

Not voting—Brown, Gooch, Lair, McCulloch, Ripetoe, Stewart.
 Bill read second time.

The report of the committee "That House bill No. 336 be substituted for the Senate bill No. 320," mentioned in their report just made, with the following amendment, to wit: Section 4, line two, after the word "thereof" insert the following: "To be sent to the county courts of the counties interested in such boundary," was adopted and bill passed to a third reading.

The rules were further suspended, and bill placed on its third reading by the following vote:

YEAS.		
Brown,	Houston,	Ripetoe,
Burnett,	Lane,	Stewart,
Burton,	Lair,	Shannon,
Duncan,	Ledbetter,	Storey,
Edwards,	Martin,	Swain,
Ford,	Moore,	Terrell,
Gooch,	Motley,	Tilson--23.
Grace,	Patton,	

NAYS—none.

Not voting—Buchanan, Guy, Hobby, Homan, McCulloch.
 Bill read third time and passed by the following vote:

YEAS.		
Brown,	Houston,	Ripetoe,
Burnett,	Lane,	Stewart,
Burton,	Lair,	Shannon,
Duncan,	Ledbetter,	Storey,
Edwards,	Martin,	Swain,
Grace,	Moore,	Terrell,
Guy,	Motley,	Tilson—23.
Homan,	Patton,	

NAYS—none.

Not voting—Buchanan, Ford, Gooch, Hobby, McCulloch.

The president, after publicly reading the captions, signed House bill No. 414, entitled "An act amending and supplementing articles 4662 and 4668, both inclusive, of chapter 1, title 94 of the Revised Civil Statutes, adopted February 21, 1879;"

House bill No. 497, entitled "An act to amend articles 3955 and 3963 of the Revised Civil Statutes, passed at the present session of the Legislature;"

House bill No. 445, entitled "An act to provide for the assessment and collection of the taxes on land and other property situated in unorganized counties, and for the enforcement of the same;"

Substitute for House bill No. 438, entitled "An act to authorize Messrs. Cunningham & Ellis to sue the state;"

House bill No. 359, entitled "An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary."

Senators Shannon, Edwards, Storey, Lane and Stewart were appointed a committee on free conference, on the differences of the two Houses on House bill 412, the deficiency bill.

A message was received from the House announcing the passage of Senate bill No. 159, entitled "An act to prescribe the requisites of indictments in certain cases;" and that the House has adopted the report of the conference committee on the matters of difference between the House

and Senate on House bill No. 33 and Senate substitute therefor, known as county tax collector's bill.

Senator Storey, chairman of committee on finance (by leave), submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on finance have had under consideration substitute for Senate bill No 123, "An act to amend article 4759 of the Revised Civil Statutes of the State of Texas," with amendments by the House, and I am instructed to report the bill with the recommendation that the Senate concur in the House amendments thereto. STOREY, Chairman.

Hon. J. D. Sayers, President of the Senate:

Your committee on finance have had under consideration House bill No. 121, "An act to ascertain the amount due teachers for services rendered in the public schools from September 1, 1873, to August 31, 1876, and to provide for the payment of the same," and I am instructed to report the bill back to the Senate with the recommendation that the same do pass. STOREY, Chairman.

Hon. J. D. Sayers, President of the Senate:

Your committee on finance have had under consideration House bill No. 422, "An act to provide for the assessment and collection of taxes on lands that have not been rendered for assessment and taxation from the year 1871 to 1876, and repealing an act to enforce collection of delinquent taxes on lands assessed since January, 1870," and I am instructed by the committee to report the bill back to the Senate with the recommendation that the same do pass. STOREY, Chairman.

Senate bill No. 252, entitled "An act to amend chapter 2 of title 15, and chapter 1 of title 16 in the Code of Criminal Procedure of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" was taken up and House amendments concurred in.

House bill No 220, received from the House to-night, was taken up and referred to judiciary committee No. 2.

Substitute for House bill No. 401, entitled "An act amending article 352 of title 17, chapter 2; article 357 of chapter 3, and article 474 of chapter 10 of the Revised Civil Statutes," passed February, 1879, with adverse report of committee.

Report of committee adopted and bill lost.

House bill No. 125, entitled "An act providing for the issuance of bonds for the investment of the proceeds arising from the sale of county school lands, and to direct how the money so obtained shall be used," was taken up, and on motion of Senator Ledbetter, was indefinitely postponed.

House bill No. 422, entitled "An act to provide for the assessment and collection of taxes on lands that have not been rendered for assessment and taxation from the year 1871 to 1876, and repealing an act to enforce collection of delinquent taxes on land issued since January, 1870," was taken up and read first time.

Senator Ledbetter moved to suspend the rules and place the bill on its second reading.

Carried by the following vote:

YEAS.

Brown,
Buchanan,

Burnett,
Burton,

Edwards,
Ford,

Guy,
Hobby,
Homan,
Houston,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Moore,
Motley,
Patton,
Ripetoe,

Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson---25.

NAYS—none.

Not voting—Duncan, Gooch, Grace.

Bill read second time and passed to a third reading.

The rules were further suspended to place the bill on its third reading by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Guy,
Hobby,
Homan,

Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Moore,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson—25.

NAYS—none.

Not voting—Duncan, Gooch, Grace.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Guy,
Hobby,

Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Swain,
Terrell,
Tilson—24.

NAYS—none.

Not voting—Duncan, Gooch, Grace, Storey.

Senator Storey called up House bill No. 121, entitled "An act to ascertain the amount due teachers for services rendered in the public schools from September 1, 1873, to August 31, 1878, and to provide for the payment of the same," which was read first time.

Senator Storey moved to suspend the rules and place the bill on its second reading.

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lane,
Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson--24.

NAYS—none.

Not voting—Duncan, Gooch, Lair, Patton.

Bill read second time and passed to a third reading.

(Senator Houston in the chair.)

The rules were still further suspended and bill placed on its third reading by the following vote:

YEAS.		
Brown,	Homan,	Motley,
Buchanan,	Houston,	Ripetoe,
Burnett,	Lane,	Stewart,
Burton,	Lair,	Shannon,
Edwards,	Ledbetter,	Storey,
Ford,	Martin,	Swain,
Grace,	McCulloch,	Terrell,
Guy,	Moore,	Tilson--25.
Hobby,		

NAYS—none.

Not voting—Duncan, Gooch, Patton.

Bill read third time and passed by the following vote:

YEAS.		
Brown,	Hobby,	Moore,
Buchanan,	Homan,	Motley,
Burnett,	Houston,	Ripetoe,
Burton,	Lane,	Stewart,
Duncan,	Lair,	Shannon,
Ford,	Ledbetter,	Storey,
Grace,	Martin,	Terrell,
Guy,	McCulloch,	Tilson—24.

NAYS—Edwards.

Not voting—Gooch, Patton, Swain.

Senator Swain called up Senate joint resolution No. 347, "for the appointment of a commission of three to investigate and report upon invasions from Mexico," which was read second time and lost.

Senator Tilson called up Senate bill No. 383, entitled "An act regulating contracts for labor and affixing a penalty for a violation thereof," which was read first time.

On motion of Senator Shannon the bill was indefinitely postponed.

Senator Brown called up Senate bill No. 200, entitled "An act to validate certain land certificates," which was read second time and on motion of Senator Ford was postponed until to-morrow at 10 o'clock A. M.

The following message was received from the House:

I am instructed to inform your honorable body that the House has passed the following resolution:

Resolved by the Senate and House of Representatives, That the president of the Senate and speaker of the House of Representatives be authorized to close the present session by adjourning their respective houses sine die on Thursday, the twenty-fourth day of April, 1879, at 12 o'clock M.

The following messages were received from his excellency the governor, which were taken up and read:

EXECUTIVE OFFICE, STATE OF TEXAS, {
AUSTIN, April 21, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointment of notary public:

Isaac H. Julian, of Hays county.

Respectfully,

O. M. ROBERTS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 21, 1879. }

To the honorable Senate of the State of Texas:

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

H. Fyke, to be notary public in Panola county, in place of H. Fykes, sent in by mistake. Respectfully, O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 21, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointment of notary public:

D. A. Griffin, of Hill county.

Respectfully, O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 21, 1879. }

To the honorable Senate and House of Representatives of the State of Texas, in session assembled:

GENTLEMEN—I herewith transmit to you for your consideration a communication from the commissioner of the general land office, accompanied by a copy of a writ of injunction issued from the circuit court of the United States, at Austin, Texas, restraining him from issuing patents to lands in a large tract of country, alleged to have been embraced in the territory of Mercer's colony, predicated upon a suit instituted in said court asserting some sort of claim or right to lands in said colony limits. It appears that said claim relates to lands in a large number of counties in Northern Texas, to wit: Limestone, McLennan, Freestone, Anderson, Henderson, Van Zandt, Rains, Hopkins, Hunt, Collin, Rockwall, Kaufman, Ellis, Johnson, Somervell, Hill and Navarro, in which it appears that there are still vacant lands estimated to amount to twenty-three thousand acres.

The Legislature being in session, and this being a matter of grave importance, on account of the subject involved as well as the power assumed to be exercised, I have deemed it proper to call your attention to it. That there was a Mercer's colony in connection with and adjoining to Peters' colony, and that there have been laws passed and other proceedings in relation thereto, is well known in the history of this state. It has long been thought to be a claim determined, adjudicated or obsolete, and has passed out of public notice. This suit and the action of the federal court in relation to it gives it an importance and dignity not heretofore for a long time past anticipated in reference to it. A decent respect for this adjudication should demand a careful investigation of the claim set up to an interest of some sort in so large a territory of the state. Upon examining into it, should the Legislature deem it proper to do so, it may be found that legislation of some sort may be necessary. From the very recent period during which my attention has been called to the matter, I am not able to say what in the way of legislation should be done in regard to it.

In regard to the power sought to be exercised by the federal circuit court in issuing of this writ of injunction restraining one of the heads of the executive department from the performance of his official duties, I

have this to say, that while I do not believe any such power exists under the constitution and laws of this state, there is a precedent for it in the case of Davis vs. Gray, decided by the supreme court of the United States, founded upon what that court regarded to be the laws of this state as recognized and decreed by the supreme court of this state. It is proper also to state that there has been a difference of opinion amongst the judges of the supreme court as to the exercise of this right. The exercise of this right by the judges of the circuit court of the United States holding court in this state in a matter of this kind stands upon the same footing as to his legal authority as though it was attempted to be exercised by the district judge of Travis county in our own state court.

In order to settle any conflict of decision, and to define the law by an express declaration of it by the Legislature of this state, I respectfully recommend that even at this late day of the session a bill be introduced and passed into a law prohibiting any court in this state from issuing or enforcing any such writ as that herein described.

I do this under a thorough conviction—after the most thorough investigation of the subject for years past, that I am capable of giving any subject that it would be right to pass such a law, thereby confirming each department of the government to the exercise of its own appropriate official duties, without any direction, control or interference in the discharge of them by any officer of another department of the government.

O. M. ROBERTS, *Governor.*

GENERAL LAND OFFICE,
AUSTIN, April 21, 1879. }

To His Excellency O. M. Roberts, Governor of the State of Texas.

SIR—I have the honor to transmit herewith a copy of injunction this day served on me. As I know of no law authorizing a federal or other court to direct the action of an executive officer of a state in the discharge of his duties under the laws of the state, I respectfully forward this copy for your consideration and advice.

I have the honor to be yours respectfully,

(Signed)

W. C. WALSH, *Commissioner.*

In the Circuit Court of the United States, for the Fifth Circuit and District of Western Texas, at Austin.

GEORGE HANCOCK,

vs.

J. J. GROOS, *Commissioner, etc.*

{ In Equity.
No. 98.

The president of the United States to W. C. Walsh, commissioner of the General Land Office of the State of Texas, his clerks, draftsmen, subordinates, agents, servants and employes, and all his successors, and all officers or agents subordinate to him or to any of his successors in office, or under the direction, supervision, or control of him or any of his successors or successors in office, Greeting:

Whereas, George Hancock, complainant, hath lately exhibited his bill of complaint in the circuit court of the United States for the fifth circuit and western district of Texas, at Austin, which said bill hath been revived in the name of William Preston against you, the said William C. Walsh, praying relief touching the matters therein mentioned; and whereas, by an order of said circuit court, made in said cause on the

day of April, A. D. 1879, it was ordered that an injunction should issue, under the seal of said court, to restrain you, and each of you, from issuing or delivering, or causing to be issued or delivered, or permitting to be issued or delivered to any person or persons or corporation, any plat or plats, certificate or certificates, or patent or patents for any land or lands within the boundaries of Mercer's colony, as set forth in the bill of complaint and the exhibits therewith filed and therewith defined, and from any further interference with or infringement of the land grant or land reservation known as Mercer's colony, and from doing or causing to be done any act or thing whereby there may issue any patent, certificate, plat or grant of any lands within the boundaries of Mercer's colony, as defined and set forth in the said bill of complaint and exhibits therewith filed, and as set forth in the contract made on the twenty-ninth of January, 1844, by and between the Republic of Texas, by Sam Houston, president thereof, and Charles Fenton Mercer, filed therein; whereof the original is on file in the office of the secretary of state of the State of Texas, and a copy is on file in the office of the commissioner of the general land office of the State of Texas, except to the complainant, William Preston, until the final hearing of the said cause.

Now, therefore, we do strict command you and each of you, the said W. C. Walsh, commissioner of the general land office of the State of Texas, your clerks, draftsmen, subordinates, agents and employes, and all your successors in office, and all their clerks, draftsmen, subordinates, agents, servants and employes, and officers and agents subordinate to or under the direction, supervision or control of you or of any successor or successors in office of you, under the pains and penalties which may fall upon you and each of you in case of disobedience, that you forthwith and until the final hearing of said cause, do refrain and desist from issuing or delivering, or causing to be issued or delivered, or permitting to be issued or delivered to any person or persons or corporation, any plat or plats, certificate or certificates, patent or patents, for any land or lands within the boundaries of Mercer's colony as set forth in the bill of complaint and the exhibits therewith filed and therein defined, and from any further interference with or infringement of the land known as Mercer's colony, and from doing or causing to be done any act or thing whereby there may issue any patent, certificate, plat, or grant of any lands within the boundaries of said Mercer's colony as defined and set forth in the said bill of complaint and exhibits therewith filed, and as set forth in the copy of the contract made on the twenty-ninth of January, 1844, by and between the Republic of Texas, by Sam Houston, president thereof, and Charles Fenton Mercer, filed in said cause, whereof the original is on file in the office of the secretary of state of the State of Texas, and a copy is on file in the office of the commissioner of the general land office of the State of Texas, except to the complainant William Preston, until the final hearing of the said cause.

Witness the honorable Morrison R. Waite, chief justice of the supreme court of the United States at the city of Austin, Texas, this twenty-first day of April, A. D. 1879.

M. HOPKINS, *Clerk.*

Senator Grace called up Senate bill No. 389, entitled "An act to make an appropriation to erect an addition to the supreme court building," which was read and ordered engrossed by the following vote:

YEAS.

Buchanan,
Duncan,
Edwards,
Ford,
Gooch,
Grace,

Guy,
Hobby,
Houston,
Lane,
Lair,

Ledbetter,
McCulloch,
Patton,
Storey,
Terrell--16.

NAYS.

Brown,
Burnett,
Burton,
Homan,

Martin,
Moore,
Motley,
Ripetoe,

Shannon,
Swain,
Tilson--11.

Not voting—Stewart.

Senator Grace moved to suspend the rules to place the bill on its third reading.

Lost by the following vote:

YEAS.

Brown,
Duncan,
Edwards,
Ford,
Gooch,
Grace,

Guy,
Hobby,
Homan,
Lane,
Lair,

Martin,
McCulloch,
Storey,
Swain,
Terrell--16.

NAYS.

Burnett,
Burton,
Moore,

Motley,
Patton,
Ripetoe,

Shannon,
Tilson--8.

Not voting—Buchanan, Houston, Ledbetter, Stewart.

Senator Swain entered a motion to reconsider the vote by which Senate joint resolution No. 347 was lost.

Senator Burton called up Senate bill No. 357, entitled "An act to amend article 4544, title 92, of the Revised Civil Code," which was read second time and ordered engrossed.

On motion of Senator Edwards, the rules were suspended to place the bill on its third reading, by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Guy,
Hobby,

Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
Moore,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson--24.

NAYS—Duncan.

Not voting—Gooch, Grace, McCulloch.

The bill was then read third time and passed by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Edwards,
Ford,
Grace,
Guy,

Hobby,
Lane,
Lair,
Ledbetter,
Martin,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,
Storey,
Terrell--19.

NAYS.

Duncan,
Homan,

Houston,

Tilson--4.

Not voting—Buchanan, Gooch, McCulloch, Shannon, Swain.
(President in the chair.)

On motion of Senator Gooch the Senate took a recess till called to order by the president.

The Senate was called to order, and on motion of Senator Hobby, adjourned until to-morrow morning at 9:30 o'clock.

EIGHTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 22, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Burton, the reading of the journals of yesterday was dispensed with and the same adopted.

The president took up House bill No. 159, entitled "An act to amend article 2671 of the Revised Civil Statutes, passed at the present session of the Legislature," and referred it to judiciary committee No. 2.

A message was received from the House announcing the passage by that body of Senate bill No. 271, entitled "An act to amend article 3193 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" with amendments; and that the House concurs in Senate amendments to House bill No. 99, entitled "An act to amend section 46 of an act to encourage stockraising and for the protection of stockraisers;"

Also, House concurs in Senate amendments to House bill No. 336, entitled "An act establishing and prescribing the manner of ascertaining the boundaries of counties;" and requests of the Senate a copy of Senate bill No. 343, entitled "An act concerning railroad reservations," the bill having been abstracted from the House.

House bill No. 437, entitled "An act prescribing the number of hours per day that employes of the government shall labor," was taken up and read third time and passed by the following vote:

YEAS.

Buchanan,
Burnett,
Gooch,
Grace,
Guy,

Houston,
Lane,
Lair,
Ledbetter,
Martin,

Motley,
Stewart,
Shannon,
Storey,
Tilson—15.

NAYS.

Burton,
Homan,
McCulloch,

Patton,
Ripetoe,

Swain,
Terrell—7.

Not voting—Brown, Duncan, Edwards, Ford, Hobby, Moore.

Senator Patton called up House bill No. 358, entitled "An act to provide for the publication of judicial sales in certain cases," which was read second time.

Senator Patton offered the following amendment:

In section 1 insert between the words "whenever" and "property" the word "real;" also in same section, strike out the following words: "If it be real property, and two consecutive weeks if it be personal property;" also in same section, strike out these words, viz: "If it be land."

Adopted and bill passed to a third reading.

Senator Patton moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS.		
Brown,	Lair,	Stewart,
Buchanan,	Ledbetter,	Shannon,
Burnett,	Martin,	Storey,
Gooch,	McCulloch,	Swain,
Guy,	Motley,	Terrell,
Hobby,	Patton,	Tilson—19.
Homan,		

NAYS.		
Edwards,	Houston,	Lane--4.
Grace,		

Not voting—Duncan, Ford, Moore, Ripetoe.

Bill read third time and passed by the following vote:

YEAS.		
Buchanan,	Lair,	Shannon,
Burnett,	Ledbetter,	Storey,
Gooch,	Martin,	Swain,
Guy,	McCulloch,	Terrell,
Hobby,	Patton,	Tilson—17.
Homan,	Stewart,	

NAYS.		
Burton,	Grace,	Motley,
Edwards,	Houston,	Ripetoe--8.
Ford,	Lane,	

Not voting—Brown, Moore.

