trunk line in Texas, and appreciating the vast importance to Texas of securing this great commercial highway, connecting the oceans, and over which must pass a very large proportion of the wealth and travel of this continent, of Europe, and the old world; and believing the construction of such grand trunk line through Texas would insure tapping lines from every part on our own gulf coast, and that our people, without exception, are heartily in favor of the most liberal policy to secure an end so desirable, the committee ask the adoption of the amendments and the passage of the bill.

W. A. SAYLOR,

Chairman.

First amendment: In section one, third line, between the words "bonds" and "payable," insert "in sums of one thousand dollars each." In fifth line of first section between the words "shall" and "be," insert "be denominated its first mortgage bonds and." In same section, seventh line, between the words "Texas" and "signed," insert "and his successors in office as trustee, and be."

In ninth line of same section after the words "Comptroller of," and before the word "the," insert "public accounts of." After the word "expressed," the last word of section, add the following: "in trust for the purpose of securing the payment of said bonds."

In section two, ninth line, strike out the words "to the extent of thirty, and insert "not to exceed twenty-five." At the end of section two add "provided, nothing in this act shall be so construed as to make the State liable for the principal of said bonds."

In section three, first line, strike out the words "thirty days," and insert "six months."

In third section and third line, after the word "when," and before the word "said," insert "one hundred miles of;" and in fourth line of same section, between the words "year" and "to," insert the word "thereafter."

In same section, eleventh line, strike out the word "run," and insert "operated;" and end of same section add the words, "and to pay all expenses incurred by said default."

In section five, fourth line, strike out the words "for five," and insert the word "until." At the end of same section add, after the last word "completion," the words "to the twenty-third degree from Washington."

Add additional section :

SEC. 8. That the mortgage authorized by the first section of this act shall specify the particular parts of said road by sections, which it is intended to be included in the same, and the number of bonds to be issued, which section so included, and the number of bonds to be issued and secured by said mortgage, shall never exceed twenty-five thousand dollars per mile upon any section of said road.

Add the following as

SEC. 9. That instead of a deposit of the money to pay the interest as provided by the third section of this act, the company may place in the Treasury of the State, from time to time, such an amount of United States securities as the Governor may deem necessary to provide for the accruing interest on the bonds guaranteed by the State, and upon default of the company to promptly meet its interest, the Governor shall direct the sale of the bonds so deposited, or a sufficient amount thereof, to meet the interest due. And in the event that the State should at any time become liable, and pay the interest on any of the bonds guaranteed by the State, it shall be the duty of the Comptroller of Public Accounts to direct the assessment and collection of taxes sufficient to meet the same.

Reports 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. 157, entitled "An Act to incorporate the Colorado Railroad Company," also Senate bill No. 156, "An Act to incorporate the Texas Mining Company," also Senate bill No. 217, "An Act to incorporate the Houston, San Jacinto Canal and Navigation Company," respectfully report they have had the same under consideration, and recommend that they do pass.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 332, "Authorizing the county courts to sell the school lands situated in their respective counties," and Senate bill No. 146, "Prescribing the powers and duties of clerks of district courts," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL

On motion of Senator Mills the rules were suspended to take up Senate bill No. 317, "An Act making an appropriation for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiency incurred in the support of the State government for the fiscal year ending August 31, 1870."

Bill read second time.

[Senator Ruby in the Chair.]

Senator Alford offered to amend by striking out the "appropriation of \$35,000 for district attorneys."

Lost.

Senator Bowers offered the following amendment: amend by adding the words, "for pay of pension claims for first half of year 1865, \$1037 50.

Adopted.

Senator Mills offered the following amendment :

For salary of Assistant Attorney General.....\$3,000
 For two clerks Attorney General's office..... 3,600

Adopted.

Senator Pickett offered the following amendment: section one, line two, after the word "sums," insert, "or so much thereof as may be necessary."

Adopted.

Senator Bowers offered the following amendment: strike out all of line seven, section one, and insert "for previous years."

Adopted.

[The President in the Chair.]

Senator Mills offered the following: Under the head of "State Department," amend by striking out "clerk," line two, and adding "two clerks," and striking out in same line "1500," and inserting "3000;" also strike out all of line three.

Adopted.

Senator Saylor offered the following amendment: Amend page thirteen, under "Adjutant General's Office," after line four:

ENGINEER'S OFFICE.

For salary of State Engineer.....\$2,000
 For expenses of same..... 2,000

Lost.

On motion of Senator Mills passed to engrossment.

Rules suspended, bill passed to third reading; read third time and passed.

Yeas---Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Dohoney, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Saylor, Shannon---22.

Nays---None.

Absent---Flanagan, Fountain, Pridgen---3.

Not voting---Broughton, Douglas, Evans, Latimer---4.

By leave, Senator Broughton introduced "An Act to organize and incorporate the East Line and Red River Railroad Company of Texas."

Read first time and referred to Committee on Internal Improvements.

Senator Baker moved to reconsider the vote of yesterday (evening session) on House bill No. 315, "An Act to incorporate the town of Round Top."

Yeas and nays taken on the motion to reconsider:

Yeas---Mr. President, Baker, Bell, Bowers, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor---17.

Nays--Alford, Broughton, Cole, Douglas, Evans, Latimer, Pickett, Shannon--8.

Absent--Clark, Dohoney, Flanagan, Fountain--4.

On motion of Senator Baker the bill was referred to a committee of three.

The Chair appointed Messrs. Baker, Cole and Alford.

By leave Senator Pyle introduced "An Act for the relief of the Texas and New Orleans Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Special order, House bill No. 454, "An Act to provide for the appointment of public weighers."

Read second time.

On motion of Senator Alford, made special order for to-morrow at 10:30 A. M. One hundred copies ordered to be printed.

Special order, Senate bill No. 273, "An Act to provide for the sale of the Houston Tap and Brazoria Railway."

Bill read second time.

Senator Mills moved to postpone to Friday next.

Lost.

Senator Ruby moved to fill the blank in section three with \$50,000.

Adopted.

Senator Cole moved to make the bill the special order for to-morrow, 10 A. M.

Lost.

Senator Douglas offered the following amendment:

Amend section three: add, "Provided that the Governor of the State shall be authorized to purchase said railway, if in his discretion he may deem it necessary to protect the interest of the State, provided the Governor shall not bid more for said road than the indebtedness of the company to the school fund and interest thereon."

Adopted.

Rules suspended; bill read third time and passed by the following vote:

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--24.

Nays--Alford, Evans, Mills--3.

Absent--Flanagan, Fountain--2.

Message from the House informing the Senate that the Speaker had signed in open session the following bills:

Enrolled 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."

Enrolled bill No. 172, "An Act to amend an act to incorporate Herman's University, approved January 27th, 1844, as amended by an act passed April 11th, 1846."

Enrolled 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."

Enrolled bill No. 260, "An Act to incorporate the town of Gatesville, Coryell county, Texas," signed by the President and returned to the House.

Report of Committee on Enrolled Bills :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined, and find correctly enrolled Senate bill No. 106, entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of "The Gulf, Western Texas and Pacific Railway Company," and Senate bill No. 272, entitled "An Act to incorporate the North Texas Manufacturing Company," and Senate bill No. 252, entitled "An Act for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased," and to-day at 11 o'clock, A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

[Senator Ruby in the Chair.]

By leave, Senator Clark introduced "An Act to prevent the obstruction of navigable streams."

Read first time and referred to the Committee on Internal Improvements.

Message from the House, informing the Senate that the House had passed Senate bill No. 2, "An Act to incorporate the Jefferson and Shreveport Railroad Company; to provide the ways and means for constructing and maintaining their road; and to authorize the sale of said road, and the acquisition by the company of other road or roads," with the following amendment:

Amend section three by inserting in the blank, after the words "to consist of," the words "five or more."

Special order : House bill No. 478, "An Act to provide for a system of public free schools for the State of Texas."

Read third time.

Senator Pickett moved to amend section three, line ten, by inserting after the word "exceeding" the words "one-tenth of."

Senator Mills offered an amendment to the amendment by inserting "one-half of one per cent." instead of "one-tenth."

Yeas—Mr. President, Alford, Bell, Ford, Hertzberg, Mills, Priest, Rawson, Ruby, Saylor, Shannon—11.

Nays—Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Parsons, Pickett, Pettit, Pyle—15.

Absent—Flanagan, Fountain, Pridgen—3.

Lost.

The question recurring upon the adoption of the amendment offered by Senator Pickett, the yeas and nays were demanded and resulted as follows :

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon—12.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Lost.

The yeas and nays were demanded on the final passage, and resulted as follows :

Yeas—Mr. President, Alford, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon—11.

Bill passed.

On motion of Senator Dohoney the Senate adjourned until 8 P. M. Tuesday, August 9, 1870.

EVENING SESSION.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

The Secretary carried to the House Senate bills Nos. 260, 273, 35, 164, 171, 174, 239, 264, 274, 304, 344.

On motion of Senator Pickett the rules were suspended to take up House bill No. 394, "An Act to incorporate Salter's Commercial and Library College."

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, Broughton, Clark, Cole, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Shannon—21.

Nays—None.

Bill passed and sent to the House.

On motion of Senator Flanagan the Senate concurred in the following House amendments:

Amend section three, after the words "to consist of," fill the blank by adding "five or more."

Senate bill No. 262, "An Act to change the present boundaries of Brazos and Burleson counties."

On motion of Senator Flanagan the Senate concurred in the following House amendment:

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."

On motion of Senator Pickett the rules were suspended to take up Senate bill No. 107, "An Act to incorporate the Pine Island Bayou Bridge Company."

Bill read second time; rules further suspended and bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bowers, Clark, Cole, Douglas, Evans, Flanagan, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby—20.

Nays—None.

Absent—Bell, Broughton, Dohoney, Ford, Fountain, Hall, Pyle, Saylor, Shannon—9.

Bill passed.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 273, "To provide for the sale of the Houston Tap and Brazoria Railway;" also Senate bill No. 164, "To incorporate the Navasota Insurance Company;" also Senate bill No. 239, "To incorporate the Bank of Sabine Pass;" also Senate bill No. 171, "To incorporate the Houston Hebrew Benevolent So-

ciety;" also Senate bill No. 264, "For the relief of the heirs of Lynn Bobo, deceased;" also Senate bill No. 304, "To prohibit the sale of intoxicating or spirituous liquors within the vicinity of George's Creek Seminary;" also Senate bill No. 35, "To incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. D. H. S.;" also Senate bill No. 274, "To incorporate Troupe Seminary;" also Senate bill No. 174, "To incorporate the Kemper City Bridge Company;" also Senate bill No. 344, "To incorporate the city of Calvert;" also Senate bill No. 260, "To incorporate the Texas Timber and Prairie Railroad Company," find the same to be correctly engrossed.

G. T. RUBY.
E. L. DOHONEY,
P. W. HALL.

By leave, Senator Priest offered the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Senate bill No. 295 has been for sometime before the Judiciary Committee. The press of business has prevented action on part of the committee, and time is so short now that your committee can only report it back and recommend it to the favorable consideration of the Senate.

The bill provides for a State tax of one hundred dollars, and a county tax of fifty, on all who sell spirituous liquors in any quantity—the treasurer's receipt to be all the license required.

The present tax on this class of our citizens is unreasonable and oppressive. If it be a moral wrong to sell liquor, it should be forbidden. The State should not license a wrong. If it be legal to sell, it should not be punished as a crime simply for the sake of making a revenue to the State. Even if this be the object of such oppressive taxation, the object fails, as but comparatively few can engage in the traffic—those who have means. If it be allowed at the tax here imposed, the revenue of the State from this source will be increased rather than diminished. Taxes should be uniform as far as practicable. These views are suggested not in advocacy of the improper use or sale of spirits, but in justice and right.

Respectfully submitted,

M. PRIEST,
Chairman.

On motion of Senator Priest the rules were suspended to consider the report.

Report of committee read.

Bill read second time.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 291, "An Act to incorporate the Beaumont, Galveston and Coast Railway Company," with amendments.

Report of Committee read.

On motion of Senator Pridgen the amendment reported by the committee was rejected.

Bill read second time.

Senator Pridgen moved to amend by striking out sections eight, nine, ten and eleven.

Carried.

Rules suspended, bill passed to engrossment; rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Bell, Evans, Fountain, Latimer, Parsons, Saylor—6.

Bill passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 439, "An Act to incorporate the Colorado Valley Immigration Company."

Bill read first time.

Senator Hertzberg moved the bill be referred to Committee on Immigration.

Lost.

Rules suspended, bill read second time.

Senator Gaines moved to amend by striking out section four.

Yeas and nays taken:

Yeas—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Mills, Parsons, Pickett, Priest, Ruby, Shannon—13.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Flanagan, Latimer, Pettit, Pridgen, Pyle, Rawson—12.

Absent—Ford, Fountain, Hall, Saylor—4.

Amendment adopted.

Senator Dohoney offered the following amendment.

Strike out section six.

On motion of Senator Bowers the further consideration of the bill was postponed until to-morrow evening.

MESSAGE FROM THE GOVERNOR.

AUSTIN, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: I herewith return to your House, where it originated, "An Act to incorporate the Austin Bridge Company," with a request that the same be reconsidered.

I return this act for the main reason that a good bridge ought to be built across the Colorado at Austin, and this act may have the effect to keep the present inefficient pontoon for thirty years to come. This pontoon bridge is of very little service when the water is low, because the river is then fordable; and when the water is high it cannot be used at all. This act fixes an exorbitant tariff of charges, and prohibits any other ferry or bridge for a distance of four miles in front of Austin, for thirty years. This is a monopoly that there will not be even the excuse of a good serviceable bridge to compensate for.

Under the general law regulating ferries, these persons can secure all ferry privileges that they are fairly entitled to, by application to the police court, and I suggest that they be remitted to that tribunal.

Very truly,

(Signed)

EDMUND J. DAVIS,
Governor.

On motion of Senator Flanagan the reading of the message was dispensed with.

Message from the House informing the Senate the Speaker had signed in open session enrolled bill "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same."

Enrolled bill "An Act to incorporate the Houston City Street Railway Company."

Also, that the House had passed joint resolution No. 22, "Joint Resolution in relation to the salaries of provisional district judges."

Joint resolution No. 26, "Joint Resolution authorizing the Treasurer of the State of Texas to pay to the order of the board of managers of the State Lunatic Asylum, certain funds retained in the treasury by special act, approved June 15, A. D. 1870."

House bill No. 151, "An Act for the relief of railroad companies indebted to the State for loans from the special school fund."

House bill No. 180, "An Act to ascertain and adjudicate certain claims for land against the State, situated between the Nueces and Rio Grande rivers."

House bill No. 222 "An Act to incorporate the French Benevolent and Mutual Assistance Society of Galveston, Texas."

House bill No 383, "An Act to incorporate the Lake Fork Toll Bridge Company."

House bill No. 343, "An Act to provide for the obtaining and transcribing of the several acts or charters founding the towns of Reynosa, Camargo, Mier and Guerro in the Republic of Mexico, and of Laredo in Texas."

House bill No. 507, "An Act appropriating certain moneys for the use of the State Lunatic Asylum."

House bill No. 184, "An Act to authorize Car Forrest to erect a toll bridge over Chamber's Creek, in Ellis county, Texas." •

House bill No. 506, "An Act to amend an act entitled 'An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin, approved July 19, 1870.'" •

House bill No. 505, "An Act to change the county line between the counties of Bexar and Medina."

Whereupon the enrolled bills were signed by the President and returned to the House.

On motion of Senator Rawson the rules were suspended to take up Senate bill No. 334, "An Act to add a part of the county of Refugio, herein described, to the county of San Patricio."

Rules suspended, bill read second time and passed to engrossment; rules further suspended, bill read third time and passed.

On motion of Senator Ruby the rules were suspended to take up House bill No. 166, "An Act to incorporate the Southwestern Insurance and Trust 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, Clark, Cole, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Broughton, Dohoney, Douglas, Fountain, Pickett, Saylor—6.

Bill passed.

On motion of Senator Shannon the rules were suspended to take up House bill No. 184, "An Act to authorize Car Forrest to erect a toll bridge over Chamber's Creek, in Ellis county, Texas."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Cole⁴

Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--24.

Nays--None.

Absent--Fountain, Saylor--2.

Not voting--Broughton, Clark, Pickett--3.

Bill passed.

On motion of Senator Campbell, the rules were suspended to take up 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."

Bill read first time; rules suspended, bill read second and third times and passed.

On motion of Senator Alford, the rules were suspended to take up Senate bill No. 242, "An Act for the relief of Jacob T. Chandler."

Bill read second time.

Senator Priest moved the postponement of the bill until the second Tuesday in January, 1871. Carried.

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 second time; rules further suspended and bill read third time and passed.

On motion of Senator Bell, the rules were suspended to take up House bill No. 407, "An Act to provide for the salaries and fees of District Attorneys *pro tem*."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time and passed.

Senator Bowers offered the following resolution:

Resolved, That H. R. Latimer be granted leave of absence the balance of the session, commencing Friday, August 12, 1870.

Adopted.

On motion of Senator Bowers, the rules were suspended to consider the Governor's veto on Senate bill No. 16, "An Act to incorporate the Austin Bridge Company."

Senator Bowers moved the Senate, on reconsideration, pass the bill.

Yeas and nays taken:

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pickett, Priest, Pridgen, Pyle, Shannon--19.

Nays--Gaines, Hall, Hertzberg, Pettit, Rawson, Ruby--6.

Absent--Ford, Fountain, Parsons, Saylor--4.

So the Senate, on reconsideration, passed the bill over the Governor's veto.

On motion of Senator Dohoney, the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, August 10, 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.

The Secretary carried to the House the following House bills: Nos. 166, 184, 376, 407, 478, 496.

Also the following Senate bill by Senator Pickett:

A Bill entitled "An Act to validate the authentication and registration of deeds and other instruments, acknowledged as proven before county judges."

Bill read first time.

On motion of Senator Pickett, the rules were suspended to consider the bill.

Bill read second time.

Senator Bowers offered the following amendment:

Amend section —, by adding, "and all depositions taken before a county judge shall be as valid as if taken before an officer authorized to take depositions."

Adopted.

Senator Bowers moved to amend the caption, to read as follows:

A bill to be entitled "An Act to validate certain official acts of county judges."

Adopted.

Bill passed to engrossment.

Rules further suspended; bill read third time and passed.

Message from the House informing the Senate that the House had passed, with amendments, Senate bill No. 267, "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas," and Senate bill No. 260, "An Act to incorporate the Texas, Timber and Prairie Railroad Company;" also, without amendments, House bill No. 503, "An Act prescribing the mode of proceeding in district courts in matters of probate."

By Senator Baker:

A bill to be entitled "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

Bill read first time.

On motion of Senator Cole, the rules were suspended to consider the bill.

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, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Rawson, Ruby, Saylor, Shannon—25.

Nays—None.

Absent—Fountain, Latimer, Pridgen, Pyle—4.

Bill passed.

The following joint resolution was offered by Senator Pettit :

Be it resolved by the Senate and House of Representatives, That two commissioners be appointed, one by the Senate and one by the House, in order to visit other States for the purpose of obtaining information upon the subject of free school systems, and report thereon at the next session of the Legislature; and that _____ dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to meet the expenses of said commissioners.

Read first time.

Senator Pettit moved the suspension of the rules to consider the resolution.

Yeas and nays taken :

Yeas—Mr. President, Bowers, Clark, Ford, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pyle, Ruby, Saylor—13.

