

Motley,
Patton,
Ripetoe,

Shannon,
Storey,
Swain,

Terrell,
Tilson—23.

NAYS—none.

Not voting—Ford, Grace, Hobby, Ledbetter, Martin, Moore.

The president, after reading its caption, signed House bill No. 151, entitled "An act to create the thirty-first judicial district of the State of Texas, and to organize the same."

On motion of Senator Gooch, the unfinished business was postponed five minutes, rules suspended and substitute for Senate bill No. 12, entitled "An act to regulate railroad companies and dealers with them, and to provide a remedy for persons injured thereby, and to provide a punishment for violations of the provisions of this act," was taken up and read first time.

A message was received from the House announcing the adoption by that body of the following concurrent resolution, which originated in and was adopted by the Senate as a joint resolution, but changed in the House to a concurrent resolution.

Be it resolved, by the House of Representatives, the Senate concurring, that a joint committee of three on the part of the House, and two from the Senate, be appointed by the presiding officers of each branch of the Legislature, whose duty it shall be to visit, at an early day, the Agricultural and Mechanical College of Texas, and the Agricultural and Mechanical College (for colored youths) near Hempstead, and carefully examine their present condition—and the manner in which they are conducted, and report to their respective branches of the Legislature, making such suggestions as they may deem necessary, and proposing such action as in their opinion is requisite by this Legislature to make it truly what their names import—agricultural and mechanical colleges; and that Messrs. Taylor, of Marion, Henderson, of Smith, and Douglass were appointed as a committee upon the part of the House under the requirements of the resolution.

On motion of Senator Moore, the concurrent resolution just reported from the House was adopted, and the president appointed, under the provisions of said resolution as a committee on the part of the Senate, Senators Moore and McCormick.

Senator Homan moved to postpone the unfinished business one-half hour, suspend the rules and take up Senate bill No. 88, entitled "An act to amend sections 518 and 519 of an act entitled 'an act to establish a code of criminal procedure for the State of Texas,'" and place it on its second reading.

Carried by the following vote:

YEAS.

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

Guy,
Hobby,
Homan,
Lane,
Lair,
McCormick,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Tilson—23.

NAYS—none.

Not voting—Davenport, Grace, Houston, Ledbetter, Martin, Terrell.
Bill read second time.

Senator Homan offered the following amendment:

“SECTION The fact that no law exists giving the judges of courts trying criminal causes any discretion in acting upon applications for continuances, creates an imperative public necessity and emergency that this act pass and take effect at once; and it is therefore enacted that the rules requiring this act to be read on three several days be suspended, and that this act take effect and be in force from its passage.”

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, have carefully examined Senate bill No. 20, entitled “An act to adopt and establish a penal code and a code of criminal procedure for the State of Texas,” and find the same correctly enrolled as directed by joint resolution of both houses of this Legislature, relating to the enrollment of the codes. That said bill is properly signed and was at 10:5 o'clock A. M., this day, presented to the governor for his approval.

GRACE, *Chairman.*

The time for which the unfinished business was postponed having expired, on motion of Senator Homan the said business was postponed half an hour for the further consideration of the pending bill.

Senator Edwards moved to adopt the minority report on the pending bill, which was adverse to its passage.

(Senator Ledbetter in the chair.)

Pending the discussion, the time for which the unfinished business was postponed having expired, on motion of Senator Swain said business was postponed until 3 o'clock P. M.

(President in the chair.)

The motion of Senator Edwards to adopt the minority report was then lost by the following vote:

YEAS.

Burton,
Davenport,
Edwards,
Ford,

Grace,
Lane,
Ledbetter,
McCormick,

Patton,
Shannon,
Storey,
Tilson—12.

NAYS.

Brown,
Burnett,
Duncan,
Gooch,
Hobby,

Homan,
Houston,
Lair,
Martin,

Moore,
Ripetoe,
Swain,
Terrell—13.

Not voting—Buchanan, Guy, McCulloch, Motley.

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

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

Your committee on engrossed bills have examined and find correctly engrossed the following bills, viz: Senate bill No. 23, entitled “An act to diminish the civil and criminal jurisdiction of the county court of Polk county, and conform the jurisdiction of the district court of said county to such change;” Senate bill No. 125, entitled “An act to ratify and declare valid a compromise by the commissioners’ court of Brazoria county and the issuance of county bonds and levy of tax therefor, in settlement of bonds of said county issued under an act of the Legisla-

ture, passed September 1, 1856, entitled 'an act to permit the county of Brazoria to levy a special tax for purposes of internal improvements and the judgments in the federal court recovered thereon;' Senate bill No. 183, entitled "An act to amend an act entitled 'an act to better protect the papers, records and files in the general land office,'" approved June 2, 1873.

BROWN, *Chairman.*

Senator Edwards moved to reconsider the vote adopting the emergency clause in the pending bill.

Senator Duncan moved a call of the house.

Senator Storey moved to take recess until 3 o'clock P. M.

Carried, and the Senate took recess accordingly.

AFTERNOON SESSION.

Recess expired and Senate reconvened; president *pro tempore* in the chair. Roll called; a quorum not present.

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

FORTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 28, 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 the same adopted.

Senator Lair presented a memorial from the taxpayers of Collin county in the form of resolutions adopted in public meeting at McKinney on Saturday, the twenty-second instant, "asking our Legislature to curtail all the expenditures of the state government, that the number of the officers and employes of the state government be reduced, and their salaries be curtailed and placed at the lowest living rates. That a law be passed to regulate freight and fare on railroads, with suitable penalties for its violation." They also state that the annual deficiencies and increasing public debt, with a prospect of increasing taxation, are alarming, and call for the most stringent measures. They also enumerate the increased burdens of government within the last eight or ten years, stating that these matters are increased in consequence of the unprecedented depreciation of all products and commodities in valuation, while taxation is four fold what it was in ante-bellum days, giving many facts and figures.

Referred to committee on finance.

Senator Guy presented the petition of the city council of Dallas, asking a change in the law with regard to the payment of the railroad tax to the state treasurer for the redemption of bonds issued by cities in aid of the construction of railroads, so as to enable such cities to control all such taxes and pay their own interest (particularly the city of Dallas).

Referred to the committee on finance.

Senator Ford presented the petition of Messrs. Eggleston & Bro.,

“for the payment of an account of \$475 55 for medicines and other supplies furnished Capt. Hall’s command of state troops in 1878 by Mr. N. Gussett, of Corpus Christi, Texas.”

Referred to the committee on claims and accounts.

Senator Terrell from the committee on constitutional amendments, submitted the following report:

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

Your committee on constitutional amendments, have had under consideration the accompanying joint resolution proposing an amendment to the constitution.

The joint resolution, while it substantially incorporates the first section of article six of the present constitution in regard to suffrage, adds thereto a provision regarding the payment of a poll tax which the committee deem important. The third sub-division of the article, as it now stands in the constitution, disqualifies from voting all who are supported by any county; it will be seen that the joint resolution exempts from the operation of that article all persons who aided in achieving the independence of Texas, or who have been disabled in the service of the state.

The provision which your committee recommend shall be added to said article of the constitution, excludes from the privilege of voting every person who shall fail to exhibit to the judges holding an election a receipt or certificate of the collector of taxes for the county in which he resides, showing that he has paid, prior to a period specified in the bill, before he offers to vote, all poll taxes due from him to the state.

The entire poll tax assessed for the state, for the year 1877, was \$464,808, and for the counties \$232,404; of this amount, it is estimated by the comptroller that the state failed to collect \$160,000, and the counties \$80,000—in all a loss of \$240,000, on account of poll tax not collected.

The laws afford the means of collecting taxes from those who have property, but none for the collection of poll tax from those who have no property. The latter class, it is believed, can only be compelled to pay some tax, when they understand that a deprivation of privilege will follow their failure or refusal.

The laws on this subject in several of the states are more rigid than the proposed amendment.

In Georgia and Pennsylvania the entire tax due the state must be paid before the citizen can vote. Connecticut and Delaware require the payment of a tax, and the former state good moral character, while Rhode Island and Massachusetts require all voters to own real estate. Virginia and Tennessee require the payment of a poll-tax before any citizen is entitled to aid by his vote in controlling the government.

Your committee cannot subscribe to the doctrine that the possession of property should be necessary to enable the citizen to vote; and while they believe in manhood suffrage, it is in that sort of manhood which makes a man willing to help support his government by paying the small poll-tax required of him by law. Your committee do not believe that it is consistent with the interest of the state to make the ballot-box a prey to those who, while enjoying the protection of government and shaping its laws, are unwilling to contribute anything to its support.

I am therefore instructed to report the joint resolution back with accompanying amendments, and recommend its passage.

TERRELL, for Committee.

The following amendments are recommended by the committee, viz:
Strike out the word "ten," in line eighteen, in sixth subdivision, and insert "ninety."

In line sixteen, after word "receipt," insert the words "or certificate."

In line twenty, strike out all of the same, and insert in lieu thereof the words "may have been levied upon him for two years before he offers to vote."

On motion of Senator Terrell, fifty copies of the report were ordered printed.

Senator Ledbetter, chairman of committee on education, submitted the following reports :

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

Your committee on educational affairs, to whom was referred Senate bill No. 119, "An act to give to each of the unorganized counties of the state four leagues of land, and providing for the location and surveying thereof," have had the same under consideration, and I am instructed by said committee to report the same back to the Senate and recommend that the same do not pass.

LEDBETTER, *Chairman.*

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

Your committee on educational affairs, to whom was referred Senate bill No. 219, entitled "An act to ascertain the amount due by the State of Texas for land purchased by the state under act approved August 13, 1870, for use of public free schools, and for labor and material furnished prior to July 1, 1873, and to provide for the payment of same," have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that the bill do not pass.

LEDBETTER, *Chairman.*

Senator Guy, chairman of 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 Senate bill No. 198, entitled "An act for the relief of the heirs of Lieut. Samuel Wilson, who fell at Fannin's massacre, in the year 1836," have had the same under consideration and find that due notice of same by publication has been made; and after having examined the proof accompanying said bill, a majority of your committee instruct me to report said bill back to the Senate and recommend its passage.

GUY, *Chairman.*

Senator Shannon, chairman of committee on judicial districts, submitted the following report:

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

Your committee on judicial districts have had under consideration Senate bill No. 210, entitled "An act to reorganize the third judicial district and prescribe the times of holding the courts in said district," and instruct me to report the accompanying substitute and recommend that it do pass.

SHANNON, *Chairman.*

Senator Shannon (by leave) presented the memorial of the county court of Clay county, "stating that their county is involved in debt; that the levy of one-fourth per cent. allowed by law for county purposes is barely sufficient to pay ordinary county expenses; that one-fourth of the lands of their county is state or county school lands, and that their ter-

ritory is sparsely populated, and therefore they ask the passage of a special or general law empowering their county, or all counties similarly situated, to levy a sufficient tax to liquidate all their county indebtedness."

Referred to committee on finance.

Senator Storey, chairman of committee on finance, submitted the following reports:

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

Your committee on finance, to whom was referred the petition of citizens of Bowie county to grant pensions to the old soldiers of Texas, who served in the war of 1836 and the Indian campaign of 1841, have given the same careful attention, and your committee submit, they return the greatest gratitude to the old soldiers of Texas for their services in 1836 and 1841; they fully appreciate the heroic deeds of their lives and their claims upon posterity for gratitude and maintenance now that old age and infirmity has come upon them, yet a sacred trust reposed by the people to guard well the interests of the whole state, and a faithful adherence to that legislative discretion that looks to a line of policy calculated to lighten the burdens of an overtaxed people, compels them to urge no further legislation beyond the provisions of the pension laws now in force. Wherefore, your committee recommend that the relief prayed for be not granted.

STOREY, *Chairman.*

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

Your committee on finance, to whom was referred Senate bill No. 108, entitled "An act to ascertain the amount due teachers for services rendered in the public free schools from September 1, 1873, to August 31, 1876, and to provide for the payment of the same," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with accompanying substitute, and to recommend the passage of the substitute.

STOREY, *Chairman.*

The concurrent resolution previously reported from the House "with regard to the election of directors of the Agricultural and Mechanical College," was taken up, read and adopted.

Senator Burton's resolution requiring two sessions of the Senate per day, etc., was taken up for consideration.

Senator Storey moved to strike out "12 M." for the time of adjournment of the morning session and insert in lieu thereof "1 o'clock P. M."

Accepted by Senator Burton.

Senator Hobby moved to strike out "alphabetically" in the terms of the resolution with regard to calling up business in the evening session and insert in lieu thereof "by senatorial districts" (as his was the first district).

Withdrawn by Senator Hobby.

Senator Davenport moved to strike out of the resolution all after the words "1 o'clock P. M."

Senator Shannon moved to amend the resolution by requiring that when the names of senators are called alphabetically that the secretary shall begin at the bottom of the roll and call it in inverse order, as his name was near the conclusion of same.

Withdrawn by the senator.

Senator Homan offered the following substitute for the pending resolution:

Resolved, That in order to facilitate the dispatch of business the names

of senators shall hereafter, at each daily session, be called alphabetically, when each senator, as his name is called, shall have the right to call up any bill he desires; *provided*, that this resolution shall not interfere with the immediate consideration of the pending proposed constitutional amendments.

Senator Davenport's amendment was lost.

Senator Swain moved to lay the original resolution and substitute on the table.

Lost by the following vote.

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

Absent, not voting—Grace, McCormick, McCulloch.

Senator Homan's substitute was lost by the following vote:

YEAS.		
Brown, Davenport, Duncan, Ford,	Guy, Homan, Ledbetter,	Motley, Storey, Tilson—10.
NAYS.		
Buchanan, Burnett, Burton, Edwards, Gooch, Hobby,	Houston, Lane, Lair, Martin, Moore,	Patton, Ripetoe, Shannon, Swain, Terrell—16.

Not voting—Grace, McCormick, McCulloch.

The resolution of Senator Burton was then lost by the following vote:

YEAS.		
Brown, Burnett, Burton, Duncan,	Edwards, Homan, Lane, Lair,	Moore, Ripetoe, Storey—11.
NAYS.		
Buchanan, Davenport, Ford, Gooch, Guy,	Hobby, Houston, Ledbetter, Martin, Motley,	Patton, Shannon, Swain, Terrell, Tilson—15.

Not voting—Grace, McCormick, McCulloch.

Senator Burnett, by leave, introduced a bill entitled "An act to establish a state normal school, to be known as the 'Sam Houston Institute,' and located at Huntsville, Texas."

Read by caption and referred to the committee on education.

Senator Buchanan, by leave, introduced a bill entitled "An act to amend article 787 of section 2 of an act to adopt and establish a penal code and code of criminal procedure for the State of Texas."

Read by caption and referred to judiciary committee No. 1.

Senator Patton, by leave, introduced a bill entitled "An act to amend an act entitled an act to provide for the judicial forfeiture of charters, and prescribing the duties of the attorney general in relation thereto, approved August 21, 1876, by providing a mode for enforcing its provisions."

Read by caption and referred to judiciary committee No. 1.

Senator Motley introduced a bill entitled "An act for the relief of the heirs of James Bell (deceased), who was a soldier in the Texas revolution."

Read by caption and referred to the committee on private land claims.

Senator Edwards, chairman of committee on insurance, statistics and and history, submitted the following reports :

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

Your committee on insurance, statistics and history, having had under consideration Senate bill No. 208, "An act to provide for the state library and supreme court library," instruct me to report the same back with the recommendation that it do pass.

EDWARDS, *Chairman.*

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

Your committee on insurance, statistics and history, having had under consideration Senate bill No. 161, "An act to create the office of state librarian," instruct me to report that the matter in said bill has been fully provided for in Senate bill No. 208, "An act to provide for the state library and supreme court library," and to recommend that said bill No. 161 do not pass.

EDWARDS, *Chairman.*

On motion of Senator Hobby, the unfinished business was postponed fifteen minutes, rules suspended and Senate bill No. 153, entitled "An act to provide for building a new state capitol," was taken up and read first time.

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

Carried by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson--27.

NAYS—none.

Bill read second time.

Senator Hobby offered the following amendments:

Amend by changing section 20 to 21, and in lieu of section 20, as it now reads, have section 20 to hereafter read as follows, viz:

SECTION 20. Should the governor and heads of departments determine to construct the new state house on the ground occupied by the present capitol, they may cause all the material in the present building to be disposed of by sale or otherwise as may be most economical and beneficial to the state, when the contract for building the new capitol is made; and they shall make necessary arrangements for storing in other public buildings the state property, while the house is being built, and

during its construction provide necessary offices for the present state officials occupying the capitol.

Adopted.

Senator Terrell offered the following amendment:

Amend section 5 by adding thereto the following: "Which money when realized is hereby appropriated to build said capitol."

Adopted.

Senator Hobby offered the following amendment:

After the word "creates," in line seven, page 7, insert "an imperative public necessity which justifies the suspension of the rules requiring this bill to be read on three several days, and it is so suspended."

Adopted and bill ordered engrossed.

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

YEAS.

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

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

Moore,
Motley,
Patten,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—27.

NAYS—none.

Not voting—Ledbetter.

Bill read third time and passed by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—28.

NAYS—none.

Senator Ledbetter, chairman of the committee on education, (by leave) submitted the following report:

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

Your committee on educational affairs, to whom was referred Senate bill No. 232, entitled "An act to amend chapter 3, title 78, Revised Statutes," have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the bill pass.

LEDBETTER, *Chairman.*

On motion of Senator Burnett, the rules were suspended, the unfinished business postponed and Senate bill No. 160, entitled "An act for the relief of Miles N. Taylor, of Grimes county," was taken up and read a second time.

Senator Burnett offered the following amendment:

"SECTION 2. That the fact that a large number of locations on the most valuable portion of the public domain are now being made by vir-

tue of certificates heretofore issued, and that the present session of the Legislature is drawing to a close with many bills of a public nature pending, creates an emergency and imperative public necessity which justifies that this act take effect immediately, and the rules requiring bills to be read on three several days be suspended; and it is therefore enacted that said rules be suspended, and that this act take effect from its passage."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

YEAS.		
Buchanan,	Hobby,	Moore,
Burnett,	Homan,	Patton,
Davenport,	Houston,	Ripetoe,
Duncan,	Lane,	Shannon,
Edwards,	Lair,	Storey,
Ford,	Ledbetter,	Terrell,
Gooch,	Martin,	Tilson—23.
Guy,	McCormick,	

NAYS—none.

Not voting—Brown, Burton, Grace, Motley, Swain.

Bill read third time and passed by the following vote:

YEAS.		
Buchanan,	Homan,	Patton,
Burton,	Houston,	Ripetoe,
Davenport,	Lane,	Shannon,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Swain,
Ford,	Martin,	Terrell,
Guy,	McCormick,	Tilson—23.
Hobby,	Moore,	

NAYS—none.

Not voting—Brown, Burton, Gooch, Grace, Motley.

On motion of Senator Burnett, the rules were suspended and Senate bill No. 164, entitled "An act for the relief of James A. Barker, of Brazos county," was taken up and read second time.

Senator Burnett offered the following amendment:

"SEC. 2. The fact that a large number of locations on the most valuable portion of the public domain are now being made by virtue of certificates heretofore issued, and that the present session of the Legislature is drawing to a close with many bills of a public nature pending, creates an emergency and imperative public necessity which justifies that this act take effect immediately, and the rules requiring bills to be read on three several days be suspended; and it is therefore enacted that said rules be suspended and that this act take effect from its passage."

Adopted, and bill ordered engrossed.

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

YEAS.		
Buchanan,	Edwards,	Homan,
Burnett,	Ford,	Houston,
Burton,	Gooch,	Lane,
Davenport,	Guy,	Lair,
Duncan,	Hobby,	Martin,

McCormick,
Motley,
Moore,

Shannon,
Storey,
Swain,

Terrell,
Tilson—23.

NAYS—none.

Not voting—Brown, Grace, Ledbetter, Patton, Ripetoe.

Bill read third time, and passed by the following vote :

YEAS.

Buchanan,
Burton,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,
Guy,

Hobby,
Homan,
Houston,
Lane,
Lair,
Martin,
McCormick,
Moore,

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

NAYS—none.

Not voting—Brown, Grace, Ledbetter.

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, the following Senate bills, to wit: No 60, "An act to amend an act entitled an act to fix the times for holding the terms of the district courts in the seventeenth judicial district, including the county of McCulloch;" No. 149, "An act to provide for the change of location of the court house of Marion county;" No. 143, "An act to attach certain counties therein named to the twenty-fifth judicial district;" No. 59, "An act to reorganize the seventeenth judicial district of the State of Texas;" No. 184, "An act to fix the times of holding the district courts of the twenty-fifth judicial district of the State of Texas," and have presented the same to the governor for his approval this day at 11 o'clock A. M.

GRACE, *Chairman.*

On motion of Senator Swain, the unfinished business was postponed thirty minutes, rules suspended and substitute for House joint resolution No. 2, with Senate joint resolution No. 29, "proposing an amendment to the constitution of the State of Texas," (repealing smoke-house tax, etc.), taken up and read first time, with majority and minority reports.

Senator Swain moved that the minority report be adopted (which was adverse to the adoption of Senate joint resolution No. 29, as a substitute for House joint resolution No. 2, as recommended by the majority report)

Adopted by the following vote:

YEAS.

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

Guy,
Homan,
Houston,
Lane,
Martin,
McCormick,

Moore,
Motley,
Ripetoe,
Shannon,
Swain,
Tilson—18.

NAYS.

Davenport,
Duncan,
Grace,

Lair,
Ledbetter,
Patton,

Storey,
Terrell—8.

Not voting—Brown, Hobby.

Senator Terrell presented the following reason for his vote on the one just taken, to be entered on the journals:

On the vote to adopt the minority report on the smoke-house tax bill, Senator Terrell said: I vote no—

1. Because, while I wish to exempt enough farm products in the hands of the producer from taxation to meet the wants of home and the farm, and introduced the original joint resolution to amend the constitution for that purpose, I can see no reason why all the farm products of this state, including wool and cotton, amounting in value to over fifty millions of dollars a year, should pay no taxes in this state.

2. Because, an exemption of five hundred dollars for each citizen on hand on the first day of January, would cover home supplies for nine-tenths of the people, and this I favor; but the exemption of all farm products excuses from taxation the thousand hogsheads of sugar of the sugar planter, the thousand bales of cotton of the cotton planter, and the wheat raiser with his ten thousand bushels of wheat.

3. Because, if, as the minority report proposes, all the wool clipped during the year is to be exempt from taxes for the shepherd's benefit, I can see no reason why all the calves, which increase for the year the herds of the stockraiser, should not also be exempt, and every other increase of value for the past year on hand as well.

4. Because while the comprehensive exemption of the minority report, does but little good to the ordinary farmer, since enough taxes must be raised from some source to carry on the government, all the exemption which the minority report affords to large farmers and sheep owners must be compensated for by increased taxes on all the other property of the small farmers and the poor.

I concur in the above for the reasons stated,

A. W. TERRELL.

I also concur in the above for the reasons stated,

WM. D. LAIR.

CHAS. D. GRACE.

Senator Patton moved that 100 copies of the report, with resolution and amendments recommended by the committee, be printed.

Lost.

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

Senate bill No. 149, entitled "An act to provide for the change of location of the court house of Marion county."

Senate bill No. 60, entitled "An act to amend an act entitled 'an act to fix the times for holding the terms of the district courts for the seventeenth judicial district, including the county of McCulloch.'"

Senate bill No. 59, entitled "An act to reorganize the seventeenth judicial district of the State of Texas."

Senate bill No. 184, entitled "An act to fix the time of holding the district courts of the twenty-fifth judicial district of the State of Texas."

Senate bill No. 143, entitled "An act to attach certain counties therein named to the twenty-fifth judicial district."

Senate bill No. 54, entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas."

On motion of Senator Duncan the unfinished business was postponed thirty minutes, rules suspended and Senate bill No. 196, entitled "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal an act to regulate the practice of medicine," approved August 31, 1876, and all other laws in conflict herewith, was taken up and read first time.

(Senator Gooch in the chair.)

On motion of Senator Tilson the rules were suspended and substitute for Senate bill No. 190, entitled "An act to amend chapter 17, title 17 of the Penal Code adopted at this session of the Legislature, relating to swindling and fraudulent disposition of mortgaged property by adding thereto article 997a," was taken up, read second time and ordered engrossed.