Senator Brown moved that the president appoint a committee to authenticate and reproduce Senate bill (No. 343) just reported from the House of Representatives as having been abstracted from that body.

Adopted, and the president appointed on said committee Senators Brown, Homan and Patton.

The president took up and referred Senate bill No. 271, just reported from the Senate with amendments, and referred it to judiciary committee No. 1.

A message was received from the House announcing the passage by that body of Senate bill No. 292, entitled "An act to authorize the construction of a ship channel from Corpus Christi across Mustang island, and to donate land for the same," with amendments.

The president took up the bill just reported from the House and referred it to the committee on internal improvements.

Senator Brown moved that the committee appointed to substitute Senate bill No. 343, reported lost in the House, be discharged, as the bill had been found in the House.

Adopted and committee discharged.

(Senator Ledbetter in the chair.)

Senator Houston called up Senate bill No. 114, entitled "An act to provide for the payment of the outstanding indebtedness of the several counties in this state," which was read third time.

Senator Patton offered the following amendment:

In section 6, strike out "shall" before "levy" in both places where it occurs, and substitute therefor "may at their discretion."

Senator Gooch moved a call of the Senate.

Call sustained.

Roll called. Absent—Edwards, Grace, Lane, Moore, Stewart, Shannon, Storey.

The pending business went to the table.

The Senate was announced full, when the consideration of Senate bill No. 114 was resumed.

On motion of Senator Gooch, the bill was postponed until the evening session.

Senator Burnett called up Senate bill No. 361, entitled "An act to regulate the respective duties of district and county attorneys," approved August 21, 1876.

The roll being called, no quorum was present.

Senator Houston moved that the Senate take recess untill called to order by the president of the Senate, so as to enable the absent senators to remain on committee duty.

The Senate was called to order by the president.

Roll called; quorum present.

Senator Terrell, chairman of judiciary committee No. 1, submitted from said committee, to whom was referred the governor's message of yesterday, the following joint resolution:

"Joint resolution of the Legislature of Texas, requesting our senators and representatives in congress to urge the enactment of such laws as may be necessary to prevent the exercising jurisdiction by the courts of the United States in certain proceedings against municipal corporations in the several states and heads of departments in this state in the discharge of their executive functions," which was read first time.

The rules were suspended and resolution placed on its second reading.

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Edwards,
Ford,
Gooch,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lair,
Martin,
McCulloch,
Motley,
Patton,

Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson—23.

NAYS—none.

Not voting—Burton, Lane, Ledbetter, Moore.

Read second time.

Senator Terrell offered the following amendment:

The lateness in the session at which this resolution receives consideration, creates an imperative public necessity that the rule be suspended requiring this resolution to be read on three several days.

Adopted, and resolution ordered engrossed.

The rules were suspended and resolution placed on its third reading by the following vote:

YEAS.

Buchanan,
Burnett,
Edwards,
Ford,
Gooch,

Grace,
Guy,
Hobby,
Homan,
Houston,

Lair,
Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,

Shannon,
Storey,
Swain,

Terrell,
Tilson—23.

NAYS—none.

Not voting—Brown, Burton, Lane, Moore.

Resolution read third time and passed.

Senator Terrell, chairman of judiciary committee No. 1, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 1 have examined Senate bill No. 271, being a bill to amend article 3193 of Civil Code, in connection with the House amendments, and have instructed me to report the bill back with recommendation that the Senate concur in the House amendments.

TERRELL, *Chairman.*

On motion of Senator Terrell the report was adopted and House amendments concurred in.

The president, after publicly reading their captions, signed the following bills:

Senate bill No. 90, entitled "An act to suppress lawlessness and crime, and to organize a force for that purpose;"

Senate bill No. 123, entitled "An act to amend section 12 of an act entitled 'an act to enforce the collection of delinquent taxes on lands assessed since January, 1870,' approved August 19, 1876;"

And Senate bill No. 252, entitled "An act to amend chapter 2 of title 15 and chapter 1 of title 16 in the Code of Criminal Procedure for the State of Texas."

Senator Shannon, chairman of the committee on internal improvements, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on internal improvements have had under consideration Senate bill No. 292, entitled "An act to authorize the construction of a ship channel from Corpus Christi across Mustang island, to donate land for the same," with the House amendments thereto, and recommend that the Senate do concur in said amendments.

SHANNON, *Chairman.*

On motion of Senator Lane, the report of the committee was adopted and House amendments concurred in.

Senator Terrell moved that the Senate go into executive session at 8:30 o'clock P. M.

Adopted.

Senator Grace, chairman of the committee on enrolled bills, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully compared and find correctly enrolled and properly signed Senate bill No. 90, "An act to suppress lawlessness and crime and to organize a force for that purpose;" Senate bill No. 123, "An act to amend article 4759 of the Revised Civil Statutes of the State of Texas;" Senate bill No. 250, "An act to amend chapter 2 of title 15 and chapter 1 of title 16 in the Code of Criminal Procedure, of an act entitled 'an act to adopt and establish a Penal Code

and Code of Criminal Procedure for the State of Texas," and at 11 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Brown, chairman of the committee on engrossed bills, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have examined Senate bill No. 389, entitled "An act to make an appropriation to erect an addition to the supreme court building;" Senate bill No. 357, entitled "An act to amend article 4544, title 92, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature," and herewith return said bills correctly engrossed.

BROWN, *Chairman.*

On motion of Senator Burnett, the Senate adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

A message was received from the House announcing the passage by that body of the following bills, viz:

Senate bill No. 382, entitled "An act to change and define the times of holding the district courts in the fifth judicial district of the State of Texas," with amendments;

Senate bill No. 283, entitled "An act amendatory of and supplemental to chapter 3, title 78 of the Revised Civil Statutes of the State of Texas," adopted at the present session of the Sixteenth Legislature, with amendments;

Senate bill No. 348, entitled "An act to authorize and provide for the settlement of the matter in controversy between the State of Texas and the Texas and Pacific railway company in the suit brought by the State of Texas to forfeit the land grant of said company;"

Senate bill No. 332, entitled "An act for the better protection of harbors and ports of the State of Texas;"

Senate bill No. 330, entitled "An act to protect lands lying on or near county boundaries from double assessments;"

Senate bill No. 388, entitled "An act to attach the unorganized county of Runnels to the county of Coleman for surveying purposes;"

Senate bill No. 261, entitled "An act requiring the proceeds arising from the leasing or renting of county school lands, and from sales of timber thereon, to be applied exclusively to educational purposes;"

House bill No. 243, entitled "An act to attach the unorganized counties of Archer, Baylor, Hardeman, Knox, Wilbarger and Wichita to the organized county of Clay for judicial and other purposes;"

House bill No. 416, entitled "An act to authorize and require the commissioner of the general land office to issue a duplicate to the heirs or assigns of John Kuchiner, deceased."

Senator Shannon, chairman of the committee on free conference on the deficiency bill (House bill No. 412), submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your second committee of free conference, appointed to meet a like committee of the House of Representatives to consider the disagreements between the two houses on Senate amendments to House bill No. 412, entitled "An act making appropriations for deficiencies beginning September 1, 1878, and ending February 28, 1879, and for previous years," have duly considered the same and respectfully submit the following report, viz:

That the House concur in Senate amendments Nos. 1, 3, 6, 7, 8, 12, 14, 17 and 18, and that the Senate recede from Senate amendments Nos. 15, 16 and 19, and that Senate amendment No. 2 be amended by striking out all after the word "proviso."

That Senate amendment No. 5 be amended by striking out "\$307 25" and inserting in lieu thereof "\$200 00."

That amendment No. 9 be amended by adding after the word "employes" the words "at other places than Galveston."

That amendment No. 10 be so amended as to read as follows: "For payment of services of detectives, attorneys, informers and prosecutors employed in the detection and prosecution of land forgers, \$10,000." This appropriation is placed under the control of the governor, to be used in settling finally, at his discretion, with attorneys, detectives, informers and prosecutors in said detection and prosecution, to be paid out on warrants drawn on the treasury, based upon the certificates of the governor, and no settlement shall be made by the governor except upon execution of a final receipt and release to the state by the party paid of claims accruing to himself, as above, against the state.

That amendment No. 11 be amended so as to read hereafter as follows: "For pay of teachers for public free schools, for services rendered prior to July 1, A. D. 1873, \$30,000. Warrants drawn on this item shall be payable at the option of the state on or before five years from the first day of July, 1879, and shall bear interest as prescribed by law."

That amendment No. 13 be amended by inserting after the word "vesting," the words "a perfect title to," and your committee recommend that said amendments, as amended, be adopted.

Your committee further recommend the addition of a new section to be section 2, as follows:

"Section 2. The warrants drawn under this appropriation act (except those in favor of school teachers) shall bear interest at the rate of four per cent. per annum from their date, and shall be made payable on or before five years from the first day of July, 1879; and the interest shall be paid annually at the treasury, and the payment endorsed on the warrant; *provided*, that the treasurer may pay said warrants (except those issued to teachers) in the order of their date and number, out of the proceeds of bonds issued to meet deficiencies in the revenue, or out of any money on hand in excess of the amount necessary to meet current expenses of the state government."

Change number of section 2 to section 3 and add:

"The fact that there is no appropriation to pay the claims herein stated, creates an emergency that requires that this act take effect at

once, and it is therefore enacted that this act take effect and be in force from and after its passage.

COLEMAN, *Chairman*,
COLLINS,
GAUSE,
REEVES,
McCOMB,

House Committee.

SHANNON, *Chairman*,
STOREY,
LANE,
EDWARDS,
STEWART,

Senate Committee.

The president took up House bill No. 416, just reported from the House, and referred it to the committee on land office.

On motion of Senator....., the report of the committee on free conference on House bill No. 412 (the deficiency bill), just submitted was adopted by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Gooch,

Guy,
Hobby,
Homan,
Houston,
Lair,
Ledbetter,
Martin,

McCulloch,
Motley,
Stewart,
Shannon,
Storey,
Swain,
Tilson—21.

NAYS—none.

Not voting—Grace, Lane, Moore, Patton, Ripetoe, Terrell.

Senate bill No. 283, just reported from the House with amendments, was taken up, and on motion of Senator Ledbetter, the House amendments were concurred in.

Senate bill No. 382, just reported from the House with amendments, was taken up, and on motion of Senator Swain the House amendments were concurred in.

Senator Burnett called up Senate bill No. 361, entitled "An act to amend the second section of 'an act to regulate the respective duties of district and county attorneys,' approved August 21, 1876," was taken up, read third time and passed by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Guy,
Homan,

Lane,
Lair,
Ledbetter,
Martin,

McCulloch,
Motley,
Stewart,
Shannon—13.

NAYS.

Edwards,
Ford,
Gooch,

Hobby,
Houston,
Patton,

Storey,
Tilson--8.

Not voting—Buchanan, Grace, Moore, Ripetoe, Swain, Terrell.

A message was received from the House announcing the passage of House bill No. 356, entitled "An act making the county judge of Tom Green county returning officer for the seventy-fifth representative district;" and that the House concurs in Senate amendments to House bill No. 358, entitled "An act to provide for the publication of notices of judicial sales in certain cases."

The following order of the lieutenant governor was ordered to be entered on the journals:

"The lieutenant governor, by virtue of the authority vested in him by joint resolution approved February 16, 1874, (acts of the Fourteenth Legislature, page 237), hereby grants to the commissioner of insurance, statistics and history permission to occupy as an office of said department until the next session of the Legislature, room No. 8 on south side, first floor of capitol building.

"JOSEPH D. SAYERS,
"Lieutenant Governor and President of the Senate."

Senator Burnett offered the following resolution:

Resolved, That as to all proceedings of the executive sessions of this body the injunction of secrecy is hereby removed.

This resolution was lost, not having received an unanimous vote, as is required by the rules of the Senate.

Senator Guy, chairman of the committee on private land claims, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on private land claims, to whom was referred House bill No. 416, entitled "An act to authorize and require the commissioner of the general land office to issue a duplicate land certificate to the heirs or assigns of John Kuchner, deceased," have considered the same, and I am instructed by your committee to report the said bill back and to recommend its passage.

GUY, *Chairman.*

Senator Brown, chairman of the committee on engrossed bills, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have examined Senate joint resolution No. 394, "Requesting our senators and representatives in congress to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States in certain proceedings against municipal corporations in the several states and heads of executive departments in this state, in the discharge of their executive functions," and herewith return it correctly engrossed.

BROWN, *Chairman.*

House bill No. 356, just reported from the House, was taken up and read first time.

The rules were suspended and bill placed on its second reading by the following vote:

YEAS.

Brown,	Guy,	McCulloch,
Buchanan,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Burton,	Houston,	Stewart,
Edwards,	Lane,	Shannon,
Ford,	Lair,	Storey,
Gooch,	Martin,	Tilson--22.
Grace,		

NAYS—NONE.

Not voting—Ledbetter, Moore, Ripetoe, Swain, Terrell.

Bill read second time and passed to a third reading.

The rules were suspended and bill placed on its third reading by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Gooch,
Grace,

Guy,
Hobby,
Homan,
Houston,
Lane,
Lair,
Martin,

McCulloch,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Tilson—22.

NAYS—none.

Not voting—Ledbetter, Moore, Ripetoe, Swain, Terrell.
Bill read third time and passed.

The president, after publicly reading their captions, signed the following bills, to-wit:

Senate bill No. 271, entitled "An act to amend article 3193 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' " and

Senate bill No. 292, entitled "An act to authorize the construction of a ship channel from Corpus Christi across Mustang island and to donate land for the same."

On motion of Senator Burnett, House bill No. 243, entitled "An act to attach the unorganized counties of Archer, Baylor, Hardeman, Knox, Wilbarger and Wichita to the organized county of Clay for judicial and other purposes," was taken up and read first time.

The rules were suspended and bill placed on its second reading by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Edwards,
Ford,
Gooch,
Grace,

Guy,
Hobby,
Houston,
Lane,
Lair,
Ledbetter,
Martin,

McCulloch,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Tilson—21.

NAYS—none.

Not voting—Burton, Homan, Moore, Ripetoe, Swain, Terrell.
Bill read a second time and passed to a third reading.

The rules were further suspended, and bill placed on its third reading by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Edwards,
Ford,
Gooch,
Grace,

Guy,
Hobby,
Houston,
Lane,
Lair,
Ledbetter,
Martin,

McCulloch,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Tilson—21.

NAYS—none.

Not voting—Burton, Homan, Moore, Ripetoe, Swain, Terrell.
Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,

Ford,
Gooch,
Grace,
Guy,
Hobby,

Homan,
Houston,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Motley,

Patton,
Stewart,
Shannon,

Storey,
Tilson—23.

NAYS—none.

Not voting—Moore, Ripetoe, Swain, Terrell.

A message was received from the House announcing the passage of Senate bill No. 313, entitled "An act to compel collectors of taxes in counties wherein subsidies have been granted to railroads or other works of internal improvements, to receive the state and county taxes from persons who refused to pay the taxes levied for such purposes;" and that the House has adopted the report of the free conference committee on the disagreements of the two houses arising on Senate amendments to House bill No. 412, being "An act making appropriations for deficiencies, beginning September 1, 1878, and ending February 28, 1879, and for previous years."

House bill No. 416, entitled "An act to require the commissioner of the general land office to issue a duplicate to the heirs or assigns of John Kuchiner, deceased," was taken up and read first time.

The rules were suspended and bill placed on its second reading by the following vote:

Brown,
Burnett,
Ford,
Gooch,
Guy,
Hobby,
Homan,

YEAS.
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Terrell,
Tilson—21.

NAYS—none.

Not voting—Buchanan, Burton, Edwards, Grace, Moore, Swain.

On motion of Senator Gooch, the bill was postponed until to-morrow morning.

Senator Grace, chairman of committee on enrolled bills, submitted the following reports:

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined and compared and find correctly enrolled and properly signed, Senate substitute for House bill No. 33, "An act to amend article 4767 of the Revised Civil Statutes of the State of Texas," and have presented the same to the governor for his signature at 11:15 o'clock A. M. this day.

GRACE, *Chairman.*

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined and compared and find correctly enrolled and properly signed Senate bill No. 292, "An act to authorize the construction of a ship channel from Corpus Christi across Mustang island, and to donate land for the same;"

Senate bill No. 271, "An act to amend article 3193 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" and have presented the same to the governor for his signature this day at 3:30 o'clock P. M.

GRACE, *Chairman.*

A message was received from the House announcing the passage by that body of the following bills, viz:

Senate bill No. 337, entitled "An act granting a land certificate of 640

acres to each of the indigent pensioners enrolled under the act approved July 28, 1876," with amendments;

Substitute for Senate bill No. 320, entitled "An act to amend article 826 of the Revised Civil Statutes, so as to correct the conflict in the boundary line between Blanco and Kendall counties."

The president, after public reading their captions, signed the following bills, to wit:

House bill No. 336, entitled "An act establishing and prescribing the manner of ascertaining the boundaries of counties;"

House bill No. 206, entitled "An act in relation to chattel mortgages and other instruments intended to operate as mortgages of or liens upon personal property, and the record thereof;"

House bill No. 121, entitled "An act to ascertain the amount due teachers for services rendered in the public schools from September 1, 1873, to August 31, 1876, and to provide for the payment of the same;"

House bill No. 99, entitled "An act to amend section 46 of 'an act to encourage stockraising and for the protection of stockraisers,' approved August 23, 1879."

On motion of Senator Motley, the Senate took recess until called to order by the president.

The president called the Senate to order, and, after reading their captions, signed Senate bill No. 388, entitled "An act to attach the unorganized county of Runnells to the county of Coleman for judicial purposes;"

Substitute for Senate bill No. 130, entitled "An act to make an appropriation for the support of the state government for the years ending August 31, 1880, and for the additional period ending December 1, 1880."

Senator Grace, chairman of committee on enrolled bills, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed substitute Senate bill No. 130, "An act to make appropriation for support of the state government for the years beginning March 1, 1879, and ending February 28, 1881;" also, Senate bill No. 388, "An act to attach the unorganized county of Runnells to Coleman county for surveying purposes," and at 4:40 o'clock p. m. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Stewart offered the following resolution:

Resolved, That the secretary of the Senate request of the secretary of state a report from him showing the caption of all laws passed by this Legislature which went into force from their date, not hitherto reported as published, and that said report be printed in the journal of next Thursday.

Adopted.

Senator Lane made the following motion:

Mr. President—I move that the Senate refuse to concur in the amendments of the House to Senate bill No. 337, and that a conference committee be appointed with powers of free conference to act with a like committee on the part of the House on the differences between the Senate and House on said amendments.

Adopted.

Senators Lane, Burnett and Patton were appointed as said committee on the part of the Senate.

Senator Ford moved that the names of the pensioners be published in the journals.

Adopted.

On motion of Senator Patton, the Senate adjourned until 8 o'clock to-night.

NIGHT SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum not present.

The sergeant-at-arms was dispatched for absentees.

A quorum appearing the Senate proceeded to business.