Nays—Alford, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Rawson Shannon—11.

Absent—Baker, Fountain, Latimer, Mills, Pridgen—5.

Motion to suspend the rules lost.

By Senator Dohoney :

An act to be entitled " An Act to regulate the sale of lands under decrees of courts."

Read first time; rules suspended, bill read second time.

Senator Dohoney offered the following amendment :

Amend by adding, " Provided, that when more than one lot shall be purchased by the same person the sheriff, unless otherwise requested by the purchaser, shall include all of said lots in the same deed, and shall in such case be entitled to fees for making one deed only.

Adopted.

Rules further suspended, bill read third time and passed.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 317, "Making appropriations for the support of the State government for the fiscal year, commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Reports 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. 279, "An Act to incorporate the Rio Grande Railroad Company," have carefully considered the same, and respectfully report it back to the Senate, and recommend it do pass.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 346, "An Act to organize and incorporate the East Line and Red River Railroad Company," have had the same under consideration, and report it back, recommending its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

On motion of Senator Priest the rules were suspended to take up House bill No. 503, "An Act to prescribe the mode of proceeding in district courts in matters of probate."

Bill read first time; rules further suspended, bill read second time; rules suspended, bill read third time and passed.

Sent to the House.

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."

Senator Hall moved the Senate concur in the following House amendments to Senate bill No. 260 :

Amend section one by striking out the word "perpetual," and insert after the word "succession," the words "for ninety-nine years."

Amend section twenty-four by striking out the words, "or other acts of God."

Adopted.

Senator Douglas offered the following :

Resolved, That a special committee of three be appointed to arrange and report special orders of the most important general acts now pending before the Senate.

Adopted.

The Chair appointed Senators Douglas, Baker and Ruby on said committee.

On motion of Senator Mills the rules were suspended to take up 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."

Bill read first time.

On motion of Senator Parsons the further consideration of the bill was postponed, with leave to call up substitute for the same any time when not in conflict with any bill pending at the time of calling up the substitute.

Senator Pyle offered the following resolution :

Resolved, That Thos. Powell, Assistant Sergeant-at-Arms, be allowed ten days extra pay for services in preparing the Senate Chamber before the commencement of this session.

On motion of Senator Mills it was referred to Committee on Contingent Expenses.

On motion of Senator Rawson the rules were suspended to take up Senate bill No. 259, "An Act to establish and incorporate the Beneficial Society of Galveston."

Bill read second time and passed to engrossment; rules further suspended, bill read time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Pickett, Priest, Pridgen, Pyle, Saylor, Shannon—22.

Nays—None.

Absent—Baker, Broughton, Fountain, Mills, Parsons, Pettit, Ruby,—7.

Bill passed.

On motion of Senator Saylor the rules were suspended to take up House bill No. 205, "An Act to incorporate the Bryan Bridge Company, and allow them certain privileges therein named."

Bill read first and second times; rules further suspended, bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Alford, Bell, Bowers, Clark, Dohoney, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Saylor, Shannon—20.

Nays—None.

Absent—Baker, Broughton, Cole, Douglas, Fountain, Latimer, Mills, Rawson, Ruby—9.

Bill passed.

On motion of Senator Parsons the rules were suspended to take up Senate bill No. 217, "An Act to incorporate the Houston and San Jacinto Canal and Navigation Company."

Bill read second time and passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bowers, Clark, Cole, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—None.

Absent—Bowers, Broughton, Dohoney, Fountain, Mills—5.

Bill passed.

On motion of Senator Pettit the rules were suspended to take up House bill No. 150, "An Act to revive an act, and amend the first section thereof, incorporating the Burnell Male and Female Academy."

Read first time; rules suspended, bill read second time, and on motion of Senator Bowers was referred to the Committee on Judiciary.

On motion of Senator Pickett the rules were suspended to take up House bill No. 151, "An Act for the relief of railroad companies indebted to the State for loans from the special school fund."

Bill read first time; rules suspended, bill read second time and passed to third reading; bill read third time and passed.

On motion of Senator Priest the rules were suspended to take up 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."

Read second time, passed to engrossment, and put on its third reading; rules suspended, bill read third time and passed.

On motion of Senator Bridgen the rules were suspended to take up Senate bill No. 335, "An Act to permanently locate the county seat of San Patricio county."

Read second time and passed to engrossment; rules suspended, bill read third time and passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 446, "An Act supplementary to 'An Act to incorporate the Victoria and Columbia Railroad Company,' approved November 13, 1866."

Read first time; rules suspended, bill read second time and passed to third reading; rules suspended, bill read third time and passed.

Senator Flanagan offered the following resolution:

WHEREAS, There are a large number of Senate bills awaiting passage; and, whereas, the constant accumulation of House bills and the passage thereof necessitates additional sessions of the Senate besides those already had; therefore,

Resolved, That the Senate hold evening sessions from four till six o'clock, for the consideration of Senate bills.

Adopted.

On motion of Senator Bell the Senate concurred in the House amendments to Senate bill No. 267, "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas."

On motion of Senator Rawson the rules were suspended and House bill No. 461, "An Act to incorporate the town of Carthage, in Panola county," read first time; rules suspended, read second time and passed to third reading.

Bill read third time and passed.

The hour having arrived for the consideration of special order, 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."

Senator Flanagan offered the following amendment:

Amend section three, second line, after "wool," strike out "brought into and."

Adopted.

Senator Dohoney moved to amend by striking out "sections eight, nine and ten" Adopted.

Senator Flanagan moved to amend by striking out all after the word "Houston," line six, section one. Adopted.

Senator Pickett moved its indefinite postponement.

Yeas and nays taken:

Yeas—Mr. President, Alford, Clark, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pridgen, Pyle, Rawson, Shannon—13.

Nays—Baker, Bowers, Broughton, Cole, Flanagan, Ford, Gaines, Hertzberg, Mills, Pettit, Priest, Ruby, Saylor—13.

Motion to postpone lost.

Senator Hall offered the following amendment:

After the word "Houston," in section one, line four, insert "Calvert and the terminus of the Houston and Texas Central Railroad."

Adopted.

Senator Dohoney offered the following amendment:

Amend section eleven, line three, by striking out the word "fifteen" and insert the word "ten."

Adopted.

Senator Bowers offered the following amendment:

Amend by adding at the end of section eleven, the words "Provided, when any cotton bale or other package has once been weighed by a public weigher, the same shall not be weighed by any other public weigher in this State."

Adopted.

Senator Cole offered the following amendment:

Amend section one by adding after the word "appoint," in line two, the words "by and with the advice and consent of the Senate."

Adopted.

Senator Ford offered the following amendment:

Amend section three, line one, by inserting after the word "cotton," "when called upon by the seller or purchaser."

Adopted.

Senator Flanagan moved the previous question. Previous question seconded.

Senator Flanagan moved the bill pass to its third reading.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Ruby, Saylor—13.

Nays—Alford, Clark, Dohoney, Douglas, Evans, Pettit, Pickett, Pyle, Rawson, Shannon—10.

Carried.

Bill read third time.

The yeas and nays were taken on final passage:

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Ruby, Saylor—13.

Nays—Alford, Clark, Dohoney, Douglas, Evans, Pettit, Pickett, Pyle, Rawson, Shannon—10.

Absent—Bell, Fountain, Mills, Parsons, Priest, Pridgen—6.

Bill passed, and sent to the House.

Message from the House, informing the Senate that the Speaker had signed, in open session, enrolled bill, entitled "An Act for the incorporation of the city of Paris, in the county of Lamar."

Also, enrolled bill, "An Act to amend an act entitled 'An Act to incorporate the Neches Navigation Company,' approved November 8, 1866."

Also, "An Act to incorporate a Bank of Discount and Deposit at Navasota, Texas."

Signed by the President.

Message from the House, informing the Senate that the House had passed, without amendments, Senate bill No. 281, "An Act to organize the courts of justices of the peace and county courts, and to define their jurisdiction."

Also, Senate bill 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."

On motion of Senator Ruby the rules were suspended to take up House bill No. 381, "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box."

Bill read second time.

Reported back from special committee.

Report of majority and minority read.

Senator Broughton moved the adoption of the majority report:

Yeas and nays called on the adoption of the majority report:

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—13.

Nays—Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Shannon—12.

Report adopted.

Senator Ruby moved the indefinite postponement of the bill.

Yeas and nays called on the motion to indefinitely postpone:

Yeas—Alford, Baker, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Nays—Mr. President, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pickett, Pridgen, Pyle, Shannon—16.

Absent—Fountain.

Motion to postpone lost.

Message from the House by Chief Clerk, transmitting enrolled bills:

House bill No. 368, "To incorporate the Sabine Valley Agricultural and Mechanical Society."

House bill No. 28, "To incorporate the Alamania Association, of the town of LaGrange, Texas."

House bill No. 123, "An Act to incorporate the Galveston Insurance 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 of the Fifth Military District for the purpose of having made a copy of the list of registered voters."

House bill No. 77, "An Act for the relief of certain persons therein named."

They were signed by the President and returned to the House.

Senator Ruby moved a call of the Senate. Call sustained.

Pending call of the rell, Senator Parsons moved a suspension of the call. Call suspended.

Senator Parsons moved the Senate go into executive session.

Yeas and nays called :

Yeas—Baker, Bell, Ford, Gaines, Hall, Hertsberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Saylor--15.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Pridgen, Shannon--12.

Absent—Fountain, Latimer--2.

Senate went into executive session.

IN SENATE.

The Secretary informed his Excellency, the Governor, that the Senate, in executive session, advises and consents to the following nomination : H. C. Pedigo, for Judge of the District Court of the Second Judicial District.

The Senate refused to advise and consent to the nomination of J. H. Rogers, for Judge of the District Court for the Seventh Judicial District.

Report of Committee on Contingent Expenses :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Contingent Expenses, to whom was referred Senate resolution No. —, "Authorizing the payment of Thomas Powell, Assistant Sergeant-at-Arms, for ten days' service in the Senate Chamber previous to the commencement of this session," having duly considered the same, instruct me to report it back to the Senate and recommend its passage.

J. S. MILLS,
Chairman.

Laid over under the rules.

By leave, Senator Mills presented the following bill:

"An Act to authorize the holding of a special term of the District Court, in the county of Grimes, as the summer term of the year 1870.

On motion of Senator Mills, the rules were suspended to consider the bill.

Bill read second time and passed to engrossment.

Rules further suspended, and bill read third time and passed.

On motion of Senator Saylor, the rules were suspended to take up Senate bill No. 279, "An Act to incorporate the Rio Grande Railroad Company."

On motion of Senator Dohoney, the Senate adjourned till 4 o'clock this evening.

AFTERNOON SESSION.

4 O'CLOCK, P. M.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

The Secretary carried to the House the following engrossed bills: Nos. 446, 461, 151, 205, 454.

Also, enrolled Senate bill 90, "An Act to incorporate the Sabine, and Neches River and Pine Island Bayou and Internal Improvement Company." Signed by the Speaker, and returned and signed by the President.

Enrolled Senate bill No. 197, "An Act prescribing the times of holding the district courts in the several judicial districts in this State. Signed by the Speaker and returned and signed by the President.

Enrolled Senate bill 262, "An Act to change the present boundaries of Burleson and Brazos counties. Signed by the Speaker, and returned and signed by the President.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 186, entitled "An Act to incorporate a Bank of Discount and Deposits at Navasota, Texas;" also, Senate bill No. 237, entitled "An Act to amend an act entitled 'An

Act to incorporate the Neches Navigation Company," approved November 8, 1866;" also, Senate bill No. 265, entitled "An Act for the incorporation of the city of Paris, in Lamar county;" and to-day at 2:30 P. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

[General File.]

Senate bill No. 63, "An Act concerning judgment and mortgage liens upon real estate."

Report of Committee recommending that the bill do not pass, was adopted.

Senate bill No. 70, "An Act to repeal part of an act, entitled 'An Act to levy taxes,' approved November 6, 1866."

The Report of Committee recommending that the bill do not pass, was adopted.

Petition of C. F. Millett for relief.

Report of Committee recommending the relief asked for do not be granted, was adopted.

Petition for the relief of H. W. Faison, of Fayette county.

Report read, and on motion of Senator Alford, was indefinitely postponed.

Petition for the relief of estate of Thomas Corothers.

Report of Committee read, recommending the relief asked for be not granted, was adopted.

Petition of U. C. Philips.

Report of Committee recommending the relief asked for be not granted, was adopted.

Petition of D. W. Hancock for relief.

Report recommending it do not pass, was adopted.

Petition of J. Wadsworth for relief.

Report of Committee recommending it do not pass, was adopted.

Petition of H. Clay Evans.

Report of Committee recommending it do not pass, was adopted.

Petition of Jeremiah Morton.

Report of Committee recommending that it do not pass was adopted.

Senate bill No 18, "An Act to incorporate the Dallas Bridge Company."

Bill read second time and passed to engrossment; rules further suspended, and bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Bell, Bowers, Clark, Cole, Doho-

ney, Douglas, Ford, Gaines, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon--21.

Nays—None.

Absent—Baker, Broughton, Evans, Flanagan, Fountain, Mills, Rawson, Saylor—8.

Bill passed.

Message from the House transmitting House bill No. 501, "An Act to incorporate the Gilmer Manufacturing Company."

The House concurred in Senate amendments to House bill No. 478; also, to Senate Amendment to House bill No. 314.

[General File Resumed.]

Senate bill No. 19, "An Act to incorporate the Cedar Creek Bridge Company."

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon--24.

Nays—None.

Absent—Baker, Flanagan, Priest, Rawson—4.

Bill passed.

Senate bill No. 75, "An Act to incorporate the Austin Joint Stock Building Company."

Bill read second time and passed to engrossment.

Rules further suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Shannon—21.

Nays—None.

Absent—Baker, Flanagan, Fountain Hertzberg, Latimer, Priest, Rawson, Saylor—8.

Bill passed.

Senate bill No. 102, "An Act requiring the presiding justices in each county in this State to receive, disburse and account for all funds belonging to their respective counties.

Report of Committee read; bill read second time.

The following amendment was adopted:

Amend section three by adding, after the word "force," in fourth line from bottom, the words "and hereafter enacted."

Bill passed to engrossment as amended; rules further suspended, and bill read third time.

Yeas and nays taken:

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Evans, Latimer, Shannon—8.

Nays—Mr. President, Alford, Baker, Bell, Douglas, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Ruby—14.

Bill lost.

By leave, Senator Mills introduced a bill, entitled "An Act supplemental to an act making appropriations for the support of the State government for the fiscal year, commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years, ending August 31, 1870."

Bill read first time; rules suspended, bill read second time.

Senator Bowers moved to strike out "\$1000 for salary of district attorneys." Carried.

Senator Dohoney offered the following amendment:

Move to amend, by striking out, "salary of one clerk, one thousand dollars." Carried.

Bill passed to engrossment; rules further suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bell, Clark, Dohoney, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor, Shannon—18.

Nays—Broughton, Douglas, Evans, Flanagan—4.

Absent—Bowers, Cole, Fountain, Gaines, Latimer, Pyle, Rawson—7.

Bill passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined, and find correctly enrolled Senate bill No. 90, entitled "An Act to incorporate the Sabine and Neches Rivers, and Pine Island Bayou Internal Improvement Company;" also Senate bill No. 262, entitled "An Act to change the boundaries of Burleson and Brazos counties;" also Senate bill No. 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," and to-day, at five o'clock P. M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report of Committee on engrossment:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined Senate bill No. 291, "to incorporate Beaumont, Galveston and Coast Railway Company;" Senate bill No. 325, "fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the court to establish rules;" Senate bill No. 334, "to add a part of the county of Refugio, herein described, to the county of San Patricio;" Senate bill No. 343, "to incorporate the Bank of Discount and Deposit at Calvert;" Senate bill No. 350, "granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Message from the House informing the Senate that the House had passed, without amendments, the following bills: Senate bills Nos. 284, 62, 341, 330, 319, 144, and 146.

[General File Resumed.]

Senate bill No. 28, "An Act for the relief of the heirs of James S. Holman, deceased."

Bill read second time and passed to engrossment; rules suspended, bill read third time and passed.

Senate joint resolution for the relief of S. W. Baker.

Report of committee rejected.

Resolution read second time and passed to engrossment; rules suspended, bill read third time and passed by the following vote:

Yeas—Mr. President, Alford, Baker, Bowers, Clark, Cole, Dohoney, Ford, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon—17.

Nays—Bell, Douglas, Evans, Flanagan, Hall, Priest—6.

Senate bill No. 30, "An Act to incorporate the Home Insurance Company, of Houston, Texas," with amendments.

On motion of Senator Parsons the amendments were adopted.

Bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed by the following vote:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor, Shannon—22.

Nays—None.

Absent—Broughton, Douglas, Fountain, Gaines, Latimer, Pyle, Rawson—7.

Senator Hall moved a reconsideration of the vote had upon the amendment to House bill No. 429, "An Act to incorporate the Colorado Valley Immigration Company," striking out ten dollars for each immigrant introduced.

On motion of Senator Pettit the Senate adjourned, pending Senator Hall's motion to reconsider.

EVENING SESSION.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

The Secretary carried to the House the following Senate bills Nos. 291, 325, 334, 343, 350, 308, 335, 351, 352, 353 and 259.

On motion of Senator Clark the rules were suspended to take up House bill No. 433, "An Act to release A. M. Nips from paying State, county or city corporation tax on the sale of goods, wares and merchandise in the State of Texas."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time and passed.

Sent to the House.

On motion of Senator Cole the rules were suspended to take up House bill No. 383, "An Act to incorporate the Lake Fork Toll Bridge Company."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Dohoney, Evans, Ford, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Shannon—20.

Nays—None.

Absent—Broughton, Douglas, Flanagan, Fountain, Gaines, Hall, Parsons, Pyle, Saylor—9.

Bill passed.

Sent to the House.

On motion of Senator Dohoney, the rules were suspended to take up Senate joint resolution for the relief of R. S. Brane.

Report of committee read and adopted.

Rules suspended, resolution read second time and passed to engrossment.

Rules suspended, and resolution read third time and passed.

On motion of Senator Douglas, the rules were suspended to take up House bill No. 480, "An Act for the relief of David Cole, or his assigns."

Bill read second time; rules suspended, bill read third time and passed and sent to the House.

On motion of Senator Douglas, the rules were suspended to take up House bill No. 195, "An Act for the relief of James P. Goodnight."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time, passed, and sent to the House.

By leave, Senator Ford introduced an act to confer the jurisdiction heretofore exercised by the chief justices of the several counties of this State, under an act approved January 13, 1862, upon the presiding justices.

On motion of Senator Priest, the rules were suspended and bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed.

Message from the House informing the Senate that the House had passed Senate bills Nos. 314, 218, 51 and 66, also Senate bill No. 332, with the following amendment:

Amend Senate bill No. 332 by striking out the words "Superintendent of Education" wherever they may occur, and insert in lieu thereof the words "Superintendent of Public Instruction."

The House also passed Senate bill No. 248 without amendments.