On motion of Senator Shannon, the rules were suspended and substitute for Senate bill No. 12, entitled "An act to regulate railroad companies and dealers with them, etc.," was taken up, read second time and ordered engrossed.

On motion of Senator Storey, the rules were suspended and substitute for Senate bill No. 108, entitled "An act to ascertain the amount due teachers of public free schools for services rendered from the first day of September, 1873, to the first day of July, 1876, and to provide for the payment of such claims," was taken up and read first time.

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

YEAS.

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

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

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

NAYES—none.

Not voting—Grace, Hobby, McCormick, Tilson.

Substitute read second time.

Senator Storey offered the following amendment:

Amend the bill and caption so as to strike out "July 1," where it occurs, and insert "August 31."

Adopted and bill ordered engrossed.

Senator Storey moved a further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS.

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

Grace,
Guy,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Moore,

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

NAYS—none.

Not voting—Hobby, Martin, McCormick.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,

Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Grace,
Guy,
Homan,

Houston,
Lane,
Lair,
Ledbetter,
Moore,

Motley,
Patton,
Ripetoe,
Shannon,

Storey,
Swain,
Terrell,
Tilson—25.

NAYS—none.

Not voting—Hobby, Martin, McCormick.

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 Senate bill No. 54, entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas," and find the same correctly enrolled, as directed by joint resolution of both houses of this Legislature relating to the enrollment of the codes; that said bill is properly signed and was at 11:40 o'clock A. M. this day presented to the governor for his approval.

GRACE, *Chairman.*

On motion of Senator Houston, the unfinished business was postponed ten minutes, rules suspended, and Senate bill No. 87, entitled "An act regulating juries in capital cases," was taken up and read a second time.

Senator Houston offered the following amendment:

Amend by adding the following to section 2: "*Provided*, that the judge may, during the term at which the jury is drawn, set a day in the next term for taking up any capital case, and order that the special venire herein provided for, shall be summoned to appear on the day so fixed, instead of on the first day of the term."

Adopted and bill ordered engrossed.

(President in the chair.)

On motion of Senator Motley, the rules were suspended and Senate bill No. 113, entitled "An act for the preservation of fish and to build fish-ways and fish-ladders," was taken up and read a second time.

Senator Motley offered the following amendment:

Amend by adding at the end of section 4, the following: "The governor is hereby authorized to appoint a fish commissioner who shall serve without compensation, whose duty it shall be to see that the provisions of this act are complied with."

Adopted and bill ordered engrossed.

On motion of Senator Lane, the unfinished business was postponed twenty minutes; rules suspended, and Senate bill No. 117, entitled "An act to provide for the sale of the public domain and to apply the proceeds from the sale thereof to the public school fund, and for the payment of the public debt," was taken up and read first time.

On motion of Senator Lane, the rules were suspended and Senate bill No. 69, entitled "An act requiring the owners of land to pay the taxes due thereon before recording their titles thereto," was taken up, read a third time and passed.

On motion of Senator Gooch, the rules were suspended and Senate bill No. 183, entitled "An act to amend an act entitled 'an act to better protect the papers, records and files in the general land office,' approved June 2, 1873," was taken up, read third time and passed.

On motion of Senator Duncan, the unfinished business was postponed ten minutes, rules suspended and Senate bill No. 28, entitled "An act to

give forfeitures *nisi* on bail bonds and recognizances in criminal cases the force and effect of judgments," was taken up and read second time.

The following messages were received from his excellency the governor:

AUSTIN, February 28, 1879.

To the honorable Senate of the State of Texas:

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

Joseph Abbott, of Hill county, to be the district judge of the twenty-eighth district.

John M. Moore to be district attorney for the twelfth judicial district.

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, February 28, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public for Harrison county:

R. P. Littlejohn, A. T. Smith, C. H. McGill, I. M. Case, J. M. Curtes, A. R. Woodall, H. C. Gray, W. A. Smith.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, February 28, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public for counties of the thirtieth senatorial district:

A. Krankaner, J. L. McCarty, El Paso county.

R. C. Daly, Bernard Brady, Presidio county.

H. M. Holmes, G. W. Todd, Calvin Thaxton, Mason county.

Julias Schuchard, Gillespie county.

E. K. Kountz, W. A. Williamson, Kimble county.

W. J. Hamilton, Bandera county.

M. F. Corbett, Pecos county.

Max Nenendorff, Edward Miles, James L. Trueheart, John Eckford, J. H. McLeary, Geo. W. Caldwell, J. B. Loyd, J. F. Lockwood, F. C. Goltarri, John A. Traser, Elias Edmonds, P. H. Ward, Jno. J. Stevens, George Paschal, W. G. M. Samuel, S. G. Newton, John Rosenheimer, W. H. Young, H. Klocke, W. W. Herron, Bexar county.

F. Hampe, C. A. Groos, Comal county.

W. K. Jones, F. W. Schweppe, Theodore Wedenfeldt, Kendall county.

N. A. Ansmar, O. Dorherty, J. G. Prensier, A. P. Baze, Hiram Lightner, Tom Green county.

W. D. Drown, Wm. Hughes, Kerr county.

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

EXECUTIVE OFFICE, }
AUSTIN, February 28, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments in the counties composing the twenty-fourth senatorial district, to wit:

T. R. Hill, C. U. Connelle, to be notaries public in Eastland county.
T. B. Wheeler, J. W. Posey, Wm. G. Veal, William Schemerhorne, to be notaries public in Stephens county.

C. R. Stribling, Robert A. Jeffries, to be notaries public in Shackelford county.

E. D. McCoy, J. J. Farr, Wilson H. Barker, to be notaries public in Sommervell county.

S. P. Ford, F. M. Browning, to be notaries public in Bosque county.

J. C. Gouldy, W. D. Thomason, to be notaries public in Coryell county.

J. K. Saddler, P. R. Hobell, I. A. Lee, H. N. Atkinson, Geo. A. Strickland, Richard M. Cole, W. L. Jones, to be notaries public in Coryell county.

J. A. Eidson, M. S. Brunk, S. D. Terry, L. K. Billingsly, to be notaries public in Hamilton county.

W. L. George, E. L. Gillett, J. N. Graesbuck, to be notaries public in Erath county.

John Y. Rankin, P. A. Booker, Henry H. Lockett, T. A. Booker, B. Gandy, Henry C. Lockett, to be notaries public in Brown county.

Robt. T. Childs, J. M. Gaiser, John Roach, N. Yarbrough, C. B. Mason, E. L. Shropshire, T. O. Moore, to be notaries public in Comanche county.

Samuel L. Chalk to be notary public in Callahan county.

T. J. Duke, F. E. Garland, Harvey Pinson, James Drew, R. E. McCamant, A. T. Howell, W. H. Scott, to be notaries public in Hood county.

C. W. Massie, J. D. Bailey, John S. Stranghan, J. K. P. Shirley, to be notaries public in Palo Pinto county.

J. C. Shurtliff, G. A. Kirkland, to be notaries public in Taylor county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, February 28, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments in the counties composing the tenth senatorial district, to wit:

S. R. Etter, H. E. Jones, S. D. Stinson, N. W. Wood, H. L. Kinber, A. H. Hefner, J. P. Watson, Geo. W. Tatum, D. W. Yeager, T. J. Tilson, Ben Wilson, W. R. Lane, J. H. Jernigan, T. G. Smith, J. O. Wilkerson, Nat. Parker, J. A. Money, J. B. Rounsaville, A. R. Cushman, to be notaries public in Hunt county.

W. L. Huff, V. W. Grubbs, S. W. Wallace, R. A. Terrell, F. A. Waters, H. W. Kyser, H. B. Williams, J. D. Cunningham, John H. Reirson, W. H. Strain, J. T. Ayers, W. O. Johnson, E. M. Gass, James F. Smith, Alfred J. Wilson, to be notaries public in Kaufman county.

W. B. Wynne, V. T. McChesney, Clayton Williams, J. C. Wright, J. G. Kearby, J. H. Palmer, T. J. Towls, A. J. Harper, Wm. Bracher, Jno. T. McWilliams, D. W. N. McPhail, to be notaries public in Van Zandt county.

L. Z. Wright, I. E. Ward, S. H. Hart, William Pearson, A. L. Adams, James A. Stinson, Wm. M. Giles, B. N. McBride, to be notaries public in Wood county.

John R. McMahan, C. H. Yoakum, John Hooker, to be notaries public in Rains county.

T. L. Stanfield, B. F. Chisholm, J. W. Crayton, to be notaries public in Rockwall county.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, February 28, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public for counties of the eighth senatorial district:

Edwin Richardson, Jno. W. Jennings, Jno. Reynolds, J. B. Wofford, R. F. Ghore, R. J. Jennings, C. B. Williams, S. M. Bradford, J. W. Carver, D. A. Owens, W. F. Mitcham, in Henderson county.

F. W. Bonner, E. L. Gregg, E. C. Dickerson, W. C. Frederick, Asa Brown, A. J. Chessher, Hosea Jones, T. J. Roach, Drury Barker, J. P. Smith, A. E. McCarty, in Cherokee county.

J. W. Cartwright, A. W. Gregg, Ben Parker, A. G. DuPuy, W. A. Millett, W. L. Derden, W. J. Hamlett, Jr., Geo. W. Angle, Jno. Young, Jr., Marsh Glenn, Robert Calhoun, in Anderson county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, February 28, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments in the counties composing the sixteenth senatorial district, to wit:

W. D. Shaw, J. P. Stephenson, J. P. Barnes, John W. Hamilton, Y. W. Randolph, T. D. Stanford, David Hamilton, W. M. Freeman, W. D. Shaw, R. A. Herndon, to be notaries public in Trinity county.

S. T. Burrees, Sr., Albert Tucker, J. A. White, Samuel Petree, E. L. Angier, J. S. Besser, H. J. Brown, D. D. Holland, F. C. Dunlap, to be notaries public in Walker county.

E. K. Goree, Rie. Mahorner, I. M. Bennick, John Vernon, J. A. Collins, R. A. Rhodes, to be notaries public in Madison county.

B. M. B. Tucker, Jno. R. Kennard, John H. Wilson, W. J. Callaway, J. E. Teague, O. B. Caldwell, P. C. McKee, George E. White, W. W. Meachum, Jas. H. Freeman, Ferdinand Miller, Lock McDaniel, Adrian Garvin, J. T. Whitesides, James N. Gerren, R. H. Gray, T. D. Cobbs, to be notaries public in Grimes county.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, }
AUSTIN, February 28, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN:—I respectfully ask your advice and consent to the following appointments in the counties composing the twentieth senatorial district, to wit:

Rudolph King, J. C. Barnett, C. C. Garrett, T. J. Newman, D. R. Ponce, Thomas H. Lipscomb, A. Jeffries, J. C. Morris, H. E. Williams, to be notaries public in Washington county.

Charles Korff, J. M. Krancher, George D. Neal, S. B. Pier, E. J.

Geeters, John W. Lott, Charles Ernst, to be notaries public in Austin county.

Isaac N. Jackson, N. M. Thornton, Thomas C. Thomson, to be notaries public in Burleson county.

Respectfully,

O. M. ROBERTS, *Governor.*

Senator Grace moved that the Senate go into executive session to-morrow, just after the morning call, to consider the nominations of his excellency the governor, as contained in his special messages of to-day.

Senator Storey (by leave) introduced a bill entitled, "An act to authorize the commission of the general land office to contract for the lithographic printing of maps of the various counties of the state, and to provide for the sale of the same, and to make an appropriation to carry this act into effect.

Read by caption and referred to the committee on finance.

On motion of Senator Storey, Senator Buchanan was added to the committee on finance.

On motion of Senator, Senator McCulloch was excused until Monday next.

On motion of Senator Burton, the Senate took recess until 3 o'clock P. M.

AFTERNOON SESSION.

Recess expired; Senate reconvened; president *pro tempore* in the chair. Roll called; quorum present.

On motion of Senator Houston, the unfinished business was postponed fifteen minutes, rules suspended and Senate bill No. 88, entitled "An act to amend sections 518 and 519 of an act entitled 'an act to establish a code of criminal procedure for the State of Texas,'" was taken up and considered.

Senator Homan offered the following amendment:

Strike out the caption and insert as follows: "An act to amend articles 560 and 561 of 'an act to adopt and establish a code of criminal procedure for the State of Texas,' as adopted by the Sixteenth Legislature."

Senator Ledbetter moved a call of the house on the amendment.

Call sustained.

Roll called.

Absent—Senators Edwards, Ford, Grace, Lane and Terrell.

The sergeant-at-arms was dispatched for absentees.

Pending the call, the business under consideration was laid on the table.

The unfinished business being substitute for resolutions Nos. 5 and 102, proposing amendments to article 5 of the constitution, was taken up.

Pending on adjournment, Senator Ledbetter's amendment to section 13 of said substitute, which was then considered.

Senator McCormick moved to postpone said business.

Carried.

On motion of Senator McCormick, the rules were suspended and Senate bill No. 32, entitled "An act supplemental to and amendatory of an act entitled 'an act concerning factors and commission merchants,' approved February 11, 1860, which took effect tenth of April, 1860," was taken up and read second time.

The amendments of the committee were adopted.

The bill was then ordered engrossed by the following vote:

YEAS.

Brown,
Buchanan,
Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Hobby,
Homan,
Houston,
Lane,

McCormick,
Moore,
Patton,
Swain,
Terrell—16.

NAYS.

Burnett,
Burton,
Grace,
Guy,

Lair,
Ledbetter,
Martin,
Motley,

Ripetoe,
Shannon,
Storey,
Tilson—12.

The absent senators appearing, the call of the house on Senator Homan's amendment to Senate bill No. 88 was suspended, and the consideration of said amendment resumed.

Senator Edwards called up his motion made on yesterday "to reconsider the vote adopting the emergency clause in Senate bill No. 88," offered on yesterday by Senator Homan.

Senator Brown moved to postpone the further consideration of this bill, with pending amendment and motion to reconsider, until Wednesday next just after the morning call, and make it the special order at that time and from day to day until disposed of.

Carried by the following vote:

YEAS.

Brown,
Burton,
Davenport,
Edwards,
Ford,
Grace,

Guy,
Hobby,
Lane,
Ledbetter,
McCormick,

Motley,
Patton,
Shannon,
Storey,
Tilson—16.

NAYS.

Buchanan,
Burnett,
Duncan,
Gooch,

Homan,
Houston,
Lair,
Martin,

Moore,
Swain,
Terrell—11.

Not voting—Ripetoe.

(President in the chair.)

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

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

Your committee on finance, to whom was referred Senate bill No. 245, entitled "An act to authorize the commissioner of the general land office to contract for lithographic printing of maps of the various counties of the state, and to provide for the sale of the same, and to make an appropriation to carry this act into effect," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it pass.

STOREY, *Chairman.*

Senator Storey, from judiciary committee No. 1 (by leave), submitted the following report:

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

Your judiciary committee No. 1, to whom was referred a resolution calling for a construction of section 2, article 8 of the constitution, so far as the same relates to boarding schools, have duly considered the

same, and I am instructed by the committee to report the accompanying bill entitled "An act to define what property used for school purposes is exempt from taxation under section 2, article 8 of the constitution," and to recommend its passage.

STOREY, *for the Committee.*

Senator Swain, chairman of committee on penitentiary (by leave), submitted the following report:

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

Your committee on penitentiary, to whom was referred Senate bill No. 2, "An act to prevent the hiring or operating of convicts outside of the prison walls," have had the same under consideration, and instruct me to return the same to the Senate and say that your committee do not deem it practicable at present to confine the convicts in the walls of the penitentiary, and therefore recommend that the bill do not pass.

SWAIN, *Chairman.*

Senator Homan, from judiciary committee No. 2, submitted the following report:

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 238, entitled "An act to prevent attorneys who may have represented the state in any proceeding from afterward appearing as counsel adversely to the state in the same or in any other proceeding involving the same subject matter," have considered the same, and a majority of said committee instruct me to report said bill back and recommend its passage.

HOMAN, *for Committee.*

The consideration of the unfinished business, being substitute for Senate joint resolutions Nos. 5 and 102, "proposing amendments to article 5 of the constitution," was resumed.

Pending Senator Ledbetter's amendment to section 13, Senator Buchanan offered the following substitute for the amendment of Senator Ledbetter:

Strike out the words, "by the governor, for cause assigned by him," as they occur in fourth line of section 13, and insert in place thereof the following language: "in such manner as may be provided by law."

Adopted.

Senator Homan moved to adjourn till 10 o'clock to-morrow morning. Lost by the following vote:

YEAS.

Brown,
Burton,
Davenport,
Grace,

Guy,
Houston,
Motley,

Patton,
Storey,
Swain—10.

NAYS.

Buchanan,
Burnett,
Duncan,
Edwards,
Ford,
Gooch,

Hobby,
Homan,
Lane,
Lair,
Ledbetter,
Martin,

McCormick,
Moore,
Ripetoe,
Shannon,
Terrell,
Tilson---18.

Senator Ledbetter moved the previous question on the pending amendment.

Motion seconded and the main question ordered.

The substitute of Senator Buchanan, for the amendment of Senator Ledbetter, was then adopted by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,

Ford,
Guy,
Homan,
Ledbetter,
Martin,

Motley,
Ripetoe,
Shannon,
Storey,
Tilson--15.

NAYS.

Davenport,
Edwards,
Gooch,
Grace,
Hobby,

Houston,
Lane,
Lair,
McCormick,

Moore,
Patton,
Swain,
Terrell--13.

Senator Martin offered the following amendment:

Strike out all in line ten to the word "which," and insert therein "shall receive for their services a compensation which shall be fixed by law."

Pending on adjournment.

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

FORTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 1, 1879. }

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

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

Senator Houston presented the petition of the members of the bar of San Antonio asking that the terms of the district court of Bexar county shall remain as they now are, unless the county of Bexar shall be made a judicial district within itself, when in that case they ask that there be two months vacation in the months of July and August, and that court be held the rest of the year.

Referred to committee on judicial districts.

Senator Ledbetter, chairman of the committee on education, submitted the following report:

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

Your committee on educational affairs, to whom was referred Senate bill No. 154, entitled "An act to provide for the payment of claims for purchase of books, apparatus and furniture for public schools, made by boards of school directors under the authority of 'An act to establish a system of public free schools for the State of Texas,' approved August 13, 1870, and under an act entitled 'An act to organize and maintain a system of public free schools for the State of Texas,'" approved April 24, 1871, have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it do not pass. LEDBETTER, *Chairman.*

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 carefully considered Senate bill No. 140, to be entitled "An act to regulate the proceedings in the several

courts of the State of Texas, and define the duties thereof," and instruct me to report it back with the recommendation that it do not pass.

TERRELL, *Chairman.*

Senator Patton, chairman of the committee on public claims and accounts, submitted the following reports:

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

Your committee on public claims and accounts have duly considered the memorial of Chas. Johnson, "Asking the sum of \$196 15 for trees and time which he claims to have furnished the state through Capt. Voight, superintendent of public buildings and grounds," and they direct me to report that they do not find the same a valid claim against the state, and they recommend that memorialist's prayer be not granted.

PATTON, *Chairman.*

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

Your committee on public claims and accounts have considered the memorial of the "Jordan Horticultural Company," "Asking of the State of Texas the sum of \$122 50 as compensation for a bill of trees, shrubs and flowers (to memorial attached), sold and delivered by said company to Capt. Fred. Voight, superintendent of public buildings and grounds, for the state, in November, A. D. 1875," and direct me to recommend that the said claim be paid.

PATTON, *Chairman.*

Senator Guy introduced a bill entitled "An act to amend article 988 of the Code of Criminal Procedure, passed by the Sixteenth Legislature."

Read by caption and referred to judiciary committee No. 2.

Senator Houston introduced a bill to be entitled "An act to amend 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.'"

Read by caption and referred to judiciary committee No. 2.

Also, a bill, entitled "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 Statutes of the State of Texas.'"

Read by caption and referred to judiciary committee No. 2.

Senator Homan introduced a bill, entitled "An act to create the thirty-second judicial district, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for said district."

Read by caption and referred to committee on judicial districts.

Senator Tilson introduced a bill entitled "An act to authorize the attorney general of the State of Texas to compromise and settle a certain suit pending in the district court of Bowie county, wherein the State of Texas is plaintiff, and R. M. Johnson, former sheriff of said county, as principal, and W. A. Ryan, T. A. Morrow, R. N. Woodard and J. B. Hoots, are sureties and defendants, have been sued by reason of alleged default of said sheriff."

Read by caption and referred to judiciary committee No. 1.

Senator Lane introduced a bill entitled "An act to provide for the erection of a marble shaft on Fannin's battle ground."

Read by caption and referred to judiciary committee No. 1.

Senator Patton (by request) offered the following resolution.

Resolved, That the committee on claims and accounts, are hereby authorized to ascertain whether under the act of the Republic of Texas,

approved June 7, 1837, providing for the funding of the public debt of Texas, there is any balance due Gen. Leslie Combs, and that said committee shall report accordingly by bill or otherwise.

Read and referred to the committee on public claims and accounts.

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

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

Your committee on engrossed bills have duly examined the following bills, viz: Senate bill No. 127, entitled "An act to provide for the holding of special terms of the district courts, when and where the same may be necessary;" also, Senate bill No. 231, entitled "An act amendatory of and supplemental to an act, entitled 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, providing the times of holding the courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,'" approved 1879, and find them correctly engrossed.

BROWN, *Chairman.*

A message was received from the House, announcing the passage by that body of House bill No. 187, entitled "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.

(Senator Ledbetter in the chair.)

On motion of Senator Davenport, the Senate went into executive session to consider the appointments sent in by his excellency in his special messages of yesterday.

IN SENATE.—On motion of Senator Houston, the secretary of the Senate was instructed to inform his excellency the governor that the Senate does vise and consent to all his appointments sent to the Senate on yesterday by special messages, except the following names as notaries public which were withdrawn for correction and not acted on, to wit: J. P. Smith, of Cherokee county; A. G. Duprey and W. A. Miller, of Anderson county; H. L. Kimber, of Hunt county; E. M. Gass, of Kaufman county; A. Krankaner, of El Paso county; F. C. Gottarri and John A. Traser, of Bexar county; and N. A. Ausmer, of Tom Green county.

(President in the chair.)

On motion of Senator Homan, the unfinished and pending business was postponed, rules suspended and Senate bill No. 181, entitled "An act to organize the sixteenth judicial district and to provide for the time of holding courts therein," was taken up, read second time and ordered engrossed.

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

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Gooch,
Grace,

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

Moore,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—27.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—28.

NAYS—none.

The unfinished business being substituted for Senate joint resolutions Nos. 5 and 102, "Proposing amendments to article 5 of the constitution," was then taken up for consideration.

The amendment of Senator Martin, pending on adjournment yesterday, was considered and adopted.

Section 13 of the pending joint resolution was then adopted.

Section 14 was then adopted.

Senator Motley offered the following amendment:

Strike out all after the word "governor" in section 15.

Lost by the following vote:

YEAS.

Burnett,
Burton,
Gooch,
Guy,

Lane,
Lair,
Ledbetter,
Martin,

Motley,
Patton,
Ripetoe,
Swain—12.

NAYS.

Brown,
Buchanan,
Duncan,
Edwards,
Ford,

Grace,
Hobby,
Homan,
Houston,
McCormick,

Shannon,
Storey,
Terrell,
Tilson—14.

Senator Grace offered the following amendment:

Add after the word "law" in section 20, line fifteen, "but never to exceed one hundred dollars in civil cases, nor in criminal cases where the penalty exceeds one hundred dollars."

Lost.

Senator Martin offered the following amendment:

Insert after the word "peace," in line nineteen, "not to exceed eight in any one county."

Lost.

Section 15 was then adopted.

Section 16 was adopted.

On motion of Senator McCormick, the pending business was postponed ten minutes, the rules suspended and Senate bill No. 32, entitled "An act supplemental to and amendatory of an act entitled 'an act concerning factors and commission merchants,' approved February 11, 1860," etc., was taken up, read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Davenport,
Duncan,
Edwards,
Ford,

Grace,
Hobby,
Homan,
Houston,
Lane,
Lair,

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

NAYS.