A message was received from the House announcing the passage by that body of the following bills, to wit:

Senate bill No. 391, entitled "An act to authorize the survivors of Terry's Texas rangers to erect a monument to the dead of that command in the burying grounds belonging to the state at Austin;"

Senate bill No. 374, entitled "An act to amend article 97 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" with amendments;

Senate bill No. 372, entitled "An act to amend article 4761 of the Revised Civil Statutes," adopted at the present session of the Legislature, with amendments;

Senate bill No. 375, entitled "An act to amend article 4466 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' with amendments; and that Messrs. McComb, Henderson of Smith and Upton have been appointed a committee of conference, to meet a like committee on the part of the Senate, on differences between the two houses arising from House amendments to Senate bill No. 337, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent pensioners enrolled under the act approved July 28, 1876."

The president, after publicly reading its caption, signed Senate bill No. 130, (the general appropriation bill), making appropriations for the support of the state government from March 1, 1879, to December 31, 1880.

On motion of Senator Terrell, Senate bill No. 374, just reported from the House with amendments, was taken up and House amendments concurred in.

Senator Gooch moved that the Senate disagree to House amendment to Senate bill No. 372, just reported from the House, which strikes out all in section 1 of said bill after and including "provided" and that a committee of conference be appointed, etc.

On motion of Senator Storey, the other House amendments to the pending bill were concurred in.

Senator Gooch withdrew his motion, and offered the following amendment to said House amendment:

After the word "provided," in House amendment, add and insert the words: "Provided, that whenever the collector shall be authorized to

pay any warrant, he shall be permitted to pay the same over to the treasurer as money."

Adopted, and House amendment as amended adopted.

Senator Homan moved to reconsider the vote adopting House amendment to Senate bill No. 374, reported from the House to-night, and just adopted.

The motion to reconsider carried by the following vote:

YEAS.

Burnett,	Hobby,	Ripetoe,
Burton,	Homan,	Stewart,
Gooch,	Houston,	Shannon,
Grace,	Lane,	Swain,
Guy,	Martin,	Tilson—15.

NAYS.

Brown,	Ford,	Patton,
Buchanan,	Ledbetter,	Storey,
Edwards,	Motley,	Terrell—9.

Not voting—Lair, McCulloch, Moore.

Senator Homan offered the following amendment to the said House amendment:

Amend House amendment by inserting after the word "in" in line three the following, "subdivisions five and six of article 97 of."

Adopted, and House amendment, as amended adopted.

Senate bill No. 345, entitled "An act to authorize the commissioner of the general land office to contract for the lithographic printing of maps of the various counties of the state, to provide for the sale of the same, etc.," was taken up.

On motion of Senator Storey, all the House amendments except the last one were adopted.

Senator Edwards moved to disagree to the last House amendment to said bill, and that a committee of conference, with powers of free conference, be appointed on the same.

Adopted.

Senators Storey, Edwards and Homan were appointed as said committee on the part of the Senate.

Senator Lane, chairman of conference committee on Senate bill No. 337, submitted the following report:

Hon. J. D. Sayers, President of the Senate, and Hon. John H. Cochran Speaker of the House of Representatives:

Your committee of conference, with powers of free conference, have had under consideration the differences of the House and Senate upon the amendments of the House to Senate bill No. 337, "An act granting a land certificate of six hundred and forty acres to each of the indigent pensioners enrolled under the act approved July 28, 1876," and do recommend that the Senate concur with House amendment No. 1, and that the House do recede from amendments Nos. 2 and 3, and that the caption of said bill be stricken out and the following be substituted therefor, to wit: "An act granting a land certificate of six hundred and forty acres to each of the surviving indigent veterans who was a soldier in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the first of January, 1837, or a surviving signer of the declaration of independence of Texas, or a surviving widow of such soldier or signer, in indigent circumstances."

Amend further by adding the following proviso to section 5, viz:

"*Provided*, that no person shall be entitled to the benefit of the provisions of this act unless he be a surviving soldier of the war between Texas and Mexico from the commencement of the revolution in 1835 until the first of January, 1837, or a surviving signer of the declaration of independence of Texas, or a surviving widow of such soldier or signer, and in indigent circumstances as herein defined."

LANE, *Chairman Senate Committee*,
McCOMB, *Chairman House Committee*.

The president, after publicly reading their captions, signed the following bills, to wit:

Senate bill No. 332, entitled "An act for the better protection of harbors and ports of the state;"

Senate bill No. 330, entitled "An act to protect lands lying on or near county boundaries from double assessments;"

Senate bill No. 161, entitled "An act requiring the proceeds arising from the leasing or renting of county school lands, and from sales of timber thereon, to be applied exclusively to educational purposes."

And Senate bill No. 348, entitled "An act to authorize and provide for the settlement of the matters in controversy between the State of Texas and the Texas and Pacific railway company in the suit brought by the State of Texas to forfeit the land grant of said company."

The following messages were received from the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 22, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of cattle and hide inspectors:

Wm. N. McKamy, for the unorganized county of Wheeler.

S. R. Holmes, for the unorganized county of Wilbarger.

Respectfully, O. M. ROBERTS, *Governor*.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 22, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointment of notary public:

Wm. S. Patton, of Nacogdoches county.

Respectfully, O. M. ROBERTS, *Governor*.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 22, 1879. }

To the honorable Senate of the State of Texas:

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

James H. Robertson—to be notary public for Williamson county.

Respectfully, O. M. ROBERTS, *Governor*.

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

IN SENATE.—Senator Brown moved to spread the confirmations of the executive session on the journals.

Carried.

It is accordingly stated that the Senate did advise and consent to all of the appointments of notaries public and and cattle and hide inspectors made by messages published in to-day's proceedings.

Senator Burton moved to adjourn until 9:30 o'clock to-morrow.
Carried.

The following is the list of pensioners required published in the evening session:

LIST OF PENSIONERS UNDER ACT OF JULY 28, 1876.

NAMES.	COUNTIES.	ATTORNEYS.
Ables, Mary A.	Hill.	Johns & Spence.
Adams, Rebecca.	Shelby.	W. N. Bamey.
Adison, Nat.	Hill.	Joe Abbott.
Allen, Mary A.	Colorado.	First National Bank.
Almance, Breno	Bexar	E. Miles.
Alsbury, H. R. Y.	Bexar.	E. Miles.
Allen, Elijah	Mason	Self.
Alemanda, Jose.	Bexar.	E. Miles. [Habicht.
Alexander, Jane G.	Colorado.	Stewart, Lowday &
Anderson, Hugh	Travis.	Coopwood & Stewart.
Anderson, C. H.	Freestone	Joe H. Stewart.
Anderson, M. J.	Liberty	J. G. Minter. [Habicht.
Andrews, R.	Aransas.	Stewart, Lowday &
Archer, Rosa.	Gonzales	Miller & Sayers.
Arocha, M.	Bexar.	E. Miles. [ley.
Armstrong, Jas.	Chambers	J. G. Minter & E. Stan-
Alsbury, Y. P.	Bexar.	J. T. Brackenridge.
Ashworth, Mary	Orange	Stewart, Lowday & H.
Ashworth, Delilah	Orange	Stewart, Lowday & H.
Austin, E. A.	Galveston.	Forster, Ludlow & Co.
Balle, Antonio.	Travis	John Dowell.
Ballard, B. M.	Kaufman	Johns & Spence.
Baker, Jno. B.	Coryell.	Self.
Barker, Alitia.	Walker	Abercrombie & Goree.
Bartlett, Jos. C.	Navarro	Self.
Barnett, Mary	Galveston	A. S. Johns.
Basquez, Antonio	Bexar.	E. Miles.
Ballard, Nancy	Kaufman.	Self.
Barron, R.	Chambers.	J. G. Minter.
Barron, Benj.	Chambers.	J. G. Minter.
Barron, E.	Chambers	Minter & Stanley.
Berry, A. J.	Lampasas.	Self.
Beaumont, J. K.	Jefferson.	D. W. Doom.
Beatty, Sarah J.	Jackson.	Joe Stewart.
Benson, Ellis	Harris.	Eggleston & Bro.
Belden, E.	Waller.	Sheeks & Sneed.
Berry, Seaborn.	Jefferson.	John T. Stark.
Bishop, W. H.	Guadalupe.	John Dowell.

NAMES.	COUNTIES.	ATTORNEYS.
Billingsley, Jesse	Bastrop	Self.
Bivens, S.	Robertson	Champ Carter.
Birdwell, Geo.	Young	W. A. E. Rhodes.
Black, Mary	Grimes	Stewart, Lowday & H.
Blundell, F.	Hunt	Johns & Spence.
Blair, L. J.	Harrison	John Dowell.
Blundell, Solomon	Grayson	J. V. Cockrell.
Blundell, W.	Bell	Self.
Bostick, S. R.	San Saba	W. H. Lessing.
Boone, Nancy	Lavaca	Stewart, Lowday & H.
Border, C. E.	Leon	W. D. Wood.
Box, Lucinda	Houston	C. H. Randolph.
Brill, S. W.	Guadalupe	Self.
Breeding, Charlotte	Gonzales	Jos. O'Connor.
Bruce, Willis	Bell	Self.
Brown, Reuben R.	Brazoria	E. M. Pease.
Brown, Hiram	Angelina	J. W. Davis.
Benton, Elisha	Franklin	Jos. Spence.
Bowman, Jas. H.	Cherokee	Forster, Ludlow & Co.
Brooks, Gilbert	Harris	Johns & Spence.
Browning, G. W.	Travis	Joe H. Stewart.
Bryan, John	Washington	Self.
Brooks, Geo. W.	Washington	R. A. Chadwick.
Brewster, H. P.	Bexar	First National Bank.
Brummett, H.	Hunt	Stewart, Lowday & H.
Brock, Francis H.	Harris	W. F. Clark.
Brown, Edward	Atascosa	E. Miles.
Burk, A. M.	Freestone	A. Neill.
Burdett, W. B.	Bee	W. C. Walsh.
Bustillo, Clement	Bexar	E. Miles.
Burleson, Jos.	Burnet	Self.
Bundick, C.	Matagorda	Johns & Spence.
Bumstead, M. W.	Hardin	D. W. Doom.
Burkley, Tyre	Shelby	W. N. Ramey.
Burns, Jos.	Shelby	W. N. Ramey.
Burnam, Caroline	Llano	Self.
Burk, Susan	Trinity	Stewart, Lowday & H.
Burnam, Jesse	Blanco	Self.
Butler, H. W. H.	Wilson	A. G. Pickett.
Byars, N. T.	Hamilton	J. W. Laurence.
Byerly, Wm.	Jasper	Moulton & Doom.
Byerly, Adam	Jasper	Self.
Boone, J. W.	Bosque	D. W. Doom.
Blanco, S.	Bexar	J. G. Fisk.
Callahan, J. H.	Bandera	DeCordova & McKinney
Callahan, T. J.	Brazoria	E. M. Pease.
Cassellas, Matr.	Bexar	E. Miles.
Cannon, W. J.	Brazoria	E. M. Pease.
Cayce, Mary F.	Coryell	J. W. Laurence.
Cardena, G. A. de	Atascosa	J. L. Trueheart.
Cary, Seth	Harris	Johns & Spence.

NAMES.	COUNTIES.	ATTORNEYS.
Carlton, E. M.	Travis	Self.
Carlisle, Mary	Bee	Johns & Spence.
Castillo, Francisco.	Bexar	Jas. L. Trueheart.
Castillo, C.	Bexar	E. Miles.
Cabossas, A	Goliad	Lane & Payne.
Canter, A.	Wilson	First National Bank.
Castanon, Louis	Atascosa	E. Miles.
Cartwright, M.	Montgomery	M. Steussey.
Caruthers, Jno. R.	Liberty	Jas. Richardson.
Casanora, R.	Bexar	E. Miles.
Cain, Wm.	Sabine	W. N. Ramey.
Casillas, Antonio G. Y.	Bexar	E. Miles.
Carrillo, Matias	Bexar	E. Miles.
Caddell, Rhoda	Bell	H. E. Bradford.
Cherry, Jno.	Liberty	Minter & Stanley.
Cherry, Ellen	Liberty	J. G. Minter.
Chriesman, H.	Burleson	R. M. Thomson.
Chambliss, S. L.	Navarro	Self.
Chaves, Leandro	Bexar	E. Miles.
Charon, Antonio R. Y.	Bexar	E. Miles.
Cherry, A.	Burleson	C. S. Williams.
Chatam, Thos.	Montgomery	J. E. McComb.
Cherry, Catherina	Cass	DeCordova & McKinney
Choate, David	Hardin	P. S. Watts.
Childress, B. F.	Johnson	E. W. Shands.
Childress, H. M.	Coleman	Johns & Spence.
Clark, Benj.	Hopkins	Johns & Spence.
Clark, Caroline E.	Madison	C. H. Randolph.
Cleveland, Eliza J.	Galveston	Stewart, Lowday & H.
Deweese, W. B.	Colorado	Johns & Spence.
Denman, Jas.	Jasper	Moulton & Doom.
DeMoss, Peter	Guadalupe	W. A. H. & T. H. Miller.
Denman, Jane	Gonzales	Miller & Sayers.
Dewes, A.	Colorado	Johns & Spence.
DeMoss, Susan	Guadalupe	P. S. Sowell.
Dikes, M. W.	Coryell	Johns & Spence.
Dinsmore, A. F.	Lavaca	DeCordova & McKinney
Dias, C.	Bexar	Jas. L. Trueheart.
Dodson, A. B.	Live Oak	DeCordova & McKinney
Doyal, M. A.	Mason	Wm. Koock.
Douglass, Julia C.	Brazoria	E. M. Pease.
Duplex, J. B.	Kinney	Stewart, Lowday & H.
Duty, Wm.	Travis	Self.
Dykes, Lewis P.	Navarro	Self.
Ewing, E. S.	Harris	T. W. House & McAshan.
Eastep, Eliza	Trinity	D. W. Doom.
Edwards, C. O.	Live Oak	DeCordova & McKinney
Edwards, A. M. E.	Calhoun	Johns & Spence.
Eggleston, Julia A.	Bastrop	J. D. Sayers.
Elam, Ann S.	Harris	S. S. Ashe.
Elley, Gus.	Guadalupe	Self.

NAMES.	COUNTIES.	ATTORNEYS.
Elley, Jno. N.	Lavaca	B. M. Odom.
Elizardo, Trinidad	Bexar	J. G. Fisk.
English, Lucinda	Houston	C. H. Randolph.
English, R. B.	Panola	B. M. Baker.
Engledow, Elvira	Van Zandt	DeCordova & McKinney
Estes, Eliz	Brazoria	Masterson & Masterson.
Espinosa, Ygnacio	Bexar	E. Miles.
Ethridge, Howard	Denton	Stewart, Lowday & H.
Evans, W. M.	Anderson	J. W. Cartwright.
Falvel, Mary	Galveston	Jno. Nagle.
Farish, Oscar	McLennan	A. Neill.
Ferrell, J. P.	Waller	M. D. Miller.
Fernandez, Antonio	Bexar	E. Miles.
Fisk, Simona	Bexar	J. G. Fisk.
Field, Sarah	Liberty	Minter & Stanley.
Fletcher, Robt. F.	McLennan	A. Neill.
Fleury, A. B.	Jackson	Johns & Spence.
Flores, Jaun Jose	Bexar	E. Miles.
Flores, N.	Wilson	A. G. Pickett.
Flores, R.	Bexar	E. Miles.
Ford, Simon P.	Colorado	First National Bank.
Foster, Jane A.	Jasper	D. W. Doom.
Friar, Ann	DeWitt	First National Bank.
Gailon, Victor Eude	Victoria	J. M. Brunson.
Gasna, Pedro	Bexar	E. Miles.
Gallardo, R. E. de	Bexar	J. L. Trueheart.
Garza, Q.	Kinney	Solan & Stewart.
Garrin, Robt	Hunt	A. J. Dorn.
Garrett, Leviry	Smith	Stewart, Lowday & H.
Gallatin, Albert	Brazos	Self.
Garza, Jose Simon	Bexar	E. Miles.
Garza, R.	Wilson	A. G. Pickett.
George, David	Hays	Self.
Gellaty, Robt	Sabine	W. N. Ramey.
Gehagan, M. L.	Cooke	Stewart, Lowday & H.
Gibson, A.	Gonzales	Miller & Sayers.
Gimenes, Juan	Bexar	E. Miles.
Gillrain, M. A.	San Augustine	J. H. Raymond & Co.
Gilbert, Margaret	Nacogdoches	J. K. Donnon.
Gimener, Gre	Wilson	First National Bank.
Gimener, T. R. de	Bexar	E. Miles.
Goodloe, R. K.	Sabine	Self.
Golden, Philip	Travis	W. S. Hotchkiss.
Goodman, J. B.	Uvalde	Eggleston & Bro.
Goodman, Stephen	Uvalde	Eggleston & Bro.
Goodwin, Wm.	Live Oak	DeCordova & McKinney
Good, G. J.	Jasper	D. W. Doom.
Gorham, Wm.	Fayette	Jno. Dowell.
Gorbet, C. S.	Brazos	H. S. Newland.
Gomez, Jesus	Bexar	E. Miles.
Gomez, C. L. de	Atascosa	J. L. Trueheart.

NAMES.	COUNTIES.	ATTORNEYS.
Good, J. A.	Jasper	D. W. Doom.
Gonzales, Diego	Bexar	E. Miles.
Gonzales, R. A. Y.	Bexar	E. Miles.
Gorman, J. P.	San Saba	Self.
Gomez, L.	Bexar	J. L. Trueheart.
Gonzales, Gabriel	Bexar	E. Miles.
Gray, Jas.	Wilson	First National Bank.
Green, M.	Matagorda	Jno. Dowell.
Grimes, Geo. W.	Falls	H. McB. Pridgen.
Griego, N.	Wilson	A. J. Pickett.
Guyman, Jane	Wise	Johns & French.
Guerro, M.	Bexar	J. G. Fisk.
Guerro, Jose M.	Bexar	J. G. Fisk.
Guerro, Antonio	Bexar	J. G. Fisk.
Guerro, Brigido	Bexar	E. Miles.
Guerro, Claudio	Bexar	Jas. L. Trueheart.
Garcia, D. O. Y.	Bexar	E. Miles.
Hardesty, Geo. C.	Tarrant	Stewart, Lowday & H.
Hanks, W. M.	Bosque	Johns & Spence.
Hanlow, R. O.	Galveston	W. P. Fijer.
Harwood, B. F.	De Witt	Self.
Harding, T. B.	Walker	J. H. Raymond & Co.
Hall, J.	Galveston	Forster & Co.
Hamilton, Jas.	Travis	Self.
Hamilton, Nat.	Navarro	First National Bank.
Haley, Rich.	Freestone	E. A. Townes.
Hardin, W. B.	Polk	E. W. Shands.
Hall, Geo. H.	Jackson	F. M. White.
Hall, L. L.	Houston	C. H. Randolph.
Harrison, Ann C.	Hamilton	W. P. Gaines.
Haley, Cyrenia	Freestone	Johns & Spence.
Hallmark, A. M.	Houston	Earl Adams.
Haldeman, David	De Witt	Johns & Spence.
Harvey, Jno.	Bell	Geo. W. Tyler.
Hay, Andrews	Chambers	Minter & Stanley.
Hammell, Lucinda	Chambers	Minter & Stanley.
Henderson, Jno.	Bell	C. R. Johns & Co.
Heck, M. E.	Lee	T. L. Wren.
Heard, E. T.	Washington	B. H. Bassett.
Henriquez, A. M.	Bexar	E. Miles.
Hensley, Johnson	Waller	Sheeks & Sneed.
Hensley, J. M.	Waller	Sheeks & Sneed.
Henry, I. R.	Bexar	E. Miles.
Hernandez, S.	Wilson	First National Bank.
Hesken, W. A.	San Patricio	W. J. Russell.
Hernandez, M. C. Y.	Bexar	E. Miles.
Highsmith, B. F.	Bastrop	Self.
Hidalgo, Pedro	Bexar	J. G. Fisk.
Hollien, John F.	Colorado	W. Von Rosenberg.
Hobbs, Caroline P.	Wilson	Stewart, Lowday & H.
Hodges, Susan	Fort Bend	E. M. Pease.