Message from the House informing the Senate that the House, on reconsideration, had refused to pass "An Act to incorporate the Austin Bridge Company," vetoed by the Governor, August 9, 1870.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 259, "To establish and incorporate the Beneficial Society of Galveston;" also Senate bill No. 352, "To regulate the sale of lands under decrees of the courts;" also Senate bill No. 335, "To permanently locate the county seat of San Patricio county;" also Senate bill No. 351, "to validate certain official acts of county judges;" also Senate bill No. 102, "Requiring the presiding justices in each county in this State to receive, disburse and account for all the funds belonging to their respective counties;" also Senate bill No. 353, to authorize a special term of

the district court to be holden in the county of Grimes for the year 1870," and Senate bill No. 388, "To incorporate the San Antonio and Rio Grande Telegraph Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL

On motion of Senator Evans, the rules were suspended to take up Senate bill No. 279, "An Act to incorporate the Rio Grande Railroad Company."

Bill read second time.

Senator Pridgen moved that the words "perpetual succession" be stricken out and "ninety-nine years" inserted instead.

Adopted.

Bill passed to engrossment: rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--22.

Nays—None.

Absent—Broughton, Flanagan, Fountain, Gaines, Pettit, Pickett, Pyle--7.

Bill passed.

On motion of Senator Evans the rules were suspended to take up House bill No. 488, "An Act making an appropriation to pay Peter Metzger for conveying his daughter Anna Metzger from Arkansas to her home in Texas, who was captured by the Indians and recovered at the boundaries of the State."

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, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--24.

Nays—None.

Absent—Flanagan, Fountain, Gaines, Pickett, Saylor--5.

Bill passed and sent to the House.

On motion of Senator Hall the rules were suspended to take up House bill No. 84, "An Act to incorporate the town of Hallettsville, in Lavaca county."

Bill read first time; rules suspended, bill read second time.

Senator Alford moved the further consideration of the bill be postponed until to-morrow.

Lost.

The question recurring upon the third reading of the bill, the bill was read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—Alford.

Absent—Flanagan, Fountain, Gaines, Saylor—4.

Bill passed.

[Senator Dohoney in the Chair.]

On motion of Senator Hertzberg the rules were suspended to take up House bill No. 147, "An act to encourage stock raising, and for the protection of stock raisers."

Bill read first time ; rules suspended, bill read second time.

Senator Alford moved the indefinite postponement of the bill.

Yeas and nays taken :

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Hall, Hertzberg, Pickett, Pridgen, Pyle—13.

Nays—Mr. President, Baker, Bell, Ford, Latimer, Parsons, Pettit, Priest, Rawson, Ruby—10.

Absent—Flanagan, Fountain, Gaines, Mills, Saylor, Shannon—6.

Carried.

By leave, Senator Douglas offered the following report of select committee :

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your select committee, appointed to arrange and report special orders of the most important general acts, now pending before the Senate, have considered the subject, and instruct me to report and recommend the adoption of the following special orders :

J. P. DOUGLAS,

Chairman.

THURSDAY, August 11, 9 A. M.—Substitute for House bill No. 115, "An Act to provide for the mode and manner of holding elections, making returns, and for the protection of the ballot-box.

12 M.—House bill No. 507, "An Act appropriating certain moneys for the use of the State Lunatic Asylum."

8:30 P. M.—Substitute for House bill No. 20.

9 P. M.—House joint resolution No. 3.

FRIDAY, August 12, 9 A. M.—A bill to be entitled "An Act to provide for the levying of taxes."

12 M.—A bill to be entitled “An Act to provide for the assessment of taxes.”

8 P. M.—Senate bill No. 327, “An Act concerning railroads.”

SATURDAY, August 13, 9 A. M.—Senate joint resolution concerning public debt.

Senator Pridgen moved a reconsideration of the vote taken to indefinitely postpone House bill No. 147.

Senator Cole moved to lay the motion to reconsider on the table.

Yeas and nays taken :

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle—11.

Nays—Mr. President, Baker, Bell, Ford, Hall, Hertzberg, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor—13.

Absent—Flanagan, Fountain, Gaines, Mills, Shannon—5.

Motion to lay on table lost.

The question recurring upon the motion of Senator Pridgen to reconsider the vote to indefinitely postpone, the yeas and nays were taken :

Yeas—Baker, Bell, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon—14.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle—12.

Absent—Flanagan, Fountain, Gaines—3.

Motion to reconsider carried.

Senator Pickett moved the Senate adjourn.

Lost.

Senator Priest moved to adjourn.

Lost.

Senator Pyle moved the bill be made the special order for Monday at 11:30.

Lost.

Senator Parsons moved the bill be made the special order for Friday, at 11 o'clock.

Carried.

On motion of Senator Latimer the rules were suspended to take up House bill No. 429, “An Act to incorporate the Colorado Valley Immigration Company.”

Senator Mills moved it be made the special order for to-morrow, at 11 A. M.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Dohoney, Douglas, Evans, Hertzberg, Mills, Priest, Ruby—10.

Nays—Alford, Bowers, Broughton, Clark, Cole, Hall, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—13.

Absent---Flanagan, Ford, Fountain, Gaines, Pickett, Shannon—6.
Motion to postpone lost.

Senator Saylor moved the bill be made the special order for Friday at ten o'clock.

Carried.

On motion of Senator Campbell the rules were suspended to reconsider the vote taken on Senate bill No. 2.

On motion of Senator Mills the rules were suspended to take up 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."

Read second time.

Senator Parsons offered a substitute; read and adopted.

Rules suspended; substitute bill read second time and passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Bell, Bowers, Clark, Cole, Dohoney, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—20

Nays—None.

Absent—Baker, Broughton, Douglas, Evans, Flanagan, Fountain, Gaines, Latimer, Saylor—9.

Bill passed.

On motion of Senator Parsons the rules were suspended to take up Senate bill No. 249, "A bill to incorporate the Young Men's Beneficial Club of Harris county."

Report read and adopted.

Bill read second time and passed to engrossment; rules suspended bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Latimer, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby—20.

Nays—None.

Absent—Baker, Broughton, Clark, Flanagan, Fountain, Gaines, Mills, Saylor, Shannon—9.

On motion of Senator Pyle the Senate adjourned until the usual hour to-morrow morning.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, August 11, 1870.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

Prayer by the Chaplain.

Message from the House informing the Senate the House on motion had agreed to reconsider the vote on House bill No. 505, "An Act to change the county line between Bexar and Medina counties," and ask it be returned to the House.

Secretary returned House bill No. 505.

On motion of Senator Mills, the rules were suspended to consider the report of committee on the following report:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses, to whom was referred Senate resolution No. —, "Authorizing the payment of Thomas Powell, Assistant Sergeant-at-Arms, for ten days' service in the Senate Chamber, previous to the commencement of this session," having duly considered the same, instruct me to report it back to the Senate and recommend its passage.

J. S. MILLS,
Chairman.

Report of committee read and adopted.

By leave, Senator Priest introduced a bill to be entitled, "An Act to fix the time when certain acts shall take effect and be in force."

Bill read first time; rules suspended, bill read second time and passed to engrossment; rules suspended, bill read third time and passed.

Report of Special Committee:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The majority of your Special Committee, to whom was referred the "Act to incorporate the town of Round Top, Fayette county," respectfully report that they have examined into all the facts in the case and find that a majority of the citizens have petitioned for the incorporation of the town. That such incorporation

will secure the good order and improvement of the place, and the observance of law, and as your committee can see no valid objection to the passage of the act, but on the other hand every reason that it should become a law, your committee recommend the passage of the bill.

THOS. H. BAKER,
D. W. COLE,

Majority of Com.

On motion of Senator Baker the rules were suspended to consider the report.

Report read and adopted.

Rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Clark, Cole, Dohoney, Evans, Ford, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby—19.

Nays—Douglas.

Absent—Alford, Bowers, Broughton, Flanagan, Fountain, Hall, Pickett, Saylor, Shannon—9.

Bill passed and sent to the House.

On motion of Senator Cole the rules were suspended to introduce "An Act for the incorporation of the Rusk and Harrison county Railway Company."

Bill read first and second times and passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Clark, Cole, Dohoney, Douglas, Ford, Gaines, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby—21.

Nays—None.

Absent—Bowers, Broughton, Evans, Flanagan, Fountain, Hall, Saylor, Shannon—8.

Bill passed.

On motion of Senator Mills the rules were suspended to introduce "An Act making an appropriation to defray the contingent and printing expenses of the twelfth legislature."

Bill read first time.

Senator Dohoney moved the further consideration of the bill be made the special order for to-morrow at 9:30.

Lost.

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, Clark, Cole, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ru'ly--19.

Nays—Dohoney, Douglas, Evans—3.

Absent—Bowers, Broughton, Flanagan, Fountain, Latimer, Saylor, Shannon--7.

Bill passed.

Senator Bell offered the following concurrent resolution :

Resolved, That a joint committee of five be appointed, two from the Senate and three from the House, to visit the State Penitentiary during vacation, for the purpose of ascertaining the condition of that institution in the following particulars, to-wit :

First. Its sanitary condition.

Second. Whether any necessity exists for enlarging the buildings of the institution.

Third. A statement of the different kinds of manufacture carried on, and of the number of convicts employed in each during the (12) twelve months ending August 15th, 1870.

Fourth. A statement of the number of spindles and looms in operation, and the actual product of yarn and cloth during that period.

Fifth. A similar statement with regard to any other manufacture that may have been carried on in the institution in the same time.

Sixth. A statement of yarn, cloth and other manufactured articles, the product of the institution, on hand at the beginning and end of the period named.

Seventh. A statement of the number of yards of each of the fabrics manufactured in the institution, sold during the same period, and of the prices per yard—to whom sold, and whether the pay for the same was received in money or material.

Eighth. A similar statement with regard to any other manufactured articles sold during the same period.

Ninth. A statement of raw material on hand at the beginning and end of the same period.

Tenth. A statement of the purchases of raw material, during the same time, together with the prices paid for the same, and whether paid in money or in manufactured articles, the product of the institution.

Eleventh. The number of persons, not convicts, employed in any capacity whatever, about the Penitentiary, the nature of their duties, the number of hours on duty, and the amount paid for such services.

Twelfth. Any and all other accessible information, bearing directly upon the financial and mechanical management and condition of the Penitentiary.

Resolved, further, That the chairman of said committee be, and he is hereby authorized to employ a clerk; also, a competent and disinterested machinist, to examine and report upon condition of machinery.

Adopted.

The Chair appointed on said committee, Senators Hall and Pickett.

By leave, Senator Dohoney introduced "An Act authorizing and requiring the Comptroller of Public Accounts to audit the public debt of Texas, and prescribing the manner in which it shall be done."

Read first time, and referred to Committee on Finance.

On motion of Senator Douglas the report of select committee on arrangement of important business for the rest of the session was taken up.

Report read and adopted.

On motion of Senator Pickett the vote concurring in House amendment to Senate bill No. 2 was reconsidered.

Senator Pickett moved the Senate do not concur in House amendment to Senate bill No. 2, and that a committee of two of free conference be appointed.

Carried.

The Chair appointed Senators Pickett and Saylor.

[Special Order.]

The hour having arrived for the consideration of special order, House bill No. 381, Senator Dohoney moved to postpone special order to 11 o'clock.

Lost.

[Senator Ruby in the Chair.]

The question recurring upon the consideration of special order, House bill No. 381, "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box," Senator Mills moved the Senate go into Committee of the Whole.

Carried.

IN SENATE.

Senator Priest, Chairman of Committee of the Whole having under consideration House bill No. 381, reported progress, and asked leave to sit again.

Senator Ruby moved the report of the committee be received and adopted.

Carried.

Special message from the Governor:

EXECUTIVE OFFICE,
AUSTIN, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: I return to your House, where it originated, "An Act to amend an act entitled 'An Act to incorporate the Neches Navigation Company,' approved November 8, 1866."

This act, throughout, conflicts with the requirements of section eighteen, article twelve of the constitution. Said section provides that "no law shall be revised or amended by reference to its title, but in such cases the act revised or section amended shall be *re-enacted* and published at length."

I presume the error in this case was clerical, but it violates the act in question.

Very respectfully

EDMUND J. DAVIS,
Governor.

Senator Saylor moved the message be referred to a special committee of three.

Carried.

The Chair appointed on said committee Senators Saylor, Priest and Pridgen.

Senator Ruby moved the Senate go into Committee of the Whole on House bill No. 381.

IN SENATE.

Senator Priest, Chairman of Committee of the Whole having under consideration House bill No. 381, reported it back with the following amendment: Amend section one, line two, strike out "a general" and insert "an," and ask to be discharged from further consideration of the subject.

Senator Ruby moved the report of the committee be received and adopted.

Carried.

Senator Ruby moved the bill, as amended, pass.

Senator Bowers moved the Senate adjourn.

Yeas and nays taken:

Yeas—Bowers, Clark, Cole, Dohoney, Douglas, Evans, Pyle, Shannon—8.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Absent—Alford, Broughton, Flanagan, Fountain, Latimer, Pickett, Pridgen—7.

Motion lost.

Pending discussion, message from the House transmitting House

bill No. 338, "An Act to establish the Sabine Pass and Red River Railway Company."

Also House bill No. 512, "An Act to authorize justices of the peace to act as notaries public, and to define their duties when acting as such."

Also House bill No. 97, "An Act to define fornication and to punish the same."

Also House bill No. 117, "An Act to amend articles 389 and 390, title 12, chapter 2, of the Penal Code."

Also House bill No. 508, "An Act to appropriate the sum of seven thousand dollars, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated, to defray the expenses of the commission heretofore authorized (by virtue of a joint resolution of the Senate and House of Representatives) to visit the frontier and the Wichita Indian reservation, for the purpose of taking testimony, etc."

Also House Bill No. 187, "An Act to further regulate the license and practice of attorneys and counselors-at-law."

Also House bill No. 482, "An Act to incorporate the town of Burton, in Washington county."

Also House bill No. 157, "An Act to change article 773 *a* of the Penal Code of the State of Texas, defining swindling, and to amend article 773 *b* of the Penal Code."

Also House bill No. 122, "An Act to amend article 648, title 5, chapter 6, of the Code of Criminal Procedure."

Also House bill No. 470, "An Act to incorporate the town of Richmond, Fort Bend county."

Also informing the House that on reconsideration of the vote on Senate bill No. 281, the House requested the Senate to transmit the same back for action thereon.

Message from the House informing the Senate that the Speaker had signed in open session enrolled bill, "An Act to provide for the salary and fees of district attorneys;" enrolled bill, "An Act to incorporate the Caranchua Bridge and Road Company;" enrolled bill, "An Act to require the judge of the twentieth judicial district to hold a special term of the district court of Lavaca county;" enrolled bill, "An Act to incorporate the Lone Star Express and Transportation Company."

Enrolled bills signed and returned.

Also, that the House has passed substitute Senate bill No. 238, "An Act to incorporate the Pacific and Great Eastern Railroad Company of Texas," with amendments.

The Secretary carried to the House enrolled bills, viz:

Senate bill No. 284, "An Act to provide that certified copies of

written documents, filed in any of the State departments, shall be admitted in evidence in the courts of this State."

Also, 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."

Also, Senate bill No. 144, "An Act appropriating money for the Treasury Department."

Also, Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

Signed by the Speaker, returned and signed by the President.

Message from the House informing the Senate that the House had passed the following bills: House bill No. 517, "An Act fixing the compensation of the Speaker of the House of Representatives;" House bill No. 269, "An Act to incorporate the town of Cleburne, in Johnson county;" House bill No. 469, "An Act appropriating five hundred dollars for certain purposes;" House bill No. 513, "An Act making an appropriation to pay for repairing the State Lunatic Asylum;" House bill No. 514, "An Act making an appropriation to pay for repairing the Supreme Court building;" House bill No. 515, "An Act making an appropriation for refitting and repairing the Governor's mansion;" House bill No. 516, "An Act making an appropriation for the repairing of the desks and purchasing chairs for the Senate Chamber and Hall of Representatives."

Also joint resolution to defray the contingent expenses of the Twelfth Legislature.

Senator Douglas moved a call of the Senate.

Call sustained. Roll called.

Absent--Broughton, Clark, Latimer, Flanagan, Pickett.

On motion of Senator Ruby, the call of the Senate was suspended.

Senator Bowers moved a call of the Senate.

Call sustained. Roll called.

Absent--Broughton, Clark, Latimer, Flanagan, Pickett.

Senator Dohoney moved the Senate adjourn until 4 o'clock this evening.

Carried.

AFTERNOON SESSION.

4 O'CLOCK P. M.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll call; quorum present.

Reports of Committee on engrossment:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 249, "incorporating the Young Men's Beneficial Club, of Harris county," also Senate bill No. 358, "to fix the time when certain acts shall take effect and be in force," also Senate bill No. 30, "to incorporate the Home Insurance Company, of Houston, Texas," and Senate joint resolution No. —, "for the relief of B. B. Brame," find the same to be correctly engrossed.

G. T. RUBY.

P. W. HALL.

E. L. DOHONEY,

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 28, "for the relief of the heirs of James B. Holman, deceased;" also Senate bill No. 356, "making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature;" also Senate bill No. 18, "to incorporate the Dallas Bridge Company;" also Senate bill No. 17, "to incorporate the Houston and San Jacinto Canal and Navigation Company;" also Senate Joint Resolution No. 7, "allowing the sum of three hundred and fifty-four dollars and seventeen cents, (\$354 17) to Doctor S. W. Baker, Superintendent of the Blind Asylum for the use of a horse and buggy;" also Senate bill No. 354, "supplemental to an act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years, ending August 31, 1870;" also Senate bill "to incorporate the Pine Island Bayou Bridge Company;" also Senate bill No. 19, "to incorporate the Cedar Creek Bridge Company;" also Senate bill No. 355, to confer the jurisdiction and powers heretofore exercised by the chief justices of the several counties of this State, (under an act approved January 13th 1862, entitled "An Act to amend section fifth of an act entitled 'An Act to provide for the organization of the State Lunatic Asylum and other purposes,") upon the presiding justices; also Senate bill No. 73, "to incorporate the Austin Joint Stock Building Company," and Senate substitute for House bill No.

466, "To change the gauge of the Brazos Branch Railroad, extend the time of construction, erect a telegraph line, and to permit the company to extend their line of road," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.
E. L. DOHONEY,

Message from the House informing the Senate the House had appointed a Committee of Free Conference on tax and appropriation bills, as follows: Messrs. Schutze, Youngkin, R. Allen, McLean and Abbott; also, Committee of Free Conference on Senate bill No. 2, the House appoints: Messrs. Sinclair, Morris and Becton, and ask the appointment of a like committee on the part of the Senate.

On motion of Senator Cole the rules were suspended to concur in House amendments to Senate bill No. 238.

On motion of Senator Cole the Senate concurred in the following House amendments:

Section one, line seventeen, by striking out the word "perpetual," and inserting after the word "succession," "and remain and be in force for the period of ninety-nine years."

Senator Hertzberg offered the following resolution:

Resolved, That his Excellency, the Governor, be and he is hereby requested to furnish to this body copies of the correspondence between the Department of State and the Commanding General of the Texas district, on the subject of our frontier protection.

Adopted.

On motion of Senator Alford the rules were suspended to take up Senate bill No. 332, "An Act authorizing the county courts to sell the school lands situated in their respective counties."

And on further motion the following House amendments were concurred in:

Amend Senate bill No. 332, by striking out the words "Superintendent of Education" wherever they may occur, and insert in lieu thereof the words "Superintendent of Public Instruction."

[General File.]

Senate bill No. 143 "An Act to release to the county of Anderson the State tax for the years 1870 and 1871, for certain purposes."