Burnett,
Gooch,
Guy,

Ledbetter,
Motley,

Martin,
Shannon—7.

Not voting—Burton, Moore, Ripetoe, Swain.

The consideration of the pending business, being substitute for joint resolutions Nos. 5 and 102, "Proposing amendments to article 5 of the constitution," was resumed.

Senator Lane offered the following amendment:

"Nor shall any judge of the supreme court sit in any case when he shall have presided as judge upon the trial of the same in the court below, or have rendered an opinion thereon."

Amend line one, section 17, page 8, by inserting between the words "case" and "when" the above.

Senator Houston offered the following amendment to the amendment of Senator Lane.

Amend by adding after "therein" "in the court below."

Accepted by Senator Lane.

The amendment of Senator Lane, as amended, was then adopted.

Senator Edwards offered the following amendment:

Change the word "remedial" to "remedied," line 11, page 8.

Adopted.

Also the following:

Strike out of the amendment of Senator Lane the words "in the court below" first time (used).

Adopted.

Section 17 was then adopted.

Section 18 was adopted.

Senator Houston moved to amend section 19 by striking out the word "either," in line twenty-nine, and inserting the word "other" in lieu thereof.

Adopted; and section 19, as amended, was then adopted.

Section 20 was adopted.

Section 21 was adopted.

Senator Homan offered the following amendmendmet:

Add in section 22, after "limitation," in sixteenth line, the following: "And except in actions on bail bonds and recognizances."

Adopted.

Section 22, as amended, was then adopted.

Section 23 was adopted.

Section 24 was adopted.

Senator Ledbetter offered the following amendment to section 25:

Add to section 25 the word "men."

Adopted; and section 25, as amended, was then adopted.

Senator Edwards offered the following amendment to section 26:

Section 26: Strike out lines eight and nine, down to the word "until," and insert the words: "First. That the county courts and other inferior tribunals, as they now exist, shall continue with the same powers and jurisdiction concurrent with or exclusive of the district or any other court."

Adopted.

Senator Homan offered the following amendment:

In third subdivision, in line twenty-four, add the letter "s" to the word "attorney," so as to read "attorneys."

Adopted.

Senator Edwards offered the following amendment to section 26:

Amend section 26, subdivision 4, line twenty-nine: Strike out the words "as provided in the foregoing article without fees of office," and insert "of twenty-five hundred dollars without fees of office, until otherwise provided by law."

Senator Burnett offered the following amendment to the amendment of Senator Edwards:

Amend the amendment by striking out "twenty-five hundred dollars" and inserting instead "eighteen hundred dollars."

Senator Homan offered the following as a substitute for both of the pending amendments:

Strike out all of subdivision 4, section 26, after the word "receive," in line twenty-eight, and insert as follows: "Such compensation as is now provided by law."

Senator Homan withdrew his substitute.

The amendment of Senator Burnett was lost, and that of Senator Edwards adopted.

Senator Edwards offered the following amendment:

"Seventh. District judges in office at the time of the adoption of this article shall continue to hold their offices for the full time for which they were elected or appointed."

Withdrawn by the senator.

Senator Lane offered the following amendment:

Amend by adding subdivision 7 to section 26, as follows, to wit:

"The district judges in office at the time this article takes effect shall continue in office until the expiration of the terms of office for which they have been elected or appointed. The reporter of the court of appeals shall continue to report the criminal causes decided in the supreme court, as now published in separate volume, until otherwise provided by law. The supreme court shall hold its sessions as is now or may hereafter be provided by law."

Senator Edwards called for a division of the question.

Senator Storey moved a call of the Senate upon the amendment of Senator Lane.

Call sustained.

Roll called.

Absent—Ford, Martin, Terrell.

Pending business went to the table.

Senator Grace was granted permission to change his vote on Senate bill No. 32, entitled "An act supplemental to and amendatory of an act entitled 'An act concerning factors and commission merchants,' approved February 11, 1860."

On motion of Senator Storey, the rules were suspended and Senate bill No. 245, 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, and to provide for the sale of the same, and to make an appropriation to carry this act into effect," was taken up and read first time.

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

Carried by the following vote:

YEAS.		
Brown,	Guy,	Moore,
Buchanan,	Hobby,	Motley,
Burton,	Homan,	Ripetoe,
Davenport,	Houston,	Shannon,
Duncan,	Lane,	Storey,
Edwards,	Lair,	Swain,
Ford,	Ledbetter,	Terrell,
Gooch,	Martin,	Tilson—26.
Grace,	McCormick,	

NAYS—none.

Not voting—Burnett, Patton.

Bill read second time and ordered engrossed.

Senator Homan offered the following amendment:

Strike out the words "not less than fifty cents nor more than one dollar," where they occur in the bill, and insert "not less than one nor more than three dollars."

Withdrawn.

On motion of Senator Storey, the rules were still further suspended and the bill placed on its third reading by the following vote:

YEAS.		
Buchanan,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Burton,	Houston,	Ripetoe.
Davenport,	Lane,	Shannon,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Swain,
Ford,	Martin,	Terrell,
Gooch,	McCormick,	Tilson—26.
Guy,	Moore,	

NAYS—none.

Not voting—Brown, Grace.

Bill read third time and passed by the following vote:

YEAS.		
Brown,	Guy,	Moore,
Buchanan,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Burton,	Houston,	Ripetoe.
Davenport,	Lane,	Shannon,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Swain,
Ford,	Martin,	Terrell,
Gooch,	McCormick,	Tilson—28.
Grace,		

NAYS—none.

The absent Senators appearing, the call of the Senate was suspended, and the pending business being substitute for joint resolutions Nos. 5 and 102, proposing amendments to article 5 of the constitution, was resumed.

Senator Edwards offered the following as a substitute for the third division of the amendment of Senator Lane:

"Eighth. The supreme court shall continue to hold its sessions at the times and places as now provided by law, unless otherwise provided by constitutional amendment."

The first and second divisions of Senator Lane's amendment were adopted.

Senator Burnett moved to lay the substitute of Senator Edwards, for the third division of Senator Lewis' amendment, on the table.

Carried by the following vote:

YEAS.		
Brown,	Homan,	Ripetoe,
Burnett,	Houston,	Stewart,
Burton,	Ledbetter,	Shannon,
Gooch,	Martin,	Storey,
Grace,	Moore,	Swain—17.
Guy,	Patton,	
NAYS.		
Buchanan,	Hobby,	McCormick,
Davenport,	Lane,	Motley,
Duncan,	Lair,	Terrell—10.
Edwards,		

Not voting—Ford.

Senator Gooch offered the following as a substitute for the third division of the amendment of Senator Lane:

Add to last word "but in no event at more than three places."

Adopted.

The third division of Senator Lane's amendment, as amended, was then adopted.

Senator Edwards offered the following amendment:

"SECTION —. The fact that the session is much advanced and the accumulation of business creates an imperative necessity that the rules be suspended requiring that this resolution be read on three several days, and it is so ordered."

Adopted.

On motion of Senator Edwards, the vote just taken was reconsidered, when the senator withdrew his amendment.

Senator Houston offered the following amendment:

Line twenty, page 11, at the beginning of line, by inserting "section 27."

Adopted, and the substitute for Senate joint resolutions Nos. 5 and 102, under consideration, was then ordered engrossed.

On motion of Senator Storey, the rules were suspended and the report of the finance committee on the claim of Mrs. C. Toby was taken up.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public from counties of the ninth senatorial district:

F. M. McWhirter, J. M. Brown, Jr., Delta county.

A. R. Ryan, B. N. Woodson, F. M. German, W. W. Saunders, A. B. Scarbrough, S. J. Gailbraith, T. C. Bean, J. M. Hoard, N. B. Smith, P. C. Thurmond, Chas. Doss, Jas. C. Evans, A. G. Stobough, Thos. D. Kennedy, H. L. Parmelee, T. W. Ragsdale, R. M. Lusk, A. P. Bagby, S. S. Lyday, S. J. McKnight, Fannin county.

William F. Gill, J. E. Roberts, J. P. Graham, Wm. A. Bramlett, E. G. Bennett, B. J. Baldwin, J. C. Otis, John B. Stephens, A. Dowlen, W. S. Griffin, M. W. Moody, Robt. P. Mayo, T. A. Gerron, R. J. Patton,

Ed. Collins, Ben F. Fuller, Henry Moore, W. J. McGowan, John C. Easton, P. D. Wilkins, Lamar county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in the counties composing the twenty-first senatorial district, to wit:

H. H. Parker, J. Crawford Roberts, Geo. J. Butler, Geo. W. Tyler, B. B. Seat, Ed. T. Rucker, John M. Freeman, J. H. Scales, H. E. Bradford, Geo. C. Pendleton, S. J. Brown, J. F. Beach, J. W. Jimmuman, W. C. Mathewa, H. Williams, W. E. Roseborough, R. H. Taylor, J. L. Lee, Randolph Robertson, M. A. Spouts, Bell county.

John C. Crunk, Wm. M. Baines, W. D. Hill, Thomas H. Brennan, W. E. Easterwood, Guy C. Hinman, W. E. Roseman, J. S. Perry, Albert Horne, T. M. Freeman, Milam county.

Geo. A. Hodges, J. R. McDonald, J. T. Somerville, J. N. Wharton, W. J. Finks, M. A. Westcott, Frank Osborne, J. M. Warner, C. H. Pidcocke, Ed. McCulloch, Mat. Jones, A. Peyton, Falls county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public from counties of the second senatorial district:

I. N. Buckner, L. T. Barrett, J. A. Pirtle, O. P. Fears, Henry Brewer, John P. Henderson, Jesse J. Watkins, Clifton Wells, Nacogdoches county.

Joseph Chesnutt, Jas. G. McKnight, J. F. Davis, Amos Spear, Angelina county.

A. C. Holmes, F. W. Saunders, H. H. Johnson, J. S. Doughtie, San Augustine county.

William W. Weatherred, James G. Cook, J. M. Borders, John F. Hankla, John McElroy, R. P. Sibley and S. D. Harp, Sabine county.

James E. Downs, W. J. Chaffin, B. F. Durren, Thomas W. Craddock, Dan. Egbert, John H. Downes, C. M. Monday, W. J. Murchison, W. P. McCurry, John J. Burton, Houston county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public for counties of the twelfth senatorial district:

Joseph Wilson, J. W. Franklin, H. C. Overacker, C. C. Dewy, Charles T. Morris, John C. White, J. D. Naylor, James A. Aston, J. J. Wamble, T. E. Shirley, Thomas H. Emerson, McCord Harper, Alex. Berry, John Church, Collin county.

W. J. Austin, John Collier, Thomas M. Yates, John Bacon, J. W. Jagoe, James Eades, S. B. McQuin, A. J. Nance, T. E. Hogg, F. E. Piner, John C. Wright, Alvin C. Ousley, P. C. Sams, E. F. Bates, Denton county.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in the counties composing the twenty-sixth senatorial district, to wit:

Seth W. Biggs, W. A. Highsmith, Robt. P. Jones, F. A. Orgain, John W. Kennedy, Murray Burleson, John C. Yerger, W. B. Patton, J. B. Adair, to be notaries public in Bastrop county.

E. C. Phelps, A. Haidusek, August Mensing, A. F. Dornwell, Charles Bruner, W. S. Chunn, Charles Amberg, C. W. Meyer, Stefan Kubald, Joseph Ehlinger, A. L. Pelters, Adolph Groos, G. G. Moore, C. E. Bauer, Herman Roeder, Charles Luck, H. L. Lewis, Neil Robinson, J. I. Campbell, A. Henderson, to be notaries public in Fayette county.

Wm. Burns, Robt. Hodges, C. G. Jungmichael, F. S. Wade, C. M. Seala, E. R. Sinks, to be notaries public in Lee county.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in the counties composing the fourteenth senatorial district, to wit:

Robt. Compton, P. R. McSwain, J. F. Steward, A. B. Carley, F. G. Gullett, W. M. Seely, Willis M. Griffith, Freestone county.

Thos. J. Gibson, W. H. Frisbie, W. P. Brown, H. W. Morgan, N. L. Waller, Jas. A. Wright, W. D. Donalson, A. C. Pendergast, R. H. Fowler, I. J. Pringle, Meredith N. Miller, J. C. Morton, Limestone county.

Bryan T. Barry, H. A. Halbert, J. M. Bloding, John M. Rice, W. H. Wagley, David Maggard, A. S. Gill, James Robinson, J. C. Mathews, O. W. Stone, G. W. Warren, L. B. Hanie, J. D. Carroll, T. A. Hayes, Matt Badgett, J. M. Doolen, E. H. Foreman, T. V. Horsely, Jas. E. Bright, J. R. Ransom, Navarro county.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public from the counties of the nineteenth senatorial district:

James M. Claiborn, J. Stewart Cleveland, S. T. Hanscombe, John J. Harcourt, A. S. John, I. Lovenberg, John C. Walker, John S. Shields, Jno. Adriance, B. R. A. Scott, R. T. Byrne, C. G. Hatch, Chas. M. Mason, C. B. Gardner, Hugo Brosig, Oscar E. Finlay, Harris Masterson, D. M. Baker, Samuel Boyer Davis, for Galveston county.

W. C. Braman, J. L. Croom, H. W. Chinn, Edgar Hawkins, Hamlin Rugely, R. G. Chapman, for Matagorda county.

W. F. Smith, A. Metcalf, B. F. Holt, J. S. Rogers, J. J. Thurman, J. H. Shepard, J. P. Bryan, for Brazoria county.

Respectfully,

O. M. ROBERTS, *Governor*.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1, 1879. }

To the honorable Senate of the State of Texas :

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in the counties composing the sixth senatorial district :

D. W. Cheatham, Eugene Easton, J. C. Brown, C. A. Worley, J. A. Franklin, F. M. Smith, S. H. Ward, N. B. Winston, John H. Beaty, J. H. Johnston, R. C. Graves, C. S. Moorman, E. S. Chambers, A. M. Taylor, V. M. Montgomery, Red River county.

A. A. Henderson, R. S. Blythe, Isham Russell, John Askew, J. C. Moore, H. Strother, H. C. Barker, Hopkins county.

W. T. Gregor, F. W. Templeton, Franklin county.

D. Z. Reynolds, Titus county.

Respectfully,

O. M. ROBERTS, *Governor*.

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

AFTERNOON SESSION.

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

The pending business being the report of the finance committee on the claim of Mrs. C. Toby for relief (allowing the sum of \$45,000 as a full and final settlement of said claim), the motion of Senator Storey to adopt the report of the committee was then considered.

(President *pro tempore* in the chair.)

The motion to adopt the report of the finance committee on the claim of Mrs. C. Toby was voted on and lost by the following vote:

YEAS.

Brown,
Duncan,
Ford,
Grace,

Guy,
Hobby,
Lane,

McCormick,
Storey,
Swain—10.

NAYS.

Buchanan,
Burnett,
Burton,
Davenport,
Edwards,
Gooch,

Homan,
Houston,
Lair,
Ledbetter,
Martin,

Moore,
Ripetoe,
Shannon,
Terrell,
Tilson—16.

Not voting—Motley, Patton.

The undersigned senators presented the following as their reasons for voting against the adoption of the report just voted on and lost:

We vote no because we will not vote to allow a claim for \$45,000, now over forty years old, when it has more than once been presented in years past to those who preceded us here and knew more of the merits of the

claim than the present generation can. If we are to organize ourselves into an auditorial board to pass again on revolutionary claims, we can see no limit to our future public debt.

TERRELL,
HOMAN,
GOOCH.

Senator Ledbetter presented the following as his reasons for voting no on the question just voted on:

I vote no on the resolution proposing to pay the heirs of Toby \$45,000 for the reason that I believe after the lapse of more than forty years, and preceding legislatures having failed or refused to pay the claims, is at least conclusive to my mind that the claim ought not, at this late day, to be paid by the State of Texas. Whilst I do not think the State of Texas should plead the statute of limitations to any claim against her, yet this claim I deem a state demand, now presented after the evidence of its satisfaction, and payment may have been destroyed.

LEDBETTER.

Senator Storey said:

MR. PRESIDENT—Conscious that I am in the minority upon this question, and, as it seems fashionable of late to explain the reason for the faith within us, I beg to say that, after a careful investigation into the merits of this claim, I believe it to be just. We found from the correspondence between Gen. Sam Houston and Thos. Toby, and the records of the state department, and the treasurer's and comptroller's offices of the state, and from the evidence of such old Texans as Gov. E. M. Pease, Col. James B. Shaw, Col. John M. Swisher and Col. Brewster, all of which evidence shows beyond a reasonable doubt that the claim is just, due and unpaid. Not one syllable of evidence has been offered by the opponents of the claim to throw the least suspicion on it except age, and the evidence before the committee was ample to justify the conclusion that it was not the fault of Thos. Toby, or his heirs, that this claim should have been so long neglected. I cannot afford to vote against a bill like this. I believe the supplies for which payments is claimed furnished the very life blood of the republic. Thos. Toby was almost the only friend to whom Texas could look outside of her borders for provisions, munitions of war, etc. He responded nobly to the prayers of her struggling people, and soon thereafter departed this life. Texas has never discharged the debt, and we should at least recognize the claim as a valid and subsisting debt in favor of his heirs, because, I believe it to be right. I vote yea.

The undersigned senators presented the following as their reasons for their votes on the Toby claim:

SENATE CHAMBER,
AUSTIN, TEXAS, March 2, 1879. }

The undersigned members of the Senate avail themselves of the privilege of spreading upon the journals their reasons for voting for the report of the committee on finance, which recognized the fact that the State of Texas is indebted to the late Thomas Toby, and proposing to pay the representatives of said Toby the sum of \$45,000, in satisfaction for all demands against the state.

The claim of Thomas Toby originated during the struggle between Texas and Mexico. Mr. Toby was distinguished at an early period of the contest as the friend of Texas and constitutional freedom. He was made the agent of Texas and intrusted with the sale of land scrip to the

quantity of five hundred thousand acres. President Burnet indorsed him officially as such in May, 1836, and continued to do so until the end of his term. Soon after being inaugurated, President Houston addressed Thomas Toby and brother officially as the agents of the Republic of Texas. His first communication was dated November 8, 1836, and the correspondence extended to about two-thirds of President Houston's term of office.

The official correspondence establishes the following facts:

1. The Mexican government was straining every nerve to make another formidable invasion of Texas during the summer of 1836.

2. Texas had few men in the field and called for volunteers.

3. Thomas Toby advanced money, arms, ammunition, clothing and provisions. He made advances to fit out war vessels, and to forward volunteers to Texas. In short, he furnished Texas the sinews of war.

4. If he had not done so the army of Texas would have been compelled to disband, and the people would have been driven out or butchered.

5. In February, 1837, President Houston forwarded requisitions to Thomas Toby, and said: * * * * "I hope to God you will have them filled; it is important to us. If our army is not supplied all our blood has been shed in vain." He repeated that declaration substantially on other occasions.

6. President Houston promised to repay Thomas Toby for advances.

7. This debt was incurred to maintain the independence of Texas. The Texas army, supplied by Thomas Toby, prevented a Mexican invasion, and the consequences resulting from the war of extermination declared and waged against Texas.

8. Thomas Toby accounted for every acre of land and scrip placed in his hands, and presented vouchers for moneys expended for the Republic of Texas. They are on record in the comptroller's office. In accordance with a legislative resolution the comptroller and treasurer of this state made a statement of the Thomas Toby claim, and reported the sum of over \$45,000 due Thomas Toby as per vouchers on file.

9. Ex-Governor Pease, ex-Comptroller Shaw, ex-Auditor Swisher and Col. Brewster testify to the justice of Thomas Toby's claim, and that it never has been paid.

10. There is no evidence in any department of this government known to us of any payment of Thomas Toby's claim.

11. We believe said claim was made under circumstances which constitute it almost sacred; that equity, gratitude and a proper regard for the reputation of our state demand its recognition and liquidation.

We cannot subscribe to the doctrine that length of time lessens and discharges our obligations to pay a claim which has been presented eight times before even a statement thereof was made by the authorized agents of the state. We feel that in voting to recognize the claim of Thomas Toby, we were shielding Texas from the charge of repudiating a claim she is morally bound to pay as an act of gratitude and justice to a noble man who was her friend and benefactor in the dark days of danger and peril.

JOHN S. FORD,
A. P. McCORMICK,
CHAS. D. GRACE,
JNO. M. DUNCAN.

House bill No. 187 (the bell-punch bill) was taken up and referred to committee on finance.

Senator Shannon (by leave) presented a memorial from the citizens of Baylor county, "asking a special act of organization and that the unorganized counties north and west of them, as the counties of Bailey, Lamb, Hall, Motley, Cottle, Floyd, Briscoe, Swisher, Castro, etc., be attached to their county for judicial, surveying and land purposes, and such other legislation as may be necessary."

Referred to committee on state affairs.

Senator Shannon, chairman of committee on judicial districts, submitted the following report:

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

Your committee on judicial districts, to whom was referred Senate bill No. 250, entitled "An act to create the thirty-second judicial district, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for said district," have considered the same, and I am instructed to report the same back and recommend its passage.

SHANNON, *Chairman.*

Senator Ledbetter moved to suspend the rules and take up Senate bill No. 130 (the general appropriation bill).

Lost by the following vote:

YEAS.

Brown,
Burnett,
Lane,
Ledbetter.

Martin,
McCormick,
Moore,
Motley,

Ripetoe,
Shannon,
Storey,
Swain—12.

NAYS.

Buchanan,
Burton,
Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Grace,
Guy,
Hobby,
Homan,

Houston,
Lair,
Patton,
Terrell,
Tilson—16.

Senator Swain, chairman of committee on penitentiaries (by leave), submitted the following report:

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

Your committee on penitentiaries have had under consideration Senate bill No. 222, entitled "An act to provide for furnishing and utilizing the East Texas penitentiary, and to make an appropriation therefor," and instruct me to report the accompanying substitute and recommend that the substitute do pass.

SWAIN, *Chairman.*

On motion of Senator Swain, 50 copies of the substitute recommended by the committee and the report, were ordered printed.

Senate bill No. 3, entitled "An act to provide for and regulate judgment liens on land," being business on the president's table, was taken up, read third time and passed.

On motion of Senator Edwards, the rules were suspended and Senate bill No. 194, entitled "An act to regulate taxation and fix the rate of the same," passed August 21, 1876, was taken up and read first time.

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

Lost by the following vote:

YEAS.

Brown,
Davenport,

Edwards,
Ford,

Gooch,
Hobby,

Houston,
Lane,
Ledbetter,
Martin,

McCormick,
Moore,
Motley,
Storey,

Swain,
Terrell,
Tilson—17.

NAYS.

Buchanan,
Burnett,
Burton,
Duncan,

Grace,
Guy,
Homan,
Lair,

Patton,
Ripetoe,
Shannon—11.

Senator Edwards moved to suspend the rules and take up Senate bill No. 116.

Lost by the following vote:

YEAS.

Brown,
Davenport,
Edwards,
Ford,
Gooch,
Hobby,

Houston,
Lane,
McCormick,
Moore,
Motley,

Shannon,
Storey,
Swain,
Terrell,
Tilson—16.

NAYS.

Buchanan,
Burnett,
Burton,
Duncan,

Grace,
Guy,
Homan,
Lair,

Ledbetter,
Patton,
Ripetoe—11.

Not voting—Martin.

Senate bill No. 19, entitled "An act to authorize the levy and collection of a special tax in counties where it may be necessary to construct or to complete, or to complete payment for court houses and jails," was taken up as business on the president's table, read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Gooch,
Guy,

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

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

NAYS.

Edwards,

McCormick—2.

Not voting—Ford, Grace.

Senator Gooch moved to suspend the rules and take up Senate bill No. 179, entitled "An act to define in what civil cases disposition of witnesses may be taken."

Carried by the following vote:

YEAS.

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

Grace,
Guy,
Hobby,
Homan,
Houston,
Lair,
Martin,
McCormick,

Moore,
Motley,
Patton,
Shannon,
Storey,
Swain,
Terrell,
Tilson—25.

NAYS.

Lane,

Ledbetter,

Ripetoe--3.

The bill was then taken up and read first time.

Senator Duncan moved to suspend the rules and take up Senate bill No. 162 (the tramp bill).