NAMES.	COUNTIES.	ATTORNEYS.
Hoffman, M. S.	Johnson	E. W. Shands
Holloway, Caleb	Bosque	C. R. Johns.
Houth, M. E.	Waller	Stewart, Lowday & H.
Hoffman, Phebe	Johnson	E. W. Shands.
Hotchkiss, R.	Anderson	Johns & Spence.
Horton, Eliza	Goliad	D. D. Claiborn & M. N.
Hooper, A. L.	Panola	W. N. Ramey. [Shive.
Howard, Philip	Bosque	Forster & Co.
Hulme, W. F.	Somervell	Forster, Ludlow & Co.
Hughes, B. F.	Fort Bend	W. F. Clark.
Humphreys, P. W.	Nueces	DeCordova & McKinney
Huizar, S.	Bexar	E. Miles.
Hubble, C. A.	Coryell	W. C. Walsh.
Hyland, Jos.	Williamson	Self.
Iams, John	Harris	Eggleston & Bro.
Irvine, Nancy	Newton	D. W. Doom.
Irish, Emily	Shelby	D. M. Short.
Isaacs, Samuel	Harris	Geo. B. Zimpleman.
Isaacs, Sicily	Liberty	Johns & Spence.
Isaacs, Martha	Harris	S. S. Ashe.
James, Thos.	Live Oak	Jno. Dowell.
Jackson, Jos.	Burleson	E. A. Townes.
Jett, A.	Orange	Stewart, Lowday & H.
Jefferson, Thos.	Tarrant	Jno. Dowell.
Johnson, Mary	Walker	Abercrombie & Gorec.
Jones, Hettie	Guadalupe	Self.
Jordan, M.	Jasper	D. W. Doom.
Keith, John H.	Hopkins	W. B. Wortham.
Kent, D. B.	Kerr	DeCordova & McKinney
Kemp, Charlotte	Wharton	Joe H. Stewart.
Kelso, Alfred	Atascosa	Forster & Co.
Keizer, L.	Jackson	Johns & Spence.
Kirby, George	Travis	Self.
Kimbrow, George	Bell	Geo. W. Tyler.
King, Lt. J. N.	Cass	DeCordova & McKinney
Kimbro, Nancy	Walker	E. L. Angier.
Kizer, P. C.	Brazos	Self.
Kornegay, E.	Lavaca	S. C. Patton.
Kuykendall, J. H.	Victoria	E. W. Shands.
Latham, K. H.	Panola	Self.
Lackey, Theresa	Travis	A. Neill.
Lawrence, Adam	Williamson	A. S. Woolridge.
Lasolla, D.	Maverick	Stewart, Lowday & H.
Lewis, John T.	Newton	D. W. Doom.
Lee, Ellen	Washington	M. Steussy.
Lewis, G. W.	San Augustine	J. H. Raymond & Co.
Lewis, Jacob	Nacogdoches	Edwards & Ingham.
Lewis, W. McT.	Orange	Stewart, Lowday & H.
Lindheimer, T. J.	Comal	Wm. Gerhard.
Lindsley, James	Kerr	DeCordova & McKinney
Little, H.	Montgomery	Geo. B. Zimpleman.

NAMES.	COUNTIES.	ATTORNEYS.
Lindsey, P.	Stephens	M. S. Crow.
Lindsey, B. F.	Hunt	Stewart, Lowday & H.
Logan, Caroline.	Gonzales	T. M. Harwood.
Long, J. I.	Newton	D. W. Doom.
Lopez, M. F. S. Z.	Bexar	E. Miles.
Longley, Campbell.	Bell	Johns & Spence.
Lowe, M. A.	Sabine	Self.
Lowenstein, Casper.	Menard	Self
Lubbock, S. O.	Harris	Self.
Ludlow, L. W.	Jasper	Forster & Co.
Luna, de D.	Kinney.	Stewart, Lowday & H.
Lyon, H. C.	Brazos.	Self.
Mays, Arie.	Bastrop.	W. M. Smith.
Marshall, Thos. W.	Harris.	First National Bank.
Madden, R. W.	Hunt.	N. R. Barnes.
Martines, Hilario.	Bexar.	J. G. Fisk.
Maldonado, M.	Bexar.	J. G. Fisk.
Magill, Wm. H.	Burnett.	Self.
Mata, A.	Bexar.	E. Miles.
McGoun, J. E.	Fayette.	W. Von Rosenberg.
McClelan, Sarah.	Harris	S. S. Ashe.
McClure, Thos.	Navarro.	Stewart, Lowday & H.
McGuffin, John T.	Guadalupe	Self.
McGee, Jos.	Newton.	A. A. McWharter.
McCorcle, E. M.	Bell	Johns & Spence.
McGahey, J. S.	Waller.	Sheeks & Sneed.
McGee, Thos. G.	Hays.	Johns & Spence.
McCoy, Eliz.	Blanco.	Self.
McMahan, S.	Newton.	D. W. Doom.
McMaster, W.	Brazoria.	E. M. Pease.
McTaylor, John.	Orange.	Self.
McFadden, Elisa.	Kimball.	N. A. McFadden.
McDonald, D.	San Augustine.	J. H. Raymond & Co.
McMillan, M.	Robertson.	Champ. Carter.
McMahan, Isaac.	Newton.	D. W. Doom.
McCulloch, Sam.	Bexar.	E. Miles.
McKissick, J. W.	Bosque.	J. A. Green.
McLain, R. F.	Chambers	Minter & Stanley.
McCarty, E. V.	Chambers	Minter & Stanley.
Memhock, A.	Bexar	First National Bank.
Memhara, Migue.	Bexar.	J. L. Trueheart.
Merchant, Berry.	Aransas.	Stewart, Lowday & H.
Meyers, Nancy.	Orange.	D. W. Doom.
Merchant, Sarah T.	Denton.	Johns & Spence.
Meranda, M.	Wilson	A. G. Pickett.
Miranda, F.	Bexar.	E. Miles.
Miller, Eliz.	Victoria	E. W. Shands.
Miller, Daniel.	Nueces	Self.
Miles, E.	Bexar.	J. T. Brackenridge.
Mitchell, N.	Bexar.	Self.
Moffitt, W. C.	Harris	B. F. Cotton.

NAMES.	COUNTIES.	ATTORNEYS.
Montgomery, Mary	Montgomery	J. E. McComb.
Montgomery, Jas.	Harris	J. C. Walsh.
Moore, W. H.	Titus	Self.
Morgan, Jemima	Orange	Stewart, Lowday & H.
Montalvo, Manual	Maverick	Stewart, Lowday & H.
Montes, Ignasio	Maverick	Stewart, Lowday & H.
Morris, Spencer	Atascosa	F. H. Bushick.
Montallo, Juan	Bexar	J. G. Fisk.
Mounford, Jesse	Bell	Johns & Spence.
Moore, J. W.	Walker	Self.
Navarro, N.	Bexar	J. T. Brackenridge.
Navarro, J. A. de	Bexar	First National Bank.
Neill, Geo. J.	Comal	DeCordova & McKinney
Nettles, Wm.	Harris	J. W. Lawrence.
Newman, W. R.	Karnes	Self.
Nichols, Fannie	Travis	Self.
Norvell, L.	Sabine	D. W. Doom.
O'Haley, M.	Live Oak	DeCordova & McKinney
Olira, Anto	Bexar	J. G. Fisk.
O'Toole, M.	Bee	Eggleston & Bro.
Osborn, John L.	Travis	Self.
Patterson, E.	Travis	Self.
Parr, Sam.	Galveston	A. Neill.
Parker, Isam	Parker	Self.
Paschall, Bridget	Harris	Eggleston & Bro.
Pate, W. H.	Erath	Eggleston & Bro.
Paschall, F. L.	Bexar	First National Bank.
Parillas, Anto.	Bexar	J. L. Trueheart.
Partian, N. S.	Matagorda	Stewart, Lowday & H.
Parker, L. J.	Harris	W. C. Oliver.
Palarios, J. J.	Atascosa	E. Miles.
Pacheco, L.	Wilson	A. G. Pickett.
Patton, A. B.	Nacogdoches	Self.
Pacheco, F. F. Y.	Bexar	E. Miles.
Pevehouse, P.	Milam	Self.
Perkins, Mary S.	San Augustine	Self.
Perry, W. M.	Hays	R. M. Castleman.
Pearman, M.	Colorado	Self.
Pevehouse, C.	Milam	J. B. Rector.
Perales, Santiago	Bexar	Jas. L. Trueheart.
Phelps, R. A.	Brazoria	E. M. Pease.
Pollan, Jno.	Live Oak	DeCordova & McKinney
Powers, S. D.	Lee	T. J. Edwards.
Prewitt, E.	Travis	Self.
Price, Sibbia M.	Blanco	R. Price.
Putnam, M.	Gonzales	Forster, Ludlow & Co.
Quinn, Pat.	Bee	Johns & Spence.
Ralph, S. W.	Jasper	D. W. Doom.
Rabb, Mary	Travis	W. S. Hotchkiss & Co.
Rankin, E.	Waller	Self.
Ramsdale, G. L.	Wise	John Dowell.

NAMES.	COUNTIES.	ATTORNEYS.
Ramos, S.	Wilson	A. G. Pickett.
Reed, Isaac	Collin	First National Bank.
Reed, Nat.	Austin	E. M. Pease.
Reams, S. Y.	Austin	E. M. Pease.
Reys, L. de los	Bexar	E. Miles.
Reys, Juan	Bexar	E. Miles.
Reys, D. de los	Bexar	E. Miles.
Reno, R.	Bexar	E. Miles.
Reavis, Fannie	Chambers	Minter & Stanley.
Reimhoover, N.	Kaufman	Johns & Spence.
Rhea, E.	Harris	J. G. Minter & E. Stan-
Ricks, G. W.	Lampasas	W. B. Abney. [ley.
Richie, M. E.	Cooke	Stewart, Lowday & H.
Rice, W.	Tarrant	J. C. Scott.
Richey, L. C.	Cook	Stewart, Lowday & H.
Rivas, C.	Bexar	E. Miles.
Richards, W. B.	Bosque	Johns & Spence.
Rice, Maria	Tarrant	Self.
Richardson, L.	Bexar	J. T. Brackenridge.
Roberts, M. F.	Shelby	Self.
Robinson, L.	Fayette	J. B. Costa.
Robinson, Jesse	Live Oak	DeCordova & McKinney
Roark, Leo	Navarro	First National Bank.
Robinson, Z.	Leon	W. D. Wood.
Robinson, Francis	Montgomery	W. Von Rosenberg.
Rodriguez, Juan	Bexar	E. Miles.
Rodriguez, S.	Bexar	Jas. L. Trueheart.
Rogers, John A.	Karnes	C. H. Randolph.
Russell, W. J.	Travis	Self.
Rudder, E. M.	Brazoria	E. M. Pease.
Ruiz, B.	Bexar	J. G. Fisk.
Rubio, P. V. de	Bexar	J. G. Fisk.
Savery, A.	Comal	Self.
Saddler, John	Limestone	J. B. Tyus.
Salinos, Pablo	Bexar	E. Miles.
Sanches, de M. C.	Wilson	First National Bank.
Saunders, John	Kaufman	F. W. Chandler.
Schlabohn, John	Harris	Sheeks & Sneed.
Scates, W. B.	Colorado	R. A. Coleman.
Scott, Eliza	Bastrop	H. H. Fort.
Scott, Wm. H.	Galveston	DeCordova & McKinney
Scurlock, Wm.	Sabine	Self.
Scarbrough, J. C.	Lee	J. J. Darden.
Scott, Eliz.	Burleson	Forster & Co.
Scott, G. W.	Dallas	J. N. Russell.
Stern, I. P.	Robertson	Champ. Carter.
Sevier, E. G.	Victoria	C. L. Thurmond.
Sessum, E. S.	Hays	Self.
Sharp, M.	Llano	H. McB. Pridgen.
Sheppard, E. M.	Walker	Self.
Shultz, Jno.	Kerr	DeCordova & McKinney

NAMES.	COUNTIES.	ATTORNEYS.
Silvera, Pilar.....	Bexar	J. L. Trueheart.
Sierra, N.....	Maverick	E. Miles.
Sinclare, R.....	San Augustine.....	J. H. Raymond & Co.
Smith, E.....	Harris	J. G. Minter & E. Stan-
Smith, Martha A.....	Milam	Self. [ley.
Smith, M. C.....	Travis	John Dowell.
Smith, L. H.....	Milam	Stewart & Coopwood.
Smith, Edward.....	McLennan	John Dowell.
Smith, Lem.....	Montgomery	G. W. Glasscock.
Smith, Major.....	Lavaca	S. C. Patton.
Smith, Thos. J.....	Fort Bend	E. M. Pease.
Smith, Amelia.....	Travis	DeCordova & McKinney
Smyth, F. M.....	Jasper	D. W. Doom.
Snailum, T. C.....	Parker	F. W. James.
Sowell, A. J.....	Guadalupe.....	Self.
Sowell, Sansom.....	San Augustine.....	J. H. Raymond & Co.
Spier, Jno.....	Nacogdoches	W. S. Blount.
Speede, W. W.....	Angelina.....	Stewart, Lowday & H.
Stebbins, C. C.....	Collin	Forster, Ludlow & Co.
Steele, Jno.....	Harris	Sam S. Ashe.
Stephemore, E. R.....	Houston	Nunn, Williams &
Standiffer, J. L.....	Bastrop.....	Self. [Thomas.
Stephemore, Jas.....	Nueces	Eggleston & Bro.
Stout, Henry.....	Wood.....	Coopwood & Stewart.
Stewart, Wm.....	Nueces.....	Eggleston & Bro.
Tanner, C. E.....	Liberty.....	Joe H. Stewart.
Taylor, Eliz.....	Montgomery	Stewart, Lowday & H.
Tejoda, Jose.....	Wilson.....	First National Bank.
Tejoda, S.....	Bexar.....	Jas. L. Trueheart.
Tejoda, de J. C.....	Wilson.....	First National Bank:
Tejoda, Pedro.....	Bexar.....	E. Miles.
Tevis, Jane.....	Jefferson.....	J. G. Minter.
Thomas, A. J.....	Gonzales.....	Miller & Sayers.
Thomas, Theo.....	San Augustine.....	R. A. Chadwick.
Thomas, Ben.....	Bexar.....	Jas. L. Trueheart.
Thompson, M. E.....	Matagorda.....	Johns & Spence.
Thorn, Jno. S.....	Nacogdoches	Edwards & Inghram.
Thurmond, Julia A.....	Aransas.....	Stewart, Lowday & H.
Thompson, S.....	Cherokee	W. S. Hotchkiss & Co.
Thompkins, A. N. B.....	Liberty.....	Minter & Stanley.
Tindall, Wm. P.....	Hamilton.....	Self.
Tippett, W.....	Wood.....	Jno. F. Jones.
Tilton, Annie.....	Chambers.....	Minter & Stanley.
Townsend, S. A.....	Colorado.....	Forster, Ludlow & Co.
Townsend, Matilda.....	Bastrop.....	A. B. Reynolds.
Townsend, L. H.....	Colorado.....	First National Bank.
Travisso, Jento.....	Bexar.....	J. G. Fisk.
Turner, Winslow.....	Lee.....	Self.
Turnhinson, Peter.....	Atascosa.....	Forster, Ludlow & Co.
Underhill, D. M.....	Washington	J. G. Searcy.
Uron, E.....	Bexar.....	E. Miles.

NAMES.	COUNTIES.	ATTORNEYS.
Valdez, F.....	Bexar.....	E. Miles.
Vanschle, B. A.....	Hunt.....	Stewart, Lowday & H.
Van Vertan, D. H.....	Waller.....	Sheeks & Snead.
Vanderpool, Jas.....	Matagorda.....	Forster & Co.
Vallasenor, Rapael.....	Bexar.....	J. L. Trueheart.
Villa Nueva, J. T.....	Bexar.....	J. G. Fisk.
Vochery, J. M.....	San Augustine.....	J. H. Raymond & Co.
Votare, Elijah.....	Live Oak.....	DeCordova & McKinney
Wade, Jno. M.....	Travis.....	Self.
Waddell, Geo. W.....	Guadalupe.....	Self.
Wade, Nathan.....	Nacogdoches.....	Edwards & Inghram.
Walker, Sarah A.....	McLennan.....	S. W. Ford.
Walling, Ann C.....	Bosque.....	Johns & Spence.
Walling, Malinda L.....	Shelby.....	W. N. Ramey.
Walters, Alexander.....	Bell.....	J. S. Ables.
Walter, Jacob.....	Erath.....	Johns & Spence.
Wagoner, Jane.....	Williamson.....	Joe H. Stewart.
Walling, Martha A.....	Bosque.....	Johns & Spence.
Walldrop, Eliz.....	Atascosa.....	Stewart, Lowday & H.
Weaver, L. G.....	Waller.....	Sheeks & Snead.
Wells, T.....	Liberty.....	J. G. Minter.
West, W. H.....	Wilson.....	A. G. Pickett.
West, Jefferson.....	Newton.....	D. W. Doom.
Wheeler, Saml. L.....	Wharton.....	Forster, Ludlow & Co.
Wheeler, Margaret.....	Hill.....	Johns & Spence.
White, Sarah.....	Jackson.....	First National Bank.
White, Jno. T.....	Jackson.....	First National Bank.
White, Wm.....	Harris.....	Johns & Spence.
Whitley, Mary.....	Walker.....	W. S. Hotchkiss.
Whitlock, Robt.....	Liberty.....	Coopwood & Stewart
Wilcox, E.....	Travis.....	Self.
Wilson, Mima.....	Hays.....	Self.
Williams, Stephen.....	Jasper.....	Moulton & Doom.
Winfield, Ann.....	Washington.....	
Wilson, M. A. C.....	Travis.....	Self.
Williams, Thos. J.....	Matagorda.....	W. S. Fisher.
Williams, Susanna R.....	Matagorda.....	Stewart, Lowday & H.
Williams, Rebecca.....	Harris.....	Barzita & Oliver.
Williams, Henry.....	Uvalde.....	Eggleston & Bro.
Wickson, Cyrus.....	Matagorda.....	Stewart, Lowday & H.
Williams, Mary.....	Montgomery.....	Johns & Spence.
Williams, O. H.....	Chambers.....	E. B. Pickett.
Winter, L.....	Frio.....	Stewart, Lowday & H.
Williams, Sarah J.....	Jackson.....	Johns & Spence.
Williams, Jane.....	Hill.....	G. T. Jones.
Winfrey, Mary.....	Chambers.....	Minter & Stanley.
Woods, W. R.....	San Saba.....	Stewart, Lowday & H.
Woods, Isabella.....	De Witt.....	First National Bank.
Wooton, G. T.....	Atascosa.....	Stewart, Lowday & H.
Yarbrough, C.....	Houston.....	Self.
Yancy, Eliz.....	Bell.....	H. E. Bradford.