Report of committee, recommending that it do not pass, read and adopted.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined, and find correctly enrolled 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 jurors in such cases," and Senate bill No. 144, entitled "An Act appropriating money for the Treasury Department," and Senate bill No. 284, entitled "An Act to provide that certified copies of written documents filed in any of the State Departments shall be admitted in evidence in the courts of this State," and Senate bill No. 248, entitled "An Act to incorporate the Texas and Mexico Railway Company," and to-day, at 12:35 P. M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Senate bill No. 72, "An Act granting the right to John W. King to establish and operate a ferry at King's Crossing, on Sabine river."

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, Hall, Hertzberg, Parsons, Pickett, Priest, Pyle, Ruby, Saylor, Shannon--21.

Nays--None.

Absent--Broughton, Flanagan, Fountain, Latimer, Mills, Pettit, Pridgen, Rawson--8.

Bill passed.

On motion of Senator Ruby, a committee of conference was appointed to confer with a like committee on part of the House on tax and appropriation bills.

The Chair appointed Senators Ruby, Pyle and Ford on said committee.

Senate bill No. 189, "An Act to incorporate the Burgess Business College, of Galveston."

Bill read second time and passed to engrossment.

Rules suspended; bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Parsons, Pickett, Priest, Pridgen, Ruby, Saylor, Shannon--20.

Nays--None.

Absent—Alford, Bowers, Flanagan, Fountain, Latimer, Mills, Pettit, Pyle, Rawson—9.

Bill passed.

Senator Saylor offered the following resolution :

Resolved, That the resolution confining evening sessions to the consideration of Senate bills only, be so far amended as to include any and all business now pending before either branch of the Legislature.

On motion of Senator Pickett, the rules were suspended to consider the resolution.

Resolution read and adopted.

Senator Pridgen offered the following resolution :

Resolved, That his Excellency the Governor be requested to return to the Senate the enrolled bill No. 248, entitled "An Act to incorporate the Texas and Mexico Railway Company."

Adopted.

On motion of Senator Gaines, the rules were suspended to take up House bill No. 482, "An Act to incorporate the town of Burton, in Washington county."

Bill read first and second times ; rules suspended, bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Bell, Bowers, Broughton, Clark, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor, Shannon—20.

Nays—Alford.

Absent—Baker, Cole, Flanagan, Fountain, Latimer, Mills, Pyle, Rawson—8.

Bill passed.

The Secretary carried to the House the following Senate bills : Senate joint resolution No. 7, Senate bills Nos. 18, 9, 28, 30, 73, 107, 217, 249, 354, 355, 356, 358, Senate joint resolution No. 15, Senate substitute of House bill 466.

On motion of Senator Pickett, the rules were suspended to take up House bill No. 467, "An Act legalizing certain writs and process issued by or from district courts."

Bill read first time ; rules suspended, bill read second time ; rules suspended, bill read third time and passed.

On motion of Senator Evans, the rules were suspended to take up House bill No. 239, "An Act for the relief of Alexander Smith, deceased.

Bill read first time ; rules suspended, bill read second time ; rules further suspended, bill read third time and passed.

On motion of Senator Ford, the rules were suspended to take up

House bill No. 459, "An Act to incorporate the town of Springfield."

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, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Saylor, Shannon--19.

Nays--Alford.

Absent--Bowers, Broughton, Flanagan, Fountain, Latimer, Mills, Pyle, Rawson, Ruby--9.

Bill passed.

On motion of Senator Hertzberg, the rules were suspended to take up Senate bill No. 152, "An Act to incorporate the Germania Club of San Antonio, Texas."

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, Clark, Cole, Dohoney, Douglas, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor, Shannon--20.

Nays--None.

Absent--Bowers, Broughton, Evans, Flanagan, Fountain, Latimer, Mills, Pyle, Rawson--9.

Bill passed.

On motion of Senator Hall the rules were suspended to take up House bill No. 514, "An Act making an appropriation to pay for repairing the Supreme Court building."

Bill read first time.

Message from the House, informing the Senate the House had passed Senate bills Nos. 351, 273, 246, 239, 138, 350, 352 and 325.

Message from the House, informing the Senate the House had adopted the following amendments to Senate bill No. 281, entitled "An Act to organize the courts of justices of the peace and county courts, and to define their jurisdiction:"

In section one, strike out "on first Monday in _____, 1874," and insert in lieu thereof the following: "At the next general election for State and county officers."

And as an additional section:

SEC. —. That this act take effect and be in force from and after its passage.

Senator Pickett moved the Senate concur in the action of the House.

Carried.

On motion of Senator Ruby the rules were suspended to take up 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."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time and passed.

On motion of Senator Douglas the rules were suspended, to take up House bill No. 507, "An Act appropriating certain moneys for the use of the State Lunatic Asylum."

Bill read first time.

Senator Dohoney moved its reference to the Committee on Finance.

Carried.

On motion of Senator Cole the rules were suspended to take up House bill No. 338, "An Act to establish the Sabine Pass and Red River 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, Clark, Cole, Dohoney, Douglas, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Pridgen, Ruby, Saylor, Shannon—19.

Nays—Evans.

Absent—Bowers, Broughton, Flanagan, Fountain, Latimer, Mills, Priest, Pyle, Rawson—9.

Bill passed.

On motion of Senator Bell the rules were suspended to take up House bill No. 469, "An Act appropriating five hundred dollars for certain purposes."

Bill read first time.

Senator Alford offered the following amendment:

Strike out the following words: "Said sum to be deducted from the proceeds of the estate of John C. Clark, deceased, so soon as a sufficient amount thereof shall be realized."

Amendment lost.

Rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Clark, Cole, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor, Shannon—17.

Nays—Alford, Dohoney, Douglas, Evans—4.

Absent—Bowers, Broughton, Flanagan, Fountain, Latimer, Mills, Pyle, Rawson—8.

Bill passed.

Report of Select Committee on veto message:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The Special Committee to whom was referred Senate bill entitled, "An Act to incorporate the Neches Navigation Company," and the Governor's message vetoing the same, have had the same under consideration, and report that said act is clearly unconstitutional, as pointed out in said message. Your committee therefore recommend that on reconsideration the Senate refuse to pass said bill.

W. A. SAYLOR,
Chairman Special Committee.

On motion of Senator Ruby the report of the committee was read and adopted.

On motion of Senator Parsons the rules were suspended to take up House bill No. 309, "An Act to incorporate the Gregory Institute of Harris county."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Pending bill, no quorum present.

On motion of Senator Dohoney the Senate adjourned until 8 o'clock to-night.

EVENING SESSION.

8 O'CLOCK, P. M.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

Senator Ruby moved the adoption of the report of the Committee of the Whole on House bill No. 381, "Bill to regulate elections."

Yeas and nays taken:

Yeas--Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Rawson, Ruby--14.

Nays--Bowers, Broughton, Clark, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon--9.

Absent--Alford, Cole, Flanagan, Fountain, Fridgen, Saylor--6.
Adopted.

Senator Douglas offered the following as a 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."

Yeas and nays taken:

Yeas--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon--11.

Nays--Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby--13.

Absent--Alford, Flanagan, Fountain, Pridgen, Saylor--5.

Lost.

Senator Dohoney proposed to amend section seven by striking out "1872," and inserting "1871."

The President decided the amendment out of order, for the reason that amendments had been offered to the section and rejected, and that the Senate had just voted down a substitute for section seven, and that it was not susceptible of further amendment.

Senators Bowers appealed from the decision of the Chair, whereupon the yeas and nays were demanded and stood thus:

Yeas--Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Rawson, Ruby--12.

Nays--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Priest, Pridgen, Pyle, Shannon--12.

Absent--Alford, Flanagan, Fountain, Saylor--4.

Not voting--Mr. President.

The Senate sustained the Chair.

Senator Dohoney moved to amend by striking out sections "nine, ten, eleven, fourteen, nineteen, thirty, thirty-one, thirty-five, forty-six, forty-seven and fifty-nine."

Yeas and nays taken:

Yeas--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pridgen, Pyle, Shannon--12.

Nays--Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--14.

Absent--Alford, Flanagan, Fountain--3.

Amendment lost.

Senator Douglas offered the following amendment to section sixty : Amend section sixty by adding, " Provided further, that all electors shall be privileged from arrest, except in cases of felony, treason or breach of the peace."

Yeas and nays taken :

Yeas—Bowers, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pridgen, Pyle, Shannon—11.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Absent—Alford, Broughton, Flanagan, Fountain—4.

Lost.

Senator Hall moved the previous question.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Flanagan, Alford, Fountain.

Senator Bell moved the call of the Senate be suspended.

Carried.

Senator Hall moved the bill pass to a third reading.

Carried by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Nays—Bowers, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pridgen, Pyle, Shannon—11.

Absent—Alford, Broughton, Flanagan, Fountain—4.

Message from the House informing the Senate that the House had passed 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 ;" Senate bill No. 32, " An Act to incorporate the Houston Hook and Ladder Company No. 1, of the city of Houston ;" Senate bill No. 35, " An Act to incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. D. H. S. ;" Senate bill No. 29, " An Act to incorporate the Stonewall Fire Company of the city of Houston ;" Senate bill No. 8, " An Act to incorporate the town of Hallville, in Harrison county, Texas ;" Senate bill No. 216, " An Act to incorporate the town of Bremond ;" Senate bill No. 45, " An Act to incorporate Butler Male and Female College in the county of Freestone."

Substitute Senate bill No. 1, " An Act for the relief of freedmen and freedwomen," with the following amendment: amend caption to read " For the relief of persons formerly in bondage."

Also, House bill No. 299, " An Act making an appropriation for

the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State Government for the fiscal year ending August 31, 1870."

On motion of Senator Priest, the Senate adjourned to to-morrow at nine o'clock, A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, August 12, 1870.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pyle, the reading of the journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Hertzberg :

Petition of citizens of Bexar county asking the passage of House bill No. 255, "An Act to authorize the Governor to procure from the archives of the old Spanish missions the history of this State prior to 1793, and to make appropriation for the same."

On motion of Senator Hertzberg, the rules were suspended to take up House bill No. 255.

Senator Pridgen moved the reference of the bill and petition to Committee on State Affairs.

Yeas and nays taken :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Dohoney, Douglas, Evans, Gaines, Hall, Mills, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Shannon—19.

Nays—Mr. President, Hertzberg, Pettit, Ruby, Saylor—5.

Absent—Cole, Flanagan, Ford, Fountain, Latimer—5.

Carried.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Enrolled Bills beg leave herewith to return to your honorable body engrossed Senate bill No. 66, for the reason that the same has been improperly engrossed.

B. J. PRIDGEN,
Chairman.

On motion, it was referred to Engrossing Committee for re-engrossment.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills, having examined and compared Senate bill No. 359, "To incorporate the Rusk and Harrison County Railway Company," and Senate bill No. 279, "To incorporate the Rio Grande Railroad Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Reports of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your committee to whom was referred Senate bill No. 323, to be entitled "An Act to authorize railroad companies to regulate the gauges of their roads, beg leave to report that they have carefully considered the same, and recommend that it do pass.

Respectfully,

W. A. SAYLOR,

Chairman Committee on Internal Improvements.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements to whom was referred Senate bill No. 294, entitled "An Act to incorporate the Navasota Narrow Gauge Railroad Company," have had the same under consideration, and report it back to the Senate and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements to whom was referred House bill No. 327, "An Act to incorporate the Galveston

and Northwestern Railroad Company," have had the same under consideration, and would respectfully recommend that it do pass.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: House bill No. 150 was referred to the Judiciary Committee. The committee has no time to devote to the business of the committee.

This is a bill to amend the corporation of Burnett Male and Female Academy—a simple corporation of a literary institution, and we see no reason why the same should not pass, and respectfully report the same back to the Senate.

M. PRIEST,
Chairman.

On motion of Senator Priest the rules were suspended to consider the bill.

Bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Rawson, Ruby, Saylor, Shannon,
—22.

Nays—Alford.

Absent—Flanagan, Fountain, Hall, Latimer, Pridgen, Pyle—6.

Bill passed and sent to the House.

Report of Committee of Free Conference on Senate bill No. 317:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee of Free Conference, with similar House Committee on Senate bill No. 317, "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years, ending August 31, 1870," unanimously agree in reporting back to the Senate the following amendments to said bill, and recommend their adoption:

On page thirteen, under the caption "Adjutant General's office," add:

For telegraphing and printing.....	\$1,000
For pay of Adjutant General from June twenty-four to August thirty-one.....	558
For pay of clerk for July and August, 1870.....	200
	<hr/>
	\$1,758

On page fifteen add before "deficiencies in appropriations:"
For support of State Police..... 75,000

Thus amending page sixteen, "deficiencies," by adding.. \$76,758

G. T. RUBY,
W. H. PYLE,
S. W. FORD,
Committee.

Laid over under the rules.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 269, "An Act to provide substitutes for certain documents and books destroyed by fire in the court house of Goliad."

Bill read second time and passed to engrossment; rules suspended, bill read third time and passed.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, to whom was recommended substitute for Senate bill No. 248, having carefully examined and compared the same, find it to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

On motion of Senator Parsons the rules were suspended to take up House bill No. 309, "An Act to incorporate the Gregory Institute of Harris county."

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Flanagan, Fountain, Hall, Latimer, Pridgen, Saylor—6.

Bill passed.

BILLS AND RESOLUTIONS.

By Senator Pettit: Joint resolution concerning public debt.

Resolution read first time.

By Senator Bowers: "An Act to make an appropriation to pay fees of justices of the peace, and peace officers in criminal prosecutions before justices of the peace."

Bill read second time and passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Mills, Parsons, Pickett, Priest, Pyle, Rawson, Saylor, Shannon—21.

Nays—Alford.

Absent—Flanagan, Fountain, Hall, Latimer, Pettit, Pridgen, Ruby—7.

Bill passed.

The Secretary of the Senate carried to the House the following bills: House bills Nos. 289, 338, 459, 469, 492, 467 and 482; Senate bills Nos. 72, 279 and 359.

The Secretary of the Senate carried to the House the following enrolled Senate bills:

No. 367, "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company, of Texas."

No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe."

No. 20, "An Act regulating the right to keep and bear arms."

No. 146, "An Act prescribing the powers and duties of clerks of district courts."

No. 314, "An Act to regulate the disposal of public lands of the State of Texas."

No. 341, "An Act making appropriations for the payment of the expenses of maintaining ranging companies on the frontier."

No. 62, "An Act to amend an act entitled 'An Act to establish a Code of Criminal Procedure, etc.'"

No. 319, "An Act authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the school fund now in the State Treasury."

Signed by the Speaker, returned and signed by the President.

By Senator Pickett: "An Act to incorporate the Neches Navigation Company."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Dohoney, the rules were suspended to take

up House bill No. 269, "An Act to incorporate the town of Cleburne, in Johnson county."

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, Bowers, Broughton, Clark, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon—22.

Nays—None.

Absent—Bell, Cole, Flanagan, Fountain, Latimer, Pridgen, Saylor—7.

Bill passed.

Message from the House informing the Senate that the Speaker had signed in open session the following enrolled bills :

Enrolled bill, "An Act to authorize B. P. Riddle and James Blackburn to erect a toll bridge over Neches river, in the county of Cherokee and State of Texas."

Enrolled bill, "An Act to incorporate the Southwestern Insurance and Trust Company."

Enrolled bill, "An Act for the relief of James P. Goodnight, late assessor and collector of Dallas county, and his sureties."

Enrolled bill, "An Act to release A. M. Neps from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas."

Enrolled bill, "An Act to incorporate the Lake Fork Toll Bridge Company."

Enrolled bill "An Act to incorporate the stockholders of the Union, Marine and Fire Insurance Company of the city of Galveston."

Enrolled bill "An Act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat."

Enrolled bill "An Act making appropriation to pay Peter Metzgar for conveying his daughter, Anna Metzgar, from Arkansas to her home in Texas, who was captured by Indians and recovered at the boundaries of the State."

Enrolled bill "An Act for the relief of David Cole, or his assigns."

Enrolled bill "An Act to prohibit the sale, or otherwise disposing of spirituous or vinous liquors within two miles of Greenwood Masonic Institute."

Also, that the House has passed House bill No. 102, "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect it in the enjoyment of its rights."

House bill No. 509, "An Act to repeal an act amendatory of 'An Act to punish certain offenses committed on Sundays, passed November 13, A. D. 1866.'"

Whereupon the enrolled bills were signed by the President and returned to the House.

Also, transmitting Senate bill No. 344, "An Act to incorporate the city of Calvert."

Senate bill No. 299, "An Act to incorporate the Belzora Navigation Company."

Senate bill No. 317, "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the previous year."

Also, that the House had passed re-engrossed Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

Also, that the House had passed Senate bill No. 191, "An Act to incorporate the North Texas Railway Company," with the following amendments:

After the word "succession," in seventh line, section one, insert "for ninety-nine years."

Also, that the House had adopted the following amendments, offered by the Committee of Free Conference on Senate bill No. 317:

Adjutant General's office, after line four, insert:

Telegraphing and printing.....	\$ 1,000
Pay of Adjutant General, from June 24th to August 31st, 1870.....	558
Clerk hire for July and August, 1870.....	200
And on page 15, add,	
For support of State Police.....	75,000

House concurs in Senate amendments to House bill No. 478.

Also, to Senate amendment to House bill No. 314.

[Special Order.]

The hour having arrived for the consideration of special order, House bill No. 429, "An Act to incorporate the Colorado Valley Immigration Company,"

Senator Bowers moved a reconsideration of the vote adopting the amendment to strike out section four.

Yeas and nays taken.

Yeas—Alford, Bowers, Broughton, Clark, Cole, Ford, Parsons, Pettit, Pyle, Rawson—10.

Nays—Mr. President, Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest—9.

Absent—Flanagan, Fountain, Hall, Latimer, Mills, Pickett, Pridgen, Ruby, Saylor, Shannon—10.

No quorum voting.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Flanagan, Fountain, Latimer, Mills—4.

On motion of Senator Bowers, the call of the Senate was suspended.

The question recurring upon the motion to reconsider, Senator Priest moved to lay the motion to reconsider upon the table.

Yeas and nays taken :

Yeas—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest—8.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Hall, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—15.

Absent—Flanagan, Fountain, Latimer, Mills, Pickett, Shannon—6.

Lost.

The question recurring upon the motion to reconsider, the yeas and nays were taken :

Yeas—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—15.

Nays—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest, Shannon—9.

Absent—Flanagan, Fountain, Latimer, Pickett, Ruby—5.

Carried.

Senator Gaines moved the bill be postponed until January 13, 1871.

Yeas and nays taken :

Yeas—Baker, Bell, Douglas, Evans, Gaines, Hertzberg, Priest, Shannon—8.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Parsons, Pettit, Pridgen, Pyle, Rawson—12.

Absent—Dohoney, Flanagan, Fountain, Hall, Latimer, Mills, Pickett, Ruby, Saylor—9.

Lost.

Senator Alford moved the adoption of the amendment.

Yeas and nays taken :

Yeas—Baker, Bell, Dohoney, Douglas, Evans, Hertzberg, Priest, Shannon—8.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Gaines, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—13.

Absent—Flanagan, Ford, Fountain, Hall, Latimer, Mills, Pickett, Ruby--8.

Amendment lost.

[Senator Ruby in the chair.]

Senator Dohoney offered the following amendment :

“ Provided that one-third of the emigrants introduced by this company shall be landed either at the town of Jefferson or at the western terminus of the Southern Pacific Railroad.