The Senate refused to suspend the rules.

On motion of Senator Martin, the rules were suspended and the pending business postponed five minutes to enable him to make the following motion:

Senator Martin moved that the Senate go into executive session just after the morning call on Monday next, in the consideration of the appointments of his excellency sent to the Senate to-day.

Carried.

Senator Martin entered a motion to reconsider the vote by which the Senate refused to adopt the report of the committee on finance on the claim of Mrs. C. Toby.

Senate joint resolution No. 35, "Granting leave of absence from the state to Walter Acker, district attorney," was taken up as business on the president's table, read third time and passed.

Senator Ripetoe moved to suspend the rules and take up the Senate resolution with regard to the adjournment of the Legislature *sine die*.

The Senate refused to suspend the rules.

Senate bill No. 121, entitled "An act supplemental to and amendatory of an act to enable part owners of land to obtain partition thereof, and for other purposes," was taken up as business on the president's table, read third time and passed.

Senate bill No. 180, entitled "An act to amend article 358, chapter 30 of the Penal Code," was taken up as business on the president's table.

Senator Edwards called up his motion to reconsider the vote ordering the grossment of the bill now under consideration.

The motion to reconsider was lost by the following vote:

YEAS.

Brown,
Burton,
Edwards,Hobby,
Lane,Ledbetter,
Terrell--7.

NAYS.

Buchanan,
Burnett,
Davenport,
Duncan,
Gooch,
Grace,Guy,
Homan,
Lair,
Martin,
McCormick,
Moore,Motley,
Patton,
Ripetoe,
Shannon,
Swain,
Tilson--18.

Not voting--Ford, Houston, Storey.

Bill read third time and passed by the following vote:

YEAS.

Buchanan
Burnett,
Burton,
Davenport,
Duncan,
Gooch,
Grace,Guy,
Hobby,
Homan,
Lair,
Martin,
McCormick,
Moore,Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Tilson--21.

NAYS.

Brown,
Edwards,
Not voting--Ford.Houston,
Lane,Ledbetter,
Terrell--6.

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. 181, entitled "An act to reorganize the sixteenth judicial district of the State of Texas, and to provide for the times of holding court therein;" Senate bill No. 32, entitled "An act supplemental to and amendatory of an act entitled 'an act concerning factors and commission merchants, approved February 11, 1860, and which took effect April 10, 1860;'" Senate bill No. 87, entitled "An act relating to juries in capital cases;" substitute for Senate bill No. 12, entitled "An act to regulate railroad companies and dealers with them; to provide a remedy for persons injured thereby, and to provide punishment for violation of the provisions of this act," and report them all correctly engrossed.

BROWN, *Chairman.*

House bill No. 217 pending, being the business on the president's table, was taken up, when, on motion of Senator Swain, the pending business was postponed, the rules were suspended and House joint resolution No. 2, "Repealing the smoke-house tax, etc.," was taken up and read second time.

Senator Houston offered the following amendment:

Amend the resolution so as to read:

"SECTION 19. All farm products, including wool in the hands of the producer, and all family supplies for family use, shall be and are exempt from taxation."

Senator Edwards offered the following as a substitute for the amendment of Senator Houston:

After the word "soil," insert the words "and wool."

Accepted by Senator Houston.

Senator Patton offered the following substitute for the pending joint resolution:

"SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That article 8 of the constitution of the State of Texas be amended by adding a new section to be styled section 19, to read as follows:

"SECTION 19. Farm products of the soil, in the hands of the producer and necessary for home consumption, and all family supplies for family use, shall be and are exempt from taxation."

Senator Terrell offered the following amendment to Senator Edwards' substitute:

Amend by adding after the word "taxation," the following, viz: "also all calves which increase the herds of the stock-owners for the preceding year, and all colts foaled during the year; and all other gains or increase of property on hand."

Lost by the following vote:

YEAS.

Brown,
Davenport,

Grace,
Martin.

Terrell,
Tilson—6.

NAYS.

Buchanan,
Burnett,
Burton,
Duncan,
Edwards,
Gooch,
Guy,

Hobby,
Homan,
Lair,
Ledbetter,
McCormick,
Moore,

Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain—19.

Not voting—Ford, Houston, Lane.

The substitute of Senator Edwards for the amendment of Senator Houston was then adopted by the following vote :

YEAS.

Brown,
Burnett,
Edwards,
Gooch,
Homan,

Houston,
Lane,
Ledbetter,
Martin,
McCormick,

Moore,
Motley,
Ripetoe,
Shannon,
Storey—15.

NAYS.

Buchanan,
Davenport,
Duncan,
Guy,

Hobby,
Lair,
Patton,

Swain,
Terrell,
Tilson—10.

Not voting—Burton, Ford, Grace.

Senator Grace moved to adjourn until Monday morning, at 10 o'clock.
Lost by the following vote :

YEAS.

Burton,
Grace,

Guy,

Motley—4.

NAYS.

Brown,
Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,

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

Moore,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—24.

Senator Duncan offered the following amendment :

Amend the substitute by inserting after "family supplies for home consumption," these words, "not to exceed in value three hundred dollars."

Senator Swain moved the previous question upon the pending House joint resolution, substitute and amendments.

The motion was seconded and the main question ordered.

Senator Grace moved to adjourn until Monday morning, at 10 o'clock.

Ruled out of order, pending the operation of the previous question.

Senator Duncan's amendment was lost by the following vote :

YEAS.

Brown,
Davenport,
Duncan,
Grace,

Guy,
Hobby,
Lane,
Lair,

Ledbetter,
Shannon,
Storey,
Terrell—12.

NAYS.

Buchanan,
Burnett,
Burton,
Edwards,
Gooch,

Homan,
Houston,
Martin,
McCormick,
Moore,

Motley,
Ripetoe,
Swain,
Tilson—14.

Not voting—Ford, Patton.

Senator Patton's substitute was adopted by the following vote:

YEAS.

Buchanan,
Davenport,
Duncan,

Grace,
Guy,
Hobby,

Lane,
Lair,
Ledbetter,

Motley,
Patton,
Ripetoe,

Shannon,
Storey,

Terrell,
Tilson—16.

NAYS.

Burnett,
Burton,
Edwards,
Ford,

Gooch,
Homan,
Houston,
Martin,

McCormick,
Moore,
Swain—11.

Not voting—Brown.

Joint resolution was then ordered engrossed by the following vote:

YEAS.

Brown,
Davenport,
Duncan,
Gooch,
Grace,
Guy,
Hobby,
Homan,

Houston,
Lair,
Ledbetter,
McCormick,
McCulloch,
Moore,
Motley.

Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—22.

NAYS.

Buchanan,
Burnett.

Burton,
Edwards,

Martin---5.

Not voting—Ford, Patton.

Senator Homan entered a motion to reconsider the vote just taken.

Senator Edwards presented the following reasons for his vote on the joint resolution just ordered engrossed:

I vote no because I was in favor of the House resolution exempting all farm products of the soil in the hands of the producers, and do not accept the substitute as a compromise as just to the farmer or based upon sound policy.

EDWARDS.

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

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

Your committee on engrossed bills have examined the following bills, viz: Senate bill No. 160, entitled "An act for the relief of Miles N. Taylor, of Grimes county;" Senate bill No. 164, entitled "An act for the relief of James A. Barker, of Brazoria county," and report them correctly engrossed.

BROWN, Chairman.

On motion of Senator Burton, the Senate adjourned until 10 o'clock Monday morning.

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 3, 1879. }

The 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 Saturday was dispensed with and same adopted.

Senator Burnett presented a communication from Messrs. T. W. Markham, Sanford Gibbs, L. A. Abercrombie, D. D. Alston, G. W. Grant, Samuel McKinney, Benton Randolph, A. T. McKinney, J. M. Roundtree and fifty-six other citizens of Huntsville and vicinity, offering

to donate to the state the building formerly known as the "Austin College," and grounds belonging to the same, for the purpose of establishing "a state normal school."

Read and referred to committee on educational affairs.

Senator Davenport presented the petition of many citizens of Shackelford county, asking the continuance of the frontier protection, particularly that the frontier battalion be continued, eulogizing its services in their section of the state, and giving a statement of many facts which make it necessary to the very existence of many of the frontier counties that a state force be kept in the field on the frontier.

Read and referred to the committee on Indian affairs and frontier protection.

Senator Burnett, from judiciary committee No. 2, submitted the following report:

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

Your judiciary committee No. 2, having considered Senate bill No. 225, entitled "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," and find that the required notice and publication for the passage of the act have been duly made, and I am instructed by the committee to return said bill and recommend that it pass.

J. R. BURNETT, *for Committee.*

Senator Shannon, chairman of the committee on judicial districts, submitted the following report:

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

Your committee on judicial districts, to whom was referred Senate bill No. 239, entitled "An act prescribing the times of holding the district courts in the twenty-second judicial district," have had the same under consideration, and I am instructed to report it back to the Senate and recommend its passage.

SHANNON, *Chairman.*

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, to whom was referred House bill No. 258, entitled "An act to amend section 17 of 'an act incorporating the Gulf, Colorado and Santa Fe railroad company, and to grant land in aid of the construction of the same,'" passed May 28, 1873, have carefully considered the same and are of opinion that the relief asked for should be granted; they have therefore instructed me to report said bill back to the Senate and recommend its passage.

SHANNON, *Chairman.*

Senator Patton offered the following resolution:

Resolved, That the Senate take up on to-morrow the House bills now on the president's table, and that said bills, in their regular order among themselves, shall continue to be the pending business before the Senate during the evening session for three days thereafter, or until they are disposed of.

Lies over under the rules.

Senator Burton introduced a joint resolution "To establish the fees allowed in the general laws of 1876 as the fees of county officers."

Read and referred to judiciary committee No. 2.

Senator Tilson introduced a joint resolution "Granting leave of absence from the state to Hon. B. T. Estes, judge of the fifth judicial district of the State of Texas."

Read by caption and referred to committee on state affairs.

Senator Ripetoe introduced a joint resolution "Proposing amendments to sections 4 and 5 of article 4 of the state constitution."

Read by caption and referred to the committee on constitutional amendments.

Senator Homan introduced a bill entitled "An act amending articles 1664, 1696 and 1706 of the Revised Statutes, passed at the first session of the Sixteenth Legislature, entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Read by caption and referred to judiciary committee No. 2.

Senator Burnett introduced a bill entitled "An act to secure the early determination of appeals in the supreme court, in causes involving the right of office."

Read by caption and referred to judiciary committee No. 2.

Also a bill 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."

Read by caption and referred to the committee on education.

Senator Edwards introduced a joint resolution, "relating to medals for Texas veterans."

Referred to the committee on state affairs.

Senator Hobby introduced a bill entitled "An act to grant to Jackson Doyle, a headright of six hundred and forty acres of land."

Read by caption and referred to committee on private land claims.

A message was received from his excellency the governor.

On motion of Senator Swain Mr. J. P. C. Whitehead was sworn in as acting assistant secretary of the Senate.

(Senator Ledbetter in the chair.)

On motion of Senator Davenport the Senate went into executive session to consider the appointments of his excellency the governor, sent to the Senate by special messages on Saturday last.

IN SENATE.—The secretary of the Senate was instructed to enter upon the journals that the Senate does advise and consent to the nominations by the governor of notaries public for the second, sixth, fourteenth, twenty-first and twenty-sixth senatorial districts.

(President in the chair.)

On motion of Senator Edwards the message from the governor just received was taken up and read.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 3, 1879: }

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

I desire to call your attention briefly to a number of subjects which, though small in themselves compared to others, are deemed very important to be considered. I respectfully recommend that an appropriation be made expressly for rewards for the arrest of criminals, under such regulations and to such an amount as the Legislature may deem proper. Under the power given to and duty required of the governor to see that the laws are executed and under appropriations made for that purpose it

has been the practice in this as well as in other states to offer rewards for the arrest of criminals, and a large discretion is confided to the governor in determining when this power should be exercised as a means of performing his duty in the execution of the laws. It rests with the Legislature as the controlling power of government to determine how much money shall be furnished by appropriation to be used by the governor for that purpose. Upon my inauguration, I found that the annual appropriation of \$15,000 had been exhausted, and a large number of claims for rewards were outstanding, for the payment of which there was no appropriation. Afterward applications for rewards, and for the employment of detectives, and letters inquiring about rewards came, and have been coming, into the executive office almost daily. Upon examination also it was found that the rewards already offered amounted to a large sum, in the aggregate estimated at nearly \$100,000. Under the present state of our finances, I deemed it proper to issue a proclamation, revoking all of the offers of reward, and to forbear from offering rewards for the present, that the Legislature might be free to exercise their constitutional power at the outset of my administration, of indicating in advance, by their appropriation for that purpose, how much of the people's money they might determine should be spent in offering rewards, as one of the means of executing the criminal laws of the state.

It may sometimes be very important to offer and pay the rewards for the arrest of criminals, especially when they have escaped beyond the limits of the state, and consequently beyond the reach of our sheriffs. If sheriffs should pursue them beyond the limits of the state, it must be under a requisition as it is done by any other person, and they are not entitled as sheriffs to have their accounts for transporting such prisoners approved by the district judge, before whom the case is tried as prescribed by law. (See Paschal's Digest, p. 554, article 3386; and for fees to be thus approved see General Laws of 1876, p. 289, section 11.)

Therefore one who conveys a criminal from another state under a requisition from the governor, that being the only legal mode, must be compensated either by a reward offered and paid to him, or by an allowance of reasonable expenses, approved by the governor under the statute of this state in Paschal's Digest, article 3345. Under the construction and general practice of the executive officers, the reward, when paid, is considered as covering the reasonable expenses thus provided for. To enable the governor to make a requisition under this statute just quoted, he must have a copy of the indictment, or of a charge under oath before some competent authority, and must know of some person who is willing to convey the prisoner to this state, he having no power to send any one, and the means should be provided for in advance by an appropriation to pay either the reward offered or the reasonable expenses, so that the person who voluntarily renders the service, often a laborious and hazardous one, may get his pay, or at least a warrant for it.

The governor may also offer a reward for the arrest of a prisoner whether he is out of the state or not, and if he is arrested within the state, the person arresting him or causing his arrest, though a sheriff, may get the reward by applying to the governor under the usual practice. In such a case the construction of the executive officers is, that the reward covers the fees of the sheriff for arresting and conveying the prisoner, and no allowance should be made by the district judge upon trying the cause under the law in article 3386, p. 554.

It may happen, as it has happened, that a reward would be paid on the approval of the governor, and the fees also be allowed by the comptroller to the sheriff, upon the certificate of the district judge, because he would not know, or have the means of knowing, anything about the reward or its payment when he tried the case and approved the sheriff's account for the fees.

This suggests the propriety of a law requiring that whenever a reward is offered, the secretary of state should forward a notice of it officially to the clerk of the district court, in the county in which the offense was committed, to be filed with the papers in the cause, in order to give the district judge the necessary information, and also a similar notice should be sent from the executive office, when the claim for the reward is approved.

I respectfully recommend also that a law be passed requiring the accounts of sheriffs, of clerks and of county and district attorneys, that are approved by the judge trying the case and paid out of the treasury of the state, to be approved in open court, after being specifically stated in each case separately, and after full examination of each case in a separate account. An examination of these accounts in the comptroller's office will exhibit the necessity of such a law, in order to protect the interest of the state much more forcibly than it can be done in a message.

The congress of the United States passed such a law for the federal courts, which may be found in Laws of United States, page 333.

I respectfully recommend that an appropriation be made for the employment of detectives to ferret out offenses and that their employment be legalized. Occasionally such employment may be very useful and proper, as has been exhibited in the land fraud cases that have already been reported to the Legislature. I also respectfully recommend that an appropriation be made for a general contingent fund and that the governor be required to report to the Legislature, minutely and specifically, how it shall have been expended. The occasion for the use of such a contingent fund cannot be foreseen, but past experience clearly demonstrates its necessity in the proper administration of the government. As evidence of this, I need only refer to the employment of the attorneys, Messrs. Sneed & Sheeks, in the land frauds and their valuable services in the past, and which should be continued. I may also refer to the penitentiary at Rusk, which has been received for the state, and the governor is not authorized to take any control of it by an agent or otherwise, or spend a dollar for its protection. It not only needs to be taken care of, but it is in danger of being injured by neglect in having some work done for its preservation. I may refer also to the college for the education of colored youths, which is valuable property, without any one to take care of it, or any means to have it done. So if lightning were to strike one of the public buildings, or if its roof should be blown off in a storm, or any other natural damage be done to it by any unforeseen accident, after the adjournment of the Legislature, no one would be justified in having the necessary repairs made without a law authorizing it, under the restrictions of the present constitution.

I respectfully recommend that an appropriation of at least \$20,000 be made to be used, if necessary, in taking charge of the penitentiary, which might have to be done suddenly by the death of the lessees or by their surrender of it, or by other unforeseen cause.

I respectfully recommend that a law be passed setting apart the room

in the third story of the capitol as a state library and prescribing how and by whom the books and geological specimens shall be taken care of and the room controlled; also, that the rooms for each department be designated in the capitol and that it be expressly declared under whose control the balance of the capitol building and the public grounds and improvements within and surrounding them shall be placed.

I respectfully recommend that the arms and army stores in charge of the adjutant general that are not in use and not likely to be used be required to be sold by him and the proceeds thereof be placed in the treasury, and that he be authorized to rent a house to store such arms and army stores in so long as any remain on hand, there being no public building for that purpose.

I respectfully recommend that an appropriation of \$1000 be made to be applied during the ensuing two years by the supreme court, in the purchase of necessary books for the supreme court libraries, that are now much needed for the use of said court, and of the court of appeals.

I respectfully suggest that, if the making of maps in the general land office by photography be authorized by law, it will not only be a saving of expense in clerks' hire, but will also be an additional source of profit, while it will furnish maps cheaply to those who desire them.

A most important matter for the protection of the rights of our citizens is that some means should be provided to prevent their land titles from being lost, by the frequent burning of court houses, private dwellings, store houses and law offices. For the purpose of inaugurating something of the kind, I respectfully suggest that one of the safest rooms in the general land office building might be set apart and a clerk of said office be assigned, when necessary, to the duty of recording all instruments that are lawfully admitted to record, after they shall have been duly admitted to record in the proper counties, at the option of those presenting them; and also to receive and file certified copies of such instruments for safe-keeping when it is not desired to have the originals recorded by said clerk. This would furnish the people a safe repository for their land titles at the present, and when the public buildings are erected that are in contemplation, a thoroughly fireproof building should be erected by the state at the capital for this purpose, as well as for preserving valuable papers belonging to the state. The small fees charged, as authorized by a law, for thus preserving the muniments of title of land would not only pay expenses, but when it became generally known might reasonably be expected to bring in a considerable profit.

I respectfully beg leave to call to your favorable attention the recommendations of the late attorney general in his report in relation to the propriety of providing for the bringing of certain suits, in which the state is interested, and certain prosecutions for offenses in the district court of Travis county. To enable said court to dispatch that business promptly, and to attend also to the business arising otherwise in the county, it might be well to constitute Travis county a separate judicial district.

O. M. ROBERTS.

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

Senator Edwards moved to print 100 copies of the message for the use of the Senate.

Senator Ledbetter moved to amend by inserting "300 copies" in lieu of "100."

Accepted by Senator Edwards, and the motion as amended was adopted.

On motion of Senator Houston, the pending business was postponed, rules suspended and Senate bill No. 130 (the general appropriation bill) was taken up.

On motion of Senator Houston, the bill was postponed until Wednesday next, after the disposition of Senate bill No. 88, already made a special order for that day, and that the pending bill be made the special order for that time, and from day to day until disposed of.

On motion of Senator Brown, the pending business was postponed half an hour, rules suspended, and House bill No. 258, entitled "An act to amend section 17 of an act to incorporate the Gulf, Colorado and Santa Fe railway company, and to grant land in aid of the construction of the same, passed May 28, 1873," was taken up and read first time.

On motion of Senator Houston, the rules were suspended and Senate bill No. 87, entitled "An act regulating juries in capital cases," was taken up, read third time and passed.

On motion of Senator Lane, the rules were suspended and Senate bill No. 117, entitled "An act to provide for the sale of the public domain, and to apply the proceeds from the sale thereof to the public school fund and to the payment of the public debt," was taken up and read second time.

Senator Duncan offered the following amendment:

Amend line twenty-eight, page 3, by striking out "twenty-five cents" and inserting "seventy-five cents."

Lost by the following vote:

	YEAS.	
Buchanan,	Homan,	Ripetoe,
Duncan,	McCulloch,	Shannon,
Gooch,	Patton,	Tilson -9.
	NAYS.	
Burnett,	Houston,	Martin,
Edwards,	Lane,	Storey,
Ford,	Ledbetter,	Swain---10.
Guy,		

Not voting—Brown, Burton, Davenport, Hobby.

(Senator Homan in the chair.)

A quorum not voting on the amendment of Senator Duncan, Senator Edwards moved a call of the house.

Call sustained.

Roll called. Absent—Brown, Burton. Senators Grace, Lair, Moore, Motley and Terrell were absent on the asylum committee and were considered as excused.

(President in the chair.)

On motion of Senator Lane, the call was suspended.

On motion of Senator Lane, the pending business was postponed and made the special order for 3 o'clock p. m., and from day to day until disposed of.

On motion of Senator Shannon, the rules were suspended and Senate bill No. 12, entitled "An act to regulate railroad companies and dealers with them, and to provide a remedy for persons injured thereby, and to

provide a punishment for violation of the provisions of this act," was taken up, read third time and passed.

On motion of Senator Burnett, the rules were suspended and Senate bill No. 225, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Trinity county, and conform the jurisdiction of the district court to such change," was taken up and read first time.

A message was received from the House announcing the passage by that body of House bill No. 138 entitled "An act requiring the commissioner of the general land office to issue patents to parties purchasing university lands in accordance with the original subdivisions made under the act approved August 30, 1856;" House bill No. 125, entitled "An act providing for the issuance of bonds for the investment of the proceeds arising from the sales of county school lands, and to direct how the money so obtained shall be used;" House bill No 160, entitled "An act to repeal an act to provide annual pensions for the surviving soldiers of the Texan revolution, and the surviving signers of the declaration of Texan independence, and the surviving widows of such soldiers and signers," approved February 28, 1876; House bill No. 266, entitled "An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company, owned by said company;" and House bill No. 70, entitled "An act to amend section 2 of the act to define the eighth judicial district, and to fix the times of holding the courts therein," approved August 11, 1876.

The bills just reported from the House were taken up for reference to appropriate committees and were referred as follows:

House bill No. 138—to committee on general land office.

House bill No. 125—to committee on finance.

House bill No. 160—to committee on retrenchment and reform.

House bill No. 266—to committee on internal improvements.

House bill No. 70—to committee on judicial districts.

On motion of Senator Homan, the rules were suspended and Senate bill No. 250, entitled "An act to create the thirty-second judicial district" was taken up and read first time.

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

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Guy,
Hobby,
Homan,
Houston,
Lane,
Ledbetter,
Martin.

McCulloch,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Tilson---23.

NAYS—none.

Bill read second time and ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burnett,
Burton,

Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Guy,
Hobby,
Homan,

Houston,
Lane.
Ledbetter,
Martin,

McCulloch,
Patton,
Ripetoe,

Shannon,
Storey,
Tilson—22.

NAYS--Swain.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,
Burnett,
Burton.
Davenport,
Duncan.
Edwards,
Ford,
Gooch,

Guy,
Hobby,
Homan,
Houston,
Lane,
Ledbetter,
Martin,

McCulloch,
Patton,
Ripetoe.
Shannon,
Storey,
Swain.
Tilson—22.

NAYS—Swain.

On motion of Senator Guy, Capt. Swindells, the calendar clerk, was excused for the day on account of sickness.

House bill No. 217, being the pending business, was postponed, and on motion of Senator Duncan memorial No. 5, of Tejada, "for translating certain Spanish documents in the office of the secretary of state," was taken up, with majority and minority reports, read and considered.

A message from his excellency the governor was received.

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

AFTERNOON SESSION.

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

A quorum soon appearing the Senate proceeded to business.

The pending business being Senate bill No. 117, entitled "An act to provide for the sale of the public domain, and to apply the proceeds from the sale thereof to the public school fund and to the payment of the public debt," was taken up, and the amendment of Senator Duncan, pending on adjournment, was then considered.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called, and the Senate being full, the call was suspended.