NAMES.	COUNTIES.	ATTORNEYS.
Yeomans, Jas.....	Matagorda	Stewart, Lowday & H.
Young, Jas.....	Travis	Self.
Zapata, S.....	Wilson.....	A. G. Pickett.
Zeimualt, T. B.....	Kerr	First National Bank.
Zuber, Wm. P.....	Grimes	W. S. Hotchkiss.

EIGHTY-SIXTH DAY.

SENATE CHAMBER,)
AUSTIN, TEXAS, April 23, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Motley, the reading of the journals of yesterday was dispensed with and same adopted.

Senator Grace, chairman of committee on enrolled bills, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills would ask that the record show that substitute for Senate bill No. 130 was presented to the governor at 8:40 o'clock this A. M., instead of 4:40 o'clock on yesterday, for his signature. Said bill after being presented to the governor on yesterday was withdrawn by your committee, by reason of mistake in not incorporating House amendment to said bill under head of "miscellaneous." The clerk of said committee is in no way responsible for the mistake. The bill has been carefully compared and found now to be correctly enrolled and properly signed, and, as above stated, presented to the governor for his signature at 8:40 o'clock this A. M.

GRACE, *Chairman.*

The president, after publicly reading their captions, signed the following bills:

Senate bill No. 382, entitled "An act to change and define the times of holding the district courts in the fifth judicial district of the State of Texas,"

And Senate bill No. 391, entitled "An act to authorize the survivors of Terry's Texas rangers to erect a monument to the dead of that command in the burying grounds belonging to the state at Austin."

Senator Ford called up Senate bill No. 200, entitled "An act to validate certain land certificates issued on bounty land warrants to John Steele, Wm. S. Williamson, Robert Middleton, Jno. Scully and Richard Eggleston.

The Senate refused to order the bill engrossed.

The following message was received from the House:

House adheres to its amendments to Senate bill 345, "An act to provide for printing Codes, etc.," and that Messrs. Taylor of Marion, Gibson and Flewellen have been appointed a committee of conference with powers of free conference, to meet a like committee on part of the Senate.

Further, that the conference committee reported to the Senate last night, on Senate bill No. 337, "pensions to Texas veterans," was also vested with powers of free conference.

Senator Grace called up Senate bill No. 389, entitled "An act to make an appropriation to erect an addition to the supreme court building," which was passed by the following vote:

YEAS.

Brown,
Buchanan,
Edwards,
Gooch,
Grace,

Guy,
Hobby,
Houston,
Lane,
McCulloch,

Motley,
Stewart,
Storey,
Terrell—14.

NAYS.

Burnett,
Lair,
Martin,

Patton,
Ripetoe,
Shannon,

Swain,
Tilson—8.

Not voting—Burton, Ford, Homan, Ledbetter, Moore.

Senator Hobby offered the following resolution:

Resolved, That the secretary of the Senate, after adjournment, forward by mail to each senator his proportion of the laws amendatory of the Codes, and those taking effect from their passage, and the expense of forwarding the same to be paid out of the contingent fund of the Senate.

Adopted.

Senate joint resolution No. 368, "Prescribing the mode and manner of submitting constitutional amendments to the vote of the people," was taken up and ordered engrossed.

On motion of Senator Edwards, the rules were suspended and resolution placed on its third reading by the following vote :

YEAS.

Brown,
Buchanan,
Burnett,
Gooch,
Grace,
Guy,
Hobby,

Homan,
Houston,
Lane,
Lair,
Martin,
McCulloch,
Mötley,

Patton,
Ripetoe,
Stewart,
Shannon,
Swain,
Terrell,
Tilson—21.

NAYS—none.

Not voting—Burton, Ford, Ledbetter, Moore, Storey.

Resolution read third time.

The following message was received from the governor, which was taken up and read.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 23, 1879. }

To the honorable Senate of of Texas in session assembled :

GENTLEMEN—I hereby transmit to you the statement appended by me to a bill (No. 130) to be entitled "An act to make appropriations for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881, which statement, with a copy of the items objected to by me is to the following effect, in words and figures, as in the following copy, to wit:

"April 23, 1879. I hereby approve this bill, with the exception of the following items thereof, which I do not approve, to wit:

"Under the head of 'educational department,' the following item of appropriation, to wit:

"The entire available school fund annually derived from all sources, including the poll-tax and one-fourth of the general revenue, is hereby set aside annually for the support of public free schools."

“And the items under the head of “treasury department,” as follows, to wit:

	YEAR ENDING.	
	Feb. 29, 1880.	Feb. 28, 1881.
For interest on public debt.....	\$400,000	\$400,000
For sinking fund of public debt, to be invested in state bonds.....	100,000	100,000

These items of said bill (No. 130) I do not approve, and return the said items with this statement to the Senate, in which house this bill originated, accompanied by a message containing my objections to the said above quoted items becoming a law as part of said bill. Which statement and copy of said items not approved are respectfully submitted.

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 22, 1879. }

To the honorable Senate of the State of Texas in session assembled :

GENTLEMEN—I have approved the bill entitled “An act to make appropriations for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881,” which originated in the Senate and passed both houses of the Legislature at the present session, with the exception of the following items of appropriation, which I do not and have not approved, and which are respectfully returned to your honorable body with my objections to such items becoming a law as part of said bill, the said items not approved being as follows, to wit:

1. Under the head “educational department” the following item of appropriation, to wit: “The entire available school fund annually derived from all sources, including the poll tax and one-fourth of the general revenue, is hereby set aside annually for the support of the public free schools.”

And the items under the head of the treasury department, as follows, to wit:

	YEAR ENDING	
	Feb. 29, 1880.	Feb. 28, 1881.
For interest on public debt.....	\$400,000	\$400,000
For sinking fund of public debt to be invested in state bonds.....	100,000	100,000

I do most sincerely regret that a sense of duty requires me to withhold my approval of the said items of said bill. The first, named item upon which it is publicly known that both houses were equally divided, except one vote in each house, I disapprove, because it imposes a tax on the people greater than they can now bear, and at the same time furnish the means to support an efficient and economical government. The other two items I am constrained to not approve, because if the law relating to the collection of taxes and to common schools shall remain as they are now, devoting the first item, as it is collected, to a special fund; the last two items, being collected as general revenue, can be and will be absolutely needed to be used in defraying the necessary expenses of the state government. The reasons inducing my action in this matter cannot be fully appreciated without a recurrence to the history of the state government since the reconstruction in 1870. Upon the occurrence of that event in Texas, it should be recollected that a magnificent government was set up in this state, with high salaries, large expenditures in fees of offices, and in every department of the government, including public

schools and frontier protection. At that time there was plenty of money in the country; labor was remunerated with high wages; production was paid high prices. It was not singular that miscalculations should have then been made as to the ability of the people to sustain such a government by those then administering public affairs in this state. At the end of four years, upon a change of administration, it was found that (as since ascertained and reported by the comptroller) the state had incurred a debt of over four millions of dollars, much of which was a floating debt, not reduced to interest-bearing bonds. The credit of the state was low, and warrants were low. At once an effort was made to meet these debts, and to restore the credit of the state. It was necessarily done at a sacrifice of means. An effort was made to push back a receding frontier, which required heavy outlays of money that have resulted in extending it one hundred miles or more. An effort was made to curtail superfluous expenses generally, which, when once established, is always difficult of accomplishment, as those receiving the benefit of it are slow to give it up for the public good. Much, however, was done in that regard. In 1875 the convention to frame a new constitution adopted measures of retrenchment, limitations and reforms, whose full scope has never yet been fully appreciated and acted on, in reference to the finance of the state, as I will presently bring more obviously to view. Efforts were made under this constitution to retrench the expenses of the government, and to increase the efficiency of the actual government of the country. The necessary means to attain these objects have themselves entailed additional expenses over and above the ordinary expenses of carrying on an economical government. It should be borne in mind, as a most important fact, that during all this time, for the last five years, the circulating medium of the country has been constantly and gradually diminished, so that labor and production have received less and less remuneration, and the burdens of the expenses of the government have been proportionally increased, and thereby the measures of retrenchment and reform have not been felt as they otherwise would have been; and hence, also, miscalculations, in regard to the effect of measures have been made by previous Legislatures, who have doubtless acted in good faith in promoting the best interest of the country by their action. Entertaining this view of the subject, I have in my inaugural and messages to the Legislature at its present session endeavored to present to you, and to the people of the state, the true condition of the country as it now exists, the difficulties in which we are involved, and the way out of those difficulties as best I could, without any reflection whatever upon any officer or legislative body heretofore engaged in the administration of the state government, deeming that they have done whatever patriotism and public duty required of them for the time, according to their best judgment.

It is hardly necessary to call your attention to the fact that finding a large deficiency of public debts, now estimated at over one-half a million of dollars, already incurred, and large excess of expenses over current annual revenue, I recommended a cutting down of the expenses generally in everything, without such a diminution as to produce an embarrassing shock in any department of the government, but sufficiently so as that the annual revenue should be equal to the current expenses, and also to provide the means, as far as practicable, for the payment of the outstanding debts creating the deficiency. The present Legislature have been

most industriously and laboriously employed, not only in numerous local, sectional and amendatory measures, but also in carrying out this policy by reducing salaries and curtailing expenditures in different objects—both pensions and frontier and police expenses being cut down—not that I recommended it so much, perhaps, as from their own convictions of its obvious necessity under existing circumstances. Upon two leading subjects of expense there has been as yet no change in the course of legislation, which are in the appropriations of one-fourth of the entire state revenue for the support of the common schools (amounting as estimated to \$400,000), and the appropriation for the payment of the interest of the bonded debt of the state and the sinking fund annually set apart to pay the same (amounting to nearly \$500,000 more), making in the aggregate nearly \$900,000 taken first out of the \$1,600,000 net revenue of the state, as it is estimated by the comptroller, and which leaves only about \$700,000 with which to defray the current expenses necessarily incurred in the administration of the actual government of the state. That amount is not only not enough, as is shown by this appropriation act, but its deficiency is greatly increased by its postponement to the other two leading and principal appropriations, that are favored by the preferred payment of them under existing laws. This preference given to these large appropriations, though for objects constituting the mere incidents of government, and not the expenses absolutely necessary to carry on the actual government itself, constitute the continual clog and derangement of our whole financial system, and will continue to do so as long as it is allowed to continue.

To illustrate the combined operation of these two clogs, as they operate together practically, the assessors of taxes, shortly after the first of this year, commenced assessing the taxes on property in the hands owning it on the first day of January last, including an enumeration of the scholastic population; on or about the first of September the rolls will be returned to the comptroller's office, showing the probable amount of revenue to be collected for the year, and the scholastic population; when the board of education will set apart to, and give orders for each county its proportion of the one-fourth of the revenue (which last year in one hundred and thirty-five counties of the state, amounted to largely over one-fourth of all the taxes collected in those counties). The tax collector will then proceed to collect the taxes and pay into the county treasury all the taxes he collects, until that amount is paid, by which but little, if any money is sent by him to the treasury at Austin until after the first of next January. This is not all. From the first of July the treasurer of the state, having just paid one instalment of interest of nearly \$200,000, which he has been saving for that purpose, is required by law to hoard up a similar amount for payment on the first of January, and if he regularly reserves and sets aside or invests the sinking fund semi-annually, that is, \$100,000 more, so that in about one-half of the year about \$900,000 will be appropriated to these two preferred claims, draining the treasury of means during that whole time, to pay the current expenses of the actual government of the country. The consequence must be that the treasury warrants, issued during that time to all of the officers and employes of the government, and to defray the expenses of the frontier and police service, and of the asylums, must be put upon the market and sold at a ruinous discount, or if those for expenses of the frontier and of the asylums should not be sold, articles and supplies would be purchased

by them at a corresponding loss, which amounts to the same thing. It is easy to perceive from this statement, which is sufficiently accurate for illustration, that if the \$700,000 left was sufficient to meet all of the expenses at the end of the year, the treasury warrants, during a large portion of the year, would be sold at a discount, and if a recurring deficiency from year to year is entailed upon us, we may reasonably anticipate that treasury warrants will generally be the subject of speculation, as they have been heretofore very often and unavoidably so, under this system of finance. It does no good to complain, that capitalists do, and will speculate in these warrants, when the opportunity is offered fairly to do it. The fault or misfortune is in allowing the opportunity, if it can be avoided. The constitution of 1876 sets up barriers against the powers of the state government on the subject of finance, which confine it to certain well defined limits and sphere of action. On the one hand, it cannot levy state taxes exceeding fifty cents on the one hundred dollars, except to pay the interest on the public debt. On the other hand it cannot create a debt at any one time for casual deficiencies, over two hundred thousand dollars. Money in the treasury or to come into the treasury by the operation of a law constituting it a special fund, cannot be used for any other object, and is thereby abstracted from the general revenue. By these restrictions, the government is required to limit all of its expenses, except the interest on the public debt, within the amount of revenue raised by taxes, not exceeding fifty cents on the one hundred dollars. If the said expenses exceed that amount, our bonded debt must be increased from time to time, limited to two hundred thousand dollars at any one time; and if the deficiency is greater than that amount, as it is now, something else must be resorted to for relief.

The course of legislation has placed another restriction upon the action of the Legislature, by placing in the law regulating common schools and in the law for the collection of taxes, a provision that one-fourth of the revenue and one dollar poll tax shall be assessed and collected for the support of common schools, thereby making it, when collected, a special fund for that purpose; that, as it is believed, is neither required nor contemplated by the constitution, which says that "there shall be set apart annually not more than one-fourth of the general revenue and a poll tax of one dollar for the benefit of the free common schools." To carry out the obvious intention of this provision, whatever amount is set apart should be collected as general revenue. And then in making annual appropriations, so much could be set apart within the prescribed limit, as could be spared for that purpose at the time of making the appropriation. Whereas under the present plan of designating it, as a fund when collected, the Legislature at each succeeding session will be restricted to using it as such, however ill-able it can be spared in carrying on and defraying the current expenses of the government, of which we have had a most notable instance in the appropriation of \$600,000 for common schools, making in all for the scholastic year \$900,000.

In the effort at retrenchment, the salaries and compensation of numerous officers and employes of the government have been diminished. The school masters of common schools are not more deserving than they are, either as individuals or as a class.

The prime object of levying taxes is the necessity of supporting an efficient government and of paying the officers and employes who admini-

ister, support and maintain it by their labor and means. The public support of free common schools is a secondary object compared to the administration of the government; so also, is the payment of interest on the public debt, however desirable it may be for both of these things to be done. If the condition of the country is such as that taxes cannot be collected sufficient for all of these purposes at any one time, the actual government should first be maintained rigidly and efficiently, and the other objects should have devoted to them what could be spared from the revenue after defraying the necessary expenses of an economical administration. Such is the practice, as it is believed, of all other governments in this whole country except that of Texas, and should be so here.

It is now obviously certain, as I believe, that the expenses provided for in the present appropriation act will exceed the revenue that will be collected, if one-fourth of it is appropriated to common schools, unless there is a special tax levied over and above that of fifty cents on the one hundred dollars. And that presents the issue squarely of more taxes on the people or less pay to common school masters. Should the Legislature see proper to repeal the restrictions in the tax law and school law that have been referred to, and appropriate so much of the revenue as can now reasonably be spared from the current expenses in administering the government of the state, it, with the interest derived from the bonds belonging to the fund, will give such aid to the schools as the country is now able, without increasing taxation, which is not now practicable, and will leave the succeeding Legislature free to do on this subject whatever their duty may then require, under the condition of the finances of the state at that time.

Should the Legislature choose to continue this large appropriation, or to continue in force the laws tying it up as a special fund, then the only resource is to use the revenue that would pay the interest on the public debt in defraying the necessary expenses in carrying on the actual government. And this necessity presents squarely the issue of repudiation for a time or less pay to common school masters. It may be a deplorable alternative, involving loss of good credit to ourselves and inconvenience to our creditors. They will understand the small size of our public debt, compared to our prospective resources and capacity to pay ultimately; they may even feel more secure ultimately, if, by the use of the interest for a time, these exorbitant appropriations, beyond the capacity of the country to pay, can be stopped. And if the worst must come, it is better that we should not have good credit, if it is to be made the reliance for increasing the debt, increasing the taxes, and increasing the prospect continually of ultimate bankruptcy to the state or impoverishment of its people.

With no public lands sold to extinguish or diminish the public debt, with the school lands not put upon the market so as to increase rapidly the common school fund, and with such enormous appropriations for the benefit of teachers continued from year to year, the prospect before us is to continue to pile up deficiency upon deficiency, and thereby increase perpetually our public debt until it shall reach an amount that will be repudiation in fact, or burden the people with onerous taxes, leaving Texas all the time with a crippled and inefficient state government for the want of adequate means to defray the necessary expenses of it. Such a destiny should now be averted while it can be safely done.

O. M. ROBERTS, *Governor.*

Senator Lair moved to print 3000 copies of the governor's message just read.

Lost by the following vote:

YEAS.		
Brown, Edwards, Ford, Gooch,	Hobby, Lane, Lair,	Martin, Terrell, Tilson—10.
NAYS.		
Burnett, Burton, Grace, Guy, Homan,	Houston, McCulloch, Motley, Patton,	Ripetoe, Stewart, Shannon, Swain—13.

Not voting—Buchanan, Ledbetter, Moore, Storey.

Senator Edwards moved to print 5000 copies of the message, and moved a call of the Senate on this motion.

Call sustained.

Roll called; Senate full.

Senator Edwards' motion was lost by the following vote:

YEAS.		
Brown, Edwards, Ford, Gooch,	Hobby, Lane, Lair, Ledbetter,	Martin, Storey, Terrell, Tilson—12.
NAYS.		
Buchanan, Burnett, Burton, Grace, Guy,	Homan, Houston, McCulloch, Motley, Patton,	Ripetoe, Stewart, Shannon, Swain—14.

Not voting—Moore.

Senator Brown moved to print thirty-two copies, one for each senator and one for the president.

Senator Ledbetter moved to amend by inserting five hundred copies in lieu of thirty-two.

Adopted by the following vote:

YEAS.		
Brown, Buchanan, Edwards, Ford, Gooch,	Hobby, Lane, Lair, Ledbetter,	Martin, Storey, Terrell, Tilson—13.
NAYS.		
Burnett, Burton, Grace, Guy, Homan,	Houston, McCulloch, Motley, Patton,	Ripetoe, Stewart, Shannon, Swain—13.

Not voting—Moore.

There being a tie vote, the president voted in the affirmative and declared the question carried.

The motion of Senator Brown, as amended by the amendment of Senator Ledbetter, was then adopted.

The following message was received from the House announcing the

passage of House bill No. 503, entitled "An act requiring the assessor of taxes of Dallas county to perform additional duties;"

And that the House refuses to adopt Senate substitute for House substitute for Senate joint resolutions Nos. 102 and 5, "Proposing amendments to article 5 of the state constitution," and had appointed a conference committee on the same.

Senator Edwards moved that the Senate appoint a committee of conference on the same with free conference powers, etc.

Adopted, and Senators Edwards, Stewart and Patton appointed on said committee on the part of the Senate.