[Special Order.]

The hour having arrived for the consideration of special order House bill No. 147, on motion of Senator Pridgen it was postponed until the matter before the Senate is disposed of.

The question recurring upon the adoption of the amendment offered by Senator Dohoney, Senator Gaines moved to lay the whole matter upon the table.

Yeas and nays taken :

Yeas—Baker, Bell, Dohoney, Evans, Ford, Gaines, Hertzberg, Priest, Shannon—9.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Hall, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—13.

Absent—Douglas, Flanagan, Fountain, Latimer, Mills, Pickett, Ruby--7.

Motion lost.

Senator Hall moved the postponement of the matter until tomorrow at 12 o'clock M.

Lost.

The question recurring upon the amendment of Senator Dohoney, the yeas and nays were taken :

Yeas—Baker, Bell, Broughton, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Priest, Shannon—11.

Nays—Mr. President, Alford, Bowers, Clark, Cole, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—13.

Absent—Flanagan, Fountain, Hertzberg, Latimer, Pickett--5.

The Senate refused to adopt the amendment.

Senator Bell offered the following amendment :

Amend section four by inserting : “ Any person bringing any number of immigrants to Texas shall receive from the State Treasury the sum of ten dollars for each and every one so landed in Texas.”

Yeas and nays taken :

Yeas—Baker, Bell, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Priest, Ruby, Shannon—11.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—14.
Absent—Flanagan, Fountain, Latimer, Pickett—4.

Amendment lost.

Senator Saylor moved the bill pass to the third reading.

Carried.

Senator Bowers moved to suspend the rules and the bill be read third time.

Yeas and nays taken :

Yeas—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—15.

Nays—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest, Ruby, Shannon—10.

Absent—Flanagan, Fountain, Latimer, Pickett—4.

Motion to suspend the rules lost, four-fifths not voting in the affirmative.

Senator Parsons moved to take up House bill No. 381, "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot-box."

Carried.

Bill read third time.

Senator Parsons moved the bill pass.

Senator Priest moved the previous question.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Flanagan.

Excused—Senators Latimer and Fountain.

On motion of Senator Campbell the call of the Senate was suspended.

The question recurring upon the motion of Senator Priest for the previous question, Senator Bowers moved a call of the Senate.

The Chair ruled the motion out of order, for the reason that after the previous question was seconded, a call of the Senate was not in order.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays taken :

Yeas—Baker, Bell, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Rawson, Saylor—12.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pridgen, Pyle, Shannon—10.

Absent—Alford, Flanagan, Fountain, Latimer—4.

Not voting—Mr. President, Ford—2.

The Senate sustained the ruling of the Chair.

The Chair then put the question, "Shall the main question be now put?"

Yeas and nays taken:

Yeas—Baker, Bell, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby Saylor—12.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Shannon—11.

Absent—Alford, Flanagan, Fountain, Latimer—4.

Not voting—Mr. President, Ford—2.

Main question ordered.

The question recurring upon the final passage of the bill, the yeas and nays were taken:

Yeas—Baker, Bell, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Shannon—11.

Absent—Alford, Flanagan, Fountain, Latimer—4.

Not voting—Mr. President, Ford—2.

Bill passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,

Austin, August 12, 1870.

Hon. DON. CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 319, entitled "An Act authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the School Fund now in the State Treasury;" also Senate bill No. 267, entitled "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas;" also Senate bill No. 138, entitled "An Act to change the name of Anna O'Donnell to Anna Rowe;" also Senate bill No. 62, entitled "An Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856;" also Senate bill No. 341, entitled "An Act making appropriations for the payment of the expenses of maintaining ranging companies on the frontier;" also Senate bill No. 314, entitled "An Act to regulate the disposal of the public lands of the State of Texas;" also Senate bill No. 146, entitled "An Act prescribing the powers and duties of clerks of the district courts;" also Senate bill No. 20, entitled "An Act regulating the right to keep and bear arms," and have this day, at eleven o'clock and forty-five minutes, presented them to the Governor for his approval.

B. J. PRIDGEN,

Chairman.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses, to whom was referred Senate resolution authorizing the Secretary to draw a warrant in favor of C. L. Abbott (for services performed by Lev Wilson, deceased, as Senate porter) for eighteen days labor, at four dollars per diem, seventy-two dollars, have considered the same and recommend the adoption of the resolution.

J. S. MILLS,
Chairman of Committee.

On motion of Senator Mills, the rules were suspended to consider the report.

Report read and adopted.

Special message from the Governor:

EXECUTIVE OFFICE,
AUSTIN, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: In compliance with the resolution adopted by the honorable Senate on the tenth inst., calling for correspondence between the military authorities of the United States and myself in relation to frontier protection, I have the honor to enclose the following, viz:

One. Copy of letter from headquarters to J. J. Reynolds, United States Army, commanding Department of Texas, of July 23, 1870.

Two. Copy of letter from J. J. Reynolds, United States Army, commanding Department of Texas, to myself, of August 5, 1870.

Three. Copy of my answer to above, of August 8, 1870.

I have further to state that General Reynolds has informed me that he will use his influence to induce the War Department to adopt some such plan for the treatment of the frontier Indians as that indicated in my letter to him. I am sure that everything in the power of that officer will be done to secure permanent peace on the frontier with as little delay as possible.

Respectfully,

EDMUND J. DAVIS,
Governor.

HEADQUARTERS OF THE ARMY,
 ADJUTANT GENERAL'S OFFICE,
 WASHINGTON, July 23, 1870.

To the Commanding Officer, Department of Texas, through Headquarters, Military Division of the South, Louisville, Kentucky :

SIR : In accordance with instructions from the President, the General of the Army directs that you inform the Governor of Texas, in connection with an act passed by the Legislature of that State, entitled "An Act to provide for the protection of the frontier," that the authorities of the State of Texas will not be permitted to make war upon the Indians ; but that the military authorities of the United States will, to the extent of their ability, preserve the peace of the frontier.

You will please acknowledge receipt, and report action to this office.

Very respectfully, your obedient servant,
 (Signed) E. D. TOWNSEND,
 Adjutant General.

Official :

H. CLAY WOOD, Assistant Adjutant General.

A true copy :

JAMES DAVIDSON, Adjutant General State of Texas.

HEADQUARTERS, DEPARTMENT OF TEXAS, }
 (TEXAS AND LOUISIANA,) }
 AUSTIN, TEXAS, August 5, 1870. }

His Excellency, E. J. DAVIS, Governor of Texas :

GOVERNOR : I have the honor to forward herewith official copy of letter received from the Adjutant General of the Army.

Enclosed you will also please find copy of circular issued from Headquarters, District of Texas, Austin, February 23, 1868, authorizing and inviting the citizens of the frontier counties of Texas to aid the United States troops in the defence of the frontier against Indians.

The circular was approved by the War Department, under date of June 20th 1868, and is still in force. Very little aid has, however, thus far been rendered by the people of the frontier counties for their own protection ; owing probably to the fact that the Department Commander has not been authorized to promise them pay for such service.

If companies should be organized under the recent act of the Legislature of Texas "to provide for the protection of the frontier," on being officially notified by your Excellency of such organization, orders will be issued from department headquarters directing each

company where to rendezvous, and from what post commander on the frontier they shall receive instructions, under the provisions of the enclosed circular.

After the receipt of a reply to this communication, the whole matter will be again referred to the War Department, in compliance with instructions contained in the accompanying letter from the Adjutant General of the army.

I am, Governor, very respectfully, your obedient servant,
(Signed)

J. J. REYNOLDS,
Colonel 25th U. S. Infantry,
Commanding Department.

[Two inclosures.]

A true copy :

JAMES DAVIDSON, Adjutant General State of Texas.

AUGUST 8, 1870.

Major General J. J. REYNOLDS, United States Army, Commanding Department of Texas, Austin, Texas.

GENERAL: I have to acknowledge receipt of your communication of August 5th, enclosing copy of a letter from Headquarters, U. S. Army, of 23d July. In this, you are directed to inform me in connection with the act recently passed by the Legislature, to provide for the protection of the frontier, "that the authorities of the State of Texas will not be permitted to make war upon the Indians, but that the military authorities of the United States will, to the extent of their ability, preserve the peace of the frontier."

The mentioned act of the Legislature was adopted with no purpose—in the proper sense of that expression—to "make war upon" the Indians, but only to enable the frontiersmen to protect themselves. In this view of the subject, it is greatly to be regretted that the general Government should have been induced to send those suffering people a message which cannot be otherwise than disheartening.

It is hard to realize that the general Government is fully aware of the extent of the troubles on the frontier of Texas, when the matter is spoken of so lightly in their official correspondence. I call attention to the following extract from a letter written by Brevet Major General W. B. Hazen, on June 26th last, to the Chairman of the Military Committee of our State Senate: "In the matter of investigation of operations of Indians on Wichita Reserve, if desired I would be glad to submit evidence that the matter has been going on for ten years, and that the attention of the Gov-

ernment has frequently been called to it. Here Indians go regularly and with the avowed purpose of raiding upon Texas from the Reserve. It is always known, or might be known, when and who go, and when they return, and a system might easily be put in operation to prevent it."

The Indians on this Reservation (and others of the same tribes who have not been on the Reserve), are believed to be now depre-dating on the settlements from Red River down to the neighborhood of the city of San Antonio.

I think, General, with all respect for our authorities at Washington, it is time that some change should take place in the treatment of the Indian question—at any rate in regard to those infesting the Texas frontier. War should be made on them—not to exterminate; we do not desire that—but, to secure a permanent and real peace by compelling all these Indians to surrender themselves to the United States authorities. Their arms and horses should then be taken from them, and they should be kept in Reservations under constant and close surveillance. As a question of cost, this manner of treating these Indians is certainly the cheapest, while on the score of humanity, as well to the Indian as the white; it is also advisable.

As long as the practice continues as heretofore, of allowing these Indians to retain their arms and horses, and to come and go when they please, the reserve system will be a farce; encouraging the Indians to resort thither during winter and times of scarcity, where they may recuperate and procure fresh supplies of clothing and ammunition.

Surely the United States government will not permit this condition of affairs to continue indefinitely. I will therefore, General, ask your influence with the War Department to the end that plans be now arranged for operations against the Indians infesting the frontier of Texas during the coming fall and winter. That the object in view—that is, the capture and submission of all these tribes—be persisted in till all are united in proper reservations, and their arms and horses taken from them. That in this general plan the Kickapoos, now residing in Mexico, be included—of course under preconcert with that government.

To this end the State troops, now being organized under the said act, "for the protection of the frontier," can be placed at the disposition of the War Department, and act in co-operation with the United States forces, and under the command of United States officers of the proper rank. The State troops will number from eight hundred to twelve hundred men, mostly used to frontier and Indian warfare.

In the meantime I will accept your offer to forage and ration these

men, and will direct their movements and stations so as to accord with your views, and to co-operate with your forces.

Respectfully,

(Signed)

E. J. DAVIS, Governor.

A true copy:

JAMES DAVIDSON, Adjutant General, State of Texas.

Senator Campbell moved that five thousand copies of the Governor's message and accompanying documents be printed for the use of the Senate.

Carried.

By leave, Senator Pickett offered the following from the Committee on Conference:

SIR: Your Committee of Free Conference, to whom was referred Senate bill No. 2, entitled "An Act to incorporate the Jefferson and Shreveport Railroad Company, to provide the ways and means for constructing and maintaining their road, and to authorize the sale of said road, and the acquisition by the company of other road or roads," have had the same under consideration, and have agreed upon the following report:

1. The Senate to concur in House amendment to section three, in line twenty, by filling a blank with the words "five or more."
2. That section one, line eight, be amended by striking out the word "perpetual."

Also amend line nine by inserting after the word "succession," the words, "for ninety-nine years."

Very respectfully,

WM. H. SINCLAIR,

C. D. MORRIS,

E. P. BEGTON,

Committee on part of House.

E. B. PICKETT,

W. A. SAYLOR,

Committee on part of Senate.

Report of committee read and adopted.

On motion of Senator Parsons the Senate adjourned to 8 o'clock this evening.

EVENING SESSION.

8 o'clock P. M.

Senate met pursuant to adjournment. President Don Campbell in the Chair. Roll called; quorum present.

[Senator Priest in the chair.]

On motion of Senator Parsons, the rules were suspended to take up Senate bill No. 156, "An Act to incorporate the Texas Mining Company."

Bill read second time and passed to engrossment.

Rules suspended, and bill read third time.

Yeas and nays taken on final passage:

Yeas--Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Hertzberg, Parsons, Pettit, Pickett, Priest, Pyle, Rawson Ruby, Saylor, Shannon--20.

Nays--Bell, Flanagan, Fountain, Gaines, Hall, Latimer, Mills, Pridgen--8.

Absent--Mr. President.

Bill passed.

On motion of Senator Pettit, the rules were suspended to take up "Joint Resolution to appoint two commissioners to obtain information relating to public free schools."

Resolution read second time and passed to engrossment.

Senator Pyle moved to lay the resolution on the table.

Carried.

On motion of Senator Pickett, the rules were suspended to take up House bill No. 331, "An Act to incorporate the Liberty county, Texas, Agricultural Mechanical Blood Stock Association."

Bill read first time.

On motion of Senator Pickett, the Senate receded from the following amendments to the bill:

Amend section one by striking out the word "commissioners," and insert "incorporators."

On motion of Senator Dohoney the rules were suspended to take up House bill No. 507, "An Act appropriating certain moneys for the use of the State Lunatic Asylum."

Report of committee read and adopted.

Bill read first time; rules suspended, bill read second time.

Message from the House by Chief Clerk informing the Senate that the House had passed the following Senate bills: Nos. 19, 24, 28, 30, 46, 59, 60, 65, 73, 76, 78, 83, 100, 107, 119, 124, 125, 141, 145, 160, 164, 169, 171, 174, 178, 180, 183, 208, 209, 217, 221, 226, 249, 257, 259, 264, 279, 354 and 356.

Also substitute for Senate bills Nos. 93, 97, 210, 244 and 261.

Also Senate substitute for House bill No. 466.

Also, with amendments, Senate bills Nos. 196 and 69.

Also House bill No. 87, "An Act making an appropriation to pay the widow and heirs of W. A. Smith, deceased, for services rendered the State"

Message from the House informing the Senate that the Speaker of the House had signed, in open session, the following enrolled bills, viz :

Enrolled bill, "An Act to incorporate the town of Canton, in Van Zandt county."

Enrolled bill, "An Act to amend 'An Act to incorporate the Fire Association of the city of San Antonio,' approved February 8, 1858."

Enrolled bill, "An Act to revise an act, and amend the first section of the same, incorporating the Burnett Male and Female Academy."

Enrolled bill, "An Act to incorporate the town of Round Top, Fayette county."

Enrolled bill, "An Act to incorporate the Jefferson Insurance, Savings and Exchange Company"

Enrolled bill, "An Act to incorporate the Big Cypress Bridge Company."

Enrolled bill "An Act supplementary to an act to incorporate the Victoria and Columbia Railroad Company, approved November 13, 1866."

Enrolled bill "An Act to reorganize the city of Indianola, in Calhoun county, Texas."

Whereupon they were signed by the President and returned to the House.

Under direction of the President the Secretary carried to the House the following enrolled bills :

Senate bill No. 218, "An Act regulating public printing."

Senate bill No. 29, "An Act to incorporate the Stonewall Fire Company of the city of Houston."

Senate bill No. 32, "An Act to incorporate the Houston Hook and Ladder Company No. 1, of the city of Houston."

Senate bill No. 246, "An Act creating the county of San Jacinto, and naming the county site thereof."

Senate bill No. 351, "An Act to validate certain official acts of county judges."

Senate bill No. 8, "An Act to incorporate the town of Hallyville in Harrison county, Texas."

Senate bill No. 260, "An Act to incorporate the Texas Timber and Prairie Railroad Company."

Senate bill No. 51, "An Act providing for a geological survey of the State of Texas."

Senate bill No. 45, "An Act to incorporate Butler Male and Female Academy, in the county of Freestone."

Senate bill No. 350, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

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.'"

Senate bill No. 352, "An Act to regulate the sale of lands and decrees of the courts."

Senate bill No. 299, "An Act to incorporate Belzora Navigation Company."

Senate bill No. 332, "An Act authorizing the county courts to sell the school lands situated in their respective counties."

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."

Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

Signed by the Speaker and returned.

Senator Ruby moved the Senate concur in the report of the Committee of Conference on Senate bill No. 317, "An Act making appropriation for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years."

Senator Douglas moved a call of the Senate.

Call sustained; roll called.

Absent—Senators Gaines and Mills.

On motion of Senator Alford the call of the Senate was suspended.

On motion of Senator Priest the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday August 13, 1870.

Senate met pursuant to adjournment; **President** Don Campbell in the Chair. Roll call; quorum present. Prayer by the Chaplain.

The Secretary carried to the House the following enrolled bills: Enrolled bill, "An Act to incorporate the Pacific and Great Eastern Railway Company of Texas."

Signed by the Speaker, returned and signed by the President.

Also Senate bills Nos. 361, 189, 152, 269, and substitute for Senate bill No. 66.

The President signed in open session the following enrolled Senate bills, Nos. 299, 325, 332, 352, 34, 350, 45, 51, 260, 8, 351, 246, 32, 29, 248 and 218.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 273, "An Act to provide for the sale of the Houston Tap and Brazoria Railway."

On motion of Senator Pridgen the following House amendments to Senate bill No. 273 were concurred in:

Amend section two by striking out "sixty days" and inserting "ninety days."

Amend section three by striking out all after the word "State," in line twenty-four, and inserting the following: "Provided further, that should said railway, when offered for sale to the highest bidder, not bring the sum of \$100,000 (one hundred thousand dollars,) coin, the Governor is hereby authorized to purchase the same for the State."

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 361, "To make an appropriation to pay fees of justices of the peace and peace officers in criminal prosecutions before justices of the peace;" also Senate bill No. 269, "To provide substitutes for certain documents and books destroyed by fire in the court house at Goliad;" also Senate bill No. 152, "To incorporate the Germania Club of San Antonio, Texas;" also Senate bill No. 189, "To incorporate Burgess Business College of Galveston, Texas," and substitute for Senate bill No. 66, "Defining the

homestead and other property exempt from forced sale in this State," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

On motion of Senator Campbell, the rules were suspended to take up Senate bill No. 327, "An Act concerning railroads."

Bill read second time and passed to engrossment.

Rules suspended; bill read third time and passed.

Senator Ruby offered the following Report of Committee of Free Conference, and recommend the adoption of the following amendments:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee of Free Conference on House bill No. 511, "for the Assessment and Collection of Taxes," with like committee on the part of the House, having duly considered the same, unanimously agree to report said bill to the Senate with the accompanying amendments, and recommend its passage.

G. T. RUBY,
W. H. PYLE,
S. W. FORD,
Committee.

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your select committee, to whom was referred House bill No. 511, entitled "An Act for the assessment and collection of Taxes," having duly considered the same, respectfully report the same back, with the recommendation that it be passed with accompanying amendments. The committee acknowledge the services of the Comptroller, and chief clerk in the Comptroller's office, in the examination of the bill.

SINCLAIR,
BURNETT,
ABBOTT.

Amend as follows:

Strike out section one, and insert the following as a substitute:
"SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the justices of the peace of the several counties of

this State shall be the assessors of taxes in their respective precincts, under such rules and regulations as may be prescribed by law."