A message was received from the House announcing the passage of the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That the committee appointed on land frauds shall have the right to examine any papers or files now in the general land office, without the presence of a clerk of the office.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called; absent, Senator Burton.

The concurrent resolution just reported from the House, on motion of Senator Martin, was taken up and read first time.

Senator Martin moved to suspend the rules and place the concurrent resolution on its second reading.

Carried by the following vote:

YEAS.

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

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

McCulloch,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Tilson—25.

NAYS—none.

Not voting—Burton, Terrell.

Resolution read second time.

On motion of Senator Martin a further suspension of the rules was had to place the resolution on its third reading by the following vote:

YEAS.

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

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

Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—26.

NAYS—none.

Not voting—Burton, Moore.

Resolution read third time and passed by the following vote:

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

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

Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—26.

NAYS—none.

Not voting—Burton.

Senator Storey, chairman of the 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 House bill No. 187 entitled "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," and Senate bill No. 136, entitled "An act for the relief of tax payers," and I am instructed by the committee to report said bills back to the Senate with the recommendation that fifty copies of each be printed for the use of the committee and the Senate.

STOREY, *Chairman.*

On motion of Senator Storey, the report of the committee on finance, just presented, was read and adopted, and fifty copies of each of the bills referred were ordered printed.

(President in the chair.)

The amendment of Senator Duncan was then lost by the following vote :

YEAS.		
Buchanan, Burnett, Duncan,	Homan, Patton,	Swain, Tilson—7.
NAYS.		
Brown, Burton, Davenport, Edwards, Ford, Gooch, Guy,	Hobby, Houston, Lane, Lair, Ledbetter, Martin,	McCulloch, Motley, Ripetoe, Shannon, Storey, Terrell—19.

Not voting—Grace.

Senator Duncan offered the following amendment :

Amend line twenty-seven, page three, by striking out “fifty cents,” and inserting “one dollar and twenty-five cents.”

Lost by the following vote :

YEAS.		
Buchanan, Burnett, Burton,	Duncan, Homan, Patton,	Storey, Swain, Tilson—9.
NAYS.		
Brown, Davenport, Edwards, Ford, Gooch, Guy,	Hobby, Houston, Lane, Lair, Ledbetter, Martin,	McCulloch, Motley, Ripetoe, Shannon, Terrell—17.

Not voting—Grace.

Senator Lane offered the following amendment:

Amend by inserting between the words “tracts” and “where,” in third line of section 2, the words “and no one survey to have a water front to exceed eight hundred varas.”

Adopted.

Also the following amendment:

Amend by striking out lines fourth and fifth of section 1.

Adopted, and bill ordered engrossed.

On motion of Senator Ford, the rules were suspended and Senate bill No. 109, entitled “An act to provide for painting the portraits of the presidents of the Republic of Texas, and of the former governors of the state,” was taken up and read first time.

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

YEAS.		
Brown, Buchanan, Burnett, Burton, Davenport, Duncan, Edwards, Ford, Gooch,	Guy, Hobby, Homan, Houston, Lane, Lair, Ledbetter, Martin, McCulloch,	Motley, Patton, Ripetoe, Shannon, Storey, Swain, Terrell, Tilson—26.
NAYS—Grace.		

Bill read second time.

The amendment recommended by the committee was then adopted.

Senator Houston moved the previous question on the engrossment of the bill.

Motion seconded and main question ordered.

The bill was then ordered engrossed by the following vote:

YEAS.

Brown,
Buchanan,
Burton,
Davenport,
Duncan,
Ford,

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

Martin,
McCulloch,
Motley,
Shannon,
Storey,
Terrell—18.

NAYS.

Burnett,
Edwards,

Gooch,
Grace,

Lair,
Tilson—6.

Not voting—Patton, Ripetoe, Swain.

Senator Storey moved a further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS.

Mr. President,
Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Guy,
Hobby,
Homan,
Houston,
Lane,
Ledbetter,
Martin,

McCulloch,
Motley,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell,
Tilson—25.

NAYS.

Grace,

Lair—2.

Not voting—Patton.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burton,
Davenport,
Duncan,
Ford,
Guy,

Hobby,
Homan,
Houston,
Lane,
Ledbetter,
Martin,

McCulloch,
Motley,
Ripetoe,
Shannon,
Storey,
Terrell—19.

NAYS.

Burnett,
Edwards,
Gooch,

Grace,
Lair,

Swain,
Tilson—7.

Not voting—Patton.

The undersigned senators presented the following as their reasons for voting no on the passage of Senate bill No. 109, "To paint the portraits of the Texas presidents and governors:"

We vote no not because we are opposed to the object of the bill. On the contrary, we admire the spirit that desires to perpetuate the likeness and honor the names of the statesmen and heroes who served the country in the hour of peril—who drew the sword in her defence, emptied their purses for her support, and sat in her counsels. Yet, this end could have been secured and the portraits painted for a small land grant, and we

think it unwise to grant money for a purpose which can be accomplished without.

GOOCH,
TILSON.

A message was received from the House announcing the passage by that body of substitute for House bill No. 346, entitled "An act incorporating the New Braunfels Academy," passed February 5, 1858.

Senator Duncan moved to suspend the rules and take up Senate bill No. 93, entitled "An act to provide for transcribing county records in certain cases."

Lost by the following vote (a quorum not voting):

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Gooch,

YEAS.
Guy,
Homan,
Houston,
Lair,
Martin,
McCulloch,

Motley,
Ripetoe,
Shannon,
Storey,
Tilson--17.

NAYS—Grace.

Not voting—Davenport, Edwards, Ford, Hobby, Lane, Ledbetter, Patton, Swain, Terrell.

Senator Gooch (by leave) introduced a bill, entitled "An act to grant James McDonhit, a citizen of Anderson county, a certificate for six hundred and forty acres of land."

Read by caption and referred to committee on private land claims.

Senator Storey (by leave) introduced a bill entitled "An act authorizing any person being a citizen of the State of Texas who may have been entitled to land for military services in the army of the late Republic of Texas under any law in force at that or a subsequent date, and who may have failed to obtain the same, to bring his action in the district court of the county of his residence for a decree of said court, authorizing the commissioner of the general land office to issue a certificate therefor."

Read by caption and referred to judiciary committee No. 1.

The following messages, which were received from his excellency the governor on this morning, were ordered to be entered on the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 3, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in the counties composing the first senatorial district, to wit:

- W. W. Blake, Jasper county.
- Mark Weiss, Peter D. Stockholam, F. C. McReynolds, Jefferson county.
- E. A. Cheatham, C. H. Nemits, T. S. McFarland, John Wright, T. J. Ramsey, Newton county.
- R. W. Hubert, M. T. Hickman, B. W. Manry, Polk county.
- Joseph E. de Blanc, Liberty county.
- E. M. Chance, Hardin county.

Respectfully,

O. M. ROBERTS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 3, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the follow-

ing appointments of notaries public in counties of the fifth senatorial district:

J. L. Patterson, Thos. H. Cheatham, J. L. Jeter and James Coffrey, for Morris county.

A. Mills, E. Allday, C. R. Cartwright, J. C. Hutchison, Reese Hughes, jr., Can Thigpen and Robert Cocke, for Cass county.

W. H. Mabry, George R. Beard, John W. Hooper, C. F. Gribble, J. S. D. Weatherall, W. H. Cook, John H. Parsons, Lewis B. Todd, Wm. E. Estes, Albert B. Smith, Jason Jackson, J. B. Littlejohn, J. D. Kitchen, and F. M. Burroughs, for Marion county.

Chas. L. Pitcher, H. J. H. Brenising, C. M. Aiken, J. H. Shaelson, L. C. DeMorse, John King, H. N. Samstag, S. R. Burry, Silas McCrary, W. W. Dillard, T. W. Hook, for Bowie county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 3, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in the counties composing the twenty-third senatorial district, to wit:

James R. Robinson, F. G. Bransford, J. H. Steel, J. W. Simpson, Wm. Scott, W. S. Moss, C. Hood, H. B. Verner, of Jack county.

E. T. Hilliard, Geo. Spiller, Wm. Mosely, Joseph Benedict, Loyd Kelly, M. A. Wilson, James G. Tackett, D. C. Brooks, L. E. Brannin, of Young county.

W. H. Grigsby, A. L. Shoemaker, J. H. Boggess, John H. Stephens, W. S. Jameson, J. S. Love, Wade Atkins, J. R. Fortson, of Montgomery county.

H. C. Furguson, Theodore Merriman, H. H. Embry, L. A. Crane, J. M. O'Neil, B. F. Bank, Lee Newton, H. D. Donald, J. L. Randall, W. M. James, J. B. Ford, W. H. Bullock, B. D. Davidson, of Wise county.

Henry W. Spivey, J. R. Martin, R. S. Cook, A. B. Kindle, H. S. Morgan, C. L. Hefferon, Geo. McCall, D. G. Frost, P. F. Brannan, Samuel Peacock and J. W. Burch, for Parker county.

J. K. Allen, J. T. Morehead, T. A. Neace, R. W. Tannahill, J. P. Booth, J. S. Morris, Thos. Bratton, J. T. Krinkle, John W. Williams, W. H. Baldrige, Geo. W. Finger, John R. Hotyr, Geo. Mulkey, Zane Citta, J. C. Scott, Walter E. Knuland, C. C. Cummings, G. W. Jopling, J. O. StClair and Cyrus Lambron, for Tarrant county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 3, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in the counties of the twenty-seventh senatorial district, to wit:

C. D. Barnett, J. C. Kindred, Friench Simpson, J. F. Lyendecker, H. C. Everett, Wm. Dunovant, Colorado county.

John Woods, Jesse Green, E. P. Noble, H. K. Judd, C. C. Haynes, M. C. Levy, Lavacca county.

W. S. Fly, James C. Gillespie, S. F. Winston, W. B. Frederick, S. J.

Thomas, Thomas B. Littell, Edmond Haltom, N. W. Nance, Wilber F. King, Dan. R. Jacks, Gonzales county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 3, 1879.

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in counties of the twenty-ninth senatorial district:

Thomas O'Callagan, San Patricio county.

Dan T. Price, Frio county.

William Cassin, William Kuykendall, McMullen county.

P. F. Murphy, Live Oak county.

James Paul, Charles Demontel, Medina county.

E. F. Hall, Jose Ma. Rodriguez, Juan V. Benavides, Lazaro De La Garza, Webb county.

J. Williamson Moses, John J. Dix, Edward R. Gray, H. S. Lang, Duval county.

F. M. Dubose, Francis E. McManus, E. Atlee McCampbell, Stanley Welch, J. W. Ward, M. F. Gaffney, W. N. Ball, W. H. Robinson, L. D. Brewster, Nueces county.

A. C. Howell, Geo. G. Davis, Jesse Dennett, Emilio C. Forto, Henry L. Howlett, Francis M. Campbell, Wm. E. Cummings, F. E. Starck, Cameron county.

W. W. Lambert, C. A. Winders, James F. Perry, Isaiah L. Martin, Lawrence N. Quintle, Kinney county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 3, 1879.

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in counties of thirty-first senatorial district:

H. S. Hastings, S. L. McCulloch, E. L. Batte, Guadalupe county.

O. T. Brown, H. B. Coffield, Sterling Fisher, F. R. Malone, Hays county.

A. W. Moursund, Blanco county.

G. B. Cooke, Joe F. Brown, San Saba county.

Tom O. Bryan, McCulloch county.

Jno. W. Campbell, C. B. Collins, William B. Walker, A. Reed, H. McLester, Jas. A. Wiley, Samuel L. French, J. C. Lamb, Caldwell county.

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

On motion of Senator Houston, it was ordered that the Senate go into executive session, on the nominations for notaries public sent to the Senate this morning by his excellency the governor, to-morrow morning just after the morning call.

On motion of Senator Houston, the Senate adjourned until to-morrow at 10 o'clock A. M.

FORTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 4, 1879. }

The 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 the same adopted.

On motion of Senator Hobby, Senator Buchanan was excused for a few moments.

On motion of Senator Houston, Senator Homan was excused for three days.

Senator McCulloch presented the petition of the county officers of Robertson county "Asking that the fees of county officials as established by the fee bill of 1876 be not reduced, as the present fees are scarcely sufficient to give the incumbents of county positions a respectable support, and if reduced many will have to resign and their places will be filled by incompetent parties."

Referred to the committee on finance.

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

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

Your judiciary committee No. 1 have considered Senate bill No. 255, to be entitled "An act to provide for the erection of a marble shaft on Fannin's battle-ground," and instruct me to report it back and recommend its passage.

A. W. TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered Senate bill No. 216, to be entitled "An act specifying fees for collectors of taxes for sale of real estate for delinquent taxes," and instruct me to report it back with the recommendation that it pass.

A. W. TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered Senate bill No. 111, to be entitled "An act to regulate the pay of grand and petit jurors in the several courts of this state," and instruct me to report it back with the accompanying amendment, and recommend that, as amended, the bill do pass.

A. W. TERRELL, *Chairman.*

Amendment: At the end of section 1 strike out all after the word "exceed," and add "two dollars per day, or fraction of a day, for each juror."

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

Your judiciary committee No. 1 have considered Senate bill No. 242, to be entitled "An act to amend article 1179 of 'an act to adopt and establish the Revised Civil Statutes of the States of Texas,'" and instruct me to report it back with the recommendation that the bill do pass.

A. W. TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered Senate bill No. 243, to be entitled "An act to amend articles 1289 of 'an act to adopt and

establish the Revised Civil Statutes of the State of Texas," and instruct me to report it back and recommend its passage.

A. W. TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered Senate bill No. 241, to be entitled "An act to amend articles 684 and 669 of the Penal Code, passed February 21, 1879," and instruct me to report it back with the recommendation that the bill pass.

A. W. TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered Senate bill No. 224, to be entitled "An act to amend article 539 of section 2 of an act entitled 'an act to adopt and establish a penal code and code of criminal procedure for the State of Texas,'" and instruct me to report it back with the accompanying amendment and recommend that as amended the bill do pass.

A. W. TERRELL, *Chairman.*

Amendment: Add to end of section 1 the words "and not thereafter."

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

Your judiciary committee No. 1 have considered Senate bill No. 265, to be entitled "An act authorizing any person being a citizen of the State of Texas, who may have been entitled to land for military services in the army of the late Republic of Texas, under any law in force at that or a subsequent date, and who may have failed to obtain the same, to bring his action in the district court of the county of his residence for a decree of said court authorizing the commissioner of the general land office to issue a certificate therefor," and instruct me to report it back with accompanying amendments, and recommend that, as amended, the bill pass.

A. W. TERRELL, *Chairman.*

Amendments: In fifth line of caption and sixth line of section 1 strike out the words "the county of his residence," and insert in lieu thereof "of Travis county."

Senator Guy, chairman of committee on general land office, submitted the following report:

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

Your committee on general land office, to whom was referred Senate bill No. 139, a bill to be entitled "An act for the relief of the heirs of Catlett Burnett, deceased," have had the same under consideration, and find that said bill, being a bill for private relief, was improperly referred to your committee, the same being done probably through mistake as the petition and accompanying papers in said case were all referred to your committee on private land claims. A majority, therefore, of your committee instruct me to report said bill back to the Senate and to ask that the same be referred to committee on private land claims.

GUY, *Chairman.*

The report of the committee was adopted and bill referred as requested.

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

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

Your committee on private land claims, to whom was referred Senate bill No. 248, entitled "A bill to be entitled 'an act for the relief of the heirs of James Bell, a soldier of the Texas revolution,'" have con-

sidered the same, and I am instructed by said committee to report the same back to the Senate with the statement that they believe the said claim is a just and meritorious one; but finding that no notice by publication of same has been given as required by law, they instruct me further to recommend that said bill do not pass. GUY, *Chairman*.

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

Your committee on private land claims, to whom was referred Senate bill No. 223, entitled "An act to validate bounty certificate of Joseph Hawkins," have had the same under consideration, and find that due notice by publication of same has been given, and a majority of your committee, having examined the proofs accompanying said bill, instruct me to report the same back to the Senate and recommend its passage.

GUY, *Chairman*.

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

Your committee on private land claims, to whom was referred Senate bill No. 53, entitled "An act for the relief of the heirs of Capt. Silas Dinsmore, deceased," have considered the same, and find that due notice by publication of same has been made, and a majority of your committee, having examined the proofs accompanying said bill, instruct me to report the same back to the Senate and to recommend that said bill do pass.

GUY, *Chairman*.

Senator Ledbetter, chairman of committee on education, submitted the following report:

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

Your committee on education, to whom was referred Senate bill No. 233, "An act to provide for the payment of claims due county school superintendents and directors for services rendered prior to the year ending August 31, 1876," have had the same under consideration, and I am instructed by the committee to report the accompanying bill as a substitute therefor, and to recommend that the substitute do pass.

LEDBETTER, *Chairman*.

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, to whom was referred House bill No. 266, entitled "An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company owned by said county," have considered the same, and I am instructed by the committee to report it back to the Senate and recommend its passage.

SHANNON, *Chairman*.

Senator Patton introduced a bill entitled "An act to amend chapter 4 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' by adding another article to be numbered 476a, providing for the payment of certified state warrants by the collectors of taxes."

Read by caption and referred to judiciary committee No. 2.

Also a bill entitled "An act to amend article 2767 of chapter 3 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Read by caption and referred to judiciary committee No. 2.

Senator Lair introduced a bill entitled "An act to amend 'an act to

establish and provide for the support and maintenance of an efficient system of public free schools.'”

Read by caption and referred to committee on education.

A message was received from the House announcing the passage by that body of House bill No. 347, entitled “An act to amend section 2 of the charter of the corporation of Victoria, and to provide for certain changes caused thereby.”

Substitute for House bill No. 346, entitled “An act incorporating the New Braunfels Academy, passed February 5, 1858,” was taken up and referred to the committee on state affairs.

On motion of Senator Terrell, the resolution of Senator Patton, offered on yesterday, with regard to the Senate’s action on House bills, was taken up for consideration.

Senator Terrell offered the following amendment :

Substitute “evening sessions” for “morning sessions.”

Amendment accepted by Senator Patton, and the resolution, as amended, was then adopted.

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

(Senator Duncan in the chair.)

IN SENATE.—On motion of Senator Grace, Senator Brown was excused to attend to necessary committee duty.

On motion of Senator Gooch, the action of the Senate in executive session on the nominations for notaries public, sent to the Senate on yesterday and the day previous by his excellency the governor, was ordered to be entered on the journals.

In obedience to the motion of Senator Gooch just adopted, it is here stated that the Senate does advise and consent to the nominations made by his excellency the governor for notaries public in the first, fifth, ninth, twelfth, twenty-third, twenty-seventh, twenty-ninth and thirty-first senatorial districts of the state.

(The president in the chair.)

On motion of Senator Gooch, the rules were suspended and Senate bill No. 210, entitled “An act to reorganize the third judicial district and prescribe the times of holding the courts in said district,” was taken up and read first time.

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

Carried by the following vote:

	YEAS.	
Buchanan,	Guy,	Motley,
Burnett,	Hobby,	Patton,
Davenport,	Houston,	Ripetoe,
Duncan,	Lane,	Stewart,
Edwards,	Lair,	Shannon,
Ford,	Ledbetter,	Storey,
Gooch,	Martin,	Terrell,
Grace,	McCulloch,	Tilson—24.
	NAYS—Swain.	

Not voting—Burton.

Bill read second time.

On motion of Senator Gooch, the substitute of the committee was adopted.

Senator Gooch offered the following amendment:

Strike out "Henderson" in section 1.

Adopted.

Also the following:

Amend by striking out "caption" and inserting in lieu thereof the following:

"An act to reorganize the third (3) judicial district and prescribe the times of holding the district courts in the third and seventh judicial districts.

Adopted.

Also the following amendment:

Amend by inserting after section 3 the following:

SECTION 4. *Be it further enacted by the Legislature of the State of Texas,* That from and after the first day of August, A. D. 1879, the spring terms of the district courts of the seventh judicial district of the State of Texas shall be holden at the times hereinafter specified, to wit:

In the county of Smith, on the last Monday in February, and may continue in session six weeks; in the county of Henderson, on the sixth Monday after the last Monday in February, and may continue in session two weeks; in the county of Van Zandt, on the eighth Monday after the last Monday in February, and may continue in session three weeks; in the county of Wood, on the twelfth Monday after the last Monday in February, and may continue in session three weeks; in the county of Upshur, on the sixteenth Monday after the last Monday in February, and may continue in session two weeks; in the county of Gregg, on the eighteenth Monday after the last Monday in February, and may continue in session three weeks.

That the fall terms of said courts shall be holden at the times hereinafter specified, to wit:

In the county of Smith, on the last Monday in August, and may continue in session six weeks; in the county of Henderson, on the sixth Monday after the last Monday in August, and may continue in session two weeks; in the county of Van Zandt, on the eighth Monday after the last Monday in August, and may continue in session three weeks; in the county of Wood, on the twelfth Monday after the last Monday in August, and may continue in session three weeks; in the county of Upshur, on the fourteenth Monday after the last Monday in August, and may continue in session two weeks; in the county of Gregg, on the second Monday in January, and may continue in session until the business is disposed of.

SEC. 5. All writs and process issued before this act takes effect in the several counties, and made returnable to the courts at a different time than that herein specified, shall be returnable to the courts as herein specified, and shall have the same force and effect as if they had specified the return day, as provided by this act.

Adopted and bill ordered engrossed.

On motion of Senator Gooch the rules were suspended and the bill placed upon its third reading by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Grace,
Guy,
Hobby,
Houston,
Lane,

Lair,
Ledbetter,
Martin,
McCulloch,
Motley,
Patton,

Ripetoe,
Stewart,
Shannon,

Storey,
Swain,

Terrell,
Tilson—25.

NAYS—none.

Not voting—Burton.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,
Grace,

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

Motley,
Patton,
Ripetoe,
Stewart,
Storey,
Swain,
Terrell—23.

NAYS—none.

Not voting—Burton, Shannon, Tilson.

A message was received from the House announcing the passage by that body of the following concurrent resolution:

WHEREAS, The two houses of the Legislature have appointed a joint committee to examine the condition, etc., of the Agricultural and Mechanical College at Bryan, Texas, and also the college for the colored population at or near Hempstead; and

Whereas, the said committee is now absent on that duty and are expected to return and report this week; and

Whereas, the said report may be important to the Legislature in making suitable selections of directors for said institution; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the election of directors for the Agricultural and Mechanical College be postponed until Monday, the 10th inst., at 11 o'clock A. M.

The resolution was taken up, read and adopted.

On motion of Senator Houston, the rules were suspended and Senate bill No. 239, entitled "An act prescribing the times of holding the district courts in the twenty-second judicial district," was taken up and read first time.

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

Carried by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,
Guy,

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

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

NAYS—none.

Not voting—Burton, Grace.

Bill read second time and ordered engrossed.

On motion of Senator Houston, the rules were still further suspended and bill placed on its third reading by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,

Duncan,
Edwards,
Ford,

Gooch,
Grace,
Guy,

Hobby,
Houston,
Lair,
Ledbetter,
Martin,

McCulloch,
Motley,
Patton,
Ripetoe,

Stewart,
Shannon,
Storey,
Tilson—22.

NAYS—none.

Not voting—Burton, Lane, Swain, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,
Grace,
Guy,

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

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

NAYS—none.

Not voting—Burton.

On motion of Senator Burnett the rules were suspended and Senate bill No. 225, entitled "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," was taken up, read second time and ordered engrossed.

Senator Burnett moved a further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,

Grace,
Guy,
Hobby,
Houston,
Lane,
Ledbetter,
McCulloch,
Motley,

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

NAYS—none.

Not voting—Lair, Martin.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,

Grace,
Guy,
Hobby,
Houston,
Lane,
Ledbetter,
Martin,
McCormick,

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

NAYS—none.

Not voting—Lair, Patton.

On motion of Senator Lane the rules were suspended and Senate bill No. 117, entitled "An act to provide for the sale of the public domain, and to apply the proceeds from the sale thereof to the public school fund, and to the payment of the public debt," was taken up, read third time and passed by the following vote:

YEAS.