On motion of Senator Hobby, the governor's message was referred to committee on finance.

Senator Grace, chairman of committee on enrolled bills, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined and find correctly enrolled the following bills:

Senate bill No. 261, "An act requiring the proceeds arising from the leasing or renting of county school lands, and from sales of timber thereon, to be applied exclusively to educational purposes;"

Senate bill No. 330, "An act to protect lands lying on county boundaries from double assessment;"

Senate bill No. 332, "An act for the better protection of harbors and ports of the State of Texas;"

Senate bill No. 348, "An act to authorize and allow railroad companies to surrender their rights to reservations of the public domain;"

Senate bill No. 391, "An act to authorize the survivors of Terry's Texas rangers to erect a monument to the dead of that command in the burying grounds belonging to the state at Austin;"

Senate bill No. 382, "An act to change and define the times of holding the district courts in the fifth judicial district of the State of Texas," and at 9:45 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

A message was received from the House announcing the passage of Senate bill No. 385, entitled "An act to amend title 53, chapter 2, of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature;"

And Senate bill No. 341, entitled "An act for the relief of actual occupants of the public lands," with amendments.

The president, after publicly reading captions, signed House bill No. 437, entitled "An act prescribing the number of hours per day which employes in the departments of the state government shall labor;"

House bill No. 358, entitled "An act to provide for the publication of notices of judicial sales in certain cases;"

House bill No. 356, entitled "An act making the county judge of Tom Green county returning officer for the seventy-fifth representative district;"

And House bill No. 243, entitled "An act to attach the unorganized counties of Archer, Baylor, Hardeman, Knox, Wilbarger and Wichita to the organized county of Clay, for judicial and other purposes."

On motion of Senator Gooch, the Senate took recess until called together by the president.

The president called the Senate to order.

The pending business, Senate joint resolution No. 368, was resumed.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Buchanan, Lane, McCulloch.

Senator Edwards moved to suspend the call.

Carried.

Senator Edwards offered the following amendment to the pending bill:

“Section 2. The fact that amendments to the constitution have been submitted by this Legislature to a vote of the people, and the late hour of the session, creates an imperative necessity that the rules requiring this resolution to be read on three several days be suspended, and it is so ordered, and the emergency requiring that this resolution go into effect at once, and it is therefore enacted that this bill take effect and be in force from and after its passage.”

Adopted and resolution passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Gooch,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson---26.

NAYS—none.

Not voting—Moore.

Senator Guy called up House bill No. 503, just reported from the House (requiring the assessor of taxes of Dallas county to perform additional duties), which was read first time.

On motion of Senator Guy the rules were suspended and bill placed on its second reading by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Gooch,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson---26.

NAYS—none.

Not voting—Moore.

Bill read second time and passed to a third reading.

Senator Guy moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,

Ford,
Gooch,
Grace,
Guy,
Hobby,

Homan,
Houston,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Motley,
Patton,

Ripetoe,
Stewart,
Shannon,
Storey,

Swain,
Terrell,
Tilson--26.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Gooch,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson--26.

NAYS—none.

House bill No. 416, "Requiring commissioner of general land office to issue a duplicate to the heirs of John Keichner, deceased," was taken up, and motion of Senator Martin was indefinitely postponed.

Senator Edwards called up Senate joint resolution No. 378, "To grant leave of absence from the state to W. B. Wall, county judge of Houston county, for sixty days," which was read second time and ordered engrossed.

The rules were suspended and bill placed on its third reading by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Gooch,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson--26.

NAYS—none.

Resolution read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Gooch,
Guy,

Hobby,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,

Motley,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson--24.

NAYS—Grace.

Not voting—Patton.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 23, 1879. }

To the honorable Senate of the State of Texas, in session assembled:

GENTLEMEN—I respectfully ask your advice and consent to the following appointment of notary public:

F. Peters, of Austin county.

Respectfully,

O. M. ROBERTS, Governor.

On motion of Senator Homan, the Senate adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

Senator Storey, from conference committee, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your finance committee, to whom was referred veto message of the governor vetoing certain items in Senate bill No. 130, entitled "An act to make appropriations for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881."

The items vetoed are as follows:

Under the head of "Educational Department" as follows:

"The entire available school fund annually derived from all sources, including the poll tax; and one-fourth of the general revenue is hereby set aside annually for the support of public free schools."

Also items under the head of "Treasury Department" as follows:

	YEAR ENDING	
	Feb. 29, 1880.	Feb. 28, 1881.
For interest on the public debt.....	\$400,000	\$400,000
For sinking fund of public debt to be invested in state bonds....	\$100,000	\$100,000

Your committee have duly considered the same, and by a majority of one recommend that the veto be sustained.

STOREY, *Chairman.*

Hon. J. D. Sayers, President of the Senate:

Your committee from each house, appointed with free conference powers, to take into consideration the disagreement between the two houses as to House amendment to Senate bill 345, "An act to provide for the printing and binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, adopted and established at the present session of the Legislature," and having duly considered the same, recommend that the House recede from its last amendment, and that the bill be amended by inserting after the word "him" in line twenty-nine, page 2, the words "in no case to exceed four hundred dollars."

STOREY,
EDWARDS,
HOMAN,
Senate Committee.
TAYLOR, of Marion,
GIBSON,
FLEWELLEN,
House Committee.

Report of the committee adopted.

Senator Burnett moved that the Senate take recess until called to order by the president.

Adopted.

Senate called to order by the president.

The following message was received from the House announcing that

the House concurred in Senate amendment to Senate bill No. 372, and also in Senate amendment to House amendment to Senate bill No. 374, all reported from the House this morning.

Senator Storey, chairman of committee on finance, submitted the following report.

The pending question being the adoption of the report, etc.

Senator Hobby moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Grace.

Pending business went to the table.

The president, after publicly reading its caption, signed House bill No. 412, the deficiency bill.

Senator Lane offered the following resolution :

Resolved, by the Senate and House of Representatives, That the resolution to adjourn this session of the Legislature on Thursday, the 24th instant, at 12 o'clock m., be and the same is hereby rescinded.

And be it further resolved by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning sine die their respective houses on Monday, the 28th day of April, A. D. 1879, at 10 o'clock A. M.

Senator Burnett moved to lay the resolution on the table.

Senator Stewart moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Grace, who were on committee duty.

Pending business went to the table.

Senator Burton moved that Senator Brown be excused.

Senator Gooch moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Grace.

Pending business went to the table.

Senator Homan moved to adjourn until 11:30 A. M. to-morrow.

Senator Gooch moved a call of the Senate.

Senator Homan withdrew his motion to adjourn.

Senator Stewart moved to adjourn until 8:30 P. M.

Senator Storey moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Grace.

Pending business went to the table.

Senator Ledbetter offered the following resolution:

Resolved, That the thanks of the Senate is hereby tendered to each and all the officers and employes of the Senate for the faithful and impartial manner in which they have discharged their many and arduous duties, and for their many acts of kindness extended to us. During the entire session they have placed us under lasting obligations to each and all of them, and we, as senators now about to take our leave of these faithful and efficient officers and employes, beg leave to assure each and all of them that we will ever remember them with the profoundest feelings of kindness and gratitude.

Senator McCulloch offered the following resolution as an amendment to the resolution of Senator Ledbetter:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. Joseph D. Sayers, president of the Senate, for his courteous and

honorable bearing as the presiding officer of this body, and that the best wishes of the Senate for the health, happiness and continued prosperity of our distinguished president are hereby tendered him in this the closing scene of the Sixteenth Legislature.

Resolved, That the thanks of this Senate are hereby tendered to the chief secretary, Jno. P. C. Whitehead, and all other officers and employes of the Senate of the State of Texas for the faithful, efficient and kind manner in which they have discharged the functions and duties of their respective offices during the present session.

Resolved, That the thanks of this Senate are hereby tendered to the chaplain of this Senate, Rev. Dr. Chaplin, for the zealous and efficient manner in which he has discharged his duty during the present session of the Sixteenth Legislature.

(Senator Ledbetter in the chair.)

The Senate was announced full.

The consideration of the report of the committee on finance was resumed.

Senator Edwards moved to postpone its further consideration until 8:30 P. M. and moved the previous question on this motion.

Motion seconded, and main question ordered.

The motion to postpone was lost by the following vote:

YEAS.

Brown,
Edwards,
Gooch,
Hobby,

Lane,
Lair,
Ledbetter,
Martin,

Storey,
Terrell,
Tilson—11.

NAYS.

Buchanan,
Burnett,
Burton,
Ford,
Grace,

Guy,
Homan,
Houston,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon,
Swain—15.

Senator Homan moved the previous question on the passage of the items of the appropriation bill vetoed by the governor, notwithstanding the veto.

Motion seconded and main question ordered.

The question to pass the items vetoed by his excellency, notwithstanding the veto of the governor, was lost by the following vote (it taking two-thirds to adopt):

YEAS.

Buchanan,
Burnett,
Burton,
Ford,
Grace,

Guy,
Homan,
Houston,
McCulloch,
Motley,

Patton,
Ripetoe,
Shannon,
Swain—14.

NAYS.

Brown,
Edwards,
Gooch,
Hobby,

Lane,
Lair,
Ledbetter,
Martin,

Storey,
Terrell,
Tilson—11.

Not voting—Stewart.

Senator Stewart was paired with Senator Duncan; he would vote "aye," and Senator Duncan would vote "no."

Senator Edwards made the point of order that the question just put to the Senate was out of order and against a constitutional provision,

“requiring that the items vetoed should have been reconsidered and the vote on each have been taken separately.”

Overruled.

Senator Homan called up Senate bill No. 65, entitled “An act to repeal ‘an act to encourage the construction of railroads in Texas by donations of land, approved August 16, 1876,’” which was read first time.

Senator Edwards entered a motion to reconsider the vote on the items vetoed in Senate bill No. 130 (the general appropriation bill), which was lost.

The president, after reading their captions, signed—

Senate bill No. 283, entitled “An act amendatory of and supplemental to chapter 3, title 78 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Sixteenth Legislature;”

Senate bill No. 385, entitled “An act to amend title 53, chapter 2 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature, by adding ‘article 2942a;’”

Senate bill No. 313, entitled “An act to compel collectors of taxes in counties wherein subsidies have been granted to railroads or other works of internal improvements to receive the state and county taxes from persons who refused to pay the taxes levied for such purpose;” and

Senate bill No. 341, “An act for the relief of actual occupants of the public lands.”

Senator Patton moved to adjourn until 8 o'clock P. M.

Carried by the following vote:

	YEAS.	
Buchanan,	Guy,	Patton,
Burnett,	Homan,	Ripetoe,
Burton,	Houston,	Stewart,
Ford,	McCulloch,	Shannon,
Grace,	Motley.	Swair--15.
	NAYS.	
Brown,	Lane,	Storey,
Edwards,	Lair,	Terrell,
Gooch,	Ledbetter,	Tilson---11.
Hobby,	Martin,	

NIGHT SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

The point of order made by Senator Hobby this evening was withdrawn.

Senator Shannon asked leave to spread the following reasons on record for the vote herein referred to:

“We vote ‘no’ because the amendment proposes an additional and unnecessary tax upon the already heavily taxed people of Texas. We have uniformly voted to reduce the expenses of the government and in favor of measures to increase the revenues, until we believe there will not necessarily be any deficiency during the next two years. Further, the reason offered for this increase of taxation (i. e. that the appropriation of the usual amount for public education has made it necessary), has so often been shown in this hall to be falacious that its use now is only

further evidence to us of the correctness of our position on this question. We desire to say also that on a former day of this session we expressed our belief that this proposition for additional taxation was made not seriously, but as a thrust at the advocates of a liberal appropriation for free schools; but it appearing that this was regarded by some senators as questioning their personal integrity, we withdrew it from the journals, with the understanding, on our part at least, that the matter should end there. The senator from Nacogdoches has seen fit, however, to print and circulate a speech in which we are denounced as attempting to blind the public and dodge the issue before the country, which speech he has also obtained leave to enter upon our journals. These charges, made after we had distinctly disclaimed any intention to reflect upon that senator, close the door against any concessions on our part. The display of figures and assertion in the senator's speech have been too often successfully met and overturned in the Senate to warrant us in occupying space on the journals in noticing it, and the flings at the public schools and teachers are their own answer.

"We are content that the records of senators shall determine who are the demagogues among us. Whether they who, in the line marked out by a denunciatory press, oppose the appropriation promised the people and necessary to continue our system of public education, or they who in the face of that abuse and the demand of political temporizers, vote to appropriate that which the law of the state directs shall be for the support of a system that is educating the children of the state, and that in our judgment is an essential element of a republican government.

W. K. HOMAN,
R. S. GUY,
W. R. SHANNON,
S. C. PATTON."

Senator Edwards asked leave to spread his reasons on record for the vote referred to herein:

SENATOR EDWARDS' REASONS.

Mr. President—I rise to a personal explanation. I find that in the Senate proceedings of yesterday, certain senators have placed upon the record their reasons for voting against an amendment proposed by myself, to add an additional tax of one-eighth of one per cent. to pay interest on the public debt, in this language:

"We vote 'no' because the amendment proposes an additional and entirely unnecessary tax upon the people, and because we do not believe the proposition is made seriously, but as a thrust at the majority of the Senate, in refusing to destroy the free school system by reducing the appropriation necessary for its maintenance.

HOMAN,
GUY,
SHANNON,
PATTON."

Mr. President—I do not believe there has been anything in my course, or that of other senators supporting my amendment, that could warrant my fellow senators in making such assertions about myself and those who voted with me, as that spread upon the record. I thought our proceedings here were of the most harmonious character, and, so far as I have seen, there has been nothing, outside of what might have occurred in the heat of debate, that would justify the spreading upon the record

that, as many as nine senators upon this floor are, in effect, actuated simply through pure demagogism in their action as legislators. I did not think when I offered this amendment, that my colleagues could suppose that I was not serious; I did not believe from the course pursued by me at this, or the previous session, that such an attack would be made upon me, and I do not think it can justly be made upon those who voted with me, in favor of the amendment.

In the first remarks I made, weeks ago, on the school appropriation, I asked senators whether, if they insisted upon taking this money and giving the schools three times as much, in proportion to our taxable valuation, as is given by any other state in the union, they would be willing to vote for an amendment to the tax law that would increase the taxes so that the revenue of the state would be sufficient to meet its necessary expenses. I said that the sole object that actuated me was to see the state kept out of debt; that with a constitution that prevented us from providing for a greater deficiency than two hundred thousand dollars every two years, it was absolutely necessary that we should retrench upon all branches of the government, and I called upon senators to understand that if they insisted upon paying out so much money to the schools, they must increase their taxes to avert the ever-recurring deficiencies.

Now we are arraigned as demagogues! Not in those words, but there can be no other inference deduced from the language that is published in the journals. I shall take occasion to show (for I was the author of the amendment,) the course of some of my comrades and myself in regard to the same question at the last session of the Legislature. Late in the session, after the deficiency bill came into the Senate, we struck from it a considerable number of items, amounting in all to nearly \$300,000, and I introduced a bill providing the means of paying school claims with bonds, which was returned to the Senate by the finance committee with an amendment. The amendment proposed by the committee was that an annual tax of fifteen cents ad valorem on the hundred dollars taxable property be levied, the money to be applied to the payment of the claims named and the public debt. That proposition was upon my motion called up; the rules were suspended, the bill was read a second time and engrossed, and I moved the suspension of the rules. The bill was read a third time and passed by an unanimous vote of the Senate. That was the course of myself and those in the last Senate, who are with me to-day. The senators from Fayette, Caldwell and Travis, who voted with me on my amendment yesterday, are found in the last Senate voting on the same proposition. The reason that impelled us to so vote was that we were told then by the senator from Caldwell, the chairman of the finance committee, that we might add to the income at the rate of fifty per cent. ad valorem, and the state would still go in debt \$300,000 per annum. It was this that impelled me to so act then, and it is the very same reason that impels me to so act now.

This protest must have been put on the record to blind the public, or would it be wrong to say that the effort of these senators to brand us with demagogism was made in order to dodge the issue before the country? Would it be too strong a reply to say that they have not only taken all they could take for the public schools, but in the face of the statement by the governor of the financial condition of the state, and in the face of everything said on this floor with reference to it, they refused to retrench on this pet scheme.

They say that this proposition was proposed by us out of pure demagoguery, that we might show a clear record. Sir, I am proud that I did show a clear record upon that question. I know that I have not shown a record recklessly favorable to the public free schools, and I am very willing to stand or fall by that, for as I said a few days ago the highest duty of a legislator should be to see that the finances of the state are so managed that there shall not be deficiencies and that there shall not be more spent than collected. This has been our course; what has been the course of others? To shut their eyes to the fact that there is a deficiency! to close their eyes to everything, however essential to the interest of the state, but this of maintaining and keeping up this deficiency-producing school system to its highest extent.

Long before I came to this Senate, I had the pleasure and honor of corresponding with some of my colleagues now upon this floor, and I urged upon them then what in the future is sure to come: that unless this extravagance is stopped on all sides, including the school system, increased taxation will follow. It is our duty to maintain the credit of our state. If we are not willing to take from the schools, we should be strong and manly enough to present the true facts to the country and take the taxes from the people, for it has to come to that. Just as sure as we run the state government as we are now doing, so sure will the hard earned money of the people have to be taken sooner or later from their pockets to pay for it. I believe the extravagance now consists in two features only—the interest paid on the public debt, and the amount of money given to the public schools.

I want to see people compelled to do that which the government is bound to compel them to do, that is to maintain the government without massing up a deficiency from year to year. When I say deficiency, I do not mean the difference between the appropriations made and the money expended. I mean that the tax you collect shall be sufficient to maintain the state government. I deemed it necessary to say this much in justice to my position upon this floor, and in justice to those who voted with me upon this matter. The result of the consideration of the matter by this Senate is only postponing the question a little further. The Fifteenth, Fourteenth, Thirteenth and Twelfth Senates saw it and debated it. The debt of the State of Texas, three-fourths of which has accrued from the public school system, is \$5,000,000. This debt is not the result of war, invasion, insurrection, or of any unseen calamity, *but it is the inevitable consequence of your not paying your debts as you go.* In 1870 the bonded debt was \$125,000. Without any war, insurrection, or great calamity, with nothing whatever but the simple experience of running the government in the ordinary way, and with flush times—plenty of money in the country up to 1874—we find in 1876 that you have piled up a debt of \$4,000,000, at the rate of nearly \$700,000 a year, growing out of deficiency in the revenue alone.

[Senator Edwards here dwelt at length upon the stringency of the tax laws enacted since the constitutional convention of 1875, to meet deficiencies, and then proceeded with increased emphasis.]

Where does your money go? To the poor clerk who works for your government, and whose pay is now reduced so low that perhaps the departments cannot be effectively run? Does the judge get it who sits on the bench administering your laws, and works day and night for the country? Does the governor get it? Do the asylums, the great objects

of your state charity, get it? Not a cent. The bondholder in the eastern states gets every dollar of his interest in cash; the school teacher who teaches a free school gets his in cash. His turn is served first. The warrants are drawn by the comptroller upon the tax-collectors upon the order of the superintendent of education, and every dollar is paid right to the county treasurers for school purposes. You so manage your business that you cannot compel your collectors to settle because you leave out \$400,000 for your collectors to pay over to your treasurers as fast as it is collected, so that it may be paid out to the teachers. That is the first demand that is made upon the treasury. After that the little money that does come into the treasury is hoarded up to meet the interest upon the debt. From \$165,000 to \$175,000 is held semi-annually out of the first money to meet that interest. Then what becomes of the men that work for the state? If they are not able to maintain themselves out of their private means, they are compelled to discount their warrants; or, in other words, instead of the state manfully meeting this obligation and paying them for their services, you compel them to pay from six and one-half to ten per cent. interest in the form of discount of their warrants. Creditable financial management that!