Strike out section two, down to the words, "And I do," in fifth line, and insert the following in lieu thereof: "That every justice of the peace shall, within ten days after he has received notice of his election, in addition to the bond and oath required for the performance of his other duties as justice of the peace, give a bond, payable to the State of Texas, in a penalty of two thousand dollars, with at least three good and sufficient sureties, to be approved by the district judge of his county; and shall also take and subscribe the following oath:" Also, strike out in line eleven, section two, the words "or appointed;" also, strike out in line seventeen, of same section, the word "court," and insert in lieu thereof the word "judge;" also, line twenty-four, section two, strike out all after the words "official term," and insert in lieu thereof the following: "And in case of the removal, by the district judge, the cause therefor, and order of removal, shall be entered on the minutes of the court."

Strike out in line two, section four, the words, "and with the consent of the district court;" and in line three, same section, strike out the words "approved by the court."

Section five, line seven, strike out all after the word "shall," and insert the following: "Be subject to a fine of fifty dollars, on indictment or information in the district court."

Section eight, line two, strike out the words "or county court," and insert in lieu thereof the word "judge."

Section eleven, line six, strike out all after the word "failure," and insert the following: "Be subject to a fine of fifty dollars, on indictment or information in the district court."

Section twenty-two, line thirteen, strike out all after the word "shall," and insert the following: "Be subject to a fine of fifty dollars, on indictment or information in the district court."

Strike out all of sections thirty-four, thirty-five, thirty six, thirty-eight and thirty-nine, and the words "income and salary" in sections forty, forty-one and forty-five, and wherever they occur in the bill. Also, in section thirty-seven, strike out lines twenty-one and twenty-two.

Section forty-five, lines two and three, strike out the words "tax, or schedule for the assessment of the income, salary or poll," and insert the words "and poll;" and in line twenty-three, same section, strike out the words "and schedule."

Strike out sections forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two, and insert the following as a substitute for section fifty-one, viz:

"SEC. 51. Every railroad, canal or navigation company shall hereafter report quarterly, on the 15th days of March, June, September and December in each year to the Comptroller of Public Accounts, the gross amount received by such company for the transportation of freight and passengers over such road or canal, or any part thereof, during the quarter of the year next preceding the first day of the month in which such report is made; and at the time of making such reports shall pay into the State treasury two per cent. of such gross amount, received in compliance with section three of 'An Act to levy taxes.'"

Section fifty-five, line two, strike out the word "forfeit," and insert the words "be subject to a fine of;" and in section fifty-eight, line five, and section sixty-two, line two, make the same amendment.

Section sixty-nine, line one, strike out the words "each book and of the schedules of income, salary, occupation and poll tax," and insert in lieu thereof the words "of the land book and one copy of the book of personal property and poll tax."

Section seventy, line three, strike out word "two," and insert "one." Also, strike out in line five, same section, the words "and schedules of income, salary and poll tax."

Section seventy-six, line three, strike out word "forfeit," and insert words "be subject to a fine of."

Section eighty-eight, line two, strike out "county courts," and insert district judge." Also, in line three, same section, strike out "court," and insert judge." Also, strike out all of said section after the words "justices of the peace," in line seven.

Section ninety-five, strike out lines one, two and three and insert, at the beginning of the section, "The sheriff in each county in addition to," etc.

Section ninety-nine, line seven, strike out "county" and insert "district;" also, in section one hundred and twenty-seven, line three, make same amendment, and in line ten, section one hundred and twenty-seven, strike out "damages" and insert "penalty."

Add, after section one hundred and thirty-four, an additional section to read as follows: "That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the purchase of blanks, and contingencies necessary to carry this act into effect."

Senator Ruby moved the adoption of the report.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Cole and Pickett.

On motion of Senator Alford the call of the Senate was suspended. Senator Alford moved the previous question.

Previous question seconded.

Bill read first time as amended; rules suspended, bill read second time.

On motion of Senator Ruby the report of committee and amendments were concurred in.

Rules suspended, bill read third time, and passed by the following vote:

Yeas—Mr. President, Alford, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pyle, Rawson, Ruby, Saylor—16.

Nays—Bowers, Broughton, Cole, Dohoney, Evans, Pickett, Shannon—7.

Absent—Douglas, Flanagan, Fountain, Latimer, Pridgen—5.

Bill passed and reported to the House.

Senator Ruby moved that the report of the Committee of Free Conference on Senate bill No. 317; "An Act making an appropriation for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years," be concurred in by the Senate.

Yeas and nays called and resulted as follows:

Yeas—Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—13.

Nays—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon—11.

Absent—Mr. President, Flanagan, Fountain, Latimer, Pridgen—5.

Report of committee and amendments concurred in.

By leave Senator Mills introduced a bill to be entitled "An Act supplementary to 'An Act making appropriations for the State government,'" etc.

Read first time.

Senator Ruby moved a suspension of the rules to put the bill on its second reading.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—14.

Nays—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon—11.

Absent—Flanagan, Fountain, Latimer, Pridgen—4.

Senate refused to suspend the rules.

By leave Senator Pickett presented the following bill, "An Act

supplementary to an act entitled, 'An Act to provide for districting the State of Texas into judicial districts.'"

Bill read first time; rules suspended, bill read second time and passed to engrossment; rules further suspended and bill read third time and passed.

Senator Mills offered the following resolution:

Resolved, That the Sergeant-at-Arms be required to remain at the Capitol during the time that elapses before the meeting of the next Legislature, to take charge of the property belonging to the Capitol and committee rooms in the different buildings, in use by the Legislature; to secure the safety of all furniture and other property, and to attend to such repairs and business as he may be directed to do. The President of the Senate and the Sergeant-at-Arms shall retain the chief porter of the Senate until the next session.

On motion of Senator Alford the resolution was laid on the table.

Report of Committee on Enrolled Bills:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 351, entitled "An Act to validate certain official acts of county judges;" also Senate bill No. 246, entitled "An Act creating the county of San Jacinto, and naming the county site thereof;" also Senate bill No. 51, entitled "An Act for a geological survey of the State of Texas;" also Senate bill No. 238, entitled "An Act to incorporate the Pacific and Great Eastern Railway Company;" also Senate bill No. 325, entitled "An Act fixing the terms of the Supreme Court of the State of Texas, and authorizing the court to establish rules;" also Senate bill No. 350, entitled "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico;" also Senate bill No. 45, entitled "An Act to incorporate Butler Male and Female College, in the county of Freestone;" also Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company;" also Senate bill No. 260, entitled "An Act to incorporate the Texas Timber and Prairie Railroad Company;" also Senate bill No. 34, entitled "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;" also Senate bill No. 352, entitled "An Act to regulate the sale of lands under the decrees of the courts;" also Senate bill No. 332, entitled "An Act authorizing the county courts to sell school

lands situated in their respective counties;" also Senate bill No. 218, entitled "An Act regulating public printing;" also Senate bill No. 299, entitled "An Act to incorporate the Belzora Navigation Company;" also Senate bill No. 3, entitled "An Act to incorporate the town of Hallville, in Harrison county, Texas;" also Senate bill No. 32, entitled "An Act to incorporate the Houston Hook and Ladder Company No. 1, of the city of Houston;" also Senate bill No. 29, entitled "An Act to incorporate the Stonewall Fire Company, of the city of Houston," and this day, at nine o'clock and thirty minutes A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

On motion of Senator Alford the rules were suspended to take up House bill No. 429, "An Act to incorporate the Colorado Valley Immigration Company."

Bill read third time.

Senator Alford moved its final passage.

Yeas--Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor--15.

Nays--Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest, Shannon--9.

Absent--Flanagan, Fountain, Latimer, Pickett, Ruby--5.

The Chair decided the bill was lost, two-thirds not voting in the affirmative.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays taken:

Yeas--Baker, Bell, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Pettit, Priest, Ruby, Shannon--13.

Nays--Alford, Bowers, Broughton, Clark, Cole, Parsons, Pridgen, Pyle, Rawson, Saylor--10.

Absent--Flanagan, Fountain, Latimer, Mills, Pickett--5.

The Senate sustained the decision of the Chair.

Message from the House informing the Senate the House had appointed the following Committee of Conference on House bill No. 454: Messrs. Plumley, Harn, R. Allen, McLean and Jenkins, and asks the appointment of a like committee on the part of the Senate.

The Chair appointed on said committee Senators Hall, Gaines and Pyle.

Senator Pyle offered the following resolution:

Be it resolved by the Senate of the State of Texas, That after the adjournment of the Legislature, the secretary of the Senate be, and he is hereby authorized and required, to have the proceedings of

this body, for the past session, compared, corrected and printed up to the date of such adjournment. That he also be authorized and required to index, rule, compare and affix marginal notes to the "journal;" and, for the purpose of assisting him in this work, and bringing up said "journal" to date of adjournment, he is hereby authorized to retain the journal clerk.

That the Secretary shall be required to take charge of, and forward to, the proper address, all letters, papers or other mail matter which may be received for the officers, members and employes of this body, after their departure for their several places of residence.

That the Second Assistant Secretary and Calendar Clerk be authorized to remain thirty days after the adjournment of this body, to bring up and complete the unfinished business of their respective positions.

That the Comptroller of Public Accounts is hereby authorized and required to audit the accounts for per diem pay of the officers and clerks, authorized by this resolution, to be retained after adjournment, upon the certificate of the Secretary of the Senate that they have duly performed the work required of them.

Senator Bowers moved to strike out the word "corrected."

Carried.

On motion of Senator Pyle the resolution was adopted.

Senator Pyle offered the following resolution:

Resolved, That the use of the Senate Chamber be tendered to General J. B. Magruder, next Monday night, for the purpose of delivering a lecture on Mexico, and the policy of the United States with reference thereto.

Adopted.

On motion of Senator Bowers the rules were suspended to take up Senate bill No. 184, "An Act to incorporate the Superannuated Preacher's Aid Society."

Bill read second time and passed to engrossment; rules further suspended, bill read third time.

Yeas and nays taken:

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Dehoney, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Saylor, Shannon--20.

Nays—None.

Absent—Mr. President, Cole, Douglas, Evans, Flanagan, Fountain, Latimer, Pridgen, Ruby--9.

Bill passed.

Message from the House informing the Senate that the House had passed Senate bill No. 359, "An Act to incorporate the Rusk and Harrison County Railway Company."

Also, Senate bill No. 308.

Also, that the House had concurred in the Senate amendments to House bill No. 381.

Also, that the Speaker had signed, in open session, the following enrolled bills :

Enrolled bill, "An Act to incorporate the town of Carthage, in Panola county."

"An Act to incorporate the town of Rockport, in Refugio county."

"An Act to incorporate the Texas Land Company."

"An Act to incorporate the town of Hallettsville, in Lavaca county."

"An Act for the relief of John B. Craig, deceased."

"An Act legalizing certain writs and processes issued by or from district courts."

"An Act for the relief of James L. Lipscomb and John Blair of Houston county, and State of Texas."

"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."

"An Act to incorporate the Bean's Wharf Warehouse and Cotton Compress Company in the city of Galveston."

"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."

"An Act to incorporate the Belton Bridge Company."

"An Act to incorporate the Weatherford Masonic Institute."

"An Act to establish the Sabine Pass and Red River Railway Company."

"An Act for the relief of Andrew J. Nichols."

"An Act for the relief of Alex. Smith, deceased."

"An Act to incorporate the town of Springfield."

"An Act to incorporate Trinity University."

Whereupon they were signed by the President and returned to the House.

Also, that the House had passed Senate bill No. 291, "An Act to incorporate the Beaumont, Galveston and Coast Railway Company," with the following amendment :

Insert the words, "for ninety-nine years," after the word "succession" in section one.

[Senator Dohoney in the chair.]

On motion of Senator Bell, the rules were suspended to take up House bill No. 517, "An Act fixing the compensation of the Speaker of the House of Representatives."

Bill read first time ; rules suspended, bill read second time.

Senator Ruby moved the rules be suspended to place the bill on its third reading and final passage.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon—15.

Nays—Alford, Bowers, Clark, Cole, Dohoney, Douglas, Evans—7.

Absent—Broughton, Flanagan, Fountain, Latimer, Mills, Pridgen, Saylor—7.

Motion to suspend the rules lost; four-fifths not voting in the affirmative. •

On motion of Senator Bowers, the rules were suspended to take up House bill No. 336, "An Act to incorporate the Austin Hook and Ladder Company No. 1, of the city of Austin."

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, Bowers, Broughton, Clark, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—None.

Absent—Cole, Flanagan, Fountain, Hall, Latimer, Pridgen—6.

Bill passed.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 156, "to incorporate the Texas Mining Company," also Senate bill No. 362, supplementary to an act entitled "An Act to provide for districting the State of Texas into judicial districts, approved July 2, 1870," and Senate bill No. 327, "concerning railroad companies," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

On motion of Senator Broughton, the rules were suspended to take up House bill No. 102, "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect it in the enjoyment of its rights."

Bill read first time.

S J—83

Senator Rawson moved the bill be referred to Committee on Internal Improvements.

Lost.

Senator Alford moved a suspension of rules to put the bill on its second reading.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Pyle, Saylor, Shannon—22.

Nays—Priest, Rawson—2.

Absent—Flanagan, Fountain, Latimer, Pridgen, Ruby—5.

Rules suspended.

Bill read second time.

Rules further suspended and bill read third time.

Senator Parsons moved the bill pass.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Pyle, Saylor, Shannon—21.

Nays—Priest, Rawson—2.

Absent—Flanagan, Fountain, Hertzberg, Latimer, Pridgen, Ruby—6.

Bill passed. .

Senator Bowers offered the following resolution :

Resolved, That hereafter no Senator shall be permitted to speak more than two and one-half minutes at any one time without permission of the Senate.

Senator Priest moved to amend by striking out the following words: "without permission of the Senate."

Lost.

On motion of Senator Bowers, the resolution was adopted :

On motion of Senator Clark, the rules were suspended to take up House bill No. 327, "An Act to incorporate the Galveston and Northeastern Railway Company."

Bill read second time.

Senator Mills moved its reference to the Committee on Internal Improvements.

Lost.

Senator Douglas offered the following resolution :

Add to section two :

"Provided, That the said railroad shall not be so located as to run in the same general direction, within twenty-five miles of the Houston and Great Northern Railroad."

Adopted.

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, Hertzberg, Parsons, Pickett, Priest, Pyle, Rawson, Saylor, Shannon—19.

Nays—Alford, Mills—2.

Absent—Broughton, Flanagan, Fountain, Hall, Latimer, Pettit, Pridgen, Ruby—8.

Bill passed.

On motion of Senator Cole, the rules were suspended to take up House bill No. 87, "An Act making an appropriation to pay the widow and heirs of W. A. Smith, deceased, for services rendered the State."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Senator Douglas moved its reference to Committee on Finance.

Lost.

The question recurring upon the final passage of House bill No. 87, the yeas and nays were taken:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—23.

Nays—Rawson.

Absent—Broughton, Flanagan, Fountain, Latimer, Mills—5.

Bill passed.

By leave Senator Cole introduced "An Act supplemental to an act fixing the judicial districts of the State, approved July 2, 1870, and supplemental to an act prescribing the terms of the district courts, approved August 10, 1870."

Bill read first time; rules suspended, bill read second time; rules further suspended bill read third time and passed.

On motion of Senator Douglas the rules were suspended to take up Senate bill No. 323, "An Act to authorize railroad companies to regulate the gauges of their roads."

Bill read second time; rules suspended, bill read third time and passed.

The Secretary carried to the House the following enrolled bills:

Senate bill No. 35, "An Act to incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. D. H. S."

Senate bill No. 78, "An Act concerning the levy of taxes for Bexar county."

Senate bill No. 216, "An Act to incorporate the town of Bremond."

Senate bill No. 279, "An Act to incorporate the Rio Grande Railroad Company."

Senate bill No. 356, "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature."

Senate bill No. 141, "An Act to incorporate Victoria Fire Company No. 1."

Senate bill No. 97, "An Act for the relief of W. B. Price."

Senate bill No. 164, "An Act to incorporate the Navasota Insurance Company."

Senate bill No. 466, "An Act to change the gauge of the Brazos Branch Railroad, etc."

Senate bill No. 169, "An Act to incorporate the Comal Cemetery Association."

Senate bill No. 273, "An Act to provide for the sale of the Houston Tap and Brazoria Railway."

Senate bills Nos. 257, 28, 354, 100, 264, 174 and 73, were signed by the Speaker of the House, returned, and signed by the President.

Also, Senate bill No. 327, "An Act concerning Railroad Companies."

[General File.]

Senate bill No. 1, "An Act for the relief of freedmen and freedwomen," with the following House amendment:

Amend caption to read, "for the relief of persons formerly in bondage."

On motion of Senator Ruby the Senate concurred in said amendment.

Senate bill No. 291, "An Act to incorporate the Beaumont, Galveston and Coast Railway Company," with the following House amendment:

Amend section one, after the word succession insert, "for ninety nine years."

On motion of Senator Ruby the Senate concurred in said amendment.

Senate bill No. 191, "An Act to incorporate the North Texas Railroad Company," with the following House amendment:

After the word succession in seventh line, section one, insert "for ninety-nine years."

On motion of Senator Ruby, Senate concurred in said amendment.

On motion of Senator Evans the rules were suspended to take up House bill No. 508, "An Act to appropriate the sum of seven thousand dollars, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated, to defray the expense of the commission heretofore authorized by virtue of a joint resolution."

Bill read first time.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 2, entitled "An Act to incorporate the Jefferson and Shreveport Railroad Company, to provide the ways and means for constructing and maintaining their road, and to authorize the sale of said road, and the acquisition by the company of other road or roads;" also Senate bill No. 466, "An Act to change the gauge of the Brazos Branch Railroad, extend the time of construction, erect a telegraph line, and to permit the company to extend their line of road;" also Senate bill No. 356, "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature;" also Senate bill No. 141, "An Act to incorporate Victoria Fire Company No. 1;" also Senate bill No. 97, "An Act for the relief of W. B. Price;" also Senate bill No. 35, "An Act to incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. D. H. S.;" also Senate bill No. 78, "An Act concerning the levy of taxes for Bexar county;" also Senate bill No. 216, "An Act to incorporate the town of Bremond;" also Senate bill No. 279, "An Act to incorporate the Rio Grande Railroad Company;" also Senate bill No. 73, "An Act to incorporate the Austin Joint Stock Building Company;" also Senate bill No. 264, "An Act for the relief of the heirs of Lynn Bobo, deceased;" Senate bill No. 174, "An Act to incorporate the Kemper City Bridge Company;" also Senate bill No. 257, "An Act for the relief of U. B. McClelland;" also Senate bill No. 28, "An Act for the relief of the heirs of James S. Holman, deceased;" also Senate bill No. 354, "An Act supplemental to an act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years, ending August 31, 1870;" also Senate bill No. 100, "An Act for the relief of A. H. Cook;" also Senate bill No. 169, "An Act to incorporate the Comal Cemetery Association;" also Senate bill No. 273, "An Act to provide for the sale of the Houston Tap and Brazoria Railway;" also Senate bill No. 164, "An Act to incorporate the Navasota Insurance Company," and this day, at twelve o'clock and ten minutes, presented them to the Governor for his approval.

B. J. PRIDGEN, Chairman.

On motion of Senator Pyle, Senate adjourned to four o'clock P. M.

AFTERNOON SESSION.