Burnett,
Burton,
Davenport,
Edwards,
Ford,
Gooch,
Grace,

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

McCulloch,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Terrell—21.

NAYS.

Buchanan,
Duncan,

Stewart,
Swain,

Tilson—5.

Senator Duncan presented the following as his reasons for voting against the passage of the bill just passed in the Senate, to be placed on the journals of the same.

PROTEST.

I vote no upon the passage of this bill, and also consider it my duty to record a solemn deprecation of the recklessness of this and like measures for depriving the state of her splendid domain; my reasons are—

1. In addition to this bill other bills have passed this Senate at this session authorizing, together with this measure, the forcing on this market 41,000,000 acres of our state land at ruinous prices.

2. The minimum price (25 cents) is too low, and all the land will sell at the minimum.

3. It is to be sold in quantities to suit purchasers, and consequently will go into the hands of capitalists and monopolists who will do more than the Apache or Comanche has ever done to keep back settlement, harrass the small landholders, discourage agriculture, and to bar enlightened progress westward. This is not theory, but the history of the United States land policy, which is now in ruinous fruition, after the operation of just such measures as this, prompted by the same squandering desire.

4. This will leave our homestead law a nullity, for it leaves for pre-emption only a few thousand acres of arid rock and barren sand which are not worth the surveying, thus our boasted encouragements to immigration and to agriculture are no longer to exist, but we shall stand traitors to our past policy and the condemned of future sufferers by our folly.

DUNCAN.

Senator Ford (by leave) introduced a bill entitled "An act granting further time to the Corpus Christi, San Diego and Narrow Gauge railroad company."

Read by caption and referred to the committee on internal improvements.

On motion of Senator Tilson, the rules were suspended and Senate bill No. 186, entitled "An act requiring railway companies to stop their trains at the boundary line of the state for a certain length of time," was taken up and read first time.

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

Carried by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Duncan,

Edwards,
Ford,
Gooch,
Grace,
Guy,

Hobby,
Houston,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Motley,
Patton,

Ripetoe,
Stewart,
Shannon,
Storey,

Swain,
Terrell,
Tilson—26.

NAYS—none.

Bill read a second time and ordered engrossed.

On motion of Senator Tilson, the rules were further suspended, and bill placed on its third reading by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Ford,
Gooch,
Grace,

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

Patton,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson—22.

NAYS—none.

Not voting—Edwards, Guy, Motley.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,
Burton,
Davenport,
Duncan,
Ford,
Gooch,
Grace,

Hobby,
Houston,
Lair,
Ledbetter,
Martin,
McCulloch,
Patton,

Ripetoe,
Stewart,
Shannon,
Swain,
Terrell,
Tilson—20.

NAYS.

Burnett,

Guy,

Storey—3.

Not voting—Edwards, Lane, Motley.

On motion of Senator Storey, the rules were suspended and Senate bill No. 167, entitled "An act to amend 'an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof,'" was taken up and read second time.

Senator Brown offered the following amendment:

Amend section 1 as follows—

1st. Strike out the word "incorporated" before the words "cities and towns" in section 1.

Lost.

Also the following:

2d. Amend section 1 by added the following—

"Provided, that in cities or towns receiving for sale or shipment less than twenty-five thousand bales of cotton, or sacks of wool, per annum, not more than two public weighers shall be appointed."

Adopted.

The amendments of the committee were then read, adopted and bill ordered engrossed.

On motion of Senator Duncan, the rules were suspended and Senate bill No. 93, entitled "An act to provide for transcribing county records in certain cases, was taken up by the following vote:

YEAS.

Brown,
Buchanan,
Davenport,
Duncan,

Edwards,
Ford,
Gooch,
Guy,

Hobby,
Houston,
Lane,
Lair,

Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,

Shannon,
Terrell,
Tilson—22.

NAYS—none.

Not voting—Burnett, Burton, Grace, Storey, Swain.

Bill read first time.

Senator Terrell, chairman of judiciary committee No. 1 (by leave), submitted the following report:

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

Your judiciary committee No. 1 have instructed me to report the accompanying bill, to be entitled "An act to amend an act to adopt and establish the Revised Civil Statutes of the State of Texas." The object of the amendment is to prevent any one from availing himself of the benefit of the statute of five years limitation who, in the absence of the statute, would deraign title through a forged deed. Your committee are informed that there is reason to believe that there are forgers of land titles, now in the penitentiary, who, after serving their five years there, will emerge to freedom as rich men under the operation of the statute as it now is. Some of the operations of these men were extensive, and their tenants are, doubtless, on many valuable tracts of land belonging to non-residents—quietly perfecting their titles by limitation. The operations of the Chicago ring of forgers, who dealt so extensively in forged titles, usually involved the execution of several deeds before their work was regarded as complete. The importance of the legislation proposed, and the lateness of the session, induces your committee to ask present action on the bill.

TERRELL, *Chairman.*

On motion of Senator Terrell, the rules were suspended and the bill just reported was taken up and read first time.

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

Carried by the following vote:

YEAS.

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

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

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

NAYS---none.

Not voting—Duncan, Edwards, Gooch.

The bill was read the second time and ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burnett,
Barton,
Davenport,
Edwards,
Ford,
Grace,
Guy,

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

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

NAYS—none.

Not voting—Duncan, Gooch.

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

YEAS.

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

Guy,
Hobby,
Houston,
Lane,
Lair,
Ledbetter,
McCulloch,
Motley,

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

NAYS—none.

Not voting—Duncan, Gooch, Martin.

Senator Shannon, chairman of committee on judicial districts (by leave), submitted the following report:

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

Your committee on judicial districts, to whom was referred House bill No. 70, entitled "An act to amend section 2 of an act to define the eighth judicial district, and to fix the times of holding the courts therein," approved August 11, 1876, have considered the same and I am instructed to report it back to the Senate and recommend its passage.

SHANNON, *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. 153, entitled "An act to provide for building a new state capitol;" Senate bill No. 250, entitled "An act to create the thirty-second judicial district, prescribing the times of holding the district courts therein and providing for the appointment of a district judge for said district;" Senate joint resolution, being a substitute for Senate bill No. 29 and House bill No. 2, "amending the constitution of the State of Texas by adding a new section, to be styled section 19;" Senate bill No. 108, entitled "An act to ascertain the amount due teachers of public free schools for services rendered from September 1, 1873, to August 31, 1876, and to provide for the payment of such teachers' claims;" joint resolution being substituted for Senate bills No. 5 and 102, proposing "an amendment to article 5 of the constitution of the State of Texas," and report all of them correctly engrossed.

BROWN, *Chairman.*

On motion of Senator Motley, Senator Edwards was added to the committee on asylums.

By leave, Senator Houston, chairman of committee on state affairs, submitted the following report:

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

Your committee on state affairs have considered Senate joint resolution No. 257, granting leave of absence to Hon. B. T. Estes, judge of the fifth judicial district, and I am instructed to report same back to the Senate and recommend its passage.

HOUSTON, *Chairman.*

On motion of Senator Edwards the rules were suspended and substitute for Senate joint resolutions Nos. 5 and 102 "proposing amendments

to article 5 of the state constitution," was taken up, read third time and passed by the following vote:

YEAS.		
Brown, Buchanan, Burton, Davenport, Edwards, Ford, Guy.	Hobby, Houston, Lane, Lair, Ledbetter, McCulloch, Motley,	Patton, Ripetoe, Stewart, Shannon, Storey, Swain, Tilson—21.

NAYS.

Burnett, Martin—2.

Not voting—Duncan, Gooch, Grace, Terrell.

On motion of Senator Houston, the rules were suspended and Senate bill No. 142, entitled "An act to regulate the admission and practice of attorneys and counselors-at-law," was taken up and read first time.

On motion of Senator Houston, the rules were suspended and Senate bill No. 151, entitled "An act to encourage the construction of artesian wells," was taken up and read first time.

On motion of Senator Ripetoe, the rules were suspended and Senate bill No. 211, entitled "An act to amend chapter 6 of title 15 of the new Penal Code, by further defining and punishing the offense of kidnapping," was taken up, read second time and ordered engrossed.

(Senator Edwards in the chair.)

On motion of Senator Gooch, the rules were suspended and Senate bill No. 179, entitled "An act to define in what civil cases deposition of witnesses may be taken," was taken up and read a second time.

The amendment of the committee was adopted and bill ordered engrossed.

Senator Gooch moved a further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS.		
Brown, Buchanan, Burnett, Burton, Davenport, Duncan, Edwards, Ford, Gooch,	Grace, Guy, Hobby, Houston, Lane, Lair, Ledbetter, Martin, McCulloch,	Motley, Patton, Ripetoe, Stewart, Shannon, Storey, Terrell, Tilson—26.

NAYS—none.

Not voting—Swain.

Bill read third time and passed by the following vote:

YEAS.		
Brown, Buchanan, Duncan, Edwards, Ford, Gooch,	Hobby, Lane, Lair, Ledbetter, McCulloch,	Motley, Patton, Ripetoe, Stewart, Tilson—16.

NAYS.

Burnett, Burton, Davenport,	Grace, Guy, Houston,	Shannon, Storey, Swain—9.
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Not voting—Martin, Terrell.

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. 245, 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 and to provide for the sale of the same, and make an appropriation to carry this act into effect;" Senate bill No. 113, entitled "An act for the preservation of fish and to build fish-ways and fish-ladders;" substitute Senate bill No. 190, entitled "An act to amend chapter 17, title 17 of the Penal Code, adopted at this session of the Legislature, relating to swindling and fraudulent disposition of mortgaged property, by adding thereto article 997a;" Senate bill No. 109, entitled "An act to provide for painting the portraits of the presidents of the Republic of Texas and the former governors of Texas," and find them correctly engrossed.

BROWN, *Chairman.*

On motion of Senator Burnett, the rules were suspended and joint resolution No. 99, "giving consent of the state for certain lessees of the penitentiary to sue the state," was taken up and read first time.

On motion of Senator Motley, the rules were suspended and Senate bill No. 113, entitled "An act for the preservation of fish," etc., was taken up, read third time and passed.

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

AFTERNOON SESSION.

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

The sergeant-at-arms was dispatched for absentees.

The absent senators soon appearing, a quorum was announced, and the Senate proceeded to business.

Senator Houston, chairman of the committee on state affairs, submitted the following report:

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

Your committee on state affairs have considered House joint resolution No. 24, in regard to Pelican island, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOUSTON, *Chairman.*

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

Your committee on state affairs have had before them by reference "An act to revive 'an act incorporating the New Braunfels Academy,' passed February 5, 1858," and they find that due notice has been given such as is required for the passage of special acts, and approving the bill on its merits, have instructed me to report it back and recommend its passage.

HOUSTON, *Chairman.*

(President *pro tempore* in the chair.)

A message was received from the House announcing the passage by that body of Senate bill No. 42, "An act to provide for the care and protection of the East Texas Penitentiary."

House bill No. 217, entitled "An act to release certain inhabitants in the county of Lamar in this state from the payment of taxes assessed and now due for the year 1878 in consequence of a great public calamity," was taken up as business on the president's table, and read third time.

The report of the committee was read and the Senate refused to adopt the report by the following vote:

YEAS.		
Brown, Burton, Gooch, Ledbetter,	Martin, McCulloch, Motley,	Patton, Storey, Terrell—10.

NAYS.		
Buchanan, Burnett, Davenport, Duncan, Edwards, Ford,	Grace, Guy, Houston, Lane, Lair,	Ripetoe, Stewart, Shannon, Swain, Tilson---16.

Senator Storey offered the following amendment:

Amend section by adding the following: "Also all the citizens of Comal and Caldwell counties who had their houses blown down during the storm in February, 1879, the names and numbers to be ascertained by the county commissioners' court of said counties."

Senator Grace moved to lay Senator Storey's amendment on the table. Lost by the following vote:

YEAS.		
Burnett,	Duncan,	Grace--3.
NAYS.		
Brown, Buchanan, Burton, Davenport, Edwards, Gooch, Guy,	Hobby, Lane, Lair, Ledbetter, Martin, McCulloch, Motley,	Patton, Ripetoe, Stewart, Storey, Swain, Terrell, Tilson—21.

Not voting—Ford, Houston, Shannon.

Senator Duncan made the point of order that the constitutional requirement of publication has not been made in the case of the public calamity in Caldwell county, and it is therefore out of order.

Overruled by the chair.

The amendment was then lost by the following vote, it requiring a two-thirds vote to adopt:

YEAS.		
Brown, Buchanan, Burton, Davenport, Edwards,	Ford, Gooch, Ledbetter, Martin, McCulloch,	Motley, Ripetoe, Stewart, Storey—14.

NAYS.		
Burnett, Duncan, Grace, Guy,	Hobby, Lane, Lair,	Swain, Terrell, Tilson—10.

Not voting—Houston, Patton, Shannon.

Senator Burton offered the following amendment:

Amend section _____ by adding the counties of Wharton, Fort Bend and Colorado.

Lost.

The bill was then lost by the following vote:

YEAS.		
Burnett,	Houston,	Stewart,
Duncan,	Lane,	Shannon,
Ford,	Lair,	Swain,
Grace,	Ripetoe,	Terrell—13.
Guy,		

NAYS.		
Brown,	Gooch,	Motley,
Buchanan,	Hobby,	Patton,
Burton,	Ledbetter,	Storey,
Davenport,	Martin,	Tilson—14.
Edwards,	McCulloch,	

House bill No. 258, entitled "An act to amend section 17 of 'an act to incorporate the Gulf, Colorado and Santa Fe railway company, and to grant land in aid of the construction of the same, passed May 28, 1873,'" was taken from the president's table and read second time.

Substitute for House bill No. 8, entitled "An act for the preservation of oysters and oyster beds, and protecting the rights of persons to the same," was taken up and read first time.

A message was received from his excellency the governor.

House joint resolution No. 26, "Instructing our senators and requesting our representatives in congress to take the necessary steps at once, by bill or otherwise, to secure the appointment of United States commissioners to act with like commissioners on behalf of Texas to settle and definitely adjust the controversy as to boundary between the United States and Texas, involving the territory lying between the north and south forks of Red river, known as the county of Greer," was taken up and read first time.

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

YEAS.		
Brown,	Hobby,	Patton,
Buchanan,	Houston,	Ripetoe,
Burnett,	Lane,	Stewart,
Burton,	Lair,	Shannon,
Duncan,	Ledbetter,	Storey,
Edwards,	Martin,	Swain,
Ford,	McCulloch,	Terrell,
Gooch,	Motley,	Tilson—25.
Guy,		

NAYS—none.

Not voting—Davenport, Grace.

Resolution read second time.

Senator Shannon moved to suspend the rules and place the resolution on its third reading.

Carried by the following vote:

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

McCulloch,
Motley,
Patton,

Ripetoe,
Stewart,
Shannon,
NAYS—Swain.

Storey,
Terrell,
Tilson—24.

Not voting—Davenport, Grace.

Resolution read third time and lost by the following vote:

YEAS—none.

NAYS.

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

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

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

Senator Ledbetter entered a motion to reconsider the vote by which House bill No. 217 was defeated on this evening.

House joint resolution No. 27, "Instructing our senators and requesting our representatives in congress to ask of the U. S. government payment of all sums expended by Texas for frontier defense, etc.," was taken up and read first time.

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

IN SENATE.—Senator Houston (by leave), as chairman of the committee on state affairs, submitted the following report:

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

Your committee on state affairs have considered Senate bill No. 133, entitled "An act to endow Henderson College, in Rusk county, with a land grant," and I am instructed by a majority of said committee to report this bill back to the Senate recommending its passage, and that fifty copies of the same be printed for the use of the Senate.

HOUSTON, *Chairman.*

On motion of Senator Houston, fifty copies of the bill and report were ordered printed.

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. 167, entitled "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,'" and find it correctly engrossed.

BROWN, *Chairman.*

(President in the chair).

The president, after reading its caption, signed Senate bill No. 42, entitled "An act to provide for the care and protection of the East Texas penitentiary."

On motion of Senator Ford, the rules were suspended and Senate bill No. 208, entitled "An act to provide for the state library and supreme court library," was taken up and read first time.

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

Carried by the following vote:

YEAS.

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

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

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

NAYS—none.

Absent, not voting—Duncan, Grace, Patton, Swain, Terrell.
Bill read a second time.

Senator Edwards offered the following amendment:

“Amend section 2 by adding ‘That the room in northwest corner of the third story of capitol building shall be and is hereby set apart for the state library.’

Adopted.

Also the following amendment:

Add a new section: “That the accumulation of business and lateness of the session creates an emergency and imperative public necessity that the rules be suspended and this bill put upon its immediate passage.”

Adopted and bill ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Edwards,
Ford,

Gooch,
Guy,
Hobby,
Houston,
Lane,
Ledbetter,
Martin,

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

NAYS.

Davenport,
Lair,

McCulloch,

Patton—4.

Not voting—Grace, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Ford,

Gooch,
Grace,
Guy,
Hobby,
Houston,
Lane,
Ledbetter,

Martin,
Motley,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain—10.

NAYS.

Lair,
McCulloch,

Patton,

Tilson—4.

Not voting—Terrell.

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, Senate bill No. 42, “An act to pro-

vide for the care and protection of the East Texas penitentiary," and at 4:37 o'clock P. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

On motion of Senator Brown the Senate adjourned until 10 o'clock A. M. to-morrow.

FORTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 5, 1879. }

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

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

On motion of Senator Burton, Senator Ripetoe was excused until Monday next.

The following special message received on yesterday from his excellency the governor was taken up, read and ordered placed upon the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 4, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public in lieu of names previously sent in, and in which mistakes were made in spelling or in the initials of their names, and who in fact are the parties intended to have been appointed:

- A. Keakaner, El Paso county.
- F. C. Gotari, John A. Fraser, Bexar county.
- N. A. Osmer, Tom Green county.
- D. Y. Gammage, T. A. Cadenhead, H. Tyke, Panola county.
- J. M. Dixon, Ellis county.
- A. G. Dupuy, W. A. Miller, Anderson county.
- J. P. Smith, Cherokee county.
- John F. Witherspoon, Gregg county.
- J. C. Rugel, Dallas county.

Respectfully,

O. M. ROBERTS, *Governor.*

Senator Stewart presented several memorials of numerous citizens of Harris county "asking that the criminal district court of Harris county be abolished."

Referred to the committee on judicial districts.

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 Senate bill No. 137, entitled a bill to be entitled "An act for the relief of the heirs of Catlett Burnett, deceased," have considered the same, and find that due notice by publication of same has been given; and a majority of your committee, after having examined the proofs in this cause, instruct me to report said bill back to the Senate and to recommend its passage.

GUY, *Chairman.*

Senator Stewart, chairman of judiciary committee No. 2, submitted the following reports:

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

Your judiciary committee No. 2 have had under consideration Senate bill No. 157, and a majority of said committee instruct me to report the accompanying substitute, and to recommend that the substitute do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have duly considered Senate bill No. 120, entitled "An act requiring holders of recorded mortgages and other recorded liens, to enter satisfaction thereof on receiving payment;" and also Senate bill No. 259, entitled "An act amending articles 1664, 1696 and 1706 of the new Revised Statutes," and a majority of said committee instruct me to return said bills with the recommendation that they do not pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 having duly considered Senate bill No. 260, entitled "An act to secure the early determination of appeals in the supreme court in causes involving the right to office," I am instructed by the committee to return said bill and recommend its passage.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 201, and instruct me to recommend that said bill be amended by inserting between the words "shall" and "be" in the first section (upon demand of the state or defendant), and in same section by striking out the words "where there is no correct stenographer present," and inserting therefor (or other person appointed by the court), and that the bill so amended do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 31, entitled "An act to create and provide for execution liens on lands," have duly considered the same and I am instructed by a majority of the committee to report the same back to the Senate with their recommendation that it do not pass.

STEWART, *Chairman.*

Senator Gooch submitted the following minority report:

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

The undersigned not being able to concur in the report of the majority, respectfully presents this minority report: The bill seeks to remedy an evil that, in my judgment, has already and continues to seriously impair the value of our lands by rendering the titles uncertain, and charging notice of levies on land on persons who in fact have no notice and no opportunity for notice. Any sheriff or constable in any precinct in a county may create a lien on a tract of land by writing a levy on the back of an execution; and what is more startling, a United States marshal or any deputy may create a lien on land in any county in his district without even visiting the county, or posting notice of sale therein; and by the law as it is, the world is held to have notice, and such a levy has precedence over a purchaser, in good faith for value paid, who in fact has no actual notice of such levy. Such a result in my

judgment is wrong, and detrimental to the interest of the country. It prevents the purchase and sale of lands, prevents investments, either for speculative purposes or for homes. The bill provides that every officer making a levy shall notify the county clerk of the fact, and the clerk shall note it in a book kept for that purpose, and index it; and that until a levy is entered that it shall be regarded as inferior to the rights of a purchaser in good faith for value paid, without a knowledge of the levy. I regard the bill as aiming in a direction much desired, and unless some better remedy is proposed I think it should be passed. GOOCH.

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

Your judiciary committee No. 2 have had under consideration House bill No. 10, entitled "An act to amend section 4 of an act entitled 'an act to amend an act entitled an act to provide for the supplying of lost records in the several counties in this state, approved April 14, 1874, approved July 13, 1876,'" and I am instructed by the committee to report the bill back to the Senate with their recommendation that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 110, entitled "An act to amend section 1 of an act entitled 'an act further regulating proceedings in the several courts of the State of Texas,'" have considered the same, and find that the object sought to be accomplished by the said bill is fully provided for in the Revised Statutes, passed at the present session of the Legislature. I am therefore instructed by said committee to report said bill back to the Senate with the recommendation that the same do not pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have had under consideration Senate bill No. 251, entitled "An act to amend article 988 of the Code of Criminal Procedure, passed by the Sixteenth Legislature," and I am instructed by the committee to report the bill back to the Senate with their recommendation that it do pass.

STEWART, *Chairman.*

Senator Buchanan, chairman of the committee on retrenchment and reform, submitted the following report:

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

Your committee on retrenchment and reform, to whom was referred Senate bill No. 105, entitled "An act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers of the Texan revolution, and the surviving signers of the declaration of Texan independence, and the surviving widows of such soldiers and signers, approved July 28, 1876,' and appropriate money to pay pensioners under said act," and House bill No. 160 entitled as the above Senate bill, have had the same under consideration, and I am instructed by a majority of said committee to report the same back to the Senate with the recommendation that the said House bill do pass as a substitute for said Senate bill.

BUCHANAN, *Chairman.*

Senator Brown, chairman of 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. 210,

entitled "An act to reorganize the third judicial district, and prescribe the times of holding the district courts in the third and seventh judicial districts," and find it correctly engrossed. **BROWN, Chairman.**

Senator Ledbetter, chairman of committee on educational affairs, submitted the following reports:

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

Your committee on educational affairs having duly considered Senate bill No. 246, entitled "An act to establish a state normal school, to be known as the 'Sam Houston Institute,' and located at Huntsville, Texas," I am instructed by a majority of the committee to return said bill and recommend its passage. Responsible and prominent citizens of Huntsville, in a written communication, offer to donate to the state the two-story brick building formerly known as the "Austin College," and the grounds belonging thereto, for the purpose of such normal school. The bill accepts the donation, and provides for the establishment there of a state normal school, to be named in honor of General Sam Houston, who died and is buried at Huntsville; and in the opinion of the committee, there is no better way or place for the erection of a living monument to the memory of the illustrious father of Texas.

LEDBETTER, Chairman.

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

Your committee on education to whom was referred Senate bill No. 261, "An act requiring the proceeds arising from the leasing or renting of county school lands and from the sales of timber thereon, to be applied exclusively to educational purposes," have had the same under consideration, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it do pass.

LEDBETTER, Chairman.

Senator Stewart introduced a bill entitled "An act further to provide for perpetuating testimony."

Read by caption and referred to judiciary committee No. 2.

House bill No. 347, entitled "An act to amend section 2 of the charter of the corporation of Victoria, and to provide for certain changes caused thereby," was taken up and referred to committee on state affairs.

Senate bill No. 88, entitled "An act to amend sections 518 and 519 of an act entitled 'an act to establish a code of criminal procedure for the State of Texas,'" was taken up as business on president's table, for consideration.