Your whole revenue is only \$1,600,000; \$400,000 of that is given first of all to the schools; the second claim, nearly \$400,000, goes to the payment of interest on the state debt, and then in the balance that should pay the million of dollars required to maintain the state government proper, there is a startling deficiency.

The Fifteenth Legislature created bonds to the amount of \$200,000 to meet deficiency, and now we are called upon to settle \$540,000 accrued since then, making \$740,000; even more than the chairman of the finance committee last session said it would be. We were told then that the increased taxes would relieve us, without the additional fifteen cents on the hundred dollars, and we are sadly disappointed. Is this eternal deficit to run on forever? The end is sure to come, and to come in the form of a burdensome tax on the people, and perhaps in the depreciation of our obligations. We believe that the result of our not meeting the demands arising from our expensive system will be that there will always be a deficiency and depression in warrants. For that reason we thought that it would be better to get the full amount of money by taxation that would be required to run the government. Unless you adopt that policy, you will always have an injustice staring you in the face, the injustice that the men who really work for the state, who carry on the machinery of the state, are the men who get nothing from the treasury, are the men who are compelled to discount and sell their warrants for the purpose of building up speculators upon our mismanagement.

I trust that the senators present, other than the four who have sought to brand us by implication, do not think that we have acted the demagogue in this matter; I trust from the manner we have urged this upon the Senate, that we may receive the credit from at least the balance of our colleagues of having spoken the honest sentiments of our hearts upon this matter; I feel that I have been candid, my efforts directed solely to the maintenance of the credit of the state in its integrity by making it able to pay cash at the treasury. I believe that is the highest duty that any senator who stands within these walls can recognize. We hear a great deal spoken about the glory of the state, its great extent, its increasing population and great wealth—but, sir, no citizen can take

pride in a state, however large it may be, whatever the number of its inhabitants, or amount of its wealth, that pursues the dishonest policy of refusing to pay for their services the men who carry on the state government, the men who give their time and labor to maintain it in its prosperity and greatness.

The following message was received from the House announcing the passage of Senate bill No. 387, entitled "An act to amend sections 15 and 20 of an act entitled 'an act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans or other marauding parties;'"

And Senate joint resolution No. 368, "Prescribing to the mode and manner of submitting constitutional amendments to the vote of the people;"

And that the House refuses to adopt the report of conference committee with powers of free conference on Senate bill No. 337, "An act granting land certificate of 640 acres to indigent pensioners;"

And House adopts the report of the free conference committee on Senate bill No. 345, "An act to provide for the printing and binding of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, passed at the present session of Legislature."

On motion of Senator Homan, Assistant Secretary Fields was excused for the night session on account of court business.

Senator Edwards called up the resolution of Senator Lane, offered on to-day with regard to adjournment.

A call of the Senate was moved.

Call sustained.

Roll called. Absent—Burton, Ford, Swain.

Pending business went to the table.

The Senate concurred in House amendments to Senate bill No. 387, entitled "An act to amend sections 15 and 20 of an act entitled 'an act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans, or other marauding or thieving bands.'"

The president, after publicly reading its caption, signed Senate bill No. 372, entitled "An act to amend article 4761 of the Revised Civil Statutes, adopted at the present session of the Legislature."

Senator Storey offered the following resolution:

Resolved, That a committee of three senators be appointed by the president of the Senate to act with a like committee of the House of Representatives to wait upon and inform his excellency the governor, that this session of the Legislature adjourn *sine die* at 12 o'clock M. on to-morrow, the 24th day of April, A. D. 1879, and that the two houses are ready to receive any communication from him deemed proper.

Adopted.

On motion of Senator Gooch, the Senate adjourned until 9:30 A. M. to-morrow, in fine spirits and good humor after a great deal of lively amusement.

EIGHTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, April 24, 1879. }

Senate met pursuant to adjournment. President in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Houston, the reading of the journals of yesterday was dispensed with, and the same adopted.

The president appointed Senators Storey, Burnett and Edwards a committee to wait upon the governor and inform him that the Legislature would adjourn to-day at 12 m., etc.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 24, 1879. }

To the honorable Senate of the State of Texas:

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

John S. Givens, of Corpus Christi, to be district attorney of the twenty-fifth judicial district of the State of Texas.

Respectfully, O. M. ROBERTS, *Governor.*

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

IN SENATE.—On motion of Senator Hobby, the confirmations just made in executive session were ordered to be entered on the journals.

It is accordingly stated that John S. Stephens, of Corpus Christi, was confirmed as district attorney of the twenty-fifth judicial district of the state, and that F. Peters was confirmed as notary public of Austin county.

On motion of Senator Lane, Senate bill No. 337, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent pensioners enrolled under the act approved July 28, 1876," was taken up.

The Senate reconsidered the vote refusing to concur in House amendments to the pending bill.

On motion of Senator Lane, the House amendments were concurred in.

A message was received from the House announcing the passage by that body of House bill No. 204, entitled "An act to amend an act approved April 1, 1873, entitled 'an act amendatory of an act to incorporate the city of Austin,' passed March, 1873;"

House bill No. 177, entitled "An act to regulate procedure in relation to common uses of certain enclosed lands," approved August 21, 1876,"

And Senate joint resolution No. 393, "authorizing the appointment of a committee to sit during the vacation of the Legislature to continue the investigation of land forgeries and prescribing their powers and duties."

Also the following:

Resolved, That a committee of three be appointed by the Speaker of the House to act with a like committee on part of the Senate, to wait on the governor and inform him that the two houses will stand adjourned *sine die* at 12 o'clock m. to-day, and that the two houses are ready to receive any communication from him that he may see fit to make.

And that Messrs. Johnston of Shelby, Coleman and Taylor of Marion, were appointed such committee on part of the House.

The president appointed Senator Lane under the provisions of Senate joint resolution No. 393, committee to investigate land forgeries.

A message from the House announced that the following Senate bills were lost in the House:

No. 24—To secure creditors a just division of the estates of debtors, etc.;

No. 78—For designating and working public roads, etc.;

No. 58—Prescribing the times of holding court in twelfth judicial district;

No. 87—Regulating juries in capital cases;

No. 13—To provide for the time and place of holding the supreme court of the State of Texas;

No. 23—To diminish the civil and criminal jurisdiction of Polk county;

No. 302—Making an appropriation to aid in the instruction in the Agricultural College, etc. (\$15,000);

No. 99—Authorizing Nathan Patton, one of the late lessees of the penitentiary, to bring suit against the state;

No. 174—Providing for repairs on the executive mansion;

No. 72—Amending articles 3176, 3177, 3178 and 3179 of title 61, chapter 2, of the Revised Statutes;

No. 96—For the disposal of the public free school lands and to secure the proceeds thereof for the benefit of said schools;

No. 196—To regulate the practice of pharmacy;

No. 151—To encourage the construction of artesian wells;

No. 190—To amend chapter 17, title 17, of the Penal Code, etc.;

No. 36—Providing for the transportation of convicts under contract, etc.;

No. 14—Providing for the time and place of holding the court of appeals;

Senator Edwards submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee of conference, with free conference powers, appointed to take into consideration the disagreement between the two houses in regard to Senate substitute for House substitute for Senate substitute for Senate joint resolutions Nos. 5 and 102, "Joint resolution proposing an amendment to article 5 of the constitution," have duly considered the same, and a majority of your joint committee instruct me to report the substitute to the House of Representatives for the numerous resolutions and substitutes with the recommendation that it do pass.

EDWARDS,

PATTON,

STEWART,

for Senate.

FROST,

FOSTER,

for House.

Adopted.

The president, after publicly reading their captions, signed House bill No. 503, entitled "An act requiring the assessor of taxes of Dallas county

to perform additional duties;" and House bill No. 422, "An act to provide for the assessment and collection of taxes."

House bill No. 204, just reported from the House, was taken up and read first time.

(Senator Hobby in the chair.)

Senator Burnett moved a call of the Senate.

Call sustained.

Roll called. Absent—Edwards, Grace, Motley.

Senator Storey, from special committee, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

The Senate committee appointed to act with a like committee of the House; to wait upon and inform his excellency the governor that this session of the Legislature will adjourn at 12 m. this day, have performed that duty, and we are requested by the governor to say that he will send a communication to the two houses before the hour of adjournment.

STOREY,
EDWARDS,
BURNETT.

Senator Grace, chairman of the committee on enrolled bills, submitted the following report:

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined and compared and find correctly enrolled and properly signed Senate bill No. 372, "An act to amend article 4761 of the Revised Civil Statutes of the State of Texas," adopted at the present session of the Legislature.

Senate bill No. 374, "An act to amend article 97 of an 'act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,'" and have this day presented the same to the governor for his signature at 9:50 o'clock A. M.

GRACE, *Chairman.*

(President in the chair.)

Senator Terrell moved to excuse the absentees on the call on House bill No. 204 (reducing the city limits of the city of Austin).

Senator Burnett moved a call of the Senate on the motion of Senator Terrell.

Senator Houston made the point of order that the call of the Senate was not in order on motion to excuse an absent senator.

Point sustained.

Senator Terrell moved to suspend the rules and place House bill No. 204 on its second reading.

Lost by the following vote:

YEAS.

Brown,
Buchanan,
Edwards,
Ford,
Gooch,
Guy,

Hobby,
Houston,
Lair,
Ledbetter,
McCulloch,
Motley,

Patton,
Stewart,
Storey,
Terrell,
Tilson—17.

NAYS.

Burnett,
Burton,
Grace,

Homan,
Lane,
Martin,

Ripetoe,
Shannon,
Swain—9.

Senator Ledbetter was excused from voting on this question.

Senator Burton offered the following resolution:

Resolved, That the assistant sergeant-at-arms is hereby authorized to retain Henry Mitchell as porter to convey all mail matter for members to the postoffice, put the Senate chamber in order, and perform such other duties as the secretary or sergeant-at-arms may require, and said porter shall be paid out of the contingent fund; *provided*, he shall not be retained for a longer time than five days.

Adopted by the following vote:

YEAS.		
Burnett,	Houston,	Ripetoe,
Burton,	Lane,	Stewart,
Edwards,	Lair,	Shannon,
Ford,	Ledbetter,	Storey,
Guy,	Martin,	Swain,
Hobby,	McCulloch,	Terrell—20.
Homan,	Motley,	
NAYS.		
Brown,	Gooch,	Tilson—5.
Buchanan,	Grace,	

Not voting—Patton.

House bill No. 177, entitled "An act to regulate procedure in relation to common uses of certain inclosed lands," approved August 21, 1876, was taken up and read first time.

The Senate refused to suspend the rules to place the bill on its second reading by the following vote:

YEAS.		
Guy,	Ledbetter,	Stewart,
Hobby,	McCulloch,	Shannon,
Houston,	Motley,	Tilson—10.
Lair,		
NAYS.		
Brown,	Gooch,	Patton,
Buchanan,	Homan,	Ripetoe,
Burnett,	Lane,	Swain,
Burton,	Martin,	Terrell—12.

Not voting—Edwards, Ford, Grace, Storey (all on committee duty).

The following communication was received from the officers and employes of the Senate:

Hon. J. D. Sayers, President of the Senate:

The officers and employes of the Senate, fully appreciating the uniform kindness and courtesy extended to them by yourself and each and all the senators during the session now about to close, desire hereby to express their thanks therefor. Wishing all of you a safe return to your homes and families and a long life of happiness and usefulness to your state and country, they ask that this their testimonial to the great worth of the president and members of the Senate of the Sixteenth Legislature may be spread upon the journals.

On motion of Senator Motley, the above was ordered entered on the journals by the following vote, which was unanimous:

YEAS.		
Brown,	Ford,	Homan,
Buchanan,	Gooch,	Houston,
Burnett,	Grace,	Lane,
Burton,	Guy,	Lair,
Edwards,	Hobby,	Ledbetter,

Martin,
McCulloch,
Motley,
Patton,

Ripetoe,
Stewart,
Shannon,
Storey,

Swain,
Terrell,
Tilson—26.

NAYS—none.

The following message was received from the governor, which was omitted from the journals yesterday:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 23, 1879. }

To the honorable Senate and House of Representatives in Legislature assembled:

GENTLEMEN—I respectfully submit herewith captions of bills passed at present session and approved by me.

Respectfully, O. M. ROBERTS, *Governor.*

S. B. No. 135.—An act for the relief of the Aransas Road Company.
Approved March 26, A. D. 1879.

H. B. No. 377.—An act to declare valid and binding on the county of Wilson certain sales of lots and blocks of the town of Floresville, in said county.

Approved March 26, A. D. 1879.

H. B. No. 451.—An act to amend “an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,” passed at the present session of the Legislature.

Approved March 26, A. D. 1879.

S. J. R. No. 215.—Joint resolution requesting senators and representatives in congress to use their influence in securing loan from general government of four batteries of artillery to adjutant general.

Approved March 26, A. D. 1879.

H. B. No. 308.—An act legalizing the county lines of Duval county and of counties affected thereby, as surveyed and marked by the surveyors of Nueces, Duval, Live Oak and Webb counties.

Approved March 26, A. D. 1879.

H. B. No. 375.—An act to amend “an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,” approved February, 1879.

Approved March 26, A. D. 1879.

Sub. H. B. No. 123.—An act to amend sections 6 and 9 of “an act to define a lawful fence and to carry into effect sections 22 and 23, article 16 of the constitution of the State of Texas, authorizing the passage of stock and fence laws,” approved August 15, 1876.

Approved March 26, A. D. 1879.

Sub. S. B. No. 23.—An act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and conform the jurisdiction of the district courts of said counties to such change.

Approved March 27, A. D. 1879.

H. Sub. S. B. No. 288.—An act amendatory of “an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth

judicial districts, prescribing the times of holding the district courts therein and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts," approved February 22, 1879, and repealing an act supplemental thereto, approved March 8, 1879.

Approved March 27, A. D. 1879.

S. B. No. 68.—An act entitled "an act to amend article 794, chapter 3 of the Code of Criminal Procedure," adopted at the present session of the Legislature.

Approved March 27, A. D. 1879.

H. B. No. 71.—An act to further regulate and render more efficient the maintenance and management of the public free schools and institutions of learning in cities or towns in this state.

Approved April 3, A. D. 1879.

H. B. No. 187.—An act to provide for the levy and collection of an occupation tax on the sale of spirituous, vinous and malt liquors in quantities less than a quart and to make an appropriation to carry the same into effect.

Approved April 3, A. D. 1879.

H. B. No. 50.—An act authorizing the commissioner of the general land office to approve the county land certificate issued to the heirs of William Fishbaugh, deceased, who fell at the Alamo.

Approved April 3, A. D. 1879.

H. B. No. 482.—An act to amend article 436 of section 2 of "an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed at the present session of the Legislature.

Approved April 3, A. D. 1879.

S. B. No. 225.—An act to diminish the civil and criminal jurisdiction of the county court of Trinity county, and conform the jurisdiction of the district court of said county to said change.

Approved April 5, A. D. 1879.

Sub. H. B. Nos. 305 and 335.—An act to provide for the sale of all real estate bid off to the state by collectors of taxes at tax sales, the owners of which have not redeemed the same.

Approved April 7, A. D. 1879.

S. Sub. for H. B. No. 207.—An act for the better protection of timber and lumber.

Approved April 7, A. D. 1879.

Sub. S. J. R. No. 29 and H. J. R. No. 2.—Joint resolution amending article eight (8) of the constitution of the State of Texas by adding a new section to be section nineteen (19).

Approved April 7, A. D. 1879.

S. B. No. 53.—An act for the relief of the heirs of Captain Silas Dinsmore, deceased.

Approved April 7, A. D. 1879.

S. B. No. 52.—An act to protect the rights of pre-emption settlers who

have heretofore or may hereafter enlist in the frontier battaion or other military forces of the state.

Approved April 7, A. D. 1879.

S. B. No. 325.—An act to prescribe the times of holding the district court in the ninth judicial district.

Approved April 9, A. D. 1879.

S. B. No. 324.—An act to amend articles 2931 and 2971 of the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature.

Approved April 9, A. D. 1879.

S. B. No. 49.—An act to give effect to section 2, article 9 of the constitution, regulating the manner of removing and locating county seats.

Approved April 10, A. D. 1879.

S. B. No. 349.—An act to repeal chapter 3 of title 64 of "an act to adopt and establish the Revised Civil Statutes of the State of Texas."

Approved April 10, A. D. 1879.

S. B. 312.—An act to amend and supplement the existing quarantine law of the State of Texas, title 83 of the Revised Statutes.

Approved April 10, A. D. 1879.

S. B. No. 338.—An act prescribing the times of holding the district courts in the first judicial district, and regulating the return of process therein.

Approved April 11, A. D. 1879.

S. B. No. 322.—An act to provide for the appointment of notaries public, cattle and hide inspectors, justices of the peace and constables in the unorganized counties of the State of Texas.

Approved April 11, A. D. 1879.

S. B. No. 181.—An act to reorganize the sixteenth judicial district of the State of Texas and to provide for the times of holding court therein.

Approved April 12, A. D. 1879.

S. B. No. 352.—An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879.

Approved April 14, A. D. 1879.

S. B. No. 270.—An act granting further time to the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company.

Approved April 14, A. D. 1879.

H. B. No. 402.—An act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of "an act to adopt and establish the Revised Civil Statutes of the State of Texas."

Approved April 14, A. D. 1879.

S. B. No. 366.—An act to amend section 2 of an act entitled "an act to create the thirty-second judicial district, prescribing the time of holding the district court therein, and providing for the appointment of a district judge for said district," approved March 22, 1879.

Approved April 14, A. D. 1879.

S. B. No. 281.—An act supplemental to an act entitled “an act to fix the times of holding the district courts of the twenty-fifth judicial district of the State of Texas,” approved February, 1879.

Approved April 14, A. D. 1879.

S. B. No. 304.—An act supplemental to “an act fixing the times of holding the district courts of the twenty-third judicial district,” approved February 12, 1879.

Approved April 14, A. D. 1879.

S. B. No. 262.—An act to grant to Jackson Doyle a headright of six hundred and forty acres of land.

Approved April 14, A. D. 1879.

S. B. No. 88.—An act to amend articles 560 and 561 of “an act to adopt and establish a Code of Civil Procedure for the State of Texas,” as adopted by the Sixteenth Legislature.

Approved April 14, A. D. 1879.

S. B. No. 337.—An act to amend section 4 of an act entitled “an act creating the office of district attorney in certain judicial districts of this state,” passed at the present session of the Legislature.

Approved April 14, A. D. 1879.

S. B. No. 46.—An act creating the office of district attorney in certain judicial districts of this state.

Approved April 14, A. D. 1879.

S. B. No. 326.—An act to amend “an act fixing the times of holding the district courts in the seventeenth judicial district,” which was approved February 28, 1879, so as to make no changes of the time of holding court in said district, except in the county of Williamson.