4 O'CLOCK P. M.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 509, 'An Act to repeal an act amendatory of 'An Act to punish certain offenses committed on Sundays,' passed November 13, A. D. 1866.'

Bill read first time.

Senator Priest moved its indefinite postponement.

Yeas and nays taken :

Yeas—Mr. President, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Gaines, Pettit, Pickett, Priest, Pridgen—12.

Nays—Alford, Baker, Broughton, Ford, Hall, Hertzberg, Parsons, Pyle, Ruby—9.

Absent—Bell, Flanagan, Fountain, Latimer, Mills, Rawson, Saylor, Shannon—8.

Motion to indefinitely postpone carried.

On motion of Senator Ford the rules were suspended to take up House bill No. 135, "An Act to incorporate the Waco Insurance Company."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bowers, Broughton, Clark, Cole, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby—20.

Nays—None.

Absent—Bell, Dohoney, Flanagan, Fountain, Latimer, Mills, Rawson, Saylor, Shannon—9.

Bill passed.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 184, "To incorporate the Superannuated Preachers' Aid Society;" also Senate bill No. 363, "Supplemental to an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870, and supplemental to an act pre-

scribing the time of holding the terms of the district court, approved August 10, 1870," and Senate bill No. 323, "To authorize railroad companies to regulate the gauges of their roads," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.
E. L. DOHONEY,

On motion of Senator Gaines, the rules were suspended to take up House bill No. 468, "An Act further regulating juries."

Bill read first time; rules suspended, bill read second time.

Senator Alford moved the suspension of the rules to put the bill on its third reading.

Yeas and nays taken :

Yeas--Mr. President, Alford, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Ruby--12.

Nays--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon--10.

Absent--Flanagan, Fountain, Latimer, Mills, Pridgen, Rawson, Saylor--7.

Motion to suspend the rules lost.

On motion of Senator Hertzberg, the rules were suspended to take up House bill No. 180. "An Act to ascertain and adjudicate certain claims for land against the State, situated between the Nueces and Rio Grande rivers."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time and passed.

On motion of Senator Hall, the rules were suspended to take up Senate bill No. 315, "An Act to provide for repairing and making additions to the public buildings, the property of the State, at Austin, Texas."

Bill read third time.

Yeas and nays taken on final passage.

Yeas--Mr. President, Baker, Bell, Bowers, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor--16.

Nays--Alford, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Hertzberg, Shannon--9.

Absent--Flanagan, Fountain, Latimer, Rawson--4.

Bill passed.

On motion of Senator Hertzberg, the rules were suspended to take up Senate bill No. 290, "An Act to incorporate the San Antonio Meat Extract Company of the city of San Antonio."

Bill read second time and 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, Evans, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon--23.

Nays--None.

Absent---Dohoney, Douglas, Flanagan, Fountain, Latimer, Rawson--6.

Bill passed.

On motion of Senator Bowers, the rules were suspended to take up 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."

Bill read first time; rules suspended, bill read second time; rules further suspended, bill read third time and passed.

On motion of Senator Mills, the rules were suspended to take up House bill No. 518, "An Act authorizing and requiring the Comptroller of Public Accounts to audit the public debt of Texas, and prescribing the manner in which it shall be done."

Bill read first time; rules suspended, bill read second time.

Senator Bowers offered the following amendment:

Amend by adding at the end of section three the following words: "Provided, if the holder of any claim objects to the cancellation of the same, the Comptroller shall endorse his action on said claim and return it to the owner or the person controlling it, and if the same be approved, then said claim shall be a valid and subsisting claim against the State of Texas."

Adopted.

Senator Bowers offered the following amendment:

Strike out the word "accruing" in section 4, line 16, and insert the words "the consideration of which shall have accrued."

Adopted.

Senator Mills moved suspension of rules to put the bill on third reading. Carried.

Bill read third time and passed.

On motion of Senator Parsons, the rules were suspended to take up Senate bill No. 292, "An Act to incorporate Waco Female College."

Bill read second time and passed to engrossment.

Rules suspended; 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, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Shannon—20.

Nays—None.

Absent—Broughton, Flanagan, Fountain, Hall, Latimer, Pickett, Rawson, Ruby, Saylor—9.

Bill passed.

On motion of Senator Pettit the rules were suspended to take up House bill No. 221, "An Act to incorporate the Galveston Savings Bank and Trust Company."

Bill read second time; rules suspended, 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, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Saylor, Shannon—23.

Nays—None.

Absent—Broughton, Flanagan, Fountain, Latimer, Rawson, Ruby—6.

Bill passed.

On motion of Senator Pickett the rules were suspended to introduce "An Act supplementary to an act entitled 'An Act prescribing the time of holding the district courts in the several judicial districts in the State.'"

Bill read first time; rules suspended, bill read second time and passed to engrossment; rules further suspended, bill read third time and passed.

On motion of Senator Priest the rules were suspended to take up House joint resolution No. 22, "in relation to the salaries of provisional district judges."

Resolution read first time; rules suspended, resolution read second time.

Senator Dohoney offered the following amendment:

Amend by adding this proviso: "Provided that no salary shall be audited or paid to any such provisional judge, unless satisfactory evidence be produced to the Comptroller that such judge actually continued in the discharge of his official duties during the time for which he claims such salary."

Amendment adopted.

Bill read third time and passed.

On motion of Senator Baker the Senate adjourned until 8 o'clock P. M.

EVENING SESSION.

8 O'CLOCK, P. M.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 365, "Supplementary to an act entitled 'An Act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870;" also Senate bill No. 292, "To incorporate Waco Female College;" and Senate bill No. 290, "To incorporate the San Antonio Meat Extract Company, of the city of San Antonio," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY.

On motion of Senator Pickett the rules were suspended to take up House bills on their third reading.

Senator Bowers offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized and directed to remain in the city of Austin ten days after the adjournment of the Legislature to superintend the arrangement of the furniture for safe keeping during the vacation, and to return thirty days before the meeting of the next session of the Legislature to place the Senate Chamber and committee rooms in order for the use of the Senate.

On motion of Senator Bowers the rules were suspended to consider the resolution.

Resolution read and adopted.

[General File.]

House bill No. 517, "An Act fixing the compensation of the Speaker of the House of Representatives."

Bill read third time.

Senator Ruby offered the following resolution:

Resolved, That Senator Bell be and is hereby added to the select committee on visiting the Penitentiary during the adjournment of the Legislature.

Adopted.

On motion of Senator Priest the rules were suspended to take up House bill No. 99, "An Act donating public land to actual settlers upon the same."

Bill read first time.

[Senator Dohoney in the Chair.]

On motion of Senator Pickett the rules were suspended to take up House bill No. 522, "An Act to levy taxes."

Bill read first time; rules suspended, bill read second time.

Senator Bowers offered the following amendment:

Amend by adding at the close of — section the following words:

"Provided, druggists and physicians who sell or prescribe liquors for medicinal purposes shall not be required to pay license as a vendor of spirituous, vinous, malt or intoxicating liquors."

Adopted.

Senator Pickett offered the following amendment: strike out the word "five" before hundred in line twenty, section four, and insert "two" in lieu thereof.

Amendment lost.

Senator Alford moved to amend by inserting the word "conveyancer" after the word "attorney." Lost.

Senator Alford offered the following amendment:

Land agents—strike out "fifty dollars" and insert "ten dollars." Adopted.

Rules suspended; bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Clark, Dohoney, Ford, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Saylor—16.

Nays—Alford, Cole, Evans, Shannon—4.

Absent—Bell, Bowers, Broughton, Douglas, Flanagan, Fountain, Hertzberg, Latimer, Pridgen—9.

Bill passed.

Report of Committee of Free Conference:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee of Free Conference, to whom was referred House bill 454, "An Act to provide for the appointment of public weighers of cotton and wool within the State of Texas," respectfully report that the committee have agreed to report the original bill without amendments, and to recommend its passage.

P. W. HALL,
D. W. COLE,
MATTHEW GAINES.

Senator Pickett moved the indefinite postponement of the whole matter.

Yeas and nays taken :

Yeas—Alford, Bowers, Clark, Dohoney, Douglas, Evans, Gaines, Pickett, Priest, Pyle, Rawson, Shannon—12.

Nays—Baker, Cole, Hall, Hertzberg, Mills, Parsons, Pettit, Ruby, Saylor—9.

Absent—Mr. President, Bell, Broughton, Flanagan, Ford, Fountain, Latimer, Pridgen—8.

Indefinitely postponed.

Senator Pickett moved a reconsideration of the vote just taken and to lay that motion upon the table.

Yeas and nays taken ;

Yeas—Alford, Bowers, Clark, Dohoney, Douglas, Evans, Gaines, Pickett, Priest, Pyle, Rawson, Shannon—12.

Nays—Baker, Cole, Ford, Hall, Hertzberg, Mills, Parsons, Pettit, Ruby, Saylor—10.

Absent—Mr. President, Bell, Broughton, Flanagan, Fountain, Latimer, Pridgen—7.

Carried.

On motion of Senator Pridgen, the rules were suspended to take up House bill No. 441, "An Act for the permanent location of the county seat of Refugio county."

Bill read first time ; rules suspended, bill read second time ; rules suspended, bill read third time, passed and sent to the House.

On motion of Senator Pridgen, the rules were suspended to take up House bill No. 233, "An Act to incorporate the Indianola Hook and Ladder Company No. 1 of the city of Indianola."

Bill read first time ; rules suspended, bill read second time ; rules suspended, bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bowers, Clark, Cole Dohoney, Douglas, Ford, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—20.

Nays—None.

Absent—Bell, Broughton, Evans, Flanagan, Fountain, Gaines, Latimer, Parsons, Saylor—9.

Bill passed and sent to House.

The Secretary carried to the House, for signature of the Speaker, the following enrolled Senate bills : Nos. 210, 330, 145, 119, 239, 124, 125, 83, 24, 180, 46, 93, 217, 259, 160, 226, 281, 291, 30, 359. Signed by the Speaker, returned and signed by the President.

Also, for concurrence, Senate bills Nos. 184, 156, 362, 363, 323, 315, 290, 292, 365.

Also, the Senate had passed House bills Nos. 87, 102, 135, 180, 221, 263, 336; and with amendments, House bills Nos. 518, 327; House joint resolution No. 22, and refused to pass House bill No. 429.

Message from the House informing the Senate that the House had passed Senate bills Nos. 309, 333, 345, Senate joint resolution No. 13 and Senate bills Nos. 315, 361, 66, 269, 290, 323, 355, 362, 363, 365.

Message from the House informing the Senate that the Speaker had signed in open session the following enrolled bills, Nos. 389, 392, 242, 440, 394, 151, 51, 478, 269, 60, 491, 256, 331, 362 and 355.

Signed and returned to the House.

House concurred in Senate amendments to House joint resolution No. 22, and House bills Nos. 327 and 518.

Also had passed and ask concurrence in House bill No. 475, and House bill No. 511, "An Act for the assessment and collection of taxes," returned to the House, having passed as reported by Committee of Free Conference.

Also passed, Senate bill No. 327, with amendments.

On motion of Senator Campbell the Senate concurred in the following House amendment to Senate bill No. 327: Amend by striking out "section four."

On motion of Senator Pyle the rules were suspended to take up House bill No. 194, "An Act to incorporate the Bosque Bridge and Manufacturing Company of McLennan county."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Ford, Hertzberg, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Absent—Bell, Broughton, Flanagan, Fountain, Gaines, Hall, Latimer, Priest—8.

Bill passed and sent to the House.

Senator Pyle offered the following resolution:

Resolved, That the Secretary of the Senate be authorized to retain one of the messengers for thirty days after the adjournment of the Legislature.

Adopted.

On motion of Senator Rawson the rules were suspended to take

up Senate bill No. 157, "An Act to incorporate the Colorado Railway Company."

Bill read second time and passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Alford, Baker, Bowers, Clark, Cole, Dohoney, Douglas, Hertzberg, Mills, Parsons, Pettit, Pickett, Pyle, Rawson, Ruby--16.

Nays---Evans, Ford, Gaines, Shannon--4

Absent--Bell, Braughton, Flanagan, Fountain, Hall, Latimer, Priest, Pridgen, Saylor--9.

Bill passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. DON. CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No 259, entitled "An Act to establish and incorporate the Beneficial Society of Galveston;" Senate bill No. 217, "An Act to incorporate the Houston and San Jacinto Canal and Navigation Company;" also, Senate bill No. 239, "An Act to incorporate the Bank of Sabine Pass;" also, Senate bill No. 281, "An Act to organize the courts of justices of the peace and county courts, and to define their jurisdiction;" also, Senate bill No. 46, "An Act to repeal an act approved January 14, 1860, entitled 'An Act to authorize and require the clerks of the district courts of Cherokee, Smith, Anderson, Panola and Angelina counties to apportion the causes on the dockets of said courts in words and figures;" also, Senate bill No. 125, "An Act to amend the ninth section of an act entitled 'An Act to amend the charter of the town of Goliad;" also Senate bill No. 83, "An Act to incorporate the Cat Spring Social Turn Verein;" also, Senate bill No. 93, "An Act for the improvement of the navigation of the Colorado river;" also, Senate bill No. 24, "An Act to make valid the official acts of certain surveyors;" also, Senate bill No. 180, "An Act for the relief of Cain T. Brush;" also Senate bill No. 124, "An Act to incorporate the Cuero Bridge Company;" also Senate bill No. 145, "An Act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas;" also, Senate bill No. 119, "An Act to incorporate the New Anhalt Manufacturing Company;" also, Senate bill No. 226, "An Act to incorporate the Navasota, Washington and Brazos Bridge Company;" also, Senate bill No 330, "An Act to authorize counties, cities and towns to aid in the con-

struction of railroads and other works of internal improvement ;” also, Senate bill No. 160, “ An Act amendatory of, and supplementary to, an act entitled ‘ An Act to incorporate the Young Men’s Real Estate and Building Association,’ approved November 6, 1866 ;” also, Senate bill No. 210, “ An Act to prohibit the sale of intoxicating or spirituous liquors within the immediate vicinity of Caddo Grove Seminary ;” also, Senate bill No. 291, entitled “ An Act to incorporate the Beaumont, Galveston and Coast Railway Company ;” and Senate bill No. 30, entitled “ An Act to incorporate the Home Insurance Company of Houston, Texas,,” and to-day at nine o’clock and forty minutes P. M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Senator Baker offered the following resolution :

Resolved, That when the Senate adjourns to-night it shall be to meet at eight o’clock on Monday morning next.

Adopted.

On motion of Senator Mills, the Senate adjourned until Monday at eight o’clock, A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, August 15, 1870.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

Prayer by the Chaplain.

Senator Ruby asked leave to have the journal show a correction in the minutes of the morning session, August 12, by striking out, in report of Committee of Free Conference on Senate bill No. 317, the sentence, "Thus amend page sixteen, 'deficiencies,' by adding \$76,758," the same being an error in the report of the committee.

On motion of Senator Pyle the reading of the journal was dispensed with.

On motion of Senator Pridgen the rules were suspended to take from file Senate bill No. 187, "An Act for the relief of Harriet Williams and the issue of said Harriet Williams and Louis J. Bissette, deceased."

Bill read second time; rules suspended, bill read third time and passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 317, "An Act fixing the compensation of the Speaker of the House of Representatives."

Bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby—16.

Nays—Alford, Bowers, Broughton, Clark, Douglas, Evans, Flanagan, Shannon—8.

Absent—Cole, Dohoney, Fountain, Latimer, Saylor—5.

Bill passed.

By leave Senator Ruby introduced a bill entitled "An Act supplemental to 'An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years, ending August 31, 1870.'"

Bill read first time.

Senator Ruby moved a suspension of the rules to put the bill on its second reading.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Rawson, Ruby—14.

Nays—Alford, Bowers, Broughton, Clark, Douglas, Evans, Flanagan, Shannon—8.

Absent—Cole, Dohoney, Fountain, Latimer, Pridgen, Pyle, Saylor—7.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

On motion of Senator Mills the rules were suspended to take up House joint resolution No. 27, "To defray the contingent expenses of the Twelfth Legislature."

Resolution read first time; rules suspended, resolution read second time; rules suspended, resolution read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Clark, Cole, Douglas, Flanagan, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Rawson—20.

Nays—Broughton, Evans, Shannon—3.

Absent—Dohoney, Fountain, Latimer, Pyle, Ruby, Saylor—6.

Resolution passed.

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August —, 1870.

Hon. DON. CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 157, "To incorporate the Colorado Railroad Company," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
Austin, August 15, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses beg leave to report the following bills (with vouchers) passed upon and approved:

Nagle & Bro., for stationery	\$156 25
Edwards & Mitchell	35 00
J. H. Burns, room rent	60 00
Eli Green, ice	117 00

J. S. MILLS,
Chairman of Committee.

On motion of Senator Saylor the report was received and adopted.

On motion of Senator Bowers the rules were suspended to take up House bill No. 521, "An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Florence Male and Female High School, in Williamson county, Texas."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time and passed.

Senator Bowers moved that a committee of three be appointed to inform his Excellency, the Governor, that the Legislature would adjourn at 12 o'clock M.

The Chair appointed on said committee Senators Bowers, Parsons and Ruby.

On motion of Senator Baker the rules were suspended to take up the Governor's veto message on "An Act for the relief of the Houston and Texas Central Railway Company."

Senator Hall moved a call of the Senate.

Senator Bowers moved the previous question.

Previous question seconded.

Main question ordered, which being, "Shall the bill pass notwithstanding the objections of his Excellency, the Governor?"

Yeas and nays taken:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Shannon—21.

Nays—Evans, Hall, Hertzberg, Priest—4.

Absent—Fountain, Latimer, Pettit, Saylor—4.

The Senate, on reconsideration, passed the bill.

On motion of Senator Alford the Senate took a recess until 11:30 A. M.

IN SENATE.

The Secretary carried to the House the following enrolled bills for signature of the Speaker: Senate joint resolution No. 13, Senate bills Nos. 1, 19, 59, 65, 66, 69, 76, 107, 171, 178, 183, 191, 208, 209, 244, 249, 261, 269, 290, 308, 309, 315, 317, 321, 323, 327, 333, 344, 345, 355, 361, 362, 363, 365, 60.

Also informing the House the Senate had passed House bills Nos. 517 and 521, and House joint resolution No. 27.

Also Senate bills Nos. 157 and 187.

Also, that the Senate, on reconsideration, had passed "An Act for the relief of the Houston and Texas Central Railroad Company."

Report of Committee on Engrossment:

COMMITTEE ROOM,
Austin, August 13, 1870.

HON. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills, having examined and compared Senate bill No. 187, "for the relief of Harriet Williams, and the issue of said Harriet and Louis J. Brissette, deceased," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Special message from the Governor :

EXECUTIVE OFFICE,
AUSTIN, August 13, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : I return to your House, where it originated, "An Act to incorporate the Texas and Mexico Railway Company," and ask that the same be reconsidered.

There are several objections to this act which I will not more than refer to, as the pertinency thereof will be apparent, viz : first, it provides for relief from *all taxation* by towns, counties or other corporations for ten years. Second, it authorizes, *sweepingly*, that all "counties, incorporated towns, cities or corporations of any kind within the State of Texas," may subscribe to its stock, and may issue bonds therefor. Third : It authorizes an almost unlimited number of *branches*.