Senator Homan's amendments pending when last considered, and which are as follows, were then considered:

Strike out caption and insert as follows:

"An act to amend articles 560 and 561 of 'an act to adopt and establish a code of criminal procedure for the State of Texas,' as adopted by the Sixteenth Legislature."

Adopted.

Also the following:

Amend section 1 by striking out all after the word "Texas," in first line, to and including "518," in fourth line, and insert as follows:

"That articles 560 and 561 of 'an act to adopt and establish a code of criminal procedure for the State of Texas,' as adopted by the Sixteenth Legislature," be so amended as to read as follows: "Article 560."

Adopted.

Also the following:

Amend line sixteen, page 4 by striking out the words "section 519."

Adopted.

Senator Stewart moved a call of the Senate.

Call sustained.

Roll called.

Absent—Edwards, Grace, Terrell.

These senators, who were engaged in important committee duty, appeared, when the call was suspended.

Senator Edwards called up his motion to reconsider the vote adopting the emergency clause in the pending bill.

Carried, and the said emergency clause was then voted on and lost.

The bill was then ordered engrossed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Duncan,
Ford,

Gooch,
Hobby,
Houston,
Martin,
McCulloch,

Moore,
Motley,
Swain,
Terrell,
Tilson—15.

NAYS.

Burton,
Davenport,
Edwards,
Grace,
Guy,

Lane,
Lair,
Ledbetter,
McCormick,

Patton,
Stewart,
Shannon,
Storey—13.

(Senator Patton in the chair.)

Senate bill No. 130, entitled "An act to make an appropriation for the support of the state government for the year beginning March 1st, 1879, and ending February 28, 1881," was taken up and read first time.

On motion of Senator Brown, the rules were suspended and House bill No. 266, entitled "An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company owned by said county," was taken up and read first time.

On motion of Senator Burnett, the rules were suspended and Senate bill No. 246, entitled "An act to establish a state normal school to be known as 'The Sam Houston Institute,' and located at Huntsville, Texas," was taken up and read first time.

On motion of Senator Guy, the rules were suspended and Senate bill No. 251, entitled "An act to amend article 988 of the Code of Criminal Procedure, passed by the Sixteenth Legislature," was taken up and read first time.

On motion of Senator Storey, the rules were suspended and 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," was taken up and read first time.

On motion of Senator Storey, the rules were suspended and Senate bill No. 68, entitled "An act to amend section 683 of the Code of Criminal Procedure of this state," was taken up and read first time.

On motion of Senator Storey, the rules were suspended and Senate bill No. 94, entitled "An act to create a lien in favor of proprietors of livery or other public stables, and to provide for the manner in which same may be enforced," was taken up and read first time.

(The president in the chair.)

A message was received from the House announcing the passage by that body of House bill No. 238, entitled "An act to provide for the surrender and dissolution of charters of incorporated cities and towns in this state, and to authorize the counties wherein said cities or towns are situated to settle and administer their estates, collect their credits, pay their debts and to issue bonds and levy and collect taxes for that purpose."

The following messages were received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 5, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public for counties of the twenty-eighth senatorial district:

W. R. Hayes, John C. Beasley, Geo. Craven, T. J. Winn, J. J. Swann, Bee county.

J. D. Owen, J. R. Sanford, J. W. Allen, A. Gisler, Jackson county.

A. G. Picket, Sr., W. K. Fly, A. J. Williams, J. W. Dickey, Wilson county.

James A. Burke, George W. Bell, W. F. Miller, George Merriweather, Goliad county.

W. R. Friend, E. M. Stapp, Joseph Covey, Wm. A. Blair, Otto Starke, C. G. Hartman, Rudolph Kleberg, DeWitt county.

J. M. Bickford, James McCoppin, C. W. Short, I. Cohn, John Roemer, Calhoun county.

C. LeSage, Eng. Sibley, F. R. Pridham, W. H. Innis, A. B. Peticolas, J. S. Munn, G. A. Levi, Victoria county.

Wright Williams, Aaron Rambie, John Campbell, Allison Ryman, T. A. Rodriguez, Atascosa county.

C. F. Bailey, Wm. C. Casterline, E. A. Perrenot, Aransas county.

L. B. Russell, Edward S. Atkinson, Refugio county.

J. D. Hutchison, L. D. Cook, Karnes county.

Respectfully, O. M. ROBERTS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 5, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your consent to the withdrawal of the following names sent in to be confirmed as notaries public, the same having been done under misapprehension:

Samuel Peacock, of Parker county; E. H. Foreman and J. D. Carroll, of Navarro county.

O. M. ROBERTS, Governor.

On motion of Senator Lane, the rules were suspended, and Senate bill No. 135, entitled "An act for the further relief of the Aransas road company," was taken up and read first time.

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

Carried by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,

Duncan,
Ford,
Gooch,

Guy,
Hobby,
Houston,

Lane,
Lair,
Ledbetter,
Martin,
McCormick,

McCulloch.
Moore,
Motley,
Patton,
Stewart,

Shannon,
Storey,
Swain,
Tilson—23.

NAYS—none.

Not voting—Brown, Burton.

Senators Edwards, Grace and Terrell did not vote, as they were excused as absent on important committee duty.

The bill was read the second time and ordered engrossed.

Senate bill No. 190, entitled "An act to amend chapter 17, title 17 of the Penal Code," adopted at this session of the Legislature, relating to swindling and fraudulent disposition of mortgaged property by adding thereto article 997, was taken up and read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Davenport,
Duncan,
Ford,
Gooch,
Guy,

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

Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Terrell,
Tilson--24.

NAYS—none.

Not voting—Burton, Swain.

Substitute for Senate joint resolution No. 29 and House joint resolution No. 2 (repealing the smoke-house tax, etc.,) was taken up, when Senator Patton moved to postpone the pending business five minutes, suspend the rules and take up Senate bill No. 201, entitled "An act to provide for the taking and preservation of testimony in capital cases, and the use of the testimony so taken in case of appeal," was taken up and read first time.

On motion of Senator Duncan, the pending business was postponed, rules suspended and Senate bill No. 62, entitled "An act for the suppression of tramping and punishment of tramps," was taken up and read second time.

Senator Duncan offered the following amendment.

Amend section 6 by adding "and who shall receive the same as other persons apprehending tramps and no more, to be paid in the same manner."

Adopted.

Also the following:

Amend section 2 by adding "or by fine not to exceed five hundred dollars, or sentenced to not less than thirty days nor more than one year at hard labor for the county."

Adopted.

Senator Burton offered the following amendment:

Amend section "Provided, this act shall not apply to any person that has ever been employed on any railroad or farm."

Senator Shannon offered the following amendment to the amendment of Senator Burton:

Add the words "Nor anybody else."

Accepted by Senator Burton and pending on adjournment.

Senator Gooch moved to recommit the bill and pending amendments to judiciary committee No. 1.

A message was received from the House announcing the passage by that body of Senate bill No. 231, entitled "An act amendatory of and supplemental to an act entitled 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts, approved 1879.'"

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

AFTERNOON SESSION.

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

A quorum soon appearing, the Senate proceeded to business.

Senator Terrell (by leave) presented the memorial of many citizens of Williamson county, asking that the local option law be amended and continued, stating that though imperfect, yet it had been of great benefit to the citizens of their county in preventing disorder and crime; also, setting out some important amendments.

Referred to committee on state affairs.

On motion of Senator Terrell, the pending business was postponed, rules suspended and House bill No. 238, entitled "An act to provide for the surrender and dissolution of charters of incorporated cities and towns in the state, and to authorize the counties wherein said cities and towns are situated to settle and administer their estates, collect their credits and to issue bonds and levy and collect taxes for that purpose," was taken up and read first time.

Senator Terrell (by leave) presented the memorial of G. J. and J. P. Martinez, through their attorney, in fact, E. A. Mexia, "Stating that they are subjects of the kingdom of Great Britain, and that on April 21, 1835, one Mareno was granted, by the authorities of Coahuila and Texas, of the Republic of Mexico, eleven leagues of land situated on the Brazos river, in McLennan and Hill counties; that they purchased the said land for a valuable consideration, and still own the same, except such portions as they have sold; that their grant has been recognized on the maps and in the files of the general land office of Texas; that they have had regular agents in Texas who have had charge of their land for the last twenty-five or thirty years; that they brought suit against adverse claimants in the federal courts, and in January, 1878, after a full trial, the title of memorialists was held to be good and judgment entered in their favor against said claimants. They particularly protest against the state bringing suit for the portion of said eleven league grant set apart through the mistake or inadvertence of the officers of Texas to the state university (amounting to about three leagues), as it is rightfully the property of memorialists and has been so recognized for years, and that it will entail useless expense on them to defend the suit, etc."

Referred to judiciary committee No. 1.

Also (by leave), another memorial from many citizens of Williamson county "asking that the local option law be amended and continued;

that it has in the last two years been of great service to their county, etc."

Referred to committee on state affairs.

Also (by leave) a memorial from the county officers and bar of Taylor county "asking the continuance of frontier protection, etc."

Referred to committee on Indian affairs and frontier protection.

Senator Ledbetter introduced a bill entitled "An act to amend section 5, article 16, title 4 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" approved February, 1879.

Read by caption and referred to judiciary committee No. 2.

House bill No. 258, entitled "An act to amend section 17 of an act to incorporate the Gulf, Colorado and Santa Fe railway company, and to grant land in aid of the construction of the same, passed May 28, 1873," was taken up. The further consideration of the same was postponed till to-morrow evening session.

On motion of Senator Houston, the rules were suspended and House bill No. 346, entitled "An act to revive 'an act incorporating the New Braunfels Academy,'" passed February 5, 1858, was taken up and read first time.

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

Carried by the following vote:

YEAS.		
Buchanan,	Hobby,	Moore,
Burnett,	Houston,	Motley,
Burton,	Lane,	Stewart,
Davenport,	Lair,	Shannon,
Duncan,	Ledbetter,	Storey,
Edwards,	Martin,	Terrell,
Gooch,	McCulloch,	Tilson—22.
Guy,		

NAYS—none.

Not voting—Brown, Ford, Grace, McCormick, Patton, Swain.

Bill read second time.

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

YEAS.		
Brown,	Hobby,	Moore,
Buchanan,	Houston,	Motley,
Burnett,	Lane,	Patton,
Burton,	Lair,	Stewart,
Davenport,	Ledbetter,	Shannon,
Duncan,	Martin,	Storey,
Edwards,	McCormick,	Terrell,
Gooch,	McCulloch,	Tilson—25.
Guy,		

NAYS—none.

Not voting—Ford, Grace, Swain.

Bill read third time and passed by the following vote:

YEAS.		
Brown,	Duncan,	Lane,
Buchanan,	Edwards,	Lair,
Burnett,	Guy,	Ledbetter,
Burton,	Hobby,	Martin,
Davenport,	Houston,	McCormick,

McCulloch,
Moore,
Motley,

Patton,
Stewart,
Storey,

Terrell,
Tilson—23.

NAYS—none.

Not voting—Ford, Gooch, Grace, Shannon, Swain.

On motion of Senator Storey, the pending business was postponed, rules suspended and House bill No. 132, entitled "An act to require persons and corporations to whom patents for land have been granted, to pay the fees thereon within sixty days from the passage of this act, and to prescribe a penalty for failure to so pay said fees, and to provide the manner and means of enforcing the provisions hereof," was taken up and read first time.

(Senator Edwards in the chair.)

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

Carried by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Terrell,
Tilson—24.

NAYS—none.

Not voting—Davenport, Grace, Swain.

Bill read second time.

The amendment of the committee was adopted.

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

YEAS.

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

Hobby,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

Motley,
Patton,
Stewart,
Shannon,
Storey
Swain.
Terrell,
Tilson—26.

NAYS—none.

Not voting—Davenport, Grace.

Bill read third time and passed by the following vote:

YEAS.

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

Guy,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,

Moore,
Motley,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson—24.

NAYS—none.

Not voting—Davenport, Grace, Hobby, Patton.

On motion of Senator Lane, pending business was postponed, the rules

were suspended and substitute for House bill No. 8, entitled "An act for the preservation of oysters and oyster beds, and protecting the rights of persons to the same," was taken up and read a second time.

On motion of Senator McCormick, the pending business was postponed, rules suspended, and House joint resolution No. 24 "In regard to Pelican island," was taken up and read first time.

On motion of Senator Ledbetter, the pending business was postponed, rules suspended and House bill No. 160, entitled "An act to repeal 'an act to provide annual pensions for the surviving soldiers of the Texan revolution,'" was taken up and read first time.

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

Lost by the following vote (it requiring a four-fifth vote to suspend):

YEAS.

Brown,
Buchanan,
Duncan,
Edwards,
Gooch,
Guy,

Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Stewart,
Storey,
Swain,
Terrell,
Tilson--18.

NAYS.

Burnett,
Burton,

Ford,
Houston,

McCormick,
Shannon--6.

Not voting--Davenport, Grace, Hobby, Patton.

House joint resolution No. 27, "Instructing our senators and requesting our representatives in congress to ask of the United States government payment of all sums expended by Texas for frontier protection, etc.," was taken up and read second time.

On motion of Senator Brown, the pending business was postponed, rules suspended and House bill No. 266, entitled "An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company owned by said county," was taken up by the following vote:

YEAS.

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

Hobby,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

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

NAYS--none.

Not voting--Davenport, Grace.

Bill read second time.

House bill No. 10, entitled "An act to amend section 4 of an act entitled 'an act to amend an act entitled an act to provide for supplying of lost records in the several counties in this state,' approved April 14, 1874, approved July 13, 1876," was taken up and read first time.

House bill No. 70, entitled "An act to amend section 2 of an act to define the eighth judicial district, and to fix the times of holding the courts therein, approved August 11, 1876," was taken up and read first time.

House bill No. 137, entitled "An act to repeal 'an act to authorize and

require all forced sales of real estate and sales of negroes made by executors and administrators in the county of Travis to be made on Congress avenue, etc.," was taken up and read first time, with adverse report of committee.

The report of the committee was adopted and bill lost.

House bill No. 187 (the bell-punch bill) and Senate bill No. 136, entitled "An act for the relief of taxpayers," were taken up and referred to committee on finance.

On motion of Senator Terrell, the pending business was postponed, rules suspended and House bill No. 258, entitled "An act to incorporate the Gulf, Colorado and Santa Fe railway company, and to grant land in aid of the construction of the same, passed May 28, 1873," was taken up, read third time and passed.

On motion of Senator Houston, the rules were suspended and House bill No. 151, entitled "An act to encourage the construction of artesian wells," was taken up, read second time and ordered engrossed.

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

Carried by the following vote:

YEAS.		
Brown,	Gooch,	McCulloch,
Buchanan,	Guy,	Moore,
Burnett,	Houston,	Motley,
Burton,	Lane,	Stewart,
Duncan,	Ledbetter,	Shannon,
Edwards,	Martin,	Storey,
Ford,	McCormick,	Tilson—21.

NAYS—Lair.

Not voting—Davenport, Grace, Hobby, Patton, Swain, Terrell.

Bill read third time and passed by the following vote:

YEAS.		
Brown,	Houston,	Moore,
Duncan,	Lane,	Motley,
Edwards,	Ledbetter,	Patton,
Ford,	Martin,	Storey,
Guy,	McCulloch,	Terrell—16.
Hobby,		

NAYS.

Buchanan,	Lair,	Shannon,
Burnett,	Stewart,	Tilson—6.

Not voting—Burton, Davenport, Gooch, Grace, McCormick, Swain.

On motion of Senator Storey, the pending business was postponed, rules suspended and Senate bill No. 248, entitled "An act to define what property used for school purposes is exempt from taxation under section 2, article 8 of the constitution," was taken up and read first time.

Senate bill No. 167, entitled "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,'" was taken up and read third time.

Senator McCormick offered the following amendment:

Amend section 8 by adding the following: "Provided any person shifting any produce named in this act to any town or city having a public weigher, may, by written instructions, authorize his factor, commission merchant, or agent, to have such produce weighed by private weighers if he prefers so to do; in all such cases the prohibitions and

penalties embraced in this section and in the preceding section shall not apply."

Adopted by the following vote:

YEAS.

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

Hobby,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

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

NAYS—none.

Not voting—Davenport, Grace, Houston.

The bill was then passed.

Senator Ledbetter called up his motion to reconsider the vote by which House bill No. 217, entitled "An act to release certain inhabitants in the county of Lamar, in this state, from the payment of taxes assessed, and now due for the year 1878, in consequence of a great public calamity," was lost on yesterday.

The motion to reconsider was then adopted, and the bill passed by the following vote:

YEAS.

Burnett,
Davenport,
Duncan,
Ford,
Grace,
Guy,
Houston,

Lane,
Lair,
Ledbetter,
McCormick,
McCulloch,
Moore,

Motley,
Stewart,
Shannon,
Swain,
Terrell,
Tilson—19.

NAYS.

Brown,
Buchanan,
Edwards,

Gooch,
Hobby,
Martin,

Patton,
Storey—8.

Not voting—Burton.

(President in the chair.)

The president, after publicly reading its caption, signed Senate bill No. 231, entitled "An act amendatory of and supplemental to an act entitled 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, providing the times of holding the courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,'" approved 1879.

Substitute for Senate joint resolution No. 29 and House joint resolution No. 2, "Proposing an amendment to article 8 of the constitution," was taken up for consideration.

Senator Terrell offered the following amendment:

"Also all tools in use by a mechanic in his trade and all private libraries."

Senator Burnett moved to take up Senator Homan's motion to reconsider the vote ordering the pending joint resolution engrossed.

Senator Duncan moved a call of the house.

Call sustained.

Roll called. Absent—Senator Hobby.

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 Senate bill No. 231, "An act amendatory of and supplemental to an act entitled 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, providing the times of holding the courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,' approved , 1879," and at 4:30 o'clock P. M. presented the same to the governor for his signature.

GRACE, Chairman.

Senator Shannon moved a suspension of rules to place Senate bill No. 123, entitled "An act to amend section 12 of 'an act to enforce the collection of delinquent taxes on lands assessed since January, 1870, approved August 19, 1876,'" on its second reading.

Carried by the following vote:

YEAS.

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

Grace,
Guy,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,

Moore,
Motley,
Patton,
Stewart,
Shannon,
Swain,
Terrell,
Tilson—26.

NAYS—Storey.

Not voting—Hobby.

Bill read second time.

The absent Senator appearing, the call was suspended, and the consideration of substitute for Senate joint resolution No. 29, and House joint resolution No. 2, proposing amendments to article 8 of the constitution, was resumed.

The motion to reconsider the engrossment of the pending resolution, was lost by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Edwards,

Ford,
Gooch,
Houston,
Lane,

Martin,
McCormick,
Moore,
Motley—12.

NAYS.

Brown,
Davenport,
Duncan,
Grace,
Guy,
Hobby,

Lair,
Ledbetter,
McCulloch,
Patton,
Stewart,

Shannon,
Storey,
Swain,
Terrell,
Tilson—16.

Senator Edwards offered the original House joint resolution No. 2 as a substitute for the substitute adopted by the Senate for the same.

Senator Terrell then withdrew his pending amendment and offered the following amendment:

Amend by adding "mechanics' tools used in manual labor."
(Pending on adjournment.)

Senator Houston moved that the Senate go into executive session to-morrow, just after the morning call, to consider the nominations of his excellency the governor sent to the Senate yesterday and to-day by special messages.

Carried.

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

FORTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 6, 1879. }

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

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

A message was received from the House announcing the passage by that body of Senate bill No. 77, entitled "An act to regulate and control the assessment of taxes on real estate."

Senator Terrell presented the memorial of many citizens of Austin "asking that the act incorporating the city of Austin be repealed and the government of the city be transferred to the commissioners of the county, with such provisions as will secure payment of existing indebtedness and contracts, stating that the city government has been grievously oppressive by means of the heavy taxes imposed, much of which has been squandered and in addition a large debt incurred, etc."

Referred to committee on state affairs.

Senator Davenport presented the memorial of many citizens of Taylor county against the disbanding of the frontier battalion, because their local constabulary is entirely too weak to cope with the desperadoes that abound throughout the whole frontier and who come from every part of the union; stating that private feuds are engendered, bloody vendettas result therefrom, the lives of innocent citizens are wantonly sacrificed, and their property held at the mercy of robbers and thieves; that the rangers prevent all this, and give security to both life and property; that they also protect the people on the frontier from the predatory bands of savages, and that they therefore pray the continuance by the state of frontier protection.

Read and referred to committee on Indian affairs and frontier protection.

Senator Stewart, chairman of judiciary committee No. 2, submitted the following reports:

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 235, "An act to amend section 94 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' approved day of February, 1879," have had the same under careful consideration, and the committee have instructed me to make the following report:

The bill proposes to so amend the law as to require the State of Texas to maintain and support all indigent lunatics of the several counties, retained in the various counties, at the expense of the county, after being

denied admission in the Lunatic Asylum for want of room therein. We are referred to section 54, article 17 of the constitution in support of the proposed bill. But we are of the opinion that the section referred to does not contemplate that the state shall maintain and support the indigent lunatics that are maintained and supported by the several counties, unless the Legislature shall see fit so to provide.

The constitution, in the opinion of the committee, leaves the care of the indigent lunatics entirely to the discretion of the Legislature, and the Legislature has not yet deemed it expedient to provide that the state shall maintain and support the indigent lunatics, except those received in the Lunatic Asylum.

And your committee are of the opinion that for the Legislature to provide that the state should support and maintain indigent lunatics in the various counties, would open the door wide for all kinds of speculation and extravagance that would bankrupt the state treasury. The law does give preference to indigent lunatics over all other patients, and the committee take this occasion to say that this provision of the law should be rigidly enforced by the superintendent of the Lunatic Asylum. For the above reasons the committee instruct me to report the bill back to the Senate, and recommend that it do not pass. STEWART, *Chairman*.

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 273, "An act to amend section 5, article 16, title 4 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas, approved February, 1879,'" have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass. STEWART, *Chairman*.

Senator Grace introduced a bill, entitled "An act to amend articles 130 and 132 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.

Read by caption and referred to judiciary committee No. 2.

Also, "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.

Read by caption and referred to judiciary committee No. 2.

Senator Terrell introduced a joint resolution, "To revive the appropriations of January 16 and February 16, 1858, to pay the public debt of Texas."

Read by caption and referred to judiciary committee No. 2.

Senator Hobby introduced a bill, entitled "An act amendatory of and supplemental to article 878 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed at this session.

Read by caption and referred to judiciary committee No. 2.

On motion of Senator Duncan the Senate went into executive session to consider the nominations for notaries public sent to the Senate yesterday and the day previous by his excellency the governor.

(Senator Storey in the chair.)

IN SENATE.—On motion of Senator Houston the secretary was instructed to spread upon the journal a statement of the confirmations made in executive session. It is accordingly stated that the Senate did

advise and consent to the appointments made by his excellency of notaries public for the counties of the twenty-eighth senatorial district, and to the appointment of notaries public in lieu of names previously sent in for the counties of El Paso, Bexar, Tom Green, Panola, Ellis, Gregg and Dallas, and also to the appointment of Robert M. Keasler, L. L. Teague and John T. Kilgore to be notaries public in Gregg county, the consideration of the last named appointments having been at a previous executive session postponed.

Senate bill No. 62, entitled "An act for the suppression of tramping and punishment of tramps," was taken up as the unfinished business.

Senator Gooch's motion to recommit this bill made on yesterday was called up.

Senator Gooch withdrew the motion.

(President in the chair.)

Senator Duncan offered a substitute for the bill under consideration.

Senator Shannon moved to re-refer the bill with pending amendments and substitute to judiciary committee No. 1.

Lost.

The substitute of Senator Duncan was then adopted by the following vote:

YEAS.

Buchanan,
Duncan,
Edwards,
Ford,
Gooch,
Guy,

Houston,
Lane,
Lair,
McCulloch,
Moore,

Motley,
Patton,
Storey,
Swain,
Tilson—16.

NAYS.

Brown,
Burnett,
Burton,
Davenport,

Homan,
Ledbetter,
Martin,

Stewart,
Shannon,
Terrell—10.

Not voting—Grace, Hobby, McCormick.

Senator Stewart moved a call of the Senate on the engrossment of the bill.

Call sustained.

Roll called.

Absent—Gooch, Hobby, McCormick.

The special order being Senate bill No. 130, (the general appropriation bill) was taken up for consideration.

Senator Shannon moved to postpone the special order five minutes.

Lost.

Senate bill No. 130, just taken up, was read second time and substitute of the committee adopted.

The absent senators appearing, the call of the Senate was suspended and the consideration of Senate bill No. 62 was resumed.

Senator Duncan moved that the pending business be postponed, fifty copies ordered printed and the bill made the special order for to-morrow just after the morning call and from day to day until it is disposed of.

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Duncan,

Edwards,
Gooch,
Guy,

Houston,
Lane,
Lair,

McCormick,
McCulloch,
Moore,

Patton,
Shannon,
Storey,

Swain,
Terrell,
Tilson—18.

NAYS.

Burnett,
Burton,
Davenport,
Grace,

Hobby,
Homan,
Ledbetter,

Martin,
Motley,
Stewart—10.

Senator Homan introduced a bill entitled "An act to prevent the sale, exchange or gift of intoxicating liquors within five miles in every direction of Troy Institute in Bell county."

Read by caption and referred to judiciary committee No. 2.

The special order being Senate bill No. 130 was resumed.

EXECUTIVE DEPARTMENT.

Senator Hobby offered the following amendment:

In section 1, line nine, strike out "\$1200" and insert \$1500."

Adopted.

Senator Storey offered the following amendment:

Substitute for lines fifteen and sixteen the following: "For labor to keep the executive mansion grounds in order and other contingent expenses, \$1200."

Adopted.

Senator Storey offered the following substitute for line nineteen:

"For rewards, detective force and bringing offenders to trial, \$20,000."

Adopted.

Senator Terrell offered the following amendment:

Amend line seven, page 2 by striking out "\$250" where it occurs and insert "\$1000, or so much thereof as may be required to copy promptly the laws as passed."

Withdrawn.

Senator Burton offered the following amendment:

In state department, line five, strike out "\$1500" and insert "\$1600."

Lost.

Senator Edwards offered the following:

"For publishing the Revised Statutes, \$22,000."

Adopted.

Senator Homan offered the following amendment:

In line 18 strike out "\$1600" and insert "\$1500."

Senator Terrell offered the following amendment as a substitute for Senator Homan's amendment:

Strike out "\$1600" where it occurs in line eighteen, fixing salary of chief clerk of treasury department, and insert "\$1800."

Senator Homan withdrew his amendment, and Senator Terrell's amendment became a pending amendment to the bill and was voted on and lost by the following vote:

YEAS.

Burton,
Ford,
Houston,

Patton,
Shannon,
Storey,

Swain,
Terrell— 8.

NAYS.

Brown,
Buchanan,
Burnett,
Davenport,

Duncan,
Edwards,
Gooch,
Grace,

Guy,
Hobby,
Homan,
Lair,

Ledbetter,
Martin,
McCulloch,

Moore,
Motley,

Stewart,
Tilson---19.

Not voting—Lane, McCormick.

Senator Terrell presented the following as his reasons for voting yea on this amendment:

“I vote yea because the chief clerk becomes the treasurer of this state when the treasurer is sick or absent, and will keep the key to the treasury. Eighteen hundred dollars a year is not too much for the skill and integrity which that clerk should have. He can get that amount from any wholesale merchant, and Texas can pay the custodian of her money what a private man could afford. I take this vote as evidence of the feeling of the Senate on the question of compensating clerks, and will not retard business by offering similar amendments to the bill.”

The president, after publicly reading its caption, signed House bill No. 346, entitled “An act to revive ‘an act incorporating the New Braunfels Academy,’ passed February 5, 1858.”

Senator Homan renewed his amendment just withdrawn, and which was adopted by the following vote:

YEAS.

Burnett,
Davenport,
Edwards,
Gooch,
Grace,

Guy,
Hobby,
Homan,
Lair,
McCormick,

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

NAYS.

Brown,
Buchanan,
Burton,
Duncan,
Ford,

Houston,
Lane,
Ledbetter,
Martin,
McCulloch,

Patton,
Storey,
Swain,
Terrell—14.

Senator Grace moved a call of the Senate.

Call not sustained.

Senator Edwards entered a motion to reconsider the vote by which Senate bill No. 271 was passed.

Senator Brown, chairman of 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. 179, entitled “An act to define in what civil cases depositions of witnesses may be taken;” Senate bill No. 186, entitled “An act requiring railroad companies to stop their trains at the boundary lines of the State of Texas for a certain length of time;” Senate bill No. 208, entitled “An act to provide for the state library and for the supreme court library;” Senate bill No. 239, entitled “An act prescribing the times of holding the district courts in the twenty-second judicial district;” Senate bill No. 117, entitled “An act to provide for the sale of the public domain and to apply the proceeds from the sales thereof to the public school fund and to the payment of the public debt;” Senate bill No. 225, entitled “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;” Senate bill No. 88, entitled “An act to amend articles 560 and 561 of an act to adopt and establish a Code of Criminal Procedure for the State of Texas as adopted by the Sixteenth Legisla-

ture;" Senate bill No. 211, entitled "An act to amend chapter 6 of title 15 of the new Penal Code by further defining and punishing the offense of kidnapping;" Senate bill No. 135, entitled "An act for the relief of the Aransas road company;" and find all of them correctly engrossed. Also your committee have examined and find correctly engrossed, ryder amending section 8 of Senate bill No. 167, and Senate amendments to House bill No. 132. Your committee have also examined Senate bill No. 271, and find it correctly engrossed, but your committee report that said bill as passed contains no enacting clause.

BROWN, *Chairman.*

On motion of Senator Terrell the pending business was postponed five minutes, rules suspended, and Senator Edwards' motion to reconsider the vote passing Senate bill No. 271, entitled "An act to amend article 3193 of an act to adopt and establish the Revised Civil Statutes of the State of Texas," was taken up adopted.

Senator Terrell offered the following amendment:

Amend by inserting before article 3193 the words: "Be it enacted by the Legislature of the State of Texas."

Adopted.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 6, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public for counties of the eleventh senatorial district:

Jno. T. Walker, John T. Wilkins, J. A. Balton, A. P. Bray, J. C. Roberts, J. E. Hughes, C. C. Potter, W. O. Davis, E. A. Blanton, W. T. Roberts, W. H. Dougherty, H. E. Eldridge, S. W. Bellah, T. A. Stephens, Cook county.

Thos. W. Randolph, R. P. Jones, J. R. Jeter, S. S. Fears, S. B. Savage, G. A. Brown, J. M. Cook, A. H. Coffin, H. Tone, Wm. Hughes, W. T. Gass, J. S. Pattie, H. B. Lindsey, B. F. Barrett, Wm. M. Williams, J. R. Diamond, J. W. Givens, H. D. Taylor, Grayson county.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 6, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your consent to withdraw the list of notaries public sent for the county of Galveston of the nineteenth senatorial district.

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

A message was received from the House announcing the passage by that body of House joint resolution No. 47, authorizing the commissioner of insurance, statistics and history to select geological specimens for exhibition by the International and Great Northern railroad company for the purpose of displaying the rich and various products of Texas.

Senator McCormick was granted leave to withdraw the names sent in for notaries public for Galveston county, as requested in special message of his excellency.

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

AFTERNOON SESSION.

The Senate met pursuant to adjournment; president *pro tempore* in the chair. Roll called; quorum present.

Senator Stewart, chairman of judiciary committee No. 2 (by leave), submitted the following report:

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

Your judiciary committee No. 2 have had under consideration Senate bills No. 274 and 275, and I am instructed by said committee to report the bills back to the Senate with their recommendation that they do pass.

STEWART, *Chairman.*

(President in the chair.)

The unfinished business being substitute for House joint resolution No. 2, and Senate joint resolution No. 29, "Proposing amendment to article 8 of the constitution, was taken up.

The pending substitute of Senator Edwards, being House joint resolution No. 2, which is as follows:

"*Be it resolved by the Legislature of the State of Texas, That article 8 of the constitution of the State of Texas be amended by adding a new section, to be styled section 19,*" to read as follows:

"SECTION 19. Farm products of the soil in the hands of the producer, and all family supplies for family use, shall be and are exempt from taxation," was then considered.

Senator Martin moved a call of the Senate.

Call sustained.

Roll called. Absent—Senators Gooch, Brown, Terrell.

Pending the call the business under consideration went to the table.

Substitute for House bill No. 8, entitled "An act for the preservation of oysters and oyster beds, and protecting the rights of persons to the same, was taken up, read third time and passed.

House joint resolution No. 27, "Instructing our senators and requesting our representatives in congress to ask of the United States government payment of all sums expended by Texas for frontier defense, etc." was taken up and read third time.

Senator Edwards offered the following amendment:

Resolved further, In order that the time of future legislatures during this century shall be saved that this resolution shall be in full force and continue a standing request until the year A. D. 1900, and that the Texan members of congress take due notice hereof.

Adopted and bill passed by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Gooch,
Grace,
Guy.
Hobby,

Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin.
McCormick,
McCulloch,

Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey
Swain,
Tilson—25.

NAYS—none.

Not voting—Brown, Edwards, Ford, Storey, Terrell.

Senator Storey moved to reconsider the vote just taken.

Carried.

Also, to reconsider the vote adopting the amendment of Senator Edwards.

Carried and Senator Edwards withdrew the amendment.

The resolution was then passed by the following vote:

YEAS.

Mr. President,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Ford.
Grace,

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

Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson—25.

NAYS—none.

Not voting—Brown, Gooch, McCormick, Terrell.

House bill No. 266, entitled "An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company owned by said county," was taken up and read second time.

House bill No. 10, entitled "An act to amend section 4 of an act entitled 'an act to amend an act entitled an act to provide for the supplying of lost records in the several counties in this state, approved April 14, 1874,' approved July 13, 1876," was taken up and read second time.

House joint resolution No. 24, "In regard to Pelican Island," was taken up and read second time.

(The president *pro tempore* in the chair.)

Senator Stewart offered the following amendment:

Amend by adding after the words "party in first section" the words "and no improvement shall be made on said island or connected therewith that will interfere with the navigation of Galveston Bay."

Senator McCormick offered the following amendment to the amendment of Senator Stewart.

Amend the amendment by striking out the word "navigation" and inserting "navigable channels."

The absent senators appearing, the unfinished business being Senator Edwards' substitute for the Senate substitute, House joint resolution No. 2 and Senate joint resolution 29 was taken up, and Senator Edwards' substitute lost by the following vote (it taking a two-third vote to adopt):

YEAS.

Buchanan,
Burnett,
Burton,
Edwards,
Ford,

Gooch,
Homan,
Houston,
Lane,
Martin,

McCormick,
McCulloch,
Moore,
Motley,
Tilson—15.

NAYS.

Brown,
Davenport,
Duncan,
Grace,
Guy,

Hobby,
Lair,
Ledbetter,
Patton,
Stewart,

Shannon,
Storey,
Swain,
Terrell—14.

Senator Houston offered the following amendment:

Amend by inserting after the word "soil" the words "and wool."

Senator Terrell offered the following as amendment:

Amend by adding "mechanics' tools used in manual labor."

(The president in the chair.)

The president, after publicly reading its caption, signed House bill No. 258, "An act to amend section seventeen of an act to incorporate the Gulf, Colorado and Santa Fe railway company, and to grant land in aid of the construction of the same," passed May 28, 1878.

Senator Gooch offered the following substitute for the pending resolution and amendments:

After the words "to read as follows," strike out and insert "the Legislature shall have power to exempt from taxation products of the soil and wool in the hands of the producer, provisions on hand for home consumption, and tools of a mechanic for the personal use of the owner."

Lost by the following vote:

YEAS.		
Burnett, Burton, Edwards, Gooch,	Houston, Martin, McCormick,	Stewart, Shannon, Swain—10.

NAYS.		
Brown, Davenport, Duncan, Grace, Guy, Hobby,	Homan, Lair, Ledbetter, McCulloch, Moore,	Motley, Patton, Storey, Terrell, Tilson—16.

Not voting—Buchanan, Ford, Lane.

Senator Gooch offered a substitute for the pending amendments pending on adjournment, and will be given in the proceedings to-morrow.

(Senator Homan moved the previous question and withdrew it.)

Senator Grace moved the previous question.

Motion seconded, but the Senate refused to order the main question by the following vote:

YEAS.		
Davenport, Ford, Grace, Hobby, Houston,	Ledbetter, McCulloch, Moore, Motley,	Patton, Stewart, Storey, Terrell—13.

NAYS.		
Brown, Buchanan, Burnett, Burton, Duncan,	Edwards, Gooch, Guy, Homan, Lane,	Lair, Martin, McCormick, Shannon, Swain—15.

Not voting—Terrell.

Senator Buchanan moved to adjourn until to-morrow at 10 o'clock A. M.

Carried by the following vote:

YEAS.		
Buchanan, Burton, Davenport, Ford, Guy, Hobby,	Houston, Martin, McCormick, Moore, Motley,	Patton, Stewart, Shannon, Storey, Tilson—16.

Brown,
Burnett,
Duncan,
Edwards,
Gooch,

NAYS.

Grace,
Homan,
Lane,
Lair,

Lodbetter,
McCulloch,
Swain,
Terrell---13.

FORTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 7, 1879. }

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

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

Senator Homan presented the memorial of the "Brenham Greys," of Washington county, asking the passage of laws to provide a military force to aid the civil authorities in suppressing lawlessness and crime, and favoring the military act embraced in the Revised Civil Statutes, passed at the present session of the Legislature, etc.

Referred to committee on state affairs.

Senator Stewart, chairman of judiciary committee No. 2, submitted the following reports:

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

Your judiciary committee No. 2 have had under consideration Senate bill No. 268, entitled "An act to amend article 2767 of chapter 3 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas, so as to require the state treasurer to pay state warrants when presented without reference to their respective dates or numbers,'" and a majority of said committee instruct me to report the said bill back with the recommendation that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 267, entitled "An act to amend chapter 4 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' by adding to said chapter another article, to wit: Article 4761a, providing for the payment of certain state warrants by collectors of taxes," and instruct me to report the same back with the recommendation that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 277, "An act to amend article 878 of the Revised Statutes," and have instructed me to report the bill back and recommend its passage.

STEWART, *Chairman.*

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

Your judiciary committee No. 2, having considered Senate joint resolution No. 256, to establish the fees allowed by the laws of 1876, and are of opinion that the object of the bill cannot be obtained by a joint resolution, and only by a re-enactment in full of the fee bill of 1876; the committee, therefore, instruct me to return said joint resolution and recommend that it do not pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 217, entitled "An act to prevent certain public officers from using their offices to advance their private interests," and I am instructed by the committee to report the bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 272, entitled "An act further to provide for perpetuating testimony," and I am instructed by the committee to report said bill back to the Senate with the recommendation that it do pass.

STEWART, *Chairman.*

Senator Houston, chairman of the committee on state affairs, submitted following report:

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

Your committee on state affairs have considered House bill No. 347, entitled "An act to amend section 2 of the charter of the corporation of Victoria, and to provide for certain changes caused thereby," and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOUSTON, *Chairman.*

Senator Homan, from judiciary committee No. 2, submitted the following reports:

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 185, entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas," having duly considered the same, instruct me to report it back and recommend its passage.

HOMAN, *for Committee.*

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 278, entitled "An act to prevent the sale, exchange or gift of intoxicating liquors within five miles in every direction of Troy Institute, in Bell county," having considered the same and finding that notice of the intention to apply for the passage of said bill has been given as required by law, have instructed me to report the same back and recommend its passage.

HOMAN, *for Committee.*

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

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

The senate finance committee have had under consideration House bill No. 67, "To amend an act entitled 'an act defining what money and property is subject to taxation or exemption, and the mode of listing the same,'" approved August 21, 1876, and I am instructed by a majority of the committee present to recommend its passage.

STOREY, *Chairman.*

Senator Motley introduced a joint resolution, "Authorizing the comptroller of the state to purchase maps."

Read by caption and referred to committee on state affairs.

Senator McCormick presented a memorial from the members of the bar of Waller county, asking that their county be detached from the eighteenth judicial district and attached to the sixteenth or twenty-

first judicial district of the state, giving many reasons therefor, accompanied with a bill to accomplish this purpose.

Referred to committee on judicial districts.

Senator Davenport introduced a bill, entitled "An act to provide for the payment of officer's costs in certain criminal cases out of the moneys collected on forfeited appearance bonds, bail bonds and recognizances.

Read by caption and referred to judiciary committee No. 1.

Senator Lane introduced a bill, entitled "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.

Read by caption and referred to committee on judicial districts.

Senator Grace offered the following resolution:

"Resolved, That the committee of investigations of management of the different asylums of the state be and they are hereby required to report at once to the Senate progress in said investigations."

Senator Brown offered the following as a substitute for the resolution of Senator Grace:

"Resolved, That the standing committee on state asylums are instructed to report as early as practicable the result of investigation of the management of asylums, by the joint sub-committee on asylums, and recommendations of the committee on the subject."

Withdrawn.

Senator Lair moved to lay the resolution of Senator Grace on the table.

Lost.

The president, after publicly reading its caption, signed House bill No. 217, entitled "An act to release certain inhabitants in the county of Lamar, in this state, from the payment of taxes assessed and now due for the year 1878, in consequence of a great public calamity."

A message was received from the House announcing the passage by that body of Senate bill No. 103, entitled "An act to organize the state penitentiaries, and to regulate the management of convicts therein," and that the House concurs in Senate amendments to caption and section 2 of House bill No. 132, "An act to require persons and corporations, to whom patents for land have been granted, to pay the fees thereon within sixty days from the passage of this act, and to prescribe a penalty for failure to so pay said fees; and to provide the manner and means of enforcing the provisions hereof," and that the House does not concur in the amendment to section 4, and the amendment adding section 5 to said bill.

The resolution of Senator Grace was lost by the following vote:

YEAS—Grace.

NAYS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Edwards,
Gooch,
Guy,
Hobby,

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

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

Not voting—Davenport, Ford, McCormick.

Substitute for Senate bill No. 130, (the general appropriation bill), was then taken up as unfinished business.

On motion of Senator Duncan, the rules were suspended, the unfinished business postponed for thirty minutes, and Senate bill No. 62, entitled "An act for the suppression of tramping and the punishment of tramps," was taken up.

Senator Guy offered a substitute for the pending bill.

Senator Burton offered the following amendment to the bill:

Amend section 8 by striking out in line seventeen, all after the word "appearance" to the word "and" in line mentioned.

Senator Stewart moved to postpone the consideration of bill, substitute and amendments till Monday week.

Lost by the following vote:

YEAS.		
Brown, Burnett, Burton, Grace,	Hobby, Homan, Ledbetter, Martin,	Stewart, Shannon, Swain—11.
NAYS.		
Buchanan, Duncan, Edwards, Gooch, Guy,	Houston, Lane, Lair, McCulloch, Moore,	Motley, Patton, Storey, Terrell, Tilson—15.

Not voting—Davenport, Ford, McCormick.

Senator Duncan moved a call of the Senate on Senator Burton's amendment.

Call sustained.

Roll called.

Absent—Ford.

On motion of Senator Stewart, the rules were suspended and Senate bill No. 72, entitled "An act amendatory of an act entitled 'an act to provide for and regulate mechanics', contrators', builders' and other liens in the State of Texas,' approved August, 1876," was taken up and read second time.

The substitute of the committee was adopted and bill ordered engrossed.

Senator Stewart moved a suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS.		
Buchanan, Burnett, Burton, Davenport, Duncan, Gooch, Grace, Guy,	Hobby, Homan, Houston, Lane, Lair, Ledbetter, McCulloch, Motley,	Patton, Stewart, Shannon, Storey, Swain, Terrell, Tilson—23.

NAYS—none.

Not voting—Burton, Edwards, Ford, Martin, McCormick, Moore.

Bill read third time.

Senator Terrell offered the following amendment:

"SECTION 2. The lateness of the time in the session at which this bill receives consideration, and the importance of offering speedy protection to those to be benefited, creates an emergency and public imperative necessity which demands the suspension of the rule requiring a bill to

be read on three several days, and that this act take effect and be in force from and after its passage."

Adopted.

The bill passed by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Gooch,
Grace,
Guy,

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

McCulloch,
Motley,
Stewart,
Storey,
Swain,
Terrell,
Tilson—22.

NAYS—none.

Not voting—Burton, Edwards, Ford, McCormick, Moore, Patton, Shannon.

On motion of Senator Burnett, the unfinished business was postponed, rules suspended and Senate bill No. 260, entitled "An act to secure the early determination of appeals in the supreme court, in causes involving the right to office," was taken up and read first time.

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

Carried by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Patton,
Stewart,
Shannon,
Storey,
Swain,
Tilson—25.

NAYS—none.

Not voting—Guy, McCormick, Motley, Terrell.

Bill read a second time and ordered engrossed.

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

YEAS.

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

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

Martin,
McCulloch,
Moore,
Stewart,
Shannon,
Storey,
Swain,
Tilson—25.

NAYS—none.

Not voting—McCormick, Motley, Patton, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,

Duncan,
Edwards,
Ford,
Gooch,
Grace,

Guy,
Hobby,
Homan,
Houston,
Lane,

Lair,
Ledbetter,
Martin,
McCulloch,

Moore,
Patton,
Stewart,
Shannon,

Storey,
Swain,
Tilson—26.

NAYS—none.

Not voting—McCormick, Motley, Terrell.

On motion of Senator Brown, the unfinished business was postponed, rules suspended and House bill No. 266, entitled "An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railroad company, owned by said county," was taken up and read third time.

Senator Homan offered the following amendment:

Amend by inserting after the word "railway," and before the words "to Belton," in section 1, the following: "Through the towns of Brenham, in Washington county, Caldwell, in Burleson county, and Cameron, in Milam county."

Lost by the following vote:

Burnett,
Burton,
Davenport,
Duncan,

YEAS.

Guy,
Homan,
Houston,

Lair,
Martin,
Shannon—10.

NAYS.

Brown,
Edwards,
Gooch,
Hobby,
Lane,

Ledbetter,
McCormick,
McCulloch,
Moore,
Motley,

Patton,
Stewart,
Storey,
Swain,
Tilson—15.

Not voting—Buchanan, Ford, Grace, Terrell.

The bill was then passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,
Ford,
Gooch,
Grace,

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

McCulloch,
Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Tilson—26.

NAYS—none.

Not voting—Edwards, Swain, Terrell.

On motion of Senator Gooch the unfinished business was postponed five minutes, rules suspended and Senate bill No. 79, entitled "An act to validate certain acts of notaries public, who have used seals with the word "Texas" engraved between the points of the star thereon, instead of around the margin thereof," was taken up and read first time.

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

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,

Duncan,
Edwards,
Ford,
Gooch,
Grace,

Guy,
Hobby,
Homan,
Houston,
Lane,

Lair,
Ledbetter,
Martin,
McCormick,

Moore,
Motley,
Shannon,

Storey,
Terrell,
Tilson—25.

NAYS—none.

Not voting—McCulloch, Patton, Stewart, Swain.

Bill read second time.

Senator Gooch offered the following amendment:

“The lateness of the session creates an imperative public necessity that the rules be suspended requiring this bill to be read on three several days in each house and it is suspended.”

Adopted, and bill ordered engrossed.

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

YEAS.

Burnett,
Davenport,
Duncan,
Edwards,
Ford,
Gooch,
Grace,
Guy,
Hobby,

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

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

NAYS—none.

Not voting—Brown, Buchanan, Burton, McCulloch.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,
Ford,
Grace,
Guy,

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

Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Terrell,
Tilson—26.

NAYS—none.

Not voting—Burton, Gooch, Swain.

On motion of Senator Storey, the rules were suspended, unfinished business postponed and Senate bill No. 249, entitled “An act to define what property used for school puposes is exempt from taxation under section 2, article 8 of the constitution,” was taken up and read second time.

Senator Storey offered the following amendment:

“SECTION Whereas there is much doubt existing in the minds of officers upon the subject of taxation herein named, and much confusion is arising for want of a law upon the subject, an imperative public necessity and emergency exists for the passage of this act, it shall therefore take effect and be in force from and after its passage.”

Adopted, and bill ordered engrossed.

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

YEAS.

Brown,
Buchanan,

Burnett,
Burten,

Davenport,
Duncan,