Approved April 14, A. D. 1879.

S. B. No. 209.—An act for the relief of Joseph Tennec.

Approved April 17, A. D. 1879.

S. B. No. 204.—An act to require persons enclosing public free school lands to pay an annual rent therefor.

Approved April 17, A. D. 1879.

S. B. No. 113.—An act for the preservation of fish and to build fishways and fish ladders.

Approved April 17, A. D. 1879.

S. B. No. 182.—An act amendatory of an act entitled “an act to prohibit the sale, exchange or gift of intoxicating liquors in any county, justices’ precinct, city or town in this state that may so elect, prescribing the mode of election, and affixing a punishment for its violation, approved June 24, 1876.”

Approved April 17, A. D. 1879.

S. B. No. 186.—An act requiring railroad companies to stop their trains at the boundary lines of the State of Texas for a certain length of time.

Approved April 18, A. D. 1879.

Sub. H. B. No. 90.—An act to amend title 29, chapter 6, article 1235

of the Revised Civil Statutes, passed at the present session of the Legislature.

Approved April 18, A. D. 1879.

H. B. No. 395.—An act to limit the terms of the district court of Marion county.

Approved April 18, A. D. 1879.

H. B. No. 465.—An act to amend "an act to incorporate the city of San Antonio, and grant a new charter to said city," and to repeal "an act to incorporate the city of San Antonio," approved July 17, 1856, and "an act to amend the act to incorporate the city of San Antonio," approved February 11, 1860, approved August 13, 1870.

Approved April 18, 1879.

S. B. No. 243.—An act to amend article 1289 of "an act to adopt and establish the Revised Civil Statutes of the State of Texas."

Approved April 18, A. D. 1879.

S. B. No. 275.—An act to amend articles 75 and 79 of an act entitled "an act to adopt and establish the Revised Civil Statutes of the State of Texas," passed at the present session of the Legislature.

Approved April 18, A. D. 1879.

H. B. No. 459½.—An act to authorize any county, city or town in this state to compromise existing bonded indebtedness and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of the taxes to the principal and interest of such bonds.

Approved April 18, A. D. 1879.

S. B. No. 153.—An act to provide for building a new state capitol.

Approved April 18, A. D. 1879.

S. B. No. 212.—An act granting to Mrs. Florence Whitis, executrix, the right to make a change in Laurel street, in the city of Austin.

Approved April 18, A. D. 1879.

S. B. No. 390.—An act to require the governor of the State to countersign certificates for land hereafter issued from the general land office in certain cases.

Approved April 19, A. D. 1879.

S. B. No. 167.—An act to amend an act entitled "an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof."

Approved April 19, A. D. 1879.

Sub. H. B. for Sub. S. B. No. 12.—An act to amend article 4257 of the Revised Civil Statutes, passed at the present session of the Legislature.

Approved April 19, A. D. 1879.

H. B. No. 501.—An act to amend article 1333 of the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature.

Approved April 19, A. D. 1879.

S. B. No. 321.—An act to authorize the Austin Canal, Irrigation and Manufacturing Company to construct a dam across the Colorado river.

Approved April 19, A. D. 1879.

H. B. No. 78.—An act to amend section 16 of "An act regulating elections, approved August 23, 1876."

Approved April 19, A. D. 1879.

Sub. H. B. No. 338.—An act to amend section 21 of "An act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent taxpayers and to define the further duties, powers, qualifications and liabilities of collectors of taxes and to regulate their compensation, approved August 21, 1876."

Approved April 19, A. D. 1879.

S. B. No. 301.—An act to provide for the organization and support of a normal school at Prairie View (formerly called Alta Vista) in Waller county, for the preparation and training of colored teachers.

Approved April 19, A. D. 1879.

S. B. No. 346.—An act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the state and to supply deficiencies in the revenue and to provide the mode and manner of the sale of said bonds.

Approved April 21, A. D. 1879.

S. B. No. 336.—An act amendatory of and supplemental to an act entitled "an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county," approved January 23, 1879, and the several acts amendatory thereof.

Approved April 21, A. D. 1879.

S. J. R. No. 306.—Joint resolution granting leave of absence from the state for one month to Hon. W. H. Burkhart, judge of the eighteenth judicial district.

Approved April 21, A. D. 1879.

S. B. No. 370.—An act to amend title 48, chapter 5 of an act entitled "an act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 21, 1879.

Approved April 21, A. D. 1879.

S. B. No. 73.—An act to provide for the record of contracts relating to land in a manner that will distinguish community from separate property.

Approved April 21, A. D. 1879.

S. B. No. 300.—An act to establish a state normal school.

Approved April 21, A. D. 1879.

Sub. for H. B. No. 75.—An act to provide for appeals and writs of *certiorari* from judgments of justices' courts, in counties in which the civil and criminal jurisdiction or either of the county courts has been transferred to the district court.

Approved April 21, A. D. 1879.

S. B. No. 308.—An act to validate the sale of certain town lots and county lands in the county of McCulloch.

Approved April 21, A. D. 1879.

S. B. No. 179.—An act to define in what civil cases depositions of witnesses may be taken.

Approved April 21, A. D. 1879.

H. J. R. No. 64.—Joint resolution granting to Honorable Gustave Cook, judge of the criminal district court of Galveston and Harris counties, thirty days leave of absence from the state.

Approved April 21, A. D. 1879.

S. B. No. 118.—An act to amend title 58 of the Revised Civil Statutes of the State of Texas, passed February 21, 1879.

Approved April 22, A. D. 1879.

S. B. No. 350.—An act to amend article 1173 of the Revised Civil Statutes, passed by the Sixteenth Legislature.

Approved April 22, A. D. 1879.

S. B. No. 128.—An act to amend chapter 3 of "an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," by adding another article to be called article 680a, prohibiting the use of any dumb animal, the property of another, without the consent of the owner, and prescribing a penalty therefor.

Approved April 22, A. D. 1879.

H. B. No. 497.—An act to amend articles 3955 and 3963 of the Revised Civil Statutes, passed at the present session of the Legislature.

Approved April 22, A. D. 1879.

S. H. B. No. 438.—An act to authorize Messrs. Cunningham & Ellis, lessees of the state penitentiary, to sue the state.

Approved April 22, A. D. 1879.

H. B. No. 445.—An act to provide for the assessment and collection of the taxes on lands and other property situated in the unorganized counties, and for the enforcement of the same.

Approved April 22, A. D. 1879.

H. B. No. 359.—An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the place where sentenced to the penitentiary.

Approved April 22, A. D. 1879.

H. B. No. 414.—An act amending and supplementing articles 4662, 4663, 4664, 4665, 4666, 4667 and 4668, inclusive, of chapter 1, title 94 of the Revised Civil Statutes, adopted February 21, 1879.

Approved April 22, A. D. 1879.

S. Sub. for H. B. No. 33.—An act to amend article 4767 of the Revised Civil Statutes of the State of Texas.

Approved April 22, A. D. 1879.

S. B. No. 388.—An act to attach the unorganized county of Runnels to the county of Coleman for surveying purposes.

Approved April 22, A. D. 1879.

H. B. No. 99.—An act to amend section 46 of "an act to encourage stockraising and for the protection of stockraisers," approved August 23, 1876.

Approved April 22, A. D. 1879.

H. B. No. 336, Sub. S. B. No. 320.—An act establishing and prescribing the manner of ascertaining the boundaries of counties.

Approved April 22, A. D. 1879.

H. B. No. 206.—An act in relation to chattel mortgages and other instruments intended to operate as mortgages of or liens upon personal property and the record thereof.

Approved April 22, A. D. 1879.

H. B. No. 121.—An act to ascertain the amount due teachers for services rendered in the public schools from September 1, 1873, to August 31, 1876, and to provide for the payment of the same.

Approved April 22, A. D. 1879.

S. B. No. 271.—An act to amend article 3193 of an act entitled "an act to adopt and establish the Revised Civil Statutes of the State of Texas."

Approved April 22, A. D. 1879.

S. B. No. 292.—An act to authorize the construction of a ship channel from Corpus Christi across Mustang Island, and to donate land for the same.

Approved April 22, A. D. 1879.

S. B. No. 252.—An act to amend chapter 2 of title 15, and chapter 1 of title 16, in the Code of Criminal Procedure, of an act entitled "an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas."

Approved April 22, A. D. 1879.

Sub. S. B. No. 123.—An act to amend article 4759 of the Revised Civil Statutes of the State of Texas, adopted on the day of February, 1879.

Approved April 22, A. D. 1879.

S. B. No. 90.—An act to suppress lawlessness and crime and to organize a force for that purpose.

Approved April 22, A. D. 1879.

S. B. No. 391.—An act to authorize the survivors of Terry's Texas rangers to erect a monument to the dead of that command, in the burying grounds belonging to the state, at Austin.

Approved April 23, A. D. 1879.

S. B. No. 382.—An act to change and define the times of holding the terms of the district courts in the fifth judicial district of the State of Texas.

Approved April 23, A. D. 1879.

H. B. No. 437.—An act prescribing the number of hours per day in which employes in the department of the state government shall labor.

Approved April 23, A. D. 1879.

H. B. No. 243.—An act to attach the unorganized counties of Archer, Baylor, Hardeman, Knox, Wilbarger and Wichita to the organized county of Clay, for judicial and other purposes.

Approved April 23, A. D. 1879.

H. B. No. 358.—An act to provide for the publication of notices of judicial sales in certain cases.

Approved April 23 A. D. 1879.

H. B. No. 356.—An act making the county judge of Tom Green county returning officer for the seventy-fifth representative district.

Approved April 23, A. D. 1879.

S. B. No. 332.—An act for the better protection of the harbors and ports of the State of Texas.

Approved April, 23, A. D. 1879.

S. B. No. 330.—An act to protect lands lying on county boundaries from double assessments.

Approved April 23, A. D. 1879.

S. B. No. 261.—An act requiring the proceeds arising from the leasing or renting of county school lands and from sales of timber thereon to be applied exclusively to educational purposes.

Approved April 23, A. D. 1879.

On motion of Senator Homan, the reading was dispensed with and same ordered entered on the journals.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 24, 1879. }

To the honorable Senate and House of Representatives in Legislature assembled:

GENTLEMEN—I herewith submit to your honorable bodies a list of captions of bills passed at present session.

Respectfully,

O. M. ROBERTS, *Governor.*

Sub. S. B. No. 130.—An act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881.

Approved (except three items, the one relating to the appropriation for free common schools, the one relating to the appropriation for payment of interest on the public debt, and the one relating to the appropriation for the sinking fund) April 23, A. D. 1879.

S. B. No. 385.—An act to amend title 53, chapter 2 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature, by adding article 2942a.

Approved April 24, A. D. 1879.

S. B. No. 341.—An act for the relief of actual occupants of the public lands.

Approved April 24, A. D. 1879.

S. B. No. 313.—An act to compel collectors of taxes in counties wherein subsidies have been granted to railroads or other works of internal improvements to receive the state and county taxes from persons who refuse to pay the tax levied for such purposes.

Approved April 24, A. D. 1879.

S. B. No. 372.—An act to amend article 4761 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature.

Approved April 24, A. D. 1879.

H. B. No. 503.—An act requiring the assessor of taxes of Dallas county to perform additional duties.

Approved April 24, A. D. 1879.

S. B. No. 374.—An act to amend article 97, chapter 3, title 4, Penal Code, of "an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas, passed February 21, 1879.

Approved April 24, A. D. 1879.

H. B. No. 422.—An act to provide for the assessment and collection of taxes on lands that have not been rendered for assessment and taxation from the year 1871 to 1876; and repealing "an act to enforce collection of delinquent taxes on lands assessed since January, 1870."

Approved April 24, A. D. 1879.

The following resolution was offered by Senator Homan:

Resolved, That the calendar clerk be retained in office for five days after the close of the session for the purpose of arranging and making the proper disposition of the unfinished business of the Senate, for which service he shall be paid five dollars a day out of the contingent fund of the Senate.

Adopted.

The following communication was submitted by Senator Motley:

WHEREAS, The journal secretary is supposed to know more about the journals than any one else, and as Mr. Whitehead, the present secretary, from the short time he has held the place, needs help to properly gather up and arrange the journals; and

Whereas, The present journal secretary is interested in seeing the property of the state turned over in good order to his successor, as he was the superintendent of public buildings and grounds when the Legislature received control of the capitol buildings and property;

The said secretary hereby tenders his services to the state to aid the present secretary for three days, to aid him with the journals, and to aid Mr. Fisher in turning over the public property, and he does it gratuitously, asking nothing for his services for the same.

Unanimously accepted.

Senator Hobby offered the following:

Resolved, That the secretary of Senate be empowered to purchase such stamps and stationery as may be necessary for the purpose of bringing out the journals of this session of the Legislature and forwarding them and the laws, general and special, as soon as published to the members of the Senate, and that the same be paid for out of the contingent fund of the Senate; and that he continue the publication of the laws with emergency clauses and those amendatory of the Revised Civil Statutes as under a previous resolution of the Senate, and that the expenses be paid out of the contingent fund.

Adopted.

The Senate took a recess until called to order by the president.

The president called the Senate to order.

Senator Ledbetter moved to appoint a committee to wait on the House and inform them that the Senate had concluded its labors, and was ready to adjourn *sine die*.

Senators Ledbetter, Homan and Buchanan were appointed as said committee.

The chairman reported the duty performed.

Senator Burnett called up the resolution of Senator McCulloch, offered on yesterday.

Senator Motley offered the following amendment:

"Add the first and second assistant secretaries of the Senate (W. A. Fields and W. N. Ramey), and the calendar clerk, J. W. Swindells."

Adopted and the resolution as amended was adopted.

Senator Burnett submitted the following remarks, which, on motion of Senator Motley, were ordered entered on the journals:

Mr. President—I am authorized by my fellow senators of the political minority in this body to say that the resolutions now before the Senate meet our hearty concurrence. We have been most sensibly impressed with the courtesy extended to us by the president and the other officers of the Senate. We have had a long and laborious session—the first since 1876; many important and some exciting questions have been discussed with more or less warmth of feeling, eliciting at times marked differences of opinion, and yet it is pleasant to note that at the close of our labors, we find no trace of personal animosity or partisan bitterness.

It is not unjust that in this age of partisan strife and bitterness, we as a body should claim credit for our moderate counsels and respect for each other's opinions; but let us not forget that the greater credit is due our honored president, whose example of moderation and dignified, courteous bearing has been so constantly and prominently before us. Justice demands that we also add that our presiding officer has exhibited so prompt, industrious and faithful a devotion to official duty, and such genial, social qualities, as has made his official and personal association with this body most gratifying and agreeable to all. As to the ability and impartiality of his rulings, the fact that during the entire session not one appeal has been taken from his decisions, speaks grander praises than words.

The secretary and assistants, the clerks, the sergeant-at-arms and assistant, our beloved chaplain, and noble-hearted "Old Bill," our veteran door-keeper, have all most faithfully and impartially discharged their several duties. They have labored with diligence, and their deportment in every respect has been honorable. The little boys who have served as pages have won our kind remembrance by their prompt discharge of duty and polite bearing; and all the employes have discharged their duties creditably and with satisfaction. We would not desire to make a single change in our corps of officers and employes were we compelled to remain in session the whole year, or longer.

To conclude, Mr. President, those of us in the minority here entertaining a grateful sense of the uniform courtesy extended to us by our fellow-senators and the officers of the Senate, all politically opposed to us, desire to offer, in parting, a sentiment which we know will meet your hearty response: Texas—the foremost state in the Union in the extent of her area, most fertile in soil and salubrious in climate, most beautiful in landscapes and picturesque in scenery, richest in her varied resources, noblest in her history, grandest in her veterans and heroes, justly proudest of her women—may no one, whatever be his political faith, who is not faithfully devoted to her prosperity and to the welfare of her noble citizenship, ever enter within the walls of her capitol!

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 24, 1879. }

To the honorable Senate and House of Representatives in the Legislature Assembled:

GENTLEMEN—Upon the eve of your adjournment, of which you have notified me, I take pleasure in bearing witness to the fact that you have most diligently devoted yourselves to the business of the country as legislators. While much of your time has been occupied in attending to matters of local interest, the public interest has not been entirely neglected. Nothing but a consciousness of having discharged your duty in the service of the country can adequately compensate you individually for the long neglect of your private interests and the deprivation of your home comforts. Your patience has doubtless been exhausted, and your return to your homes the prime object of desire at present. Our association officially and personally has been to me of the most pleasant character; and rest assured that on departing from the capitol you carry with you the best wishes of your obedient servant,

O. M. ROBERTS, *Governor.*

A message was received from the House announcing that the House refused to concur in House substitute for Senate substitute for House substitute to Senate substitute for Senate joint resolutions Nos. 5 and 102, reported by the joint free conference committee.

Senator Homan offered the following resolution:

Resolved, That the thanks of the Senate are hereby tendered the *Galveston News* for furnishing to this body and the country the only intelligible daily report of the Senate proceedings.

Senator Gooch moved to strike out "the only" and insert "their very."

Adopted and the resolution as amended adopted.

Senator Brown offered the following resolution:

Resolved, That the thanks of the Senate are hereby extended to the editors and proprietors of the *Daily Statesman* for the promptness and fidelity with which they have furnished the Senate with a report of its daily proceedings under the resolution adopted at the beginning of the session.

Adopted.

Senate bill No. 228 was taken up, and on motion of Senator Shannon, the Senate concurred in House amendments.

(President in the chair).

A message was received from the House announcing the passage by that body of Senate bill No. 203.

The president, after reading the caption, signed Senate joint resolution No. 393.

Various petitions and memorials were returned by standing committees to the Senate.

Senator Grace, chairman of committee on enrolled bills, submitted the following reports:

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined Senate bill No. 345, "An act to provide for the binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, adopted and established at the present session of the Legislature;" also,

Senate joint resolution No. 393, "Joint resolution authorizing the appointment of a committee to sit during vacation of the Legislature to continue the investigation of land forgeries, and prescribing their powers and duties," and at 11:59 o'clock A. M. this day presented the same to the governor for his signature.

GRACE, *Chairman.*

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined and compared and find correctly enrolled and properly signed Senate joint resolution No. 368, "prescribing the mode and manner of submitting constitutional amendments to the vote of the people;"

Senate bill No. 337, "An act granting a land certificate of six hundred and forty acres to each indigent veteran who was engaged in the struggle for Texan independence prior to and at the battle of San Jacinto, enrolled under act approved July 28, 1876;"

Senate bill, "An act to repeal articles 4039, 4040, 4041 and 4042 of the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature;"

Senate joint resolution No. 378, "granting leave of absence to W. B. Wall, county judge of Houston county;"

Senate bill No. 387, "An act to amend sections 15 and 20 of an act entitled 'an act to provide for the protection of the frontier of the State of Texas, against the invasion of hostile Indians, Mexicans or other marauding or thieving parties,' approved April 10, 1879," and have presented the same to the governor for his signature this day at 11:59 o'clock

A. M.

GRACE, *Chairman.*

A message was received from the House announcing the passage of Senate joint resolution No. 378; Senate bill No. 337; Senate joint resolution No. 368; Senate bill No. 328, and Senate bill No. 387.

A committee was received from the House announcing that it had concluded its labors and was ready to adjourn *sine die*.

President of the Senate submitted a few eloquent remarks before adjournment; after which he declared the Senate adjourned without day.