But there is a further objection that I think as good as the best. In the message which I had the honor to send to the Legislature at the opening of the session, I remarked, in connection with the matter of grants of charters for internal improvements, that, "where parties present themselves asking for no special or exclusive privileges, they should, where evidence is shown that they will be able in good faith to comply with their promises, receive from you the appropriate encouragement; but that even a simple charter should not be granted without this evidence, is made apparent by the vast number of schemes of the sort that have never progressed further than to encumber our statute books, and obstruct the ground to other more responsible companies."

This remark may well apply to the present charter. There are some names of good citizens included among the corporators, but they have not been consulted at all, and do not know of the arrangement; or, if consulted, have neither the means nor the inclination to engage in so extensive an enterprise. The purpose of the real

parties to the scheme is evidently to procure the charter for sale. I am sure that the Legislature will join me in repelling that class of schemers. Franchises of this importance should not pass into the hands of persons who are likely to peddle them as merchandise.

Respectfully,

EDMMND J. DAVIS,
Governor.

On motion of Senator Ruby, the Senate receded from its amendments to House bill No. 522, "A bill to levy taxes."

Senator Flanagan offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed and required to obtain a portrait of General Sam Houston for the Senate Chamber.

Adopted.

Message was received from the House transmitting the following enrolled bills: Nos. 87, 109, 135, 184, 186, 194, 205, 212, 221, 233, 263, 309, 327, 336, 356, 364, 381, 482, 503, 511, 521 and 522, and House joint resolutions Nos. 22, 27, 102, 180, 441, 517, 518, which were signed by the President and returned to the House.

Also, the House had adopted Senate bill No. 358.

Senator Priest offered the following resolution:

Resolved, That the thanks of the Senate are due and are hereby tendered to the citizens of Austin for their kind and social bearing and respectful attention towards its members during the present session.

Adopted.

Senator Saylor offered the following resolution:

Resolved, That the thanks of the Senate are due and are hereby tendered the Hon. Don Campbell, President thereof, for the able, dignified and impartial manner in which he has presided over its deliberations during the present session.

Adopted.

Report of Committee on Enrollment:

COMMITTEE ROOM,
Austin, August 15, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate bill No. 309, entitled "An Act allowing further time for the redemption of lands sold for taxes between March 2, 1861 and March 30, 1870;" also, Senate bill No. 249, "An Act incorporating the Young Men's Beneficial Club of Harris county;" also, Senate bill No. 107, "An Act to incorporate the

Pine Island Bayou Bridge Company;" also, Senate bill No. 315, "An Act to provide for repairing and making additions to the public buildings, the property of the State, at Austin, Texas;" also, Senate bill No. 323, "An Act to authorize railroad companies to regulate the gauges of their roads;" also, Senate bill No. 76, "An Act to authorize the police court of Washington county to levy a special tax for building a jail at the county seat;" also, Senate bill No. 171, "An Act to incorporate the Houston Hebrew Benevolent Society;" also, Senate bill No. 208, "An Act to incorporate the Gymnastic Association of New Braunfels;" also, Senate bill No. 344, "An Act to incorporate the city of Calvert;" also, Senate bill No. 308, "An Act to incorporate the San Antonio and Rio Grande Telegraph Company;" also, Senate bill No. 221, "An Act to incorporate the Saving and Trust Company of Texas;" also, Senate bill No. 183, "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas;" also, substitute for Senate bill No. 244, "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville Female High School;" also, substitute for Senate bill No. 261, "An Act to incorporate the Acton Masonic Institute;" also, substitute for Senate bill No. 1, "An Act for the relief of persons formerly in bondage;" also, substitute for Senate bill No. 66, "An Act defining the homestead and other property exempt from forced sale in this State;" also, 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;" also, Senate bill No. 362, "An Act supplementary to an act entitled 'An Act to provide for districting the State of Texas into judicial districts,' approved July 2, A. D. 1870;" also, Senate bill No. 290, "An Act to incorporate the San Antonio Meat Extract Company of the city of San Antonio;" also, Senate bill No. 361, "An Act to make an appropriation to pay fees of justices of the peace and peace officers in criminal prosecutions before justices of the peace;" also, Senate bill No. 209, "An Act to incorporate the East Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company;" also Senate bill No. 327, "An Act concerning railroad companies;" also Senate bill No. 363, "An Act supplemental to an act to provide for the districting the State of Texas into judicial districts, approved July 2, 1870, and supplemental to an act prescribing the time of holding the terms of the district courts, approved August 10, 1870;" also Senate bill No. 355, "An Act to confer the jurisdiction and powers, heretofore exercised by the chief justices of the several counties of this State under an act approved January 13, 1862, entitled 'An Act to

amend section five of an act entitled an act to provide for the organization of the State Lunatic Asylum and other purposes, upon the presiding justices;" also Senate bill No 69, "An Act to incorporate the Kaufman county Bridge Company;" also Senate bill No. 365, "An Act supplementary to an act entitled 'An Act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870;" also, Senate bill No. 269, "An Act to provide substitutes of certain documents and books destroyed by fire in the court house at Goliad;" also Senate bill No. 65, "An Act to incorporate the Austin City Ice Company;" also Senate bill No. 19, "An Act to incorporate the Cedar Creek Bridge Company;" also Senate bill No. 317, entitled "An Act making appropriations for the support of the State Government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State Government for previous years;" also Senate bill No. 59, "An Act to incorporate the Sabine and Neches Mutual Insurance Company;" also Senate bill No. 359, "An Act to incorporate the Rusk and Harrison county Railway Company;" also Senate bill No. 333, "An Act to incorporate Lamar Female Seminary;" also Senate bill No. 178, "An Act to incorporate the San Antonio Shooting Company;" also Senate bill No. 191, "An Act to incorporate the North Texas Railway Company;" also Senate bill No. 60, "An Act to incorporate the City of Sabine Pass, in Jefferson county," and this day at 11:45 A. M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Special message from the Governor:

EXECUTIVE OFFICE,
AUSTIN, August 15, 1870.

Gentlemen of the Senate and House of Representatives:

Being informed by your joint committee that you are about to adjourn *sine die*, and that you desire to know whether I have any further communication to make before adjournment.

I have to state that a large number of bills have been presented for my examination, on the very eve of your adjournment, amounting on Saturday and to-day to the total of one hundred and fifty-six.

I have given these bills the best examination possible under the circumstances, but the limited time has rendered this examination very hasty and unsatisfactory to myself. I have therefore confined my approval to such public and private bills as appeared in this hasty examination least objectionable, and this has necessarily caused a number of acts to remain unsigned, and thereby fail to become

laws by operation of the constitution. Among these there are but few general statutes, the great majority being private bills. Some of them may be meritorious, and in such cases the subject may again come before you at your next session, if the necessity for them be not obviated by future general laws bearing thereon.

You will perceive that I have assumed the proper construction of section twenty-five, article four, of the constitution to be, that "bills must be presented to the Governor soon enough to allow him for the examination thereof one clear day (exclusive of Sunday) previous to the day of adjournment." This construction I believe to be correct by analogy; but in any event, it is the safe one on the ground of public policy, as it allows a more reasonable time for the examination of the multitude of bills that are usually hurried through at the last moment.

Very respectfully,

EDMUND J. DAVIS,

Governor.

President Campbell arose and addressed the Senate as follows:

Gentlemen of the Senate: The time has arrived when, by your action, the Senate will take a recess from its labors, and the members shall be separated for a brief period of time. It may not be unbecoming in me, as the presiding officer of the Senate, elected to this high position by the kind partiality of my personal and political friends, in announcing to you that the hour has arrived to indulge in some remarks before we part.

When we assembled here in the last days of April, and took upon ourselves the obligations of Senators of this great State, I am sure that not a member of this body (and I speak without reserve for myself,) but felt that he was about entering upon the discharge of duties the most delicate and important, perhaps, in his whole life. The responsibilities resting upon each of us as representatives of large and respectable constituencies in the first Legislature under the new order of things, were of the greatest magnitude, and pressed with a heavy weight upon the minds of all of us who had come to the capital with a just appreciation of those responsibilities. The State was just emerging from the darkness of a long and gloomy political night, and the dawn of its regeneration and new resurrection was just beginning to appear. The clouds which had made that night a black and most fearful one to the friends of good government throughout our borders, were beginning to drift away under the beneficence of the National arm, and under the rising of a brighter and more congenial light we were enabled to emerge from the darkness, and to enter with cheerfulness and hope upon the duties of the day to

which we had been assigned. Feeling at last that the destinies and best interests of the people of the State had been entrusted to the keeping of their best friends, and, amid the pressing duties of the hour, forgetting the asperities of the past and the injustice that had been inflicted by the enemies of the government in many parts of the State upon us and our friends, we entered with a determined patriotism upon the vast field of labor before us, resolving to put forth our highest efforts in the advancement of the good of all, without regard to section or to party. That field of labor, gentlemen, was indeed a wide one, and the further we have advanced upon it the more forcibly have we been impressed with the extent of the labor to which we have been assigned. How we have thus far discharged our duties, it is perhaps not becoming in us to say, as our acts may be seen by reference to the daily journals of the Senate, but I feel assured that you will concur with me that if at any time we have appeared to be at fault by delay or otherwise, such delay is attributable not to a disposition to evade the work, but from a due sense of the magnitude and importance of the work itself and the just determination of every individual member to devote to it without reserve the most ample deliberation. We found the State, so to speak, in many of its great interests, comparatively without laws. To have accomplished less than we have done in the Legislature, which appears upon our statute books, we would have been untrue to ourselves, unjust to the loyalty of the State and false to the just expectations of a much injured people; and I congratulate the Senate, I congratulate the country; upon the great promptness and triumphant success which have attended our efforts to afford the relief which was everywhere so justly demanded.

Other measures, of the highest importance in the development of the State, were expected to come before us, and have been presented for our consideration and action. Some of these have been happily disposed of, at least, by us, and many yet remain undetermined. If all we have done could be put into practical operation, I feel sure they would, in their effects, redound to the general prosperity of the people. I allude, of course, to the legislation upon the great works of internal improvement in the State, and it is earnestly to be hoped that we shall not cease in our efforts until the whole extent of our territory shall feel the blessings of the railway—that the various divisions of the State shall be ramified and connected together by a net-work of iron rails—that all sectional bitterness may be softened—that immigration may pour upon us from the industrious and intelligent, and virtuous of the earth—that the inexhaustible resources of this vast commonwealth may in time be developed, and what is now a comparative wilderness may be made to blossom as the rose.

The work thus begun should never be permitted to relax, and on our return to this Chamber from a visit to our homes and our constituents, it should be with a renewed spirit to continue in this, as in all other great works in which we and they are so much interested, until the greatest good in our power shall be fully accomplished.

There are, gentlemen, many and various subjects pending before us, and many which will yet be brought to our consideration before the term of any of us shall expire. But I will not detain you longer by any further allusion to them. They are of the greatest importance to the people of the State—should be considered after the most mature reflection, and I feel assured that I may say through you to the country that, upon all subjects having in view the prosperity, happiness and advancement of the people, the Senate of Texas are determined to spare no pains nor lose any opportunity of meeting with favorable success the reasonable expectations of a constituency who have confided their important interests to our hands. It only remains for me now, at the closing moment of the session, to tender my warmest thanks for the respect and forbearance exhibited towards me as your presiding officer, by every Senator upon this floor. If, in the heat or mental conflict, kindly relations have been disturbed, or asperities engendered, take them not beyond the portals of this Chamber. Our intercourse has been, to me, a pleasant one; and we part to reassemble, I trust, in a spirit of kindness, friendship and good will; and it is my earnest hope that, when the period arrives that again calls us together, no seat may be vacant, no familiar face missing.

And now, in pursuance of concurrent resolution of the Senate and House of Representatives, I pronounce this Senate adjourned, *sine die*.

And the Senate adjourned at twelve o'clock M. Monday, August fifteenth, 1870.

Attest:

C. C. ALLEN,
Secretary of the Senate.

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ERRATA.

- Page 20, line 7, from bottom, in lieu of "respectfully," read "respectively."
- 27, line 8, from bottom, in lieu of "Bacon" read "Baker."
- 27, line 5, from bottom, in lieu of "resolution lost," read "motion to reconsider lost."
- 30, line 8, from bottom, after the words "o'clock P. M.," read "carried."
- 32, line 18, after the words "the Senate went into Committee of the Whole," read "In Senate."
- 33, line 4, after the words "the Senate went into Committee of the Whole," read "In Senate."
- 40, line 24, after the words "o'clock P. M.," read "carried."
- 54, line 13, from bottom, in lieu of "Harris," read "Harrison."
- 56, line 15, after "12:30," in lieu of "M." read "P. M."
- 56, line 16, after the words "Senate went into executive session," read "In Senate."
- 79, line 5, after the words "roll call," read "quorum present."
- 79, line 13, after the words "minutes approved," read "as corrected."
- 83, line 2, from bottom, in lieu of "11 A. M." read "12 M."
- 91, line 2, from bottom, after "A. M.," read "carried."
- 110, line 7, from bottom, after the word "mutual," insert "Aid."
- 112, line 12, in lieu of "bill read third time and passed," read "resolution."
- 130, line 18, in lieu of "Jeremiah Martin," read "Morton."
- 130, line 28, in lieu of "H. Clay Eaves," read "Eanes."
- 131, line 15, in lieu of "Thomas Carothers," read "Carothers."
- 138, last line, after last word, read "adopted."

- Page 151—afternoon session—after the word “presiding,” read
 “Roll called; quorum present.”
- 153, line 23, in lieu of “James S. Halman,” read “Holman.”
- 156, in nominations for sergeant-at-arms, in lieu of “E. W. Miller,” read “G. W.,” and in ballot, in lieu of “J. W.,” read “G. W.”
- 159, line 3, after the words “final passage,” read “read third time.”
- 159, line 9, after the words “Alford and Douglas,” read “bill passed.”
- 171, line 2, from bottom, in lieu of “George W.” (Dunham,) read “Joseph H.”
- 196, line 19, in lieu of “Cain F.” (Brush,) read “Cain T.”
- 209, line 21, in lieu of “No. 30,” read “130.”
- 209, line 11, from bottom, in lieu of “Cotton and Oil Manufacturing Company,” read “Cotton Seed Oil.”
- 243, line 16, from bottom, in lieu of “18,” read “15.”
- 248, line 20, vote on adoption of amendment by Senator Flanagan, in yeas, after “Alford,” read “Bowers.”
- 268, line 19, in lieu of “Senator Kyle,” read “Pyle.”
- 284, line 3, from bottom, in lieu of “clerks,” read “courts.”
- 290, line 6, in lieu of “Cole,” read “Clark.”
- 291, line 2, in lieu of “20,” read “21.”
- 293, line 5, from bottom, in lieu of “Stowell,” read “Starville.”
- 316, line 2, in lieu of “Thursday,” read “Friday.”
- 324, line 7, in lieu of “with,” read “of.”
- 368, line 21, in lieu of “Syrus Robo,” read “Lynn Bobo.”
- 372, line 3, from bottom, in lieu of “O. J. H. S.,” read “O. D. H. S.”
- 372, last line, in lieu of “martial,” read “marital.”
- 389, line 14, from bottom, after the word “suspended,” insert “to take from file.”
- 391, line 14, in lieu of “pointed,” read “printed.”
- 393, line 9, strike out “Priest” after “Priest.”
- 394, line 3, after “striking” insert “out.”
- 407, line 10, from bottom, strike out all after “Harris,” and insert “and prescribe the duties thereof.”
- 409, line 4, in lieu of “Rawson,” read “Shannon.”
- 410, line 13, from bottom, in lieu of “Broughton,” read “Broughton.”
- 411, line 10, from bottom, in lieu of “Bawson,” read “Rawson.”
- 413, line 1, in lieu of “sanitary,” read “cemetery.”

- Page 420, line 1, in lieu of "Coulad," read "Courtad."
- 425, line 22, strike out "Parsons," after "Mills," and insert "Pettit" in lieu thereof.
- 430, line 4, from bottom, in lieu of "22," read "212."
- 447, line 14, in lieu of "Harvey," read "Harvin."
- 449, line 28, in lieu of "548," read "458."
- 456, last line, strike out "Bell" after "Baker."
- 456, line 25, in lieu of "John" (B. Millerman,) read "Ira."
- 445, line 8, from bottom, in lieu of "Western," read "Houston."
- 461, line 16, from bottom, in lieu of "H. E. McLelland," read "N. B. McClelland."
- 479, line 8, in lieu of "Speaker," read "President."
- 479, line 6, from bottom, in lieu of (Westley) "Gardiner," read "Garner."
- 480, line 8, after "Mountain," insert "rising."
- 497, line 9, from bottom, in lieu of "S. N. Ford," read "S. W. Ford."
- 514, line 8, from bottom, in lieu of "some" read "same."
- 516, line 8, in lieu of "26" read "27."
- 517, line 5, after the words "Southern Branch" read "read first time."
- 517, line 11, after the word "lost" read "rules suspended, bill read third time."
- 520, line 8, from bottom, in lieu of "6" read "7."
- 526, line 13, in lieu of "John D. Craig" read "John B. Craig."
- 528, line 15, after the word "four" read "carried."
- 532, line 18, in lieu of "session" read "Lipscomb."
- 540, line 19, in lieu of "38" read "58."
- 541, line 6, in lieu of "point" read "part."
- 541, line 10, in lieu of "create" read "locate."
- 558, line 7, in lieu of "29" read "28."
- 558, line 16, from bottom, in lieu of "Houston" read "Austin."
- 561, line 9, from bottom, in lieu of "Shannon" read "Saylor."
- 566, line 15, from bottom, after the words "final passage" read "bill read third time."
- 568, line 9, in lieu of "Seamen's" read "Screwmen's."
- 580, line 11, in lieu of "1844" read "1846."
- 584, line 26, in lieu of "28" read "281."
- 593, last line, after the word "suspended," insert "to take from file."

- Page 597, line 11, in lieu of "417" read "477."
610, line 10, after the word "amendments" read "Senate bill No. 2."
612, line 22, in lieu of "439" read "429."
616, line 10, strike out the words "also the following Senate bills."
619, line 6, from bottom, after the word "read" insert the word "third."
619, line 2, from bottom, in lieu of "22" read "21."
620, line 23, in lieu of "Bowers" insert "Bell."
620, line 32, in lieu of "Burnell" read "Burnett."
625, line 18, in lieu of "engrossed" read "House."
626, line 20, in lieu of "H. W. Faison" read "N. W. Faison."
626, line 11, from bottom, in lieu of "Evans" read "Eanes."
626, line 26, in lieu of "U. C. Phillips" read "W. C. Phillips."
628, line 5, in lieu of "14" read "15."
630, line 4, from bottom, in lieu of "Brane" read "Brame."
631, line 15, after the words "presiding justices," read "read first time."
640, line 24, after the words "No. 331" read "carried."
641, line 28, in lieu of "House" read "Senate."
643, line 11, in lieu of "B. B. Brame," read "R. S. Brame."
643, line 21, in lieu of "James B. Halman" read "James S. Holman."
657, line 6, after the word "peace," read "read first time, rules suspended."
657, line 22, in lieu of "367" read "267."
671, line 13, in lieu of "and" read "under."
682, line 6, from bottom, in lieu of "resolutibn," read "amendment."
685, line 16, from bottom, in lieu of "U. B. McClelland," read "N. B. McClelland."
696, line 20, in lieu of "317" read "517."
698, line 8, from bottom, after "60" read "signed by the Speaker, returned, and signed by the President."
700, line 18, after "27" insert "H. B." before "102."